



TOWN OF SURFSIDE BEACH
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PUBLIC NOTICE
PUBLIC HEARING on Tuesday, October 23, 2012 at 5:30 p.m.
to hear public comments on Ordinance #12-0729
to add Chapter 17, Article IX, Overlay District.

TOWN COUNCIL MEETING
Council Chambers
Tuesday, October 23, 2012 ♦ 6:30 p.m.

AGENDA

1. **CALL TO ORDER** – Mayor Douglas F. Samples
2. **INVOCATION AND PLEDGE OF ALLEGIANCE** - Pastor Oakie Landers, Pine Drive Gospel Church
3. **AGENDA APPROVAL**
4. **MINUTES APPROVAL** - Regular Meeting October 9, 2012
5. **PUBLIC COMMENTS** – 3-minutes per speaker
6. **COMMUNICATIONS**
 - A. Department Reports
 - i. Finance
 - ii. Recreation
 - iii. Public Works
 - B. Administrator’s Report – Update on Current Events
7. **WORKSHOP** - Ordinance #12-0729 Add Chapter 17, Article IX, Overlay District.
8. **BUSINESS**
 - A. First Reading of Ordinance #12-0731 to amend FY2011-2012 Municipal Budget, Treasurer Hursey
 - B. First Reading of Ordinance #12-0732, to amend §9-7 No Parking Places, Councilmember Kohlmann
9. **DISCUSSION** –
 - A. Parking Decals and Exemptions, Councilmember Kohlmann

9. **DISCUSSION, continued**
 - B. Section 2-61(b) requires advertising in daily newspaper for volunteers and Section 2-61(j) requires annual written reports from continuing boards, commissions and committees, Councilmember Dodge
 - C. Any matters of concern or information to be discussed by Town Council.
10. **PUBLIC COMMENTS** – 5-minutes per speaker
11. **COUNCIL COMMENTS**
12. **EXECUTIVE SESSION**
 - A. Pursuant to FOIA §30-4-70(a)(1) to discuss payroll exemptions and restructuring
 - B. Pursuant to FOIA §30-4-70(a)(2) to receive legal advice from the town attorney about a potential claim
13. **ADJOURNMENT**



**SURFSIDE BEACH TOWN COUNCIL
REGULAR COUNCIL MEETING MINUTES
OCTOBER 23, 2012* 6:30 P.M.
TOWN COUNCIL CHAMBERS**

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7 **1. CALL TO ORDER.**

8 Mayor Samples called the meeting to order at 6:30 p.m. Mayor Samples, Mayor Pro Tempore
9 Mabry, and Councilmembers Dodge, Kohlmann, and Stevens were in attendance. Councilmember
10 Johnson was absent due to illness. Councilmember Smith was out of town. A quorum was present.
11 Staff present: Town Administrator Fellner; Public Works Director Adair; Treasurer Hursey, and
12 Recreation Supervisor Ellis. Also present: Town Attorney Moss and Town Clerk Herrmann. *Planning Director
Morris, and
Scrivener's error*

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14
15 Mayor Samples announced that the Nathan Black Memorial Race would be held Saturday,
16 October 27th. The late Mr. Black was the brother of Police Officer Lee Black. Mayor Samples said Police
17 Chief Mike Frederick had accepted a job with Santee Cooper. "I am sure that we all want to extend our
18 best wishes and appreciation to Chief Frederick for his service to the town. [He] brought honor, class,
19 and a work ethic that I don't think we've ever seen in this town in that position. Our town has benefited
20 greatly from Chief Frederick's vast experience and service to this town. He's clearly been a leader of his
21 department. Our police department is highly praised both in town and out of town by others who watch
22 what's going on. As [he] takes on a new, exciting challenge, I have no doubt he's left the department in a
23 much better shape than he found it, and that we have the talent and skill in place to protect our people,
24 our property, and the places that we have in town. In summary, Chief Frederick should leave with the
25 knowledge that he has earned the respect and gratitude from the entire community, and I'm sorry to see
26 Chief go, but I wish him well, and I know that Santee Cooper has got an outstanding man coming to work
27 for them." *(Applause)*

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

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31 Pastor Oakie Landers, Pine Drive Gospel Church gave the invocation. Mayor Samples led the
32 Pledge of Allegiance.

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34 **3. AGENDA APPROVAL.**

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36 Ms. Kohlmann moved to approve the agenda with an amendment to defer Business Item 8.B.
37 First Reading of Ordinance #12-0732 to the regular meeting on November 27th. Mr. Stevens seconded.
38 **All voted in favor. MOTION CARRIED.**

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40 **4. MINUTES APPROVAL.**

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42 Ms. Dodge moved to approve the October 9, 2012 regular meeting minutes as presented. Ms.
43 Mabry seconded. All voted in favor. **MOTION CARRIED.**

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

46
47 "I'm Whit Louder. (**) I'm Whit Louder. I've lived down here for 20 years, and own a house on
48 Willow Drive. (**) The pond, the drainage pond that's beside my house, I guess is gonna be filled in, and
49 a, there was a park there for a long time, and you know, at night you'd have people in the park. I live
50 directly beside it. I like the pond. I hope we can keep the pond. I fail to understand why you can't keep
51 the sprinklers working. The ponds up the street with the sprinklers up there they don't work half the time
52 either, and I know you're not gone fill those in. I, I, it's, the pond's been there ten years, and I don't know
53 why all of sudden now we can't keep the sprinkler going on. It's just a [sic] underwater fan is all it is, you
54 know." Mayor Samples, "Excuse me, Mr. Louder. But that is not on the agenda tonight. It was on the
55 agenda, but it is no longer on the agenda. I apologize (*two speaking at once.*) You did, you did, and at

56 one time it was on the agenda, but it was removed. So it is not appropriate at this moment for you to
57 speak about an item not on the agenda. I take responsibility for the misunderstanding, and you are
58 welcome to wait and speak at the end of the meeting on any, any matter during public comments or I've
59 got a feeling it will be on the next agenda, which is November 13th." Ms. Fellner, "Mr. Mayor, that's not
60 Mr. Adair's meeting, so it would be the 27th. It will be two meetings from now." Mayor Samples, "Thank
61 you." Ms. Fellner, "That would be November 27th, I believe." Mayor Samples, "Thank you, and you can
62 always check our website, by the way, surfsidebeach.org."
63

64 "Gene Maruca, 116 7th Ave. South. I'd like to ask the council to please give some serious
65 consideration to what both Mr. Floyd and Mr. Harrison said about our overlays. I think we all agree
66 something needs to be done. But in the mess as it sounds, it would be devastating for the business that
67 we have now and I really believe it would deter new business coming into what we already have vacant. I
68 think, I would strongly hope that you would implement this over a period of time, two years, three years,
69 and take steps, cut it up, not one massive leap here; parking lots, landscaping, aesthetically the front of
70 the building. I want to point out that commercially the norm is to use aluminum framed buildings, roof,
71 front, sides, rear. Now, I want to say at least 95-percent of the aluminum buildings when they're
72 constructed all have aesthetically acceptable frontage. To turn around and say you have to cover the
73 back or you have to cover the sides, why? Some of those buildings are less than ten feet apart. You
74 don't see them anyway. You have to pick a color, well okay, as long as there's a broad range of color, I,
75 I agree with that. But what Mr. Harrison said, we're not from the communities south of us. This is Surfside,
76 the family beach, and for the residents that were here that feel that we should impose all this on business
77 at this time, I would go one step further and let's say that we want to be that elegant, that extreme, let's
78 make it one broad overlay. Let's include the residents." Mayor Samples, "Thank you, sir." Mr. Maruca,
79 "Let someone come by to pick out a color for your house, and tell you, you have to recover the sides."
80 Mayor Samples, "Mr. Maruca, Mr. Maruca, three minutes is up. Thank you." Mr. Maruca, "Thank you."
81

82 "Al Lauer, 124 Harbor Lights Drive. I just want to; I'm sitting there wondering whether these
83 people understand what the overlay really is. When somebody says this is gonna happen immediately,
84 you have to put these trees, that's not the way it was set up. I've read the overlay project. I've listened to
85 Ms. Morris talk. I understand that there are triggers that make that happen, but these folks are talking like
86 it has to happen right now. That if you pass this it's gonna be an economic catastrophe. That's just not
87 the way it's set up. I'm sure you all realize that, but I'm afraid they don't. I've seen what Ms. Morris did,
88 and I really am marveled at the energy that she put into it, and at the effect that I think it will have on
89 Surfside. I would be really upset if you allow the businesses here to dictate to you, to dig their feet in, to
90 act like petulant children and say, if you make us do this, we're gonna leave, because, you know what, if
91 they're making money, they're not gonna leave. So those businesses that are all decrepit, (**) do
92 anything with it. You can pass this, you can pass all kinds of legislation, but those businesses are gonna
93 stay like that. What you've done is you set up a process here where some of those old decrepit buildings
94 will have to go. Somebody's gonna have to do something about it, and I certainly hope that you pass this
95 overlay. I agree that there needs to be some adjustments. There need to be some moderations. But,
96 this is a very important thing to do, and to do it now. Do it soon. Thank you."
97

98 "I'm Betty Lowery. I live at 619 4th Avenue North, and although I sit on planning and zoning, I do
99 not represent planning and zoning. I didn't ask anybody's permission and they didn't know I was gonna
100 do this. We've had a lot of different truths and a lot of misunderstanding presented tonight. No, it's not
101 going to happen immediately. And no, we may not actually be Hilton Head and Pawleys Island and all
102 these other places, but to me as an ex-teacher, as a matter of fact, I taught Mr. Harrison back there; he
103 was a good kid! *(Laughter)* I still like him. But, at any rate, there's still a lot of misunderstanding. I've
104 been here since 1968, and a lot hasn't changed. For many of the businesses in Surfside, the changes
105 amount to a couple of cedar trees in concrete pots beside their doors. It's not a major thing, and it
106 doesn't have to have to happen immediately. Changes in the parking lot amount to cutting a hole so that
107 you can put in some dirt, and grass, and maybe a tree. We have many buildings that are already under
108 compliance. You look at Mr. Floyd's building, and he's, he's done quite a bit. Mr. Harrison's building has
109 almost nothing to work with, but they have flower boxes out there. One of the things that I thought was
110 really interesting is that Horry County already has an overlay zone. We're looking at the Target shopping
111 area. It looks as nice as it does, because it fell into Horry County's overlay zone. The Walgreens sits on

112 the corner. It looks as nice as it does, because it fell into Horry County's overlay zone. We're not doing
113 something new. Hilton Head has five colors to choose from, and you can't even find their signs. We're
114 not Hilton Head. We don't want to be Hilton Head. But at the same time, I don't want to be the parent of
115 a child who's told well your child's only, he's only a D student. He has no hope of ever even being any
116 better, and that's what I feel like when some of these people say well we're not this and we're not that and
117 we're not the other. We can improve. We can do better. But does it mean because we're not, we don't
118 have residents that are multi-millionaires all over the place that we can't live nicer? Well, it's just
119 unreasonable. When Ms. Morris did the research, she got information from all of these different places
120 that have had an overlay zone. All of these places, and what we have, and what was presented, probably
121 could use some modification. As one gentleman said, metal sided buildings are not what they used to be.
122 But, you know, we can improve." Mayor Samples, "Thank you, Ms. Lowery." Ms. Lowery, "Thank you."

123
124 "Kathy Goddard, 320 15th Avenue South. If you're talking about overlay on the main strip, I, I
125 agree with Mr. Maruca, if you're gonna go like that I've got a neighborhood full of trash that I would love
126 you to come invest in, because it's embarrassing, and it doesn't get fixed. It never gets fixed. All I've see
127 now is plywood up on windows in my neighborhood. I'm more worried about my neighborhood, you
128 know. If we're gonna do it, I'm worried about my neighborhood. There's a lot in the neighborhoods, you
129 know, that people drive through, that we have to look at daily that's important, also. Thank you."

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131 **6. COMMUNICATIONS.**

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133 **A. Department Reports**

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135 **i. Finance.**

136
137 Ms. Hursey presented the finance report, a copy of which is on file.

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139 Mayor Samples asked if December 11th was the soonest the Comprehensive Annual Financial
140 Report could be presented to council. Ms. Hursey said yes, the auditors have to mail out final
141 confirmations to town attorneys, which take a while to get back, and then there's copying, codifying, etc.
142 The final budget amendment is being presented at this meeting, which is required before the audit can be
143 completed.

144
145 Ms. Dodge asked if funds were in the budget to cover the amendment. Ms. Hursey said yes,
146 funds were already received from Santee Cooper and other franchisees to reimburse the town for the
147 underground wiring project.

148
149 Ms. Kohlmann asked if the \$8 received at the pier lot for 2012 was correct and if yes, why there
150 was such a difference from the 2011 revenue of \$7,264. Ms. Hursey said the amount was correct and
151 explained that the pay stations at the pier were inoperable during most of the 2012 season. Ms. Fellner
152 believed that council wanted this matter to be discussed by the parking committee first and said that the
153 existing pay station equipment is old and foreign made. There were no mother boards or replacement
154 parts like a bill collector and card reader available. After six weeks of no progress, staff reported to
155 council and cannibalized parts from a good machine to repair the old ones. She said that council will
156 need to consider outsourcing parking functions or consider purchasing new machines and software. Less
157 costly machines are available from a vendor located in Virginia that are being successfully used in Florida
158 and other beach locations; a presentation would be made during the budget meetings. Mayor Samples
159 asked why a working machine was not placed in the pier lot. Ms. Fellner said unless the machine would
160 accept credit cards, bills, and coins it could not be placed at the pier.

161
162 Ms. Kohlmann asked why there was such a huge decrease in parking fines: current year \$3,033
163 versus last September \$6,700; and year to date \$9,200 and 2011 year to date was \$21,000. Ms. Hursey
164 said she had attempted to answer this once before. Other than better signage and less tickets being
165 written there is no other significant reason for the difference in revenue. Ms. Kohlmann said this needed
166 to be visited, because that is a lot of money. Mayor Samples said if the parking machines were not
167 working, no tickets were being written in that particular lot.

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Mr. Stevens believed the town could hire an employee to collect parking fees for \$400 a week and still make \$5,664 during the season compared to last year. He said this needed to be resolved, because the town needs the revenue.

Ms. Dodge commented that she rides her golf cart throughout the town during the summer. Those machines were out of order most of the summer. That is why the revenue is down.

Mayor Samples reminded everyone that Town Council approved the purchase of two new machines in the budget that was adopted June 30th in an attempt to address the problem. Mayor Samples said council awaits staff recommendations with respect to the type equipment. He asked whether members had any interest in outsourcing the parking function. Mr. Stevens said no; Ms. Kohlmann needed more information before she made a decision. Mayor Samples explained to Ms. Kohlmann that a parking study was completed before she was seated on council. At the time the Lanier study was prepared, Town Council had no interest in outsourcing. Ms. Dodge said that was correct.

Mr. Stevens referred to the parking committee report that stated there were many parking meters in storage and asked if they could be used at the pier. Ms. Fellner said the end of the parking is near; the amount of manpower necessary to install, maintain, remove and store the machines would not be worth the revenue received for the remainder of this year. Next year, those machines could be installed, but she advised council that those machines only accept coins. In her opinion they would be better utilized in the outlying areas and less used parking lots. Pay stations are only used where visitors are paying. Reliable information for this year is just not available, because of the faulty software and equipment. There is one pay station operating in both parking lots now. Visitors are paying. Those who do not pay receive tickets. Mr. Stevens said the machines were broken in June and July according to Ms. Bullard. Ms. Fellner said there were occasional breakdowns, but there was only one sustained period of time when they were broken down. Ms. Fellner reiterated that there are good machines available at half the cost of the existing machines that are being used all along the coast, for which replacement parts can be delivered overnight. She believed it was a mistake to purchase foreign products.

ii. Recreation.

Ms. Ellis presented the recreation report, a copy of which is on file.

Ms. Ellis asked council what to do with the extra scoreboard that was to be used at Martin Field. Ms. Dodge suggested selling it. Ms. Kohlmann said since she knows the potential for vandalism is low, it should be installed. Mr. Stevens concurred. Ms. Mabry said if the booster club wanted it installed, it should be. Mayor Samples said **COUNCIL CONCURRED to install the scoreboard.**

Mr. Stevens, who participated as a vendor in the family festival, and said it was one of the most enjoyable things he had ever done. His space was next to the Mark Roberts Band, which was excellent. He recommended that every business in town participate as he received a lot of business from contacts made there.

Ms. Dodge said she spent more time this year at the festival than she ever had. It was an absolute blast and she believed it was the best one ever held. The music was really good.

Ms. Kohlmann said it was a great event. She reminded everyone the route for the Christmas parade was changed to start at 16th Avenue South. Ms. Ellis said that would be reported at the November meeting, too.

Mayor Samples said the information about the Christmas parade was in the newsletter, and asked those who did not want to receive a print copy or those who wanted to be added to the mailing list to let the clerk know. Copies are in the back for those who did not receive a newsletter.

Mayor Samples said it was a hot, nice day for the family festival.

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iii. Public Works.

Mr. Adair presented the public works report, a copy of which is on file.

Ms. Kohlmann asked if a drinking water fountain could be installed in the passive park. Mr. Adair said that could be easily done. Mayor Samples said it should be a relatively inexpensive project.

Mayor Samples asked if councilmembers had suggestions for alternative locations to hold town council meetings while mold remediation was being done in chambers. The fire station, civic center, and library were mentioned. Mr. Adair said the pre-bid conference is on November 1st. Mayor Samples said there is one meeting in December, and the January meetings would probably be affected. He asked staff to determine where the meetings could be held so the public could be informed.

Ms. Dodge said she regularly sees contractors dumping yard waste on the streets while she rides her golf cart, and asked what could be done about that, because it cost the town extra money to pick it up. Mr. Adair said the best thing to do is call a police officer, because a summons cannot be written unless the officer personally witnesses the offense. Illegal dumping is a huge problem throughout the entire state.

Ms. Kohlmann believed the Palmetto Pride program might be trying to resolve this issue, and suggested that be investigated. Mr. Adair said there was a time when a litter summons could be written to the a car owner based on the license plate; however, the court struck that ruling, because there was no way to prove the owner threw out the litter.

Mayor Samples saw a constituent having a discussion with a landscaper that was emptying the back of his truck and was surprised there was no legal recourse without an officer being called. The individual was told where Scipio Lane waste center is located. Mr. Adair said the best course of action is to report the offense while it is occurring and have the officer arrive to catch the individual in the act. That is what will hold up in court.

C. Administrator's Report – Update on Current Events.

Ms. Fellner presented the written report that is on file.

Ms. Fellner explained that a consulting group would evaluate the town's utility bills for overpayment or payment at inflated rates going back three years for a fee of 50-percent of any refund received; however, staff negotiated a reduced fee of 45-percent. No one on staff has expertise to perform this type audit, and asked whether council wished to proceed. Mayor Samples asked which utilities were included. Ms. Fellner said the Santee Cooper bills for town properties. Ms. Kohlmann asked what the group name is. Ms. Fellner said ICG; references were checked, and calls made to their clients. Every response was positive, and the group has never had a negative report to the Better Business Bureau. Ms. Kohlmann asked how much is paid for utility bills. Ms. Fellner said over \$10,000 monthly. Mr. Stevens asked if the consultant was paid if there was no refund. Ms. Fellner said that was correct; if there is no refund, there is no cost to the town. Mr. Stevens said, "It sounds like a no brainer to me." Mayor Samples asked if there was any disagreement with proceeding. There was none. **COUNCIL CONCURRED.**

Ms. Kohlmann said she had visited the websites that Ms. Fellner reported that would advertise the police chief position, but did not see the advertisements. She was concerned that the pool of candidates was restricted by using only *The Sun News*. There are so many websites and so much talent out there that she did not want to restrict the town in the long run. She suggested using the International Association of Chiefs of Police that is a huge website, and there are all kinds of places that could be used. She asked Ms. Fellner if she would agree there are other avenues. Mayor Samples said the comment was good, and asked other members. He personally was unaware advertising was being done; not to say that it should not be advertised. He believed council should be more informed on the matter.

280 Mr. Stevens agreed with Ms. Kohlmann saying the more people that know the position is open, the more
281 likely the town will have a better selection of people. There are very well qualified people all across
282 America. Ms. Mabry asked Ms. Fellner where the position is advertised. Ms. Fellner said the
283 advertisement was published on the town website last Friday, and it will be published on the Municipal
284 Association website. Three other sites were mentioned, but those sites were found not appropriate for a
285 police chief position. Recommended sites were received from Ms. Kohlmann, and she was in no way
286 opposed to expanding the search, but had not had a chance to review the sites. Before publishing the
287 advertisement other places, Ms. Fellner wanted to discuss some things with council in executive session.
288 Ms. Mabry believed that was appropriate. Mayor Samples agreed, and said that the town has very well
289 qualified people on staff, and that they should be afforded the opportunity to be considered. He recalled
290 that this was an argument offered in a situation involving the police chief this summer.

291
292 Mayor Samples asked Mr. Adair to be sure the businesses along Surfside Drive are notified of the
293 upcoming sidewalk repair work.

294
295 *Mayor Samples announced recess at 7:41 and called order at 7:49.*

296
297 7. **WORKSHOP** – Ordinance 312-0729 Add Chapter 17, Article IX, Overlay District.

298
299 Mayor Samples opened the workshop at 7:50 p.m. and asked councilmembers to offer
300 suggestions for amendment, debate, and concurrence. He said the public had opportunities to comment
301 on the ordinance during the public hearing and during public comments on agenda items, and asked the
302 public to refrain from offering comments.

303
304 §17-903. APPLICABILITY

305
306 (a) New Construction – **CONCUR should apply**

307
308 (b) Addition or enlargement of an existing building, including combining existing units.
309 **CONCUR to include “when removing load bearing walls”**

310
311 (c) Change of use, change of tenant, or change of ownership. **CONCUR to remove “change of**
312 **tenant,” and to state “change of ownership by sale.”**

313
314 (d) Redevelopment of parking lots, including resurfacing. **CONCUR should apply and define**
315 **that this action triggers landscaping requirements**

316
317 (e) When dwellings are converting into a commercial business property. **CONCUR should apply**

318
319 (f) When renovations to an existing building exceed twenty percent (20%) of the appraised value
320 of the building as indicated in the Horry County tax record. **CONCUR should apply and triggers**
321 **compliance for the entire property with this ordinance**

322
323 (g) When a single building or 50% of a strip center has been vacant (not open to public) for over
324 180 days, or for one year in the case of seasonal uses **CONCUR should apply**

325
326 §17-904. ISSUANCE OF PERMITS/CERTIFICATES OF OCCUPANCY

327
328 (a) Development director is the planning director pursuant to the Land Use Regulations
329 **CONCUR should apply**

330
331 (b) No zoning or building permit will be issued unless these requirements have been addressed
332 to the satisfaction of the development director. **CONCUR should apply**

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334 (c) No certificate of occupancy will be issued until the requirements of this Article have been met.
335 **CONCUR should apply**

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§17-905. DESIGN STANDARDS **CONCUR all should apply**

§17-906. SITE DESIGN STANDARDS **CONCUR all should apply**

§17-907. ARCHITECTURAL DESIGN STANDARDS

- Bullet 6 - ... All sides of any building shall have the same attention to detail and appearance. **CONCUR that this should apply to new construction only**
- Bullet 9 - ... unadorned concrete masonry unit ... **CONCUR to define “unadorned” as not painted or covered by some acceptable material**
- Bullet 10 - ... roofs shall be hipped ... **CONCUR apply to new construction only**
- Bullet 11 - ... use of parapet ... **CONCUR should apply**
- Bullet 19 - ... large expanses of glass ... **CONCUR 3 x 3 expanse should apply; business committee should be asked to bring recommendation CONCUR**

§17-908. SIGN DESIGN STANDARDS **CONCUR all should apply**

§17-910. COLOR SCHEME STANDARDS

- Bullet 3 – Windows and doors shall be finished in white or earth tone colors. **CONCUR should apply**
- Bullet 5 - Roofing colors shall be black, dark, blue, grays or other dark value colors. **CONCUR to allow light color roofs, leave options open.**
- Bullet 6 - ... flat paint only shall be used for siding finishes. **CONCUR to delete flat paint requirement**

§17-910. LANDSCAPING DESIGN STANDARDS

Paragraph 2 – Each Commercial property shall allocate a minimum of twenty percent of its total area to landscaping ... retention/detention ponds shall not be calculated as part of the 20-percent ... **CONCUR to count stormwater ponds as landscaping to determine the 20-percent**

Paragraph 2 - ... Paved areas, gravel areas, landscaping rocks ... **CONCUR that these do not count as landscaping**

Paragraph 3 – Landscape requirements shall supersede parking requirements for the commercial district. **CONCUR should apply**

Paragraph 3rd from end of section captioned “Groundcover” - ... In no case shall stone, pebbles, sand or rocks be used for groundcover or borders. **CONCUR should apply**

Mayor Samples asked members for opinions as to which areas the overlay district should be applied. Ms. Kohlmann said all commercial areas. Ms. Mabry and Mr. Stevens agreed to apply it as written. Ms. Morris said the overlay district will apply to C-1, C-2 and C-3 districts. Mayor Samples asked it if applied to planned developments. Ms. Morris said it did not apply to planned developments or the water park. Ms. Kohlmann asked about Poplar Drive. Mayor Samples asked whether council agreed that the street ends, 5th Avenue North Extension, and across Highway 17 going towards Azalea Drive were included. He fully supported the overlay district, in particular for the Business Highway 17 corridor, which is the town's front door. He would support extending the overlay district, if council chose to do so.

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Ms. Mabry agreed with Mayor Samples that the Highway 17 corridor is the main focus; however, she was not sure that the overlay restrictions applied to Highway 17 would work for Poplar Drive. She said there needs to be a buffer between the residential and commercial properties. The C-3 district has "extremely tiny" lots; there is no flexibility in that area. She supported overlay districts for all commercial areas, and suggested phasing the overlay districts for Poplar and C-3 after some additional study.

Mr. Stevens did not believe any district should be exempted.

Mayor Samples wanted the members to be aware that these issues would most likely be considered again; at some point the ordinance would be adopted and apply to all commercial districts or at minimum to the Highway 17 Corridor, depending on the majority consensus.

Ms. Kohlmann asked if other areas had small specialty districts that were included in different overlay districts. Ms. Morris said that many cities have at least two overlay districts; most have three or four overlay districts with unique guidelines for the various areas. Ms. Kohlmann preferred moving forward with the proposal as the guidelines for the Highway 17 corridor, and then adopting another overlay district for Poplar Drive. *C-3; scrivener's error*

Ms. Morris explained that the C-3 district was developed without much planning and that has resulted in a hodgepodge. It would be difficult to apply the proposed overlay district guidelines in C-3, because it contains residential and commercial businesses many of which do not meet parking requirements. In her opinion, the C-3 district needs to be planned to determine how the area should be utilized.

COUNCIL CONCURRED TO APPLY THE PROPOSED OVERLAY DISTRICT TO THE C-1 AND C-2 COMMERCIAL DISTRICTS, EXCEPT FOR SANDY LANE; C-3 NEEDS A SPECIAL OVERLAY DISTRICT.

Mayor Samples said the business committee meets November 5th. Ms. Morris would have a draft prepared for its consideration.

Mr. Moss said there was a discussion a meeting or two ago where the C-3 area might become a residential area, because of its parking requirements. He suggested that the parking issues would be an appropriate consideration when drafting an overlay in that district, i.e. if the parking requirements were relaxed, then more space would be available for landscaping. Mayor Samples believed the issues were intertwined, and that careful consideration should be given. However, he believed council should move forward on the first phase of the overlay district as council has reached general consensus tonight. Mayor Samples said too many people had worked too long and too hard; the town needs to move forward on improving its front door.

Ms. Dodge commended Ms. Morris and her staff for the work done on the overlay proposal. Mayor Samples believed all councilmembers shared her sentiment.

Mayor Samples closed the workshop at 9:32 p.m. and thanked the councilmembers for their preparatory work and comments during the workshop.

8. BUSINESS.

A. First Reading of Ordinance #12-0731 to amend FY2011-2012 Municipal Budget, Treasurer Hursey

Ms. Hursey explained this was an amendment necessitated by the underground wiring project on Ocean Boulevard. The entire cost was an unknown when the budget was adopted. A midyear adjustment could have been made, but it was an administrative decision to wait until year end so the actual cost would be known. Mayor Samples asked if adequate funds were budgeted for project costs for

447 the current fiscal year to complete the underground wiring project. Ms. Hursey said funds were budgeted;
448 Phase Two, the final phase, is being completed now.

449
450 Ms. Mabry moved to approve first reading of Ordinance #12-0731 to amend FY2011-2012
451 Municipal Budget as presented. Ms. Kohlmann seconded. All voted in favor. **MOTION CARRIED.**

452
453 B. First Reading of Ordinance #12-0732, to amend §9-7 No Parking Places, Councilmember
454 Kohlmann.

455
456 This item deferred to the November 27th meeting by approved motion, see Agenda Approval, Item
457 3, above.

458
459 **9. DISCUSSION.**

460
461 A. Parking Decals and Exemptions, Councilmember Kohlmann.

462
463 Ms. Kohlmann passed out proposed changes to Section 9-16, Decals and exemptions, and
464 explained that paragraph (a) includes changes to allow nonresident residential property owners to get
465 free parking decals for vehicles and golf carts. She said years ago, decals were issued to golf carts to
466 allow free parking. Some residents only have golf carts for transportation. Currently paragraph (b)
467 requires nonresident residential property owners to pay \$40 to have a free parking decal that residents
468 receive free of charge. She believed this was unfair because those owners pay higher taxes that should
469 offset the loss of them parking free of charge. There were only four (4) nonresident decals issued, so the
470 loss of revenue is very minimal at \$160. Paragraph (b) would be eliminated in its entirety and paragraph
471 (c) would become paragraph (b) Registration decals issued for golf carts. Residents will be required to
472 pay \$2 for a golf cart registration and commercial businesses will have a \$5 fee; decals would be different
473 colors so the carts would be easily identified by the officers. Commercial carts would only be allowed in
474 paid parking spaces. The decals would help identify golf carts; regulations would be printed on the decals
475 so there will be no question about proper operation procedures; officers will be able to see the carts are
476 properly registered and insured, because that information is required to obtain a decal.

477
478 Ms. Dodge asked if nonresident residential property owners were people that owned property in
479 town, but did not live here. Ms. Kohlmann said yes. Mayor Samples said commercial golf carts do not
480 receive free parking decals. Ms. Dodge said Ms. Kohlmann did a good job. Mayor Samples agreed and
481 believed this was an important piece towards regulating golf carts.

482
483 Mr. Stevens believed this was very good solution to a problem that has plagued the town many
484 years.

485
486 Ms. Mabry asked if the next to the last line could state "be clearly visible to the operator of the golf
487 cart while being operated." She believed that would eliminate any excuse that the cart operator did not
488 know the rules. **COUNCIL CONCURRED to bring an ordinance for council consideration.**

489
490 B. Section 2-61(b) requires advertising in daily newspaper for volunteers and Section 2-61(j)
491 requires annual written reports from continuing boards, commissions, and committees, Councilmember
492 Dodge.

493
494 Ms. Dodge presented her discussion paper that is on file and explained that the average cost of
495 advertising required in Section 2-61(b) is between \$125 and \$175 for each. She believed the requirement
496 for newspaper advertising was unnecessary considering other options for advertising that are more
497 effective and cost efficient. Section 2-61(j) requires annual reports from continuing boards, commissions,
498 and committees. She explained that every board, commission, and committee now has its minutes
499 published on the town website; anyone that wishes to view them may do so at their leisure. Requiring an
500 additional annual report is unnecessary and wastes staff time. Mr. Moss said these changes would not
501 present any legal problems. **COUNCIL CONCURRED to bring an ordinance for council**
502 **consideration.**

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C. Any matters of concern or information to be discussed by Town Council.

Mr. Stevens asked whether consideration could be given to leaving the pier open for fishermen with passes and for others who would like to walk the pier after Pier Outfitters closed for the season. Several fishermen have spoken with him about this and believe they are short-changed on their permits.

Ms. Dodge agreed, and believed the pier gate should be left open for the winter months. Mr. Stevens said snow birds are not the type people that would vandalize anything. Ms. Fellner asked whether lights would be required for evening hours.

Mr. Stevens suggested keeping the pier open until 12 midnight; a police officer could close the gate. Ms. Fellner said that schedule would require an employee to turn on the lights; turn them off, and lock the gate. She did not know this information would be presented, and said there are logistical issues that need to be considered.

Ms. Dodge suggested opening at daylight and closing at dusk.

Mayor Samples asked if council would like additional information at the next meeting. Mr. Adair said that an unattended pier is an attractive nuisance, and would attract teenagers, coolers of beer, vandalism, graffiti, and vagrants. Trash pickup, which is handled by Pier Outfitters during the season would have to be scheduled.

Mr. Stevens said the police open and close the dog park daily; so in his opinion, it would be reasonable for them to open and close the pier. **COUNCIL CONCURRED for staff to bring a recommendation that offers a reasonable accommodation.**

10. **PUBLIC COMMENTS.**

"I haven't put a lot of thought into this decal, but when people renew in town, renew their decal then the decal should be removed and placed in front on the... you know what I'm saying? Every two years you're supposed to renew (**) and right now they're all sitting in front, the decals are either sitting on the side or on the front and they can't be observed by the operator of the golf cart. When you renew it, you get a new sticker and you put it on the scorecard [area] or the windshield so you can see it. For those that don't know, Harry Kohlmann, 1610 South Ocean Boulevard."

11. **COUNCIL COMMENTS.**

Ms. Dodge, "It was a good meeting tonight, and I think we covered a lot of territory, and I'm ready to go!"

Ms. Mabry, "I have no comment. Thank everybody for coming out. It was productive, and thank you for your support."

Mr. Stevens, "I want to thank everybody for coming out. I think we've made some positive moves on the overlay, made some other positive moves on other things, so I think it's time to go into executive session, isn't it."

Ms. Kohlmann, "I just wanted to let everybody know that tomorrow night, now that everybody's gone, but if you know them, you can tell them, tomorrow night is the Honor Flight for Myrtle Beach, and it's honoring our veterans. They take these trips a couple of times a year, and it's a really wonderful experience to be there to support them on their arrival back home. So if anybody's interested in joining me, my retired group of law enforcers are doing the security detail for them and just cheer them back home and they love it. They land at 7:30 tomorrow night at the aviation building behind Market Common and it's just really wonderful. We have Honor Guard for them, and the motorcycle guys come, and we

558 watch them come off that plane and have tears in their eyes and tell you it was the best day of their life to
559 be honored like that. It's really a moving experience."

560
561 Mayor Samples, "I don't think I'll keep anybody around. Thanks for coming. We'll see you next
562 time."

563
564 **12. EXECUTIVE SESSION**

- 565 A. Pursuant to FOIA §30-4-70(a)(1) to discuss payroll exemptions and restructuring
- 566 B. Pursuant to FOIA §30-4-70(a)(2) to receive legal advice from the town attorney about a
- 567 potential claim
- 568

569
570 Ms. Mabry moved to enter executive session at 10:00 p.m. Ms. Kohlmann seconded. All voted in
571 favor. **MOTION CARRIED.**

572
573 Ms. Mabry moved to reconvene regular session at 11:08 p.m. Ms. Kohlmann seconded. All
574 voted in favor. **MOTION CARRIED.**

575
576 Mayor Samples said that no action was taken in executive session.

577
578 Ms. Kohlmann moved to create a new position of administrative assistant provided that it can be
579 funded with the currently approved personnel budget. Mr. Stevens seconded. All voted in favor.
580 **MOTION CARRIED.**

581
582 Ms. Kohlmann moved to authorize a payroll exception permitting the accrual of up to 752 hours
583 by the administrator. Ms. Mabry seconded. All voted in favor. **MOTION CARRIED.**

584
585 Mayor Samples asked if council concurred with the administrator's recommendation with respect
586 to the interim police chief. **COUNCIL CONCURRED.**

587
588 **13. ADJOURNMENT.**

589
590 Mr. Stevens moved to adjourn the meeting at 11:10 p.m. Ms. Mabry seconded. All voted in
591 favor. **MOTION CARRIED.**

592
593 Respectfully submitted,

594
595
596 Debra E. Herrmann, CMC, Town Clerk

597 Approved: November 13, 2012

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600 Douglas F. Samples, Mayor

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603 Mary Beth Mabry, Mayor Pro Tempore

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606 Ann Dodge, Town Council

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609 Mark E. Johnson, Town Council

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612 Elizabeth A. Kohlmann, Town Council

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615 Roderick E. Smith, Town Council

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618 Randle M. Stevens, Town Council

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625 Clerk's Note: This document constitutes minutes of the meeting, which was audio taped. This meeting was transcribed by Town Clerk Herrmann. In 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 office. The agenda was posted on bulletin boards outside Council Chambers and in the Town Hall reception area. Meeting notice was also posted on the Town marquee. When (**) is used a section of the transcription is inaudible. Public Comments and Council Comments are transcribed verbatim without grammar corrections. When used, staff member's given names are replaced with surnames.