



TOWN OF SURFSIDE BEACH  
115 US Highway 17 North, Surfside Beach, SC 29575  
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## TOWN COUNCIL REGULAR MEETING COUNCIL CHAMBERS TUESDAY, OCTOBER 9, 2012 ♦ 6:30 P.M.

### A G E N D A

1. **CALL TO ORDER** – Mayor Douglas F. Samples
2. **INVOCATION AND PLEDGE OF ALLEGIANCE** - Pastor Julian Riddle, Surfside Presbyterian Church
3. **AGENDA APPROVAL**
4. **MINUTES APPROVAL** - Regular Meeting September 25, 2012
5. **PUBLIC COMMENTS** – 3-minutes per speaker
6. **COMMUNICATIONS**
  - A. Employee Recognition - Matt Prock, 5 Year Service Award
  - B. Department Reports
    - i. Planning, Building & Zoning
    - ii. Police
    - iii. Fire
  - C. Administrator's Report – Update on Current Events
7. **BUSINESS**
  - A. First Reading Ordinance #12-0729 Add Chapter 17 Article IX Overlay District
  - B. First Reading Ordinance #12-0730 Amend Article IV Parking Requirements in C-3 Amusement District
  - C. Resolution 12-128 Southern Evacuation Life Line Route
  - D. Surfside Beach Youth Sports Association Bylaws, Attorney Moss
  - E. Committee Appointments
    - i. Zoning Board of Appeals, Holly Watson, Term Expires 10/14/12
    - ii. Historical Board (5 members,) P. L. Mabry, Patti Magliette
    - iii. Senior Citizens Advisory Committee (7 members and 1 nonvoting councilmember,) Ralph Magliette, Cindy McLaughlin
    - iv. Keep Surfside Beach Beautiful, Ralph Magliette
8. **DISCUSSION**
  - A. Parking Committee Recommendations
  - B. Any matters of concern or information to be discussed by Town Council.
9. **PUBLIC COMMENTS** – 5-minutes per speaker
10. **COUNCIL COMMENTS**
11. **EXECUTIVE SESSION** – Pursuant to FOIA §30-4-70(1) to discuss volunteer appointments noted in 7. E.
12. **ADJOURNMENT**



**SURFSIDE BEACH TOWN COUNCIL  
REGULAR COUNCIL MEETING MINUTES  
OCTOBER 9, 2012 ♦ 6:30 P.M.  
TOWN COUNCIL CHAMBERS**

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1. **CALL TO ORDER.**

Mayor Samples called the meeting to order at 6:30 p.m. Mayor Samples, Mayor Pro Tempore Mabry, and Councilmembers Dodge, Johnson, Kohlmann, Smith, and Stevens were in attendance. A quorum was present. Staff present: Town Administrator Fellner; Planning Director Morris; Police Chief Frederick, and Fire Chief Packard. Also present: Town Attorney Moss and Town Clerk Herrmann.

Mayor Samples announced the League of Cities meeting on Thursday, October 11 at 6:30. All councilmembers were invited to attend. On October 19<sup>th</sup> the town is holding its annual Health Fair, to which the public was invited to participate. Flyers were available, and information was published on [surfsidebeach.org](http://surfsidebeach.org).

2. **INVOCATION AND PLEDGE OF ALLEGIANCE.**

Pastor Julian Riddle from Surfside Presbyterian Church gave the invocation. Mayor Samples led the Pledge of Allegiance.

3. **AGENDA APPROVAL.**

Mr. Smith moved to approve the agenda as presented. Ms. Mabry seconded. Ms. Kohlmann moved to amend the agenda to add a short update from Keep Surfside Beach Beautiful Committee by Shelby Smith during discussion. Ms. Dodge seconded. All voted in favor of the amendment. **MOTION TO AMEND CARRIED.** All voted in favor of the original motion as amended. **MOTION CARRIED AS AMENDED.**

4. **MINUTES APPROVAL.**

Ms. Dodge moved to approve the September 25, 2012 regular meeting minutes as presented. Mr. Smith seconded. All voted in favor. **MOTION CARRIED.**

5. **PUBLIC COMMENTS – AGENDA ITEMS.**

"My name is Amelia Toney. I'm one of the owners of Home Accents II Furniture. I'm, as an owner of, of a business here in Surfside, we are little bit concerned over the proposal design overlay that is coming in front of the council. It's a great thing, and then it's not a great thing. Everybody wants the city of Surfside Beach to be beautiful. Everybody wants people to come through and stop and do business, and everybody wants new businesses in the town. I read the article and I came a little concerned at some of the articles in the proposal. We have a new building here in Surfside, and some of the articles are not quite clear that what you would have to do if you were going to sell your business. So as a business owner, I think it's very important that the owners of the businesses have an opportunity to give opinions about the articles to the council as well as the planning and zoning. It just needs a little bit of explanation, and also the factor as you well know, the economy is not very well, and the cost factor in updating in order for a tenant to come into a vacant building that's been vacant a long time, who's gone a pay for that? Well, if the tenant's gone a pay for it, then the rent's going up and then they're not gone a come. So we're kind of defeating the purpose of having all this beautification, if nobody's gone a come into the building and do business. So I feel like that the business owners and the commercial property owners in the town really need to hear about this. It's not that we're against it. I just think it needs to

56 have a little clauses [sic] changing a little bit, for example, the metal buildings. I have a new building. It  
57 has metal sides. It's a metal building. It has a beautiful front, but it's a metal building. If we went to sell  
58 that business now under the proposal that you have given here, we would have to put new siding on both  
59 sides of that big building. Who's gone pay for that? I don't want to pay for it and the person who's buying  
60 that building's not gone a pay for it, so therefore, it probably wouldn't be sold; an empty building if we  
61 chose to be out of business, and we certainly don't want that here in the town of Surfside. Now then  
62 there's problems if we did maybe a grandfather some clauses in there so the new buildings that we have  
63 in town, there are attractive buildings, they can be like five years from now, then they'll have to meet the  
64 requirements of the article so that the buildings that are in terrible shape that needs to be repaired, they  
65 can be done. (Time) Thank you."

66  
67 "I'm Carol Rosselli. I own Palm Plaza, and I have the exact same concerns as Ms. Toney. When  
68 I built my building, I spent over \$200,000 extra working very closely with the town of Surfside doing  
69 things. They wanted our building to be an example for new construction, and it, the building's only five  
70 years old and still I have some unrented units, and my concerns are the same. I'm, you know, built that  
71 building. Spent a lot of extra money and it's beautiful, and you know, it was according to what the town  
72 wanted. So you're telling me with these new articles that it would be out of code, and I would have to  
73 incur more expense to update it. Well now in another five years, let's say we have all new people in  
74 again, now they want to make more changes again. So I'm thinking that yes, there does need to be  
75 improvements made here, especially around the older buildings. I agree that the, they need the beauty,  
76 beautification of it, and to solidify the look of, of the different businesses in [Surfside] because they're  
77 pretty run down, some of them and old. But right now with this recession, It's not economical. It's not  
78 feasible for the articles, the building supplies that they're suggesting to be used are not affordable, and I  
79 don't want to have to worry about five years from now when they're saying the economy is not gone a  
80 come back for twenty years. I don't want to have to worry if I want to sell my building five years from now,  
81 I can't sell it because now I have to do a couple hundred thousand dollars in, in you know, to bring it to  
82 what you say is code. I don't think that's right, and I think it needs to stay the way it is. I put all \$2 million  
83 in there. I can't afford it. I can't afford another dime of anything, and if I was to have to sell it, I, I couldn't,  
84 I'd have to get a certain amount, so it's not affordable what they're suggesting. But yes, if you wanted to  
85 pick realistic things for some of the older buildings to start with like paving their lots, painting anything that  
86 spruces it up to, to give it a facelift, then yes, absolutely, and I'm all for that, and support that very much.  
87 But these costly suggestions are just not reasonable. Not realistic. Thank you."

88  
89 "How you doing? Joe Cotter, Hairazors on Joe Plaza. I have the same concerns as them, and  
90 I'm on the Business Committee for Surfside and I'd just like it to be reviewed before you go on with this  
91 and just kind of work with you guys on this a little better, it would help us out a lot. Like they said, the  
92 economy is really bad. It's just a gone a put us in a spot. I think we should try to bring more business in  
93 town, not discourage it. Thank you."

94  
95 Mayor Samples: "Alright, well, if you don't mind, I'm gone a make a comment. Your concerns  
96 are, are certainly legitimate and something that council, I have no doubt, will take into consideration.  
97 What we have tonight before us is what we call first reading. In our town, it takes two readings to adopt  
98 an ordinance, and what I want to suggest is staff, several of the committees, a number of council people  
99 have invested a lot of their time in putting together a proposal for consideration. The fact of the matter is,  
100 is we're only now beginning the process. I'm glad to hear that we all recognize that our Highway 17  
101 Business corridor needs some help, and I've said this before, and I'm gone a say it again, in a time of  
102 prosperity we don't need to regulate. Everything that got built in the last boom out there is pretty darn  
103 nice. So we're not talking about what's really nice; we're talking about stuff, we don't need to name them,  
104 we know; we drive by it, we see it; we live with it that hurts this town, and the fact of the matter is it hurts  
105 you as business people. But I want to make that comment. We'll come back to this tonight. I'm sure  
106 we're gone a spend a lot of time discussing it, because it, in my mind, is one of the most important  
107 elements for the long term prosperity of the Town of Surfside Beach. I don't want to see us fall into  
108 disrepair, and if you're right, it's twenty years before the good times come back, I don't want to wait  
109 twenty years to be making improvements, because our town... anyway, you get, you get the idea. But,  
110 thank you. I appreciate all those comments and I know that the rest of council does also."

111

112           6. COMMUNICATIONS.  
113

114           A. Employee Appreciation – Matt Prock, 5 Years of Service. Mayor Samples thanked police  
115 sergeant Prock for his five years of service to the town and its citizens then presented him with a service  
116 plaque, anniversary pin, and service award check. He received a standing ovation.  
117

118           B. Department Reports  
119

120           i. Planning, Building, & Zoning. Ms. Morris presented the report, a copy of which is on file.  
121

122           ii. Police. Chief Frederick presented the report, a copy of which is on file.  
123

124           Ms. Kohlmann thanked Chief Frederick and the department for the apprehension of fugitive Billy  
125 Jack Hanna, and asked for an update on the accreditation process. Chief Frederick said the department  
126 is currently self-assessing its policies and procedures and making changes as applicable, which usually  
127 takes between six to nine months to complete. However, because the town does not have all the  
128 programs, like aviation, he expects to be finished by the end of the year. The next step is to have outside  
129 assessors review the completed policies and procedures to insure the department is on the right track to  
130 obtain initial approvals. Once staff is satisfied everything is acceptable, independent assessors will  
131 perform an on-site inspection to evaluate and grade the department's files, etc. to determine whether the  
132 standards are met. The entire process can take up to three years, but he expected to be completely  
133 finished in about 18 months. Accreditation can save money on insurance premiums; the town might  
134 receive a rebate on the over-all premium paid to South Carolina Municipal Insurance Trust and to South  
135 Carolina Municipal Insurance and Risk Financing Fund. It also helps the department self-regulate to  
136 insure programs are evaluated annually, as accreditation inspections are performed annually. Ms.  
137 Kohlmann asked if many departments in the state were accredited. Chief Frederick said between 20 or  
138 30 in the entire state, which has hundreds and hundreds of agencies.  
139

140           Mr. Stevens asked what potential changes are expected in the dispatch area. Chief Frederick  
141 said this was discussed at previous meetings over the past year or 18 months. He explained that the  
142 dispatch and 9-1-1 functions are fairly complex that fit in with Horry County's operation. The town is not a  
143 primary 9-1-1 answering center, but is a drop-down from the county that receives calls and then relays  
144 them to the town. Manpower is duplicated and other logistical issues are affected. Horry County has  
145 expressed an interest in taking over the town's 9-1-1 dispatch as part of its county dispatch function. The  
146 desk would not be closed, because the detention center would be maintained. Scheduling would be  
147 much easier and personnel costs would be reduced; other factors must also be considered. However,  
148 talks are preliminary. Mayor Samples asked if any commitments were made. Chief Frederick said none  
149 had; any commitment or offer would be presented to Town Council for approval. It would not be handled  
150 at the department level.  
151

152           Mayor Samples explained that a decision to install an unused scoreboard at Martin Field was  
153 deferred, because a question was raised as to the amount of vandalism at the Martin Field area. Ms.  
154 Kohlmann wanted to hear the chief's opinion on whether vandalism would be a concern if the scoreboard  
155 was installed. Chief Frederick said, of course, the amount of vandalism cannot be predicted. Based on  
156 experience that area has sporadic instances of vandalism, but overall it has not had any sustained, heavy  
157 vandalism that indicates it would be a problem. There are actions such as lighting, fencing, anti-climb  
158 devises, etc. that would mitigate vandalism.  
159

160           iii. Fire. Chief Packard presented the report, a copy of which is on file. Chief Packard said that  
161 volunteer Billy Ray Black had retired after serving for almost 40 years.  
162

163           C. Administrator's Report – Update on Current Events. Ms. Fellner gave a final reminder that the  
164 health fair for employees and the public is Friday, October 19<sup>th</sup>, 7 a.m. to 10 a.m. Preregistration is not  
165 required if you do not want to have blood work performed. There are numerous free tests and information  
166 will be given away. The newsletter will be mailed at the end of this week. Staff greatly appreciates the  
167 work of the many volunteers that helped; they did an excellent job. Business cards are available at the



168 entry door with contact information for all department directors that are meant to serve as an easy  
169 reference when reporting things like street light outages, etc. or when citizens have questions for staff.  
170 She encouraged everyone to take several cards to give to their neighbors. Earthworks has not received  
171 any response to date from the Ocean of Coastal Resource Management permit application for the  
172 Americans with Disabilities pier improvements and expansion. The permit is currently in Charleston being  
173 reviewed. Signage options for the pier area are being reviewed; a presentation will be made to council at  
174 the next regular meeting. Mr. Adair will also present proposed amendments to the ordinances for the roll-  
175 out service and sanitation increases. The following items were presented for consensus:

176  
177 1. Phoenix Enviro-Corp. completed the mold assessment. The recommendation is that a  
178 professional contractor knowledgeable in mold abatement be retained for the purpose of mold  
179 remediation. The RFP (request for proposals) is ready for publication tomorrow if council concurs. Mayor  
180 Samples asked if the bid could be let and awarded quickly. This is a good time to hire contractors. He  
181 believed this might qualify for a sole source award since it could be considered a health issue, but if  
182 competition could be done quickly, he supported letting bids. Ms. Fellner said the bids would be let for 30  
183 days. A week would be needed to review the submissions, and then a presentation would be made to  
184 council. She noted that there are less than ten local companies qualified to perform the work. Those  
185 companies would be requested to submitted bids. Mayor Samples asked if the request was for approval  
186 to proceed with the RFP with an expectation of a contract award being made in late November or early  
187 December. Ms. Fellner said that was correct. Mayor Samples wanted council to be aware that the bid  
188 price might not be the actual cost, which would depend on what the contractor found when the walls were  
189 opened for inspection. Mr. Stevens asked if the bids would only be sent to five companies. Ms. Fellner  
190 said the RFP would be published on South Carolina Business Opportunities (SCBO) and the regular  
191 formal bid process would be implemented, but it is ready to publish. **COUNCIL CONCURRED.**

192  
193 2. The Beach Services franchise agreement expires March 31, 2013. Consensus was requested  
194 to move forward with the RFQ (request for qualifications) as written using the same terms as existed in  
195 the previous franchise agreement including all addenda. The RFQ is ready to publish. Mr. Smith  
196 believed that the terms should include that the contract is not transferrable. Ms. Fellner agreed. Ms.  
197 Kohlmann asked if changes could be made during negotiations. Mayor Samples said the RFQ would be  
198 published; council would have an executive session with the most highly qualified offer; Town Council  
199 would have an opportunity to offer suggestions for the actual contract, and then move to accept the  
200 contract in regular session. **COUNCIL CONCURRED.**

201  
202 3. The Eastern Surfing Association (ESA) is proposing a surfing tournament on Saturday,  
203 October 13<sup>th</sup> at 13<sup>th</sup> Avenue South. About 60 competitors are expected. The ESA held a tournament in  
204 early summer. ESA will set up at 7 a.m. using two 10 x 10 tents for administrative purposes and some  
205 trash cans. Competition hours are 8 a.m. to 4 p.m. Clean up from 4 p.m. to 5 p.m. Proof of liability  
206 insurance has already been delivered and confirmed with the agency. Ms. Fellner said that after the last  
207 event held by ESA, the group cleaned up impeccably. Staff is not required to assist the event in any way.  
208 It was a very nice event, and she hoped Town Council would allow the event to take place. **COUNCIL**  
209 **CONCURRED.**

210  
211 4. Horry County dictates that only Motorola equipment to be used that insures countywide  
212 compatibility of the radios. The Motorola XPS 2500 radios the town uses cost approximately \$3,500  
213 retail, and \$2,250 under state contract. The life span is approximately seven to ten years, depending on  
214 usage. Radios are currently shared. The purchase of new firearms, holsters, and ammunition was  
215 prioritized and budgeted in the hospitality fund this fiscal year. Since council denied purchase of firearms,  
216 she asked consensus to use a portion of the \$15,120 hospitality funds set aside for firearms to purchase  
217 three new radios. There is an opportunity to purchase from a small group of brand new overstocked  
218 radios for \$1,750 each. This would result in a \$1,500 saving to the town. Ms. Kohlmann asked how  
219 many radios the town owned. Chief Frederick said there is one per officer and one spare. Six of the  
220 radios will be out of service when they break, because parts are no longer available. Mr. Smith asked if  
221 the radios were warranted. Ms. Fellner said yes. Ms. Mabry said if more than three could be purchased  
222 at that price, she would support purchasing six radios. Ms. Fellner did not know, but she could ask. Mr.  
223 Stevens asked how many radios would be purchased and how much it would cost. Ms. Fellner reiterated

224 three radios at a cost of \$1,750 each. Mayor Samples believed the line item was not appropriated. Ms.  
225 Fellner explained that the budget was approved with the allocation; however, after the budget was  
226 approved, Town Council denied purchasing the firearms, holsters, and ammunition, so the funds are  
227 available. Mr. Smith, Mr. Stevens, and Ms. Dodge supported buying three radios. Ms. Mabry supported  
228 buying three radios and supported purchasing more if more were available and the department needed  
229 them. Ms. Kohlmann supported buying three radios, but was concerned with buying too many that may  
230 become eventually become outdated. Mayor Samples also agreed with buying three radios. **COUNCIL**  
231 **CONCURRED.**

232  
233 **7. BUSINESS.**

234  
235 A. First Reading Ordinance 312-0729 Add Chapter 17 Article IX Overlay District.

236  
237 Ms. Mabry moved to suspend the rules to allow discussion. Mr. Smith seconded. All voted in  
238 favor. **MOTION CARRIED.**

239  
240 Ms. Morris presented a PowerPoint slideshow, a copy of which is on file, that explained overlay  
241 districts, who would be affected, and how an overlay district would improve the town. The same  
242 presentation was shown to the planning commission during its reviews of the proposed ordinance, which  
243 the planning commission voted unanimously to recommend for approval.

244  
245 Ms. Dodge asked whether some of the requirements could be softened, because of the expense  
246 necessary for the business owners to meet the requirements. She believed minimum requirements could  
247 be established on plants that might be better for new businesses and then they could work to improve.  
248 She liked everything presented, and knows that staff worked very hard. She did not want to make the  
249 code so stringent that it would prevent new business development because they could not afford it, nor  
250 add expenses that would make prices so high the new owner could not afford purchases.

251  
252 Mr. Smith had a list of questions that were given to Ms. Morris prior to the meeting:

253  
254 Mr. Smith: How many parcels are in the district?

255 Ms. Morris: Approximately 370. The main corridor, Highway 17 Business and the side streets,  
256 has 244; the central business district has 37, and the amusement district has 89.

257  
258 Mr. Smith: How many parcels would be in compliance to this new ordinance?

259 Ms. Morris: Approximately 17. However many of the other businesses could conform very  
260 quickly, because they have a minimal amount of work to do in order to meet the requirements, such  
261 as adding some landscaping; painting the building; or signage changes.

262  
263 Mr. Smith: Since there is more than one business on some parcels, how many businesses are in  
264 the district?

265 Ms. Morris: Approximately 331.

266 Mr. Smith: 331 businesses and 370 parcels.

267 Ms. Morris: Yes, because the C-3 amusement district has 89 lots or parcels, but only 15  
268 businesses

269  
270 Mr. Smith: How many buildings are vacant in the district?

271 Ms. Morris: Approximately 42

272  
273 Mr. Smith: Would all of the parcels that contain these vacant buildings have to comply when this  
274 ordinance is approved? What is the cost estimate for compliance?

275 Ms. Morris: Businesses that have been closed to the public over 180 days or have a change in  
276 tenant, or change of ownership must bring the parcel into compliance. To bring the businesses into  
277 compliance with the proposed overlay for most of the businesses would cost a very minimal amount.  
278 Keep in mind it would be a one-time cost. The majority of businesses just need additional  
279 landscaping, some would require painting the building or signage upgrades; others may be required

280 to place acceptable materials over unacceptable materials. The intention is not to design the  
281 building, signage or landscaping; only to provide minimum standards and guidelines that would  
282 improve the appearance of the town.

283 Mr. Smith: The three speakers at this meeting own metal buildings and are concerned about the cost  
284 of covering the sides of them, which he believed would be expensive and unnecessary.

285  
286 Mr. Smith: If all parcels in this new district had to comply now, what would be the total cost estimate  
287 for the entire district; particularly costs for the three buildings mentioned during public comments.

288 Ms. Morris: Cost associated with bringing parcels into compliance would be based on size of the  
289 parcel, the design of the building, materials required, signage, and landscape materials needed. This  
290 cost estimate cannot be determined without all the factors for each parcel.

291  
292 Mr. Smith: There is no way to estimate total cost to bring these buildings in compliance.

293 Ms. Morris: No, again it depends on too many factors for each parcel.

294 Mr. Smith: In any event, it would be a lot of money.

295 Ms. Morris: Yes, for some businesses it would be. She reiterated there are 370 parcels, but 331  
296 businesses.

297  
298 Mr. Smith: Has consideration been given to only requiring new construction to meet these  
299 requirements, and exempting existing buildings.

300 Ms. Morris: There are some in town that absolutely need addressing; the purpose of the proposed  
301 ordinance is to encourage redevelopment.

302 Mr. Smith: Any building more than 20 years old might be included.

303 Ms. Morris: That would be up to Town Council. The speakers certainly had some legitimate  
304 concerns, and the proposed ordinance could certainly be amended to address those concerns.

305  
306 Mr. Smith: The photograph of the parcel that contains Domino's Pizza at 810 Highway 17 South  
307 showed changes to the parking lot. What changes would have to be made to the building?

308 Ms. Smith: It has metal sides and would have to be covered with acceptable materials.

309 Mr. Smith: It looks like there are a lot of metal buildings, and a lot of changes, and a lot of costs.

310  
311 Mr. Smith: Does the Golden Egg at 415 Highway 17 North have room to meet landscaping  
312 requirements in its parking lot?

313 Ms. Morris: The Golden Egg is unique as it has parking on the front, both sides, and in the rear of the  
314 building. The landscaping would be minimal on the front, two landscape island on each end cap, and  
315 two landscape islands on each end at the sides, which would still allow parking in the front of the  
316 building.

317  
318 Mr. Smith: If the Stadium Club 317 Highway 17 North has to come into compliance what would be  
319 the parking area requirements?

320 Ms. Morris: Because it is an existing building, and a very small parking area, the proposed ordinance  
321 states "as much as possible," so it would be minimal.

322  
323 Mr. Smith: What would be the impact on the parking lot at the Surfside United Methodist Church's  
324 parking lot if they had to come into compliance?

325 Ms. Morris: None, churches are assemblies and are not included in commercial.

326  
327 Mr. Smith: Is the town establishing a new position of development director? If not, then a description  
328 of how this fits with the town's current employees in the building and zoning department needs to be  
329 part of the consideration paper.

330 Ms. Morris: Town Council approved the development director as "the Director of the Town of Surfside  
331 Beach Zoning and Building Department, and/or his designee." This was approved within the Land  
332 Development Regulations earlier this year.

333  
334 Mr. Stevens said the ordinance excludes all parcels fronting Sandy Lane where buildings have a  
335 "lighter industrial feel and buildings cannot be seen from the main corridor." Azalea Drive was included,



336 which is off Highway 17, but after driving Azalea Drive he could not see Highway 17, and asked why it  
337 was included. Ms. Morris said the parcels are combined on the tax records; the parcels on the front go all  
338 the way to the rear, which is one reason it was included. The other reason is every one of the buildings  
339 located on the Azalea extension near the end of the town limit already meets the overlay requirements.  
340 The proposed ordinance would not harm those businesses in any way, but might prevent a future owner  
341 from making undesirable changes. Mr. Stevens asked if the office complex behind California Pizza meets  
342 the requirements. Ms. Morris said it did.

343  
344 Ms. Kohlmann said Town Council has encouraged a business friendly town. She believes the  
345 ordinance is business friendly, and staff did a wonderful job, and she supported the overlay. However,  
346 she was concerned with a few of the points. She believed compromises could be made that would  
347 benefit everyone.

348  
349 Ms. Mabry asked whether any businesses interested in locating inside the town limits had asked  
350 if there was an overlay district. Ms. Morris said she had been asked that question, and the business was  
351 encouraged, because the developers were assured their property that would be very nicely landscaped  
352 would be protected from undesirable properties being built next to them. This is exactly what an overlay  
353 district does; not only does it protect the interest of current businesses, it protects the interests of future  
354 development. She believed an overlay district would encourage many more businesses to come into  
355 town than it would prevent businesses from developing. Ms. Mabry asked if there were currently any  
356 ordinances to prevent her from painting a building she might own purple and green neon with polka dots.  
357 Ms. Morris said there are no ordinances that prevent such a color scheme. Ms. Mabry did not believe that  
358 was the type policy that would encourage investors to develop in town.

359  
360 Mr. Johnson asked if the restrictions applied to each individual business, or in the case of strip  
361 malls to the businesses jointly. Ms. Morris said it depended on the ownership, for instance, the strip  
362 center between 2<sup>nd</sup> and 4<sup>th</sup> Avenues North was owned by one individual. If 50-percent of that strip center  
363 is abandoned for 180 days, then the entire strip owned by the individual would have to meet the proposed  
364 code requirements. There are other areas that look like strip centers, but the buildings are individually  
365 owned, so in those cases just the building owned by the owner is affected.

366  
367 Mayor Samples asked if there is an appeal process. Ms. Morris said appeals to this ordinance  
368 are referred to the board of zoning appeals. Any owner having property within the district has a right to  
369 appeal the decision of the development director if they believe the guidelines were not interpreted  
370 correctly. If the owner believes there is a hardship, the owner can appeal. There is a state mandated list  
371 of four points that must be met to grant a variance. Typically, if the board of zoning appeals hears more  
372 than three appeals that are granted on the same code, a recommendation is made to Town Council to  
373 reconsider the code. If the board denies the requests, then the ordinance is effective. Mayor Samples  
374 said the question was asked, because Town Council just recently reviewed the sign ordinances based on  
375 multiple variances granted by the board of zoning appeals. The same process would be applied to the  
376 overlay ordinance. Mayor Samples said when he campaigned for office, he was asked why the town did  
377 not buy a particular property that was in disrepair. He believed that it was ludicrous that the public  
378 expected the town to purchase rundown private property to improve it. The property could be purchased;  
379 it could be condemned, or it could be regulated. There are no other tools to be used by the government.  
380 The overlay district provides regulation, and while the proposed ordinance may not be perfect as written,  
381 it is a step towards having the right process for the town.

382  
383 Ms. Dodge said metal buildings were less expensive to build, and asked why they would have to  
384 be covered. Ms. Morris said the purpose is to prevent the metal from rusting, and to improve the  
385 building's appearance. Sandy Lane was excluded because there are many metal buildings located  
386 there, which make the area look more industrialized. A metal building is certainly allowed, it would just  
387 have to be covered with an approved material. Ms. Dodge said that would be a real expense when the  
388 buildings are sold.

389  
390 Mr. Stevens studied the ordinance and found it worthwhile, but believed it needed some  
391 adjustments. The business committee discussed the proposed ordinance in two meetings, and has no



392 opposition to the color recommendations. However, there were some articles that it did not support. He  
393 believed the business community needed a voice and proposed to move to refer the... Mayor Samples  
394 interrupted saying this is discussion. Mr. Stevens reiterated that the proposed ordinance was in the best  
395 interest of the business community, but that some parts needed adjustments.  
396

397 Ms. Mabry had also reviewed other cities overlay district codes, and said the one comment that  
398 stood out every time was that an overlay district created "smart economic development." A town without  
399 an overlay district will see the impact 20 years from now when the buildings will be 20 years older, and  
400 need even more repair. If this ordinance had been adopted 20 years ago, the town would see  
401 improvements and Town Council would not be addressing it today; it might be making some  
402 amendments, but the town would have very high returns insofar as new development. Her dream is that  
403 every person that invests money in the town becomes a millionaire! In her opinion, the overlay district  
404 would only help the town. No investor would build a million dollar business and worry about having  
405 shabby neighbors, and destroying property values. Planning and Zoning spent countless hours studying  
406 the proposal. Keep Surfside Beach Beautiful committee members reviewed and approved the proposal.  
407 In her opinion, there is no downside. Some owners will be negatively impacted, but the end result will  
408 create a more beautiful and valuable town. Town Council needs to keep the town's future in mind; it is  
409 not enough to just approve a color scheme, or a planting. Other towns use this type code to promote  
410 economic development. Without adoption, it will result in either citizens paying much higher taxes or  
411 having a reduction in services, because there will not be any economic development. It might be ten or  
412 15 years before any results are evident, because hopefully, existing owners will remain in business and  
413 prosper. *(Applause)*  
414

415 Mr. Stevens agreed with Ms. Mabry in theory, and said he did not want the town to "go down the  
416 tubes." He believed due to the economy, the town should proceed cautiously so it is not too expensive  
417 for a business to operate in town. The more business friendly the town is, the better for the town's future,  
418 and delaying adoption of the ordinance would not be a problem for him. He applauded the work done by  
419 the planning commission, but wanted to have more input from the business community. The town  
420 already has many nice looking businesses, and he believed the town should help them be successful and  
421 remain in town.  
422

423 Mr. Johnson was certainly not anti-business, but overlay districts have been discussed by the  
424 planning commission for "quite a long time." He was sure the business community had ample opportunity  
425 to provide input at the planning commission meetings.  
426

427 Ms. Kohlmann was at a loss about the urgency. She understood Mr. Johnson's comment that the  
428 proposal was at the planning commission a long time. She appreciated the efforts that have been put into  
429 the ordinance, but because businesses have been calling and coming forward now, does not mean that it  
430 should not be reconsidered. This is not a life-threatening, life-ending matter that has to be decided at this  
431 meeting. She believed that all members supported the overlay ordinance, but felt there were one or two  
432 items that should be amended.  
433

434 Mayor Samples agreed with Ms. Kohlmann and said first reading of the ordinance is for Town  
435 Council's consideration at this meeting. It takes two readings to adopt an ordinance. He suggested that  
436 first reading be adopted at this meeting, and based on what he considers legitimate concerns that were  
437 presented and need to be addressed the ordinance may need some revisions. He disagreed with  
438 opening the matter to the community at large because there is an education process so they will  
439 understand what is being presented. Most people really do not understand and get only "the sound bite,  
440 the town is going to tell you what you can do and can't do." Mayor Samples said that just is not true. The  
441 town is trying to upgrade the commercial corridor that the town must have in order to thrive and survive.  
442 There is an appeal process in which everyone may participate. He suggested reconvening regular  
443 session and taking action. He suggested a workshop prior to second reading, but believed specific  
444 accommodations and compromises should be presented that can be implemented and adopted by Town  
445 Council and then executed by staff. Mayor Samples did not want to see the overly district watered down  
446 to the point that it was of no real value, because that would be a waste of time. It will cost some money,  
447 but he guaranteed that businesses would thrive, although he could not say when.

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Mr. Johnson moved to reconvene regular session. Ms. Dodge seconded. All voted in favor.  
**MOTION CARRIED.**

Ms. Mabry moved to adopt first reading of Ordinance Number 12-0729, Overlay Districts. Mr. Johnson seconded.

Mr. Smith said he would vote no, because he wanted to rethink when upgrades would apply. He agreed with applying it to new construction, but had concerns about applying it when tenants and ownership changed for relatively new buildings. He also did not believe that metal buildings should be required to be covered on the sides.

Mr. Stevens said he would vote no. He wanted to have more input from the business community, and wanted to see the planning commission, beautification, and business committees work together on the ordinance.

Ms. Kohlmann moved in consideration of adopting first reading to amend the motion to hold a workshop for the business community prior to second reading. Ms. Mabry seconded. Mayor Samples, Mayor Pro Tem Mabry, and Councilmembers Johnson and Kohlmann voted in favor. Councilmembers Dodge, Smith and Stevens voted against. **MOTION TO AMEND CARRIED.**

Mayor Samples, Mayor Pro Tem Mabry, and Councilmembers Johnson and Kohlmann voted in favor of the primary motion as amended. Councilmembers Dodge, Smith and Stevens voted against. **MOTION CARRIED AS AMENDED.** Mayor Samples said a workshop will be held at the next council meeting for members to discuss the ordinance.

B. First Reading Ordinance #12-0730 to amend Article IV Parking Requirements in C-3 Amusement District.

Ms. Morris presented the ordinance which proposes to eliminate required parking for restaurants and retail businesses in the amusement district, which is the same as in the C-2 business district that does not require on-site parking for restaurants and retail businesses.

Ms. Kohlmann moved to suspend the rules to allow discussion. Mr. Smith seconded. All voted in favor. **MOTION CARRIED.**

Ms. Kohlmann said the 191 parking spaces are insufficient to handle to summer crowds now. Parking has always been an issue. If the 15 businesses were rebuilt they would have to be elevated, and parking could be placed underneath. Ms. Morris said even if the buildings were elevated they would not meet the parking spaces required per square foot as currently stated in the ordinance. Ms. Kohlmann said some businesses have parking lots, and said if on-site parking was eliminated, those businesses could sell their parking lot property where new businesses could be built and that would exacerbate the parking problem. Ms. Kohlmann was curious as to the names of the businesses and how the proposal originated.

Mayor Samples said a business owner approached staff; the name was immaterial. The fact of the matter is that this is the C-3 amusement district and it has been zoned as such forever. The reality is that there is not enough parking now for the peak season, and nobody denies that. Much of the amusement district has actually been redeveloped as residential. There is nothing wrong with that, and that will probably be the result without the change in the parking requirement. Commercial and amusement businesses may over time disappear, because there is no room for expansion. The planning commission approved recommending the ordinance that affects the entire district that has a number of older single family homes that might be redeveloped at a higher use.

Ms. Mabry said she had already stated very plainly that economic development is one of her number one concerns for the town. She does not care who owns the property; she only cares that the

504 town benefits from it. The town is the biggest landlord in the district. The town owns the pier, and  
505 provides no parking, but council wants every other business owner to provide it. If the town had to  
506 provide parking for the pier, it would require 80 parking spaces to comply with the code. In her opinion, it  
507 seemed that there was concern over the businesses making money by the ordinance. Hopefully, the  
508 businesses will make a \$100 million, because the town would benefit from that success. All she cared  
509 about was that the area looked good, the businesses were family friendly, and the town received its due  
510 in licensing and taxes. The pier was destroyed 25 years ago. When it was rebuilt, parking was not  
511 required, and when the town purchased it, there was no mention of providing parking. But now, a  
512 business owner of a "tiny little lot" will be required to have on-site parking. That owner can choose to raze  
513 the business and build a little beach house on stilts, which provides the lowest amount of tax dollars  
514 possible. Those are the choices. The town does collect accommodations taxes, but funds are sent to  
515 Columbia and the town only receives a small share. This might be the only choice if there is another  
516 hurricane that destroys Ocean Boulevard.

517  
518 Mr. Johnson was concerned that the restaurants with private parking lots would develop those  
519 lots with additional businesses that would make the already bad parking situation worse.

520  
521 Mr. Smith was also afraid that adopting this ordinance would enable those companies with on-site  
522 parking to get rid of them, which would result in the town having to build a parking garage that no one  
523 wants. Adopting this ordinance would be bad for the town, because it would allow businesses to get rid of  
524 existing parking.

525  
526 Mayor Samples said it was a tough issue; parking was never well designed in the district to begin  
527 with.

528  
529 Ms. Kohlmann moved to reconvene regular session. Ms. Mabry seconded. All voted in favor.  
530 **MOTION CARRIED.**

531  
532 Mr. Stevens moved to refer Ordinance Number 12-0370 Amend Article IV Parking Requirements  
533 in C-3 Amusement District to the Parking Committee. Mr. Smith seconded. Mayor Samples, and  
534 Councilmembers Dodge, Johnson, Kohlmann, Smith, and Stevens voted in favor. Mayor Pro Tem Mabry  
535 voted against. **MOTION CARRIED.**

536  
537 C. Resolution #12-128 Southern Evacuation Life Line (SELL) Route.

538  
539 Mayor Samples said there are two versions of the resolution, and before they were considered he  
540 reported that at the District 5 briefing on October 1<sup>st</sup>, Horry County reported that it does not have any  
541 money to pursue the route. He hated to adopt a formal resolution to ask the county to send a  
542 representative to a council meeting to hear the same report, especially since the information was also  
543 reported in the newspaper that the county needs to identify \$4.5 million to perform an environmental  
544 study, and then \$600 million to construct the road. Mayor Samples believed the county could fund the  
545 projects, because the county found \$7 billion to pay for roads when Highways 22 and 31 were  
546 constructed. He supported the road, but did not want to embarrass the county.

547  
548 Mr. Smith moved to suspend rules to allow discussion. Ms. Mabry seconded. All voted in favor.  
549 **MOTION CARRIED.**

550  
551 Mr. Stevens asked what the exact differences are between the two draft resolutions. Mayor  
552 Samples said the drafts were distributed in the meeting package.

553  
554 Ms. Kohlmann believed it would be good to have a representative make a report, but as the  
555 mayor said, the information was provided to the public at the town meeting that several councilmembers  
556 attended. She agreed that council should be careful with the wording in the resolution, because the  
557 county invited Town Council and the public to attend the SELL meeting. She said, "It's kind of going back  
558 at them again and saying, okay, now, take your time to come to us, because we didn't go to you." She

559 believed the difference in the two drafts was that Ms. Mabry's version did not ask the county to send a  
560 representative to make a report to Town Council.  
561

562 Mr. Stevens remembered that he could not attend the town meeting because of work. He  
563 believed that citizens should be considered, because he did not know how many of them attended the  
564 meeting. It would certainly be good to have somebody come here even though they may have to repeat  
565 the same information, but it would be good for the citizens to hear the same things that were told to the  
566 members that attended the meeting.  
567

568 Ms. Mabry attended the town hall meeting and said the report given was "in a nutshell, we don't  
569 have any money," so there was no sense in asking anyone to come. The differences between the  
570 resolutions are (1) the \$4.5 million requested for the environmental study from the Infrastructure Bank  
571 was removed. The infrastructure Bank will not allow funds for environmental study, and (2) the request  
572 for a county representative to make a report was omitted. The remainder is almost word-for-word as Mr.  
573 Smith's version.  
574

575 Ms. Kohlmann pointed out that the town hall meeting was a *public* meeting, so everyone had an  
576 opportunity to attend.  
577

578 Mayor Samples said there was value in Town Council expressing by resolution its support for the  
579 SELL, so he believed the worst outcome would be that neither resolution be adopted. There will be a  
580 Ride III, and there is a need for some route and another bridge between Highway 544 and Georgetown to  
581 evacuate the south strand, which now reaches down to Pawleys Island according to the Department of  
582 Transportation.  
583

584 Mr. Smith thought it was important to ask County Council to send a representative. The citizens  
585 of our town need to be informed. Not all of them attended the town hall meeting. He supported his draft  
586 resolution that concludes by stating, "... ask Horry County Council to send a representative to a Surfside  
587 Beach Town Council meeting ..."  
588

589 Ms. Dodge said some councilmembers attended the meeting, but many of the town citizens did  
590 not. She agreed with Mr. Smith; it would be well to have a representative speak to all of the people of the  
591 town who want to hear about it.  
592

593 Mr. Johnson had no problem with the county sending a representative to a council meeting, but  
594 believed it was inappropriate to ask in the form of a resolution. He believed that would send a bad  
595 message, so he supported Ms. Mabry's version. He thought it was important that at least one version be  
596 adopted. No offense to Mr. Smith, but he could not support his version.  
597

598 Mr. Stevens said since everyone paid taxes to Horry County, and Horry County works for  
599 everyone, he saw no reason why there would be an objection to sending a representative to make a  
600 report. However, he supported adopting either of the resolutions.  
601

602 Mayor Samples said that the town will need the county's support for many different things. In his  
603 opinion, as a legislative body Town Council should act when necessary, and when action is unnecessary,  
604 stay silent.  
605

606 Ms. Kohlmann moved to reconvene regular session. Ms. Mabry seconded. All voted in favor.  
607 **MOTION CARRIED.**  
608

609 Ms. Kohlmann moved to adopt Resolution Number 12-128 as proposed by Mayor Pro Tem  
610 Mabry. Mr. Johnson seconded. All voted in favor. **MOTION CARRIED.**  
611

612 Ms. Mabry moved to recess for ten minutes at 8:50 p.m. Ms. Kohlmann seconded. All voted in  
613 favor. **MOTION CARRIED.**  
614



615 Ms. Dodge moved to reconvene the meeting at 9:00 p.m. Mr. Johnson seconded.

616  
617 D. Surfside Beach Youth Sports Association Bylaws (the Association,) Attorney Moss.

618  
619 Mr. Moss presented the proposed bylaws, a copy of which is on file, and explained how the  
620 document was developed. Over time, the association bylaws will need to be amended by its members to  
621 fulfill its purpose. The following points were made, and of course, were subject to council amendment:  
622

- 623 • Members of the board are subject to background checks and shall not serve if the report is not  
624 satisfactory
- 625 • Board meetings are open to the public, but does provide that the board may enter into executive  
626 sessions to discuss matters as provided in the Freedom of Information Act, even though in his  
627 opinion he did not believe the Association qualified as a public body
- 628 • There must be a minimum of three (3) officers: president, secretary, and treasurer; an individual  
629 may not serve in more than one position at a time. Officers will be appointed by the board for two  
630 year terms
- 631 • Chairman of the board is the president and presides at all meetings
- 632 • All checks in an amount of \$2,500 or more shall be signed by the president and the treasurer; all  
633 other checks must be signed by two persons
- 634 • Annual meeting date scheduled the first Monday in July or August
- 635 • Article VIII, Section 3, addresses whether the Association is considered a public body, and states  
636 the books and records of the Association shall be open to public review upon reasonable inquiry  
637 and request.

638  
639 Mr. Moss reiterated that the corporation is not a public body, so the recommendations would not  
640 be required of the corporation, if they were not included in its bylaws. He said, Mr. Seman, president of  
641 the Association, agreed that inclusion of these items were appropriate. Because the corporation intends  
642 to apply for nonprofit status as a 501(C)(3) corporation, dispensation of assets upon dissolution is  
643 required, which in this case all money and any assets of the corporation would be distributed to the  
644 Town of Surfside Beach. If the town does not accept the distribution, then the assets would be given to  
645 another nonprofit organization.

646  
647 Mr. Moss said someone had to assume responsibility for incorporation the Association. The  
648 bylaws draft provides that the incorporator appoints the first board members, four for a two year term,  
649 and three for a one year term to establish staggered terms. Thereafter the membership would elect  
650 board members. Initially, he thought Town Council might want to appoint the board members, but he  
651 did not know how much involvement the town desired in formation of the corporation.

652  
653 Mr. Moss said the next steps are that the articles of incorporation have to be drafted, which he  
654 could prepare. Once incorporated, the incorporator may adopt the bylaws and appoint board members.  
655 He was unsure how much involvement he should have as town attorney, because the town did not own  
656 the corporation. He believed he was to comment on a set of bylaws, but instead performed a complete  
657 rewrite. He asked just how much involvement the town wanted him, as town attorney, to have.

658  
659 Ms. Fellner asked whether an annual audit by the town should be included in the bylaws under  
660 Article VIII, which was suggested by the town auditors. She agreed that the town could determine how  
661 much involvement and control it should have. In her opinion, she did not believe that two people should  
662 do the same job. She believed the incorporators should amend the bylaws over the next few years, but  
663 reiterated that the annual audit was to protect the town, because town monies and support would be  
664 used by the corporation.

665  
666 Mayor Samples said town property would be the venue for the Association's events. There were  
667 issues that he expected to be addressed through an operating agreement or other legal document to  
668 establish a legal relationship between the town and the Association. He was disappointed that at this  
669 point in time that has not been accomplished. He was unhappy with the progress; the document

670 presented at this meeting could have been presented by any independent group totally detached from  
671 the town. Mayor Samples said that was not council's instruction to the attorney. Mr. Moss responded,  
672 respectfully, that was exactly what his direction was at the last meeting: to prepare the bylaws for the  
673 Association for Town Council's consideration at this meeting. Mayor Samples said Mr. Moss was asked  
674 to represent the town, and what was presented was a simple incorporation document that was generic  
675 in nature, and asked how many times the Town of Surfside Beach was mentioned in the bylaws. Mr.  
676 Moss said about four times, and said Town Council needs to determine just how much involvement the  
677 town wants to have. There are town assets, there will be lease agreements at some point between the  
678 Association and the town. Mayor Samples asked where those agreements were. Mr. Moss respectfully  
679 replied they were nonexistent, because he had not been told what to put in them, and explained that he  
680 could not negotiate for the town what the contents of an agreement would be.  
681

682 Mayor Samples said his expectation was that the administrator, who has said in two or three  
683 meetings with other existing booster clubs that the skeleton documents already exist somewhere. Mr.  
684 Moss said if those documents exist, he did not know it. Mayor Samples said, "Shame on us. We need  
685 to get you some direction along those lines." He did not want to waste council's time discussing the  
686 matter any further; there are models that he believed should be applied to negotiate the terms, instead  
687 of creating documents. Mayor Samples asked Mr. Moss to bring specifics. Mr. Moss asked what terms  
688 council desired in the use or license agreement: term length, compensation, support, maintenance,  
689 staff support, etc. If council instructs him to propose terms, he would be glad to do so. Mayor Samples  
690 said the internal discussions include that staff would maintain the playing fields. Ms. Fellner said that  
691 was correct. Mayor Samples asked Ms. Fellner to meet with Mr. Moss to clarify what should be  
692 included in the additional documents. Ms. Fellner said she would. Mayor Samples said the town would  
693 always be responsible for the programs, and the town should have leverage to terminate the  
694 relationship at any time, should it desire to do so. Mr. Moss said the bylaws are not the appropriate  
695 document for that language, which is what he was trying to explain to council. If the town wants control  
696 of the corporation, the town needs to be a member of the corporation. If the town merely wants to have  
697 a contractual relationship with the corporation, bylaws are not the document to establish that  
698 relationship. He asked whether the town wanted to be part of the corporation.  
699

700 Mr. Smith thought the town should not be part of the corporation; the relationship should be  
701 defined by contract outside of the corporation. The town should contract with the corporation to provide  
702 certain services, and the exception would be to audit its books because town funds will be used by the  
703 corporation, and also to approve any changes to the corporation bylaws. Mr. Moss agreed with Mr.  
704 Smith's comments, but needed to know if council agreed. He disagreed with the town approving  
705 changes to bylaws; if the town is not a member of the corporation, it would have no business approving  
706 changes to bylaws. However, if the town chooses to make that part of the contract documents and the  
707 Association agreed to the terms, a stipulation could be included that the town must be notified of any  
708 changes to the bylaws.  
709

710 Ms. Kohlmann did not believe the town could be part of the corporation, because it was a  
711 separate 501(C)(3), and asked Mr. Moss for an opinion. She suggested that Mr. Moss 'Google' booster  
712 clubs to get the information, because they are everywhere and she thought council was wasting its time.  
713 She asked if the highlighted areas were his changes. Mr. Moss explained that the entire document was  
714 written by him; the highlighted areas are the ones he wanted to point out. Mr. Moss said there are a lot  
715 of booster clubs and they all do different things. Some provide uniforms, some don't; some do fund  
716 raising, some don't; some do scholarships, some don't; it is not fair to say there are booster clubs, go  
717 Google them and find out what to do. There are policy provisions that Town Council must decide, and  
718 he personally did not believe that the town attorney needed to undertake. He believed the association  
719 should have had an attorney to draft its articles of incorporation and bylaws, but he prepared them, and  
720 he was certainly willing to take the next step to entering into licensing and contracts with the town, if  
721 Town Council would advise him of the terms and its pleasure. Mr. Moss was certainly willing to work  
722 with Ms. Fellner to try to learn those terms as the mayor suggested.  
723

724 Ms. Mabry asked if it was advisable for a councilmember to be a member of the association to  
725 obtain consensus on actions. Mr. Moss believed that council supported the association, and he

726 believed under the proposed bylaws town citizens, whether or not they had a child participating, could  
727 be a member, which would not conflict the a role as a town councilmember. As to the question of  
728 whether a councilmember could be a director or have control over the association, he believed that  
729 would be inappropriate if the town is going to contract with the association.  
730

731 Mayor Samples believed there was a pretty good understanding of the intent when this process  
732 began some months ago in terms of the administration; the ball leagues would be turned over to the  
733 association and the town would maintain the fields. The town would provide indirect support, except  
734 through monies that were raised through registration fees. There was never a discussion to determine  
735 registration fee amounts. Ultimately, the responsibility lay on the association in terms of raising its own  
736 funds; the town would allow it to operate the concession stand, hopefully in a profitable manner.  
737 Whether the association chose to purchase uniforms or use t-shirts and hats was of no concern to the  
738 town, just so long as the association served the youth. There is a track record of the number of  
739 participants during the seasons, and the number that who cannot play that were placed on waiting lists.  
740 Mayor Samples had no problem with the association representing the town to increase the number of  
741 youth served and reducing the amount of town monies needed to operate the programs, which is  
742 primarily through staff support that could be better utilized elsewhere. The goal was to move recreation  
743 staff into in-town activities. Mayor Samples asked if Ms. Fellner could handle the negotiations. Ms.  
744 Fellner did not believe the task was that difficult. Mayor Samples asked Mr. Moss whether he could  
745 move forward. Mr. Moss said he was fully prepared and had time to draft any type contract that council  
746 desired, he needed to know the terms. Mayor Samples said when Ms. Fellner and Mr. Moss had  
747 documents prepared for Town Council to consider for a decision, a 30-minute workshop would be  
748 scheduled so members may ask specific questions. Written documents should be delivered to  
749 councilmembers in advance of the workshop. **There were no objections by Town Council.**  
750

751 Mr. Moss suggested that the association needed to file its articles of incorporation so that a legal  
752 entity would exist with whom to negotiate, and asked whether council wished to be involved in  
753 appointing the directors. Mayor Samples said in terms of background checks, it was very important to  
754 him, and the town should have a veto on those grounds. It might not be a matter of appointing the  
755 directors, but a matter of council consenting to the appointments. The association should choose its  
756 board, but council should be able to "rubber stamp" the appointments.  
757

758 Mr. Stevens asked permission to leave the dais at 9:33 p.m. Permission granted.  
759

760 Mr. Moss believed that the appropriate place for council consent to director appointments was in  
761 the contract documents. If the town is doing business with the association, the town would have  
762 approval of its board members, but it should not be in the articles of incorporation. Mayor Samples it  
763 should be placed in the appropriate document; all the documents should be brought at the same time  
764 for council to consider.  
765

766 Mr. Smith asked Mr. Moss if the bylaws as he presented them were sufficient to establish the  
767 corporation, so long as there were no objections. Mr. Moss said they were. Mr. Smith asked what the  
768 next step would be. Mr. Moss replied that the articles of incorporation were already drafted, he just  
769 needed to be told whom the incorporator would be. That document creates the entity. At that point, the  
770 incorporator, or the board of directors once slated, can adopt these bylaws and they will be the  
771 governing document by which the corporation is operated. The association does not exist as an entity  
772 at this point. Mr. Smith asked if the articles of incorporation could be filed without town approval. Mr.  
773 Moss said absolutely, and that is why he commented earlier about whether this was a proper role for the  
774 town attorney, but he would certainly participate if council desired him to do so. He believed the  
775 documents the mayor was interested in seeing were the business agreement/contract between the  
776 corporation and the town. But, if the corporation does not exist, it is premature to offer any contract. To  
777 answer Mr. Smith's question, yes, the bylaws are sufficient; the articles of incorporation will have to be  
778 added to the bylaws and those two documents together create the entity.  
779

780 Mr. Stevens returned to the dais at 9:35 p.m.



781 Mr. Smith suggested that Town Council give consent that the association with Mr. Moss'  
782 guidance go ahead and incorporate using these bylaws and whatever articles of incorporation needed  
783 so the legal entity will be formed and negotiations can commence between the association and the  
784 town. Ms. Fellner reiterated the necessity of having an annual town audit. Mr. Moss said again that  
785 unless the town was part of the corporation, it had no right to demand bylaws content. He said the town  
786 has every right to include the right to annually audit the corporate books in the contract before it  
787 participates. **COUNCIL CONCURRED.**  
788

789 E. Committee Appointments: (i) Board of Zoning Appeals, Holly Watson, Term Expires 10/14/12;  
790 (ii) Historical Board (5 members) P. L. Mabry, Patti Magliette; (iii) Senior Citizens Advisory Committee (7  
791 members and 1 nonvoting councilmember) Ralph Magliette, Cindy McLaughlin, Shelby Smith, and (iv)  
792 Keep Surfside Beach Beautiful, Ralph Magliette.  
793

794 Mr. Stevens moved to appoint Holly Watson to the Board of Zoning Appeals; P. L. Mabry and  
795 Patti Magliette to the Historical Board; Ralph Magliette, Cindy McLaughlin and Shelby Smith to the  
796 Senior Citizens Advisory Committee, and Ralph Magliette to the Keep Surfside Beach Beautiful  
797 Committee. Mr. Smith seconded. All voted in favor. **MOTION CARRIED.**  
798

799 Ms. Dodge volunteered to serve as the nonvoting councilmember on the Senior Citizens Advisory  
800 Committee. **COUNCIL CONCURRED.**  
801

## 802 **8. DISCUSSION.**

### 803 A. Parking Committee Recommendations.

804 Chairman Harry Kohlmann gave a PowerPoint presentation, a copy of which is on file, and  
805 highlighted present:  
806

#### 807 Concerns

- 808 • Safety concerns, parking congestion on Ocean Boulevard
- 809 • Lack of use of designated parking areas at 13<sup>th</sup> Avenue South and 16<sup>th</sup> Avenue North
- 810 • High volume of pedestrians, motor vehicles, bicycles, golf carts, runners during four month  
811 season
- 812 • Insufficient parking spaces for tourists and residents
- 813 • Free parking of golf carts by nonresidents in parking lots and beach accesses
- 814 • Impact of new South Carolina law allowing golf carts to be driven four miles from home

#### 815 Recommendations

- 816 • Safety – limited line of sight
- 817 • Poor aesthetics
- 818 • Loss of revenue
- 819 • Implement in phases
  - 820 ○ signage initially
  - 821 ○ signage replaced with landscape plantings; encourage residents to plant in rights-of-way  
822 with direction from the Keep Surfside Beach Beautiful committee
  - 823 ○ strict police enforcement
  - 824 ○ parking on Ocean Boulevard only on the west side in metered spaces designed to prevent  
825 stacked parking
  - 826 ○ prohibit parking no closer than 10-feet to a driveway and 30-feet to a street intersection.
  - 827 ○ designate tow-away zones in no parking areas
  - 828 ○ free parking at lots on 13<sup>th</sup> Avenue South and 16<sup>th</sup> Avenue North
  - 829 ○ no parking in rights-of-way in rental zone
  - 830 ○ amend Section 9-8, Dates and Time of Enforcement to be daily beginning April 1 through  
831 September 15 from 9 a.m. to 5 p.m., which would allow free parking for breakfasts and  
832 dinner times, and only one officer per day would be needed
  - 833
  - 834
  - 835



- 836 ○ amend Section 9-16, Decals and Exemptions to add decals for nonresidents property
- 837 owners, vehicles and golf carts, so they would be allowed to park free of charge
- 838 ○ amend golf cart decals to incorporate registration data and designation decals for residential
- 839 and commercial carts
- 840 ○ place specific golf cart parking on beach accesses with decal only signage

841  
842 Summary

- 843 ● safety -- increased lines of sight for vehicular and pedestrian traffic
- 844 ● aesthetics along Ocean Boulevard improved
- 845 ● increase usage of paid lots
- 846 ● increased number of paid parking spaces
- 847 ● decreases unsafe parking
- 848 ● public informed golf cart parking by permit only or with payment
- 849 ● enforcement season more accurately reflects tourist season
- 850 ● golf cart decals advise operators of rules
- 851 ● strict enforcement insures laws are effective; without strict enforcement none of the
- 852 recommendations will work
- 853 ● beach accesses will be fully utilized and produce revenue

854  
855 Ms. Dodge commended Mr. Kohlmann and the committee who worked very hard to develop  
856 these recommendations. Now, it was up to Town Council to give clear direction to the citizens and  
857 visitors.

858  
859 Ms. Kohlmann asked how many parking spaces and meters were available. Ms. Fellner said  
860 there are about 89 functioning meters in storage. Mr. Kohlmann said there were about 87 spots identified  
861 on the west side of Ocean Boulevard. Ms. Kohlmann asked if a cost analysis of potential losses could be  
862 done if the hours and enforcement dates were changed. Ms. Fellner said it would be time consuming, but  
863 the records would be evaluated for a report. Mr. Kohlmann said more revenue would be collected than is  
864 lost, because individuals parking free and illegally on Ocean Boulevard would be moved into the paid  
865 spaces. Customers in the business district do not have to pay to park, which is nice. But, at the pier,  
866 parking requires payment, which means every customer has an extra dollar per hour added to their  
867 restaurant bill or retail purchase to cover the parking fee.

868  
869 Mayor Samples asked how the committee proposes to handle the tourists parking in the "mini-  
870 hotels," that is the beach houses that have multiple families staying at the same time. Mr. Kohlmann said  
871 most of those houses have more than adequate parking. He regularly takes walks late at night and has  
872 seldom seen more than one or two vehicles parked on Ocean Boulevard, which he believed was a matter  
873 of convenience to avoid being blocked in; not necessarily because there was no space. Most rental  
874 agencies limit the number of vehicles per house; however, sometimes tourists don't abide by those rules.  
875 If there is insufficient space, the overflow vehicles will have to pay for parking. Mayor Samples raised the  
876 question, because there are consequences, and the town wants to be business friendly.  
877 Accommodations taxes and a 6-percent assessment for personal property taxes are paid by nonresident  
878 owners. He had reservations about the parking issue on Ocean Boulevard, and he did not believe that  
879 the tourist occupancy had fully recovered to match the rates experienced during the prosperous era of  
880 several years ago.

881  
882 Ms. Kohlmann said like every other committee that presents, the parking committee did a good  
883 job and provided a lot of valuable information that needs to be explored. Compromise is something  
884 needed in town; she commended the committee on offering more than one recommendation. She did not  
885 believe council should say 'no' to everything, and she believed some type permit arrangement could be  
886 made for those houses that have overflow parking.

887  
888 Mr. Johnson thanked Mr. Kohlmann and all the committee members. This is a discussion item at  
889 this point. The town has battled parking for years and years. He liked some of the recommendations and  
890 said that council should consider them.

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Mr. Smith appreciated the hard work by the committee. He did not support eliminating all parking on Ocean Boulevard, but agreed that allowed parking could be metered. Many residents use golf carts, but others still use cars and they like to park along Ocean Boulevard so they do not have to walk so far. He also liked the recommendation to prohibit parking no closer than 10-feet to a driveway and 30-feet to a street intersection, and using plants to prevent parking in certain places. If council agreed, he would encourage residents control their parking areas by planting low growing shrubbery in front of their houses. He agreed it was unsightly to see all the cars, but he wanted to encourage people to come to the beach and there just is not enough public parking in all areas to prevent parking along Ocean Boulevard. He believed that many people parking along Ocean Boulevard around 13<sup>th</sup> Avenue South and southward were surfing, and the same on the north end around 12<sup>th</sup> to 14<sup>th</sup> Avenues North.

Ms. Mabry thanked Mr. Kohlmann saying the presentation was absolutely wonderful and it brought up some issues that she had not thought about. It was obvious that a lot of time and effort was spent by the committee. Before she was elected to council, one of the things that she wanted to do was eliminate parking on Ocean Boulevard. As she listened to the discussion tonight that there is little possibility of economic development because of the parking issue in the amusement district, she was concerned because now a recommendation was being made to remove parking on Ocean Boulevard. She would have to consider the recommendations very carefully to be certain that the recommendations do not oppose each other: get rid of parking versus stopping economic development because of parking. Even though she was confused, she reiterated the presentation was wonderful and she thanked the committee for it.

Mayor Samples said it was an excellent job. The committee did a great job, and he knew there was still more work to do.

Mr. Stevens agreed that the committee worked hard to try to offer a solution to the parking problems and he believed that they pretty much had. He supported most of the recommendations, but one or two recommendations might need to be tweaked. The beautification committee was involved with planting, which would make Ocean Boulevard look better. The committee identified 30 parking spots along Ocean Boulevard that would generate revenue. Since the pay stations were broken most of the summer, the town definitely needs that revenue now. He gave the committee "kudos for doing a dag-gum good job."

Mr. Kohlmann had heard that parking problems had been discussed from seven to 20 years. He asked council to take some or all of the committee's recommendations, but to please do something. Two parking studies have been done, and nothing was done except for planting a few palm trees. Every other beach has just about fixed their parking problems, and he believed the town was inheriting some of those problems. Mayor Samples appreciated Mr. Kohlmann's comments, and comments made by councilmembers; however, no recommendations were made for action or what step to take next. He understood Mr. Kohlmann's frustration in putting so much time and effort into the report, and then council not taking any action. It seemed that two separate topics were covered in great depth: (1) parking/no parking on Ocean Boulevard and Seaside Drive, and (2) golf cart regulations and parking.

Mr. Smith mentioned that one thing that council needed to give good direction on was the prohibition on parking within 10-feet from a driveway that would eliminate so much parking, that perhaps what was left would not be a worry. He said the mayor asked for direction, and he proposed that council implement a policy to prohibit parking within 10-feet from a driveway and 30-feet from an intersection, and use plants to identify those areas so signage would not be needed.

Mr. Johnson did not disagree with Mr. Smith's proposal, but he wanted time to study the information before taking action. He believed if council was going to implement the recommendations they should be done as a whole. Mayor Samples said this was a matter of discussion and consideration; it was a lot of information.

946 Ms. Kohlmann moved to add a business item to the next meeting agenda a parking prohibition  
947 10-feet from a driveway and 30-feet from an intersection along Ocean Boulevard. Mr. Stevens seconded.  
948 Ms. Dodge said the 10-foot and 30-foot requirements were state law, because it is a safety factor. All  
949 voted in favor. **MOTION CARRIED.**  
950

951 Mayor Samples was not sure what to do with the golf cart parking. Some of the nonresident  
952 property owners are also businesses and council may want to consider the number of golf cart licenses  
953 issued. Mr. Kohlmann said nonresidents now pay \$40 for a parking permit, and he did not believe there  
954 were more than two dozen nonresidents that participated. The recommendation is not for commercial  
955 establishments, only nonresident property owners. Mayor Samples said that was his point; specific  
956 details are necessary for council to make informed decisions.  
957

958 (See 3. Agenda Approval above.) Keep Surfside Beach Beautiful Committee (KSBB,) Shelby  
959 Smith, Secretary.  
960

961 Mr. Smith reported the following actions during the committee's past two meetings:  
962

- 963 • Jim Toney elected chairman
- 964 • Nancy Jo Weber, elected vice chairman
- 965 • Committee meetings are on the 1<sup>st</sup> and 3<sup>rd</sup> Wednesdays monthly
- 966 • Palmetto Pride Tree Grant was awarded; 97 trees will be picked up on October 24<sup>th</sup>
- 967 • Minutes are published on the town website
- 968 • Opportunities for town beautification are discussed at each meeting – Fuller Park, 16<sup>th</sup>  
969 Avenue, and Surfside Drive have benefited from these efforts
- 970 • Yard of the Month procedures are being formulated, the committee expects to implement the  
971 award beginning in January 2013
- 972 • Horry County Technical College will provide assistance with in-town landscaping next spring
- 973 • The committee hopes to significantly improve the town welcome signs and pier entrance
- 974 • Highway 17 corridor medians will be beautified with assistance from the Department of  
975 Transportation (DOT,) which expects to complete 5 beds prior to year end
- 976 • A funding request forthcoming for KSBB Highway 17 median plantings
- 977 • Recommendations forthcoming for beautification on Ocean Boulevard
- 978 • Recommendation forthcoming to participate in the "Adopt-A-Beach" initiative
- 979 • KSBB is working with the business community to enhance store fronts with large flower/  
980 shrubbery/small tree plantings in statuary cement pots painted Surfside blue  
981

982 Councilmember Smith asked what type trees are included in the 97 trees and where they would  
983 be planted. Mr. Smith said they would be planted near the library, tennis courts, Martin Park, dog parks,  
984 Huckabee Complex, and around the large parking lot at 3<sup>rd</sup> South and Poplar; the trees include crepe  
985 myrtles, red maples, redbuds, willow oaks, and Japanese maples that are between 4- to 6-feet tall in 5-  
986 gallon pots. Councilmember Smith asked who would maintain the flower beds installed by DOT. Mr.  
987 Smith said they would be maintained by DOT; the plants should be self-sustaining. Councilmember  
988 Smith liked the idea of improving the entry signage. He asked if any consideration had been given to  
989 having the town logo being placed on the north and south sides of the water tower so it could be seen  
990 from Highway 17. Mr. Smith said no. Councilmember Smith asked the committee to consider the decals  
991 and asking Grand Strand Water and Sewer Authority whether decals can be placed on the north and  
992 south sides of the water tower, because he believed that is beautification. It would cost some money, and  
993 the Authority would have to grant permission.  
994

995 Mr. Stevens asked if the KSBB would present its ideas to the business committee, because he  
996 was sure those members would want to know the proposed projects. Mr. Smith said he would attend the  
997 next meeting. Mr. Stevens believed the KSBB and the business committee would work well together.  
998

999 B. Any matters of concern or information to be discussed by Town Council.  
1000



1001 There were no other matters to discuss.

1002

1003 **9. PUBLIC COMMENTS.**

1004

1005 "Dennis Seman, the president of the Surfside Youth Sports Association. I'm gone a take one  
1006 minute to thank you very much for working with us. We, we do have some good ideas, and we actually  
1007 want the audit in there. I don't know how we missed it and we are sorry about that (\*\*) and we do want a  
1008 relationship, and Mr. Samples, he is, his direction to us has very clear for everything that we've done. We  
1009 look forward to doing it and we do want y'all to help us. If you turn over those [sic] field maintenance to  
1010 us, we will go down in flames! We just don't have the time to maintain the fields and things like that, so  
1011 we're pretty happy just running our concession stand, and cleaning up after all the teams, so we did give  
1012 Mr. Moss a whole bunch of bylaws that we took from three or four different states. We're not skilled and  
1013 versed in legal-speak, so he did the best he could with what we gave him. Actually, I think we did give  
1014 him way too much, so I will say that I do apologize for that. He did take what we had; we agreed to it,  
1015 because it was what we were trying to say, but instead of saying it in five or six different spots, he put it all  
1016 into one. But, I do agree we need to move this on fast so we can just go ahead and get done with it and  
1017 keep going, so I do thank you all for your support and I appreciate it, and like I said before, if there's  
1018 anything you ever need, just call me. (\*\*) Thanks again."

1019

1020 "Where's everybody going? (*laughter*) Al Lauer, 124 Harbor Lights Drive. I just have a couple of  
1021 things. First of all, I, I, nobody mentioned the family festival. I'd just have to. I think it was really a  
1022 wonderful thing. Top of the line food; top of the line entertainment; had a nice variety of crafts, and  
1023 businesses there to entertain everybody. The best part was the petting zoo. There's nothing like  
1024 watching a two year old try to chase a goose down. It was really a lot of fun. I really enjoyed it. The  
1025 overlay project, I loved Ms. Morris' presentation. I, I know how much work went into that. I was really  
1026 impressed by it, and I know that things have to change here, can't stay static. You have to make some  
1027 changes. I was listening to the talk about the evacuation route, which has been going on for how many  
1028 years? Talk about the parking, which has been going on for how many years? You know, all of these  
1029 things need to be addressed. They need to be addressed now. You can't hold off and wait. The other  
1030 thing is everybody knows that somebody's gone a get hurt by it. You're not gone a please everybody. If  
1031 you decide you're gone a listen everybody's story and you're gone a try and please everybody, you're  
1032 gone a gut the whole program and nothing will work. You have to do what you guys always do, and that's  
1033 the best for Surfside. Thanks."

1034

1035 "I hate to take up more time, because it's so late, but I do want to address the overlay thing. The  
1036 business community was mentioned." Mayor Samples, "Name and address?" "Oh, I'm so sorry! I just  
1037 forget. Betty Lowery, 619 4<sup>th</sup> Avenue North, Surfside. With the business community, for just a moment I  
1038 want you to think of Market Common. I want you to take out every tree, every plant. I want you to  
1039 eliminate the bricks and put in some metal-sided buildings. Who's gone a go there? The draw is the  
1040 atmosphere, not necessarily the businesses, but the atmosphere. They're gone a go there and they're  
1041 gone a shop in a place that they might not have shopped before, because of the atmosphere. The  
1042 business owner who will go into the overlay, do what is required by the overlay, is going to see an  
1043 increase in his revenue, because people will feel more welcome into going in. If they decide they want to  
1044 sell, they're going to find a buyer who will be more interested in buying their property and paying the price  
1045 they want when it looks good, because it's inviting. It's just something we've got to do. It's got to be  
1046 done, and I want to thank Mr. Kohlmann. He did a wonderful job and I really like what he said about the  
1047 golf carts, cause the identification process of golf carts was fantastic. Thank you."

1048

1049 "Hi. Real quick, Patti Magliette, 104 Harbor Lights Drive. Thank you. Thank you for everyone for  
1050 making this a good town to live in. Best I've ever had. Real quick question, the parking was excellent.  
1051 The thing about the golf carts not knowing who has what golf cart, okay, we're through with the busy  
1052 beach season, but for next year start thinking about it now for next year I saw an awful lot of little kids  
1053 were driving those golf carts. Now, I don't know if it's just me seeing things, or if we're gone a think about  
1054 registering golf carts, and if now they're coming from four miles away instead of two miles away, maybe  
1055 we want to get a handle on next summer these little kids driving them, cause a it, it looks pretty, pretty  
1056 sad to me. They've even been coming into the residential and it could be an issue. I don't know if they're



1057 renting them or where they're getting them or how come they're driving them, but I see quite a few of  
1058 them. Thank you."

1060 **10. COUNCIL COMMENTS.**

1061  
1062 Mr. Smith, "Yes, I'm concerned about the overlay and the expense that it would put on the  
1063 business owners. I think it's a important to a make some changes and I'm just wondering how old the  
1064 building should be before we require them to current times when this ordinance would impact the existing  
1065 building I think are too stringent, and so I think we need to think about changes there and also relaxing  
1066 the requirements on having to cover up the sides of metal buildings, I'm concerned about that also, and a  
1067 the, on parking the, implementing that 10-foot on the a driveways and 30-foot at the corners, I think that'll  
1068 eliminate a lot of the parking concerns on Ocean Boulevard right-of-way, and the other problem that I  
1069 have every day when I go for a walk on Ocean Boulevard are the people that don't clean up after their  
1070 pets. Seems like in the winter, I mentioned this last time, but I'm gone mention it again. I know none of  
1071 you have this problem, because you'll stay here all the time. But during the winter months it seems like  
1072 the pet owners forget that they're supposed to clean up after their pets. I hope that there's a reporter in  
1073 this meeting, but I see they're all gone, that would at least mention that that we want our snowbirds and  
1074 people who rent during the winter to clean up after their pets as they walk down Ocean Boulevard instead  
1075 of leaving it. The fact is some of them leave it right on the sidewalk. Thank you."

1076  
1077 Ms. Mabry, "Gosh, thank y'all for staying with us. It's a marathon tonight. I, I do want to just say  
1078 about the overlay, please note that if you're in your business and you don't make those significant  
1079 changes, then you don't have to comply, because you haven't changed anything. So it's only gone a be  
1080 for those people that do a 20-percent increase and there's some other things, but they're not major, and,  
1081 and some of these are very small, but they make a big difference over time. So, please look at the  
1082 overlay as a positive thing, after all we're looking at Surfside Beach as a whole and not just one or two  
1083 little individuals, so that's all I have to say."

1084  
1085 Mr. Stevens, "In regard to the overlay, it's basically a good thing. But I do see some problems for  
1086 some of the business owners. We need to tweak it a little bit. Make sure that they're, that they're are [sic]  
1087 not penalized for what they do. I, I was at a business today, a very beautiful building. Guy spent \$85  
1088 thousand dollars on one wall. But, he's got two empty units and I believe if he gets one more and he puts  
1089 another, he's got a spend money, and he didn't feel too good about that. (\*\*) say, that's, that's, that's why  
1090 we have to look at it. Long term we want this to be nice. We want to get rid of the Pavilack style  
1091 buildings, but we got a lot of nice buildings out there, and they have metal sides on it, and they don't look  
1092 bad. There's five buildings in a row, you can't even see the metal sides. I have a problem that people  
1093 may have to spend a lot of money, especially landlords and stuff, and of course you know when you  
1094 spending, the landlord spends the money then he's gone pass it on to the tenant and if it goes up, and I, I  
1095 understand Market Commons, but that the Market Commons was a planned unit development. They  
1096 planned that from the get go. We're not Hilton Head and we're not Market Commons and we're not  
1097 Litchfield and we're not Pawleys Island. We're Surfside Beach and we have to be fair to the business  
1098 people because they produce a lot of revenue for us. So let's go with that and let's hear them out and  
1099 let's have an open mind and let everybody talk. I think we can get to a fair and equitable solution for  
1100 everybody. As far as the parking, I think we got some good recommendations there. I'm glad we've got a  
1101 beautification. I know Shelby Smith is one of the best people in the town as far as getting things  
1102 beautified, and I, I'm sure the business committee would like to talk to you about some of the things I was  
1103 talking about earlier. Thank you for coming. Y'all got a lot of good, good citizens stayed. These are the  
1104 people that are the backbone of this town."

1105  
1106 Ms. Dodge, "I've been talking a lot this evening, but I want to stress the parking 10-feet from  
1107 driveways and 30-feet from intersections is State law, and we have to abide by it. If we don't and  
1108 someone is killed, because they weren't seen because of a car being parked in those areas, I think it  
1109 would fall back on us, in some way, we're responsible. We have to, we have to enforce the law. Also, I'm  
1110 amazed when citizens get involved and the ideas that they come up with, the suggestions they make.  
1111 You can't imagine how much I appreciate the effort that you put in. The parking committee, I know how  
1112 much time they put into it. The beautification committee has been going on for years and has been

1113 making suggestions. We need to listen. We need to adopt. We need to do, and that means every one of  
1114 us gets out and gets our hands dirty working in dirt if we have to. I'm ready to start. Thank you."

1115  
1116 Mr. Johnson, "I've said enough already this evening!" (*laughter and applause*)

1117  
1118 Ms. Kohlmann, "I just want to thank staff and residents for all their education and their  
1119 presentations tonight, and I think I've said all my comments during the topics that came up, so I'll just say  
1120 have a nice night."

1121  
1122 Mayor Samples, "I want to reiterate how wonderful it is to have the committees jelling, you know,  
1123 bringing ideas forward. I want to commend staff for the hard work that they've all been putting in, and I  
1124 also want to commend the councilmembers for, these folks have been putting in a lot of time also.  
1125 They're not asleep at the switch. We may not agree on, obviously we're all different, but I believe that  
1126 each and every member is bringing their own God-given approach to the problems and trying to do what's  
1127 right for this town. We are, I think, gone a compromise and ~~gone a~~ find some solutions to some issues  
1128 which it'd been nice if they'd been addressed before, but they weren't, but what's the saying, it's better  
1129 late than never. So thanks for coming out." *gonna scrivener's error*

1130  
1131 11. EXECUTIVE SESSION

1132 Pursuant to FOIA §30-4-70(1) to discuss volunteer appointments noted in 7.E.

1133  
1134 There was no executive session as Town Council chose to appoint each volunteer (see 7.E  
1135 above.)

1136  
1137  
1138 11. ADJOURNMENT.

1139  
1140 Mr. Smith moved to adjourn the meeting at 10:54 p.m. Ms. Mabry seconded. All voted in favor.  
1141 **MOTION CARRIED.**

1142  
1143 Respectfully submitted,

1144  
1145 \_\_\_\_\_  
1146 Debra E. Herrmann, CMC, Town Clerk

1147  
1148 Approved: October 23, 2012

1149  
1150  
1151 *→*  
1152 Douglas F. Samples, Mayor

1153  
1154  
1155 Mary Beth Mabry, Mayor Pro Tempore

1156  
1157 \_\_\_\_\_  
1158 Ann Dodge, Town Council

1159  
1160  
1161 Mark L. Johnson, Town Council

1162  
1163 \_\_\_\_\_  
1164 Elizabeth A. Kohlmann, Town Council

1165  
1166  
1167 Roderick E. Smith, Town Council

1168  
1169 \_\_\_\_\_  
1170 Randle M. Stevens, Town Council

1171  
1172 Clerk's Note: This document constitutes minutes of the meeting, which was audio taped. This meeting was transcribed by Town Clerk Herrmann. In  
1173 accordance with FOIA, meeting notice and the agenda were distributed to local media and interested parties. A complete list is on file in the clerk's  
1174 office. The agenda was posted on bulletin boards outside Council Chambers and in the Town Hall reception area. Meeting notice was also posted on  
1175 the Town marquee. When (\*\*) is used a section of the transcription is inaudible. Public Comments and Council Comments are transcribed verbatim  
1176 without grammar corrections. When used given names are replaced with surnames.