

SURFSIDE BEACH TOWN COUNCIL MEETING MINUTES EXECUTIVE SESSION DECEMBER 8, 2015 ◆ 5:30 P.M. REGULAR MEETING DECEMBER 8, 2015 ◆ 6:30 P.M. TOWN COUNCIL CHAMBERS

Executive Session – 5:30 p.m.

Mayor Samples called Town Council to order at 5:22 p.m. on Tuesday, December 8, 2015 for the purpose of entering executive session pursuant to the Freedom of Information Act (FOIA) Section 30-4-70(a)(1) to discuss employment, appointment, compensation, promotion, demotion, discipline, or release of an employee, and pursuant to FOIA Section 30-40-70(a)(2) to discuss proposed contractual arrangements regarding real estate. Mayor Samples, Mayor Pro Tempore Pellegrino, and Councilmembers Childs, Johnson, Mabry, and Stevens were in attendance. One seat is vacant. A quorum was present. Ms. Mabry moved to enter executive session at 5:22 p.m. Mr. Childs seconded. All voted in favor. Mr. Johnson asked for the reason to be stated. Mayor Samples said for a personnel matter and Ms. Mabry said for a contractual matter. MOTION CARRIED. Mayor Samples ended executive session at 6:30 when the regular meeting was called to order and said that no action was taken during executive session. Any motions or directives to the town administrator will be presented during the business portion of the meeting.

Town Council Meeting – 6:30 p.m.

1. CALL TO ORDER.

Mayor Samples called the regular meeting to order at 6:30 p.m. Mayor Samples, Mayor Pro Tempore Pellegrino, and Councilmembers Childs, Johnson, Mabry, and Stevens were in attendance. One seat is vacant. A quorum was present. Others present: Administrator Fellner and Town Clerk Herrmann.

2. INVOCATION AND PLEDGE OF ALLEGIANCE.

- A. Invocation: Reverend Kay Stanaland, South Strand Assembly of God, gave the invocation.
- B. Pledge of Allegiance: Mayor Samples lead the Pledge.

3. AGENDA APPROVAL

Mr. Childs moved to adopt the agenda with an amendment to add two proclamations to be read during communications. Ms. Mabry seconded. All voted in favor. **MOTION CARRIED.**

4. MINUTES APPROVAL

A. Vision Meeting November 12, 2015, and B. Regular Meeting November 27, 2015. Mr. Childs moved to adopt the November 12, 2015 vision meeting minutes and the November 27, 2015 regular meeting minutes as presented. Ms. Mabry seconded. All voted in favor. **MOTION CARRIED.**

Mayor Samples said that the vision meeting minutes represented ideas that council discussed. The minutes should not be understood to reflect actions which have been approved, but ideas that were discussed and will be addressed at a later date.

5. <u>PUBLIC COMMENTS – Agenda Items Only.</u> (3-minutes per speaker)

Mr. Ken Laukoff, 7th Avenue North spoke on Item 8, requiring elevation certificate permits. He hoped council would do something about that. His mother-in-law, a recent widow, needed a roof repair in her upstairs bathroom, bedroom, and attic. After contacting over a dozen contractors, he finally contacted

Floyd Construction, who came that day and said they could do the repair by the end of the week. But the contractor was held up because a survey was required, because the flood line had been extended. The house is 20-years old. He didn't know what to do, so he called the Mayor. The Mayor called the Town Administrator, and she was able to have an emergency permit issued. Mr. Laukoff thanked them very much, because within 15 minutes the permit was issued. He hoped the council would consider the ordinance and repeal it, and thank you for your time.

Mr. Ron Ott, 7th Avenue North, said I want to talk about the height elevation, because if that had been in place maybe 10-years ago, maybe the planned development by my house he would not have all that water running through his property. When they built it, nobody looked to see where the water would go. It has to go somewhere, and it goes down my driveway. Thank you.

6. COMMUNICATIONS

A. Employee recognition, Steve Brode, Police Department 10-years. Mayor Samples presented Corporal Brode with a certificate, pin, and awards check recognizing his ten years of service to the town. Corporal Brode said he loved his job and the town's friendly citizens who made his job much easier. (Applause.)

Proclamations (added by approved motion, see Item 3 above.)

- i. #15-103 Arbor Day December 7, 2015. Mayor Samples presented Proclamation #15-103 declaring December 7, 2015 as Arbor Day in the Town of Surfside Beach, and asked that it be delivered to Director Adair.
- ii. #15-104 Georgie B. Martin, A Citizen of Outstanding Town Spirit. Mayor Samples presented Proclamation #15-104 to Mrs. Martin, which declared her "A Citizen of Outstanding Town Spirit" for her long standing tradition of providing a spectacular Christmas light display at her home on the corner of 13th Avenue North and Cedar Drive to which she welcomes the entire community. Mayor Samples thanked Mrs. Martin in the proclamation for her efforts to create this positive focal point in the town, which is very much appreciated. Mrs. Martin thanked Mayor Samples and said it was her pleasure to do this for the town's and community's enjoyment. Everyone was welcomed to visit and enjoy the light display. (Applause)

B. Administrator's Report. Ms. Fellner reported:

Summer Sanitation Rollout Service. The public hearing on the sanitation issue regarding the additional pickup in the R3 for 9 weeks during the summer was scheduled for the first meeting in January to enable sufficient time for advertising.

Street Paving. Paving started yesterday on town roads and various pieces of 14 roads are scheduled for milling and paving. All affected residents were sent letters asking them not to park on the streets and to exercise caution while driving on the milled roads.

Consensus Item – 2016 Budget Workshop Dates. The budget workshop is tentatively scheduled for April 21st and 22nd of 2016. The public hearing for the budget is proposed for May 10th with first reading on May 24th and second reading on June 13th. Ms. Fellner asked for consensus with the proposed schedule. **Town Council CONCURRED.**

Responses to public comments.

Comment: What the town is doing to the lots recently purchased on 3rd Avenue South? Response: Although answered by Councilmember Mabry at the last meeting, Ms. Fellner said she would respond for the benefit of anyone who was not at the last meeting. An archaeological dig is in progress. The volunteer team that is working on the site has performed other digs in this area. They are documented experts in this field and with the associated processes. A written report via email is received

after each site visit, which occurs on most Thursdays. These will be made available to the public on the website in the near future, probably sometime in January.

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Comment: We need more mulch for the playgrounds, especially Fuller Park. Response: After inspecting the site, the Director of Public Works prioritized the purchase of additional mulch for Fuller Park and the work as of today was 90-percent complete.

7. BUSINESS

Mr. Johnson moved to adjust the town administrator's compensation as discussed in executive session this evening, and to adjust the ceiling for vacation accumulation to 460 hours. Ms. Mabry seconded.

Motions or Directions to Town Administrator from Executive Session.

Mayor Samples said the compensation increase that was being voted on was a \$5,000 annual increase along with a \$2,000 one-time bonus.

Mayor Samples, and Councilmembers Childs, Johnson, Mabry, and Stevens voted in favor. Mayor Pro Tempore Pellegrino voted against. MOTION CARRIED.

- 8. TOWN COUNCIL DISCUSSION Any matters of concern or information to be discussed.
- A. §14-14, ¶(11), requiring Elevation Certificates for all Permits, Mayor Pro Tempore **Pellegrino.** Mr. Pellegrino said this was already discussed in public comments. Basically, this code requires an elevation certificate every time you get a permit. The wording that he wants to strike from the code is:
 - (11) All permits issued within the SFHA (regardless of cost) must provide a recent elevation certificate (issued and dated within five (5) years or less) if a current elevation certificate is not on file, before the permit can be issued. Elevation certificate must show existing conditions and if addition (including new mechanical equipment) or substantial improvements are made a new elevation certificate will be required before a final inspection is made on the project.

Ms. Fellner said there are a few other issues that go along with striking number 11. Number 11 has proved to be very onerous for the public, to say the least. Repealing this paragraph will not substantially affect the town's Community Service Rating (CSR); it will not affect the Level 5 rating at all. Some people might say this could disadvantage enforcement, but the National Flood Insurance Plan (NFIP), in which the town participates, states that any substantial improvement, additions, or new construction would all require a permit. Those are major things, and that should protect the town's enforcement. In her opinion, striking number 11 would be really helpful for the public. Right now, this has placed an undue burden on the public, in her personal opinion.

Mayor Samples agreed 100-percent. He was in about two months ago over the replacement of an air conditioning unit on the ground. It was not an elevated unit, and it resulted in a very nice lady's undue expense of \$350 in order to comply with this onerous code. There is no benefit derived for the type of repairs being discussed. New construction, major additions, that sort of thing clearly should require an elevation certificate. But, for simple maintenance, he fully supports eliminating the need for an elevation certificate. He hoped that we would look for other opportunities where older and existing homes could be encouraged to improve their property; not discouraging them with unnecessary, onerous requirements.

Ms. Mabry said she sits on the Program for Public Information (PPI) committee. She said there are always two sides to every issue. She wanted everyone to have the full picture. It is burdensome. She was going to support the recommendation, but there was another side to consider. If they do not get

a permit, they do not get an inspection. This only affects the high flood zone. They will put in windows that do not comply with the wind shear; close underneath the house creating rooms. This is one way staff can keep an eye on what has actually been done to that house. When someone makes additions without a permit, and staff is unaware, that affects everyone in town by increases to flood insurance premiums immediately. We do miss things. We do not know whether a contractor added a room. Also on several instances, people brought in their certificates, and staff was able to tell them if they added some vents at \$65 each, they could significantly lower their flood insurance premium. So, the new elevation certificates have been a help to some people, but burdensome to others. There was a real purpose for this code. If council decides this is not important, then she will go along with council's decision. She spoke with Ms. Morris; sometimes it is not about points, not about CRS; sometimes it is about protecting citizens and their property. She asked whether one position outweighed the other, and said she believed it was an even draw. She felt very sorry for people that needed to replace air conditioning units and agreed with that; but, on the other hand there has been some good out of the code, too.

Mr. Johnson said there were many issues that could be discussed concerning this code. Everybody in the Town of Surfside Beach is in a flood zone. Whether you think you are or not, you are. It is just a matter of which zone you are in: the X up to a VE or an AE flood zone. The NFIP does require flood vents in many of the high risk flood zones. They also require an elevation certificate. If you have a mortgage, you are required to have flood insurance in those particular zones. In some aspects, he supports the change, but he would not want to take any action until it could be discussed with the planning director. He believed council would be remiss in not hearing her input.

Ms. Fellner said she had discussed the code with Ms. Morris, the planning, building and zoning (PBZ) director, who said that she supports the change. Ms. Fellner said she did not mean to infer that there was no thought that went into this code, because it was done with great intentions. The code has created difficulty for staff and the public has not responded well to it.

Mr. Johnson asked if this would require an ordinance. Ms. Fellner said yes.

Mr. Childs said Ms. Morris's comment that she did not have a problem changing the code went a long way.

Mr. Stevens said this was a good step in the right direction, because we are nickeling and diming a lot of people that are doing minor repairs.

Mr. Pellegrino said he also spoke with Ms. Morris about the code. The reason he brought this up is a citizen spoke with him that needed to replace roof 20-feet above the ground, and he was going to have extra \$300 to \$400 expense for an updated elevation certificate. That did not make sense to him, so he talked with Ms. Morris, and brought this up for discussion. In his opinion, it was another example of over-regulation. It is an inconvenience to the citizens. There are things that have to be regulated, but this is not one of them, in his opinion.

Mr. Johnson did not have a problem changing the code, if the property was not in a high risk flood area.

Ms. Mabry asked if the requirement for an updated elevation certificate only applied to high risk flood areas.

Mayor Samples said the answer was yes. He repeated that it did not make sense to him that somebody that is replacing a heat pump/air conditioner unit on the ground in the exact same place would be required to have a new elevation certificate. In his opinion, it was onerous. He was sure the PBZ director could use the correct terminology in terms of defining when an elevation certificate is necessary, such as new construction, major remodel, and other conditions that he was not technically able to describe. In his opinion, roof repairs, air conditioning units, water heaters; common sense should be applied, and he believed that was all that Mr. Pellegrino was trying to do. He was glad that the majority felt that way. Ms. Fellner said a public hearing would be required before adoption of the ordinance. It

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for consideration.

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would be scheduled on January 12th. Town Council CONCURRED to have an ordinance presented

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

Mr. Stevens said the business committee met today. Businesses are signing up for the 2016 Taste of Surfside Beach. The committee was working with Ms. Morris to develop a light industrial zone on Sandy Lane and Azalea Drive. Ms. Morris will present a proposal to the planning and zoning commission. Light industrial businesses pay 10.5-percent taxes, which would increase the tax base. Ms. Mabry also attended the meeting and discussed an event next year with the historical property at 3rd Avenue South & Willow Drive. The business committee is working towards making the town better.

Mayor Samples said not to forget that the Christmas parade is this Saturday at two o'clock. It is the "best parade in the universe." The weather is supposed to be terrific.

9. PUBLIC COMMENTS – General Comments. (5-minutes per speaker)

Mr. Ron Ott, 7th Avenue North, said to clarify his earlier comments, if you read the ordinance it says to bring up (**) where the water course would alter or relocate the result of the development, and the application for the development would cause water course alterations and relocations. You gotta use common sense. If you put in a mail box, it won't change anything. That ordinance should be written for major development. If you put a big house up, how will it relate to your next door neighbor? Is it going to flood their back yard? Not if you're gonna put a HVAC [sic] system in. My favorite town event is the Christmas tree lighting. There are all kinds of things for your senses. You can see everybody in one little spot and everybody is smiling. You can smell the s'mores and hot chocolate. You can hear all these children singing. It doesn't get any better than that. Basically, that's the essence of what this town is as the Family Beach, when you see all those people together, happy, singing, and having hot chocolate. Thank you. Merry Christmas and Happy New Year.

Mr. Harry Kohlmann, South Ocean Boulevard, said for years I've been complaining about sanitation, and that there was a problem, but nothing really was done. I looked at the [vision meeting] minutes, and they said the sanitation schedule would be rescheduled to Tuesday, Thursday and Saturday, which is what I've been asking to be done for a long time. Mr. Mil Servant agreed with that position. You're also gonna increase pick up days. That might be needed, it might not be needed. I was not at the vision meeting, and the minutes don't really have much [detail.] Did anyone ask the question how much tonnage was picked up on Saturday? What time was the pickup on Saturday? Was the pickup before ten o'clock? If you picked up before ten o'clock, it was a waste of time. How much tonnage was picked up on Sunday, after your Saturday? Mr. Adair said there was a two-prong remedy to it, well, maybe you only need one prong. If you are gonna increase the amount of garbage cans at each location, which is an additional sum, then maybe you don't need four. If everybody doesn't need extra cans, and they don't need an extra pickup, then why is everybody getting charged? I'd rather see you give extra cans to people. From my own experience, and I've been complaining about this for four years, there is a house across from me that has 14 bedrooms, ten baths and three kitchens. It's all one house. Imagine how many people are renting that place. They had two garbage cans for years. It's crazy. I've complained and complained and complained after weeks and weeks of garbage overflowing, they got three cans. Guess what? It's still overflowed. Now, they're up to four cans, and it's working out alright. So, my point is this, maybe you don't need four pickups, maybe you need three pickups. But, everybody in the rental area shouldn't get penalized for just a few people who all they need is one more extra garbage can. It's a simple solution. Common sense, like you just used the common sense approach on the last issue about elevation certificates. Use common sense, and let's not overreact. Underreacting is what you did for years, which we had a garbage problem, no one wanted to address it. Then it became a rat problem. I know some people don't believe it was a rat problem; it's a media problem. But guess what? If you would've fixed it four years ago when I complained about it, there wouldn't have been any problem. So, please think about this. Do not penalize everyone in the rental area. I have one garbage can on my rental home. It never overflows. Never, so why do I have to pay for an extra can? Why do I have to pay for an extra pickup? I know it's not a lot of money, and honestly, some people are making a

fortune. They're not making a fortune, but they are making good money on the rentals. I know that \$18.75 is not going to kill them. But, why punish everyone for only a few people, maybe 5-percent of the people are overflowing the cans. Think about it, because it leaves a really bad taste in peoples' mouths when they are getting charged for something they don't even use. Think about the whole winter when these people are paying garbage pickup and never have anyone in their homes. The last thing I would like to say is because of the tragedy my family had, we really want to thank the town. This is a great little town. The love, compassion, the strength; what they did for my family, I can never thank you enough. Merry Christmas you all.

Ms. Patricia Magliette, Harbor Lights Drive, said I want to say I'm sorry this is late, but I just would also like to thank the town for all the kindness you shown me and my family in recent weeks, and I'd like to thank the police for being helpful, so that I'm not afraid to stay in this safe little town. I will be very scared to stay anywhere else. I just can't thank all of you enough and I have yet to put pen to paper and write thank you notes, but it's truly appreciated. This really is a little gem of a town, and I'm very glad to be here. God bless everyone. Merry Christmas.

Mr. Tom Dodge, North Poplar Drive, said I read the fall newsletter and several things stood out. Years ago there used to be a card game called "Crap on your Neighbor." I thought we are playing it again. First thing was that we bought a historic piece of property for \$330,000. The Sun News listed the selling price at \$399,000. What mystery surrounds the \$69,000 difference? I personally do not think that the town should be in the historic or museum business. That should be up to the county. Peanut Warehouse is up for sale in Conway. Conway is not jumping at it to buy that piece of property. Second, which I thought was laughable, was the town follows a pay as you go approach; that we have no debt. Wow! Sure this is easy to do; you just tax and tax and tax the residents. First tax was a 5-mil stormwater tax [that] reached a sunset, which means the tax ends. But, I guess the sun never set. That tax revenue went into the general fund. Second, about two years ago, against the wishes of the town auditor, sanitation rates were increased \$3.75 a month. Oops! That's a tax increase. Third, we had a tax increase of 6.22 mils. It would've been higher, but the town got caught. So, there you have 11.22 mils tax increase, plus \$3.75 a month sanitation fee. Any fee is basically a tax increase. Pay as you go, my foot! Here it's tax, tax, and tax as you go. The best way to pay as you go and cut spending. Thank you. Merry Christmas to everybody. (All "!" speakers emphasis.)

Mr. Mike Holt, 3rd Avenue North, said we have only been here three months. We've already experienced the overregulation as far as the tree ordinance. I won't go into all of that, but the question I have about the elevation certificates as discussed tonight. I discovered with this rain that we had yesterday that we've got a hole that allows blowing rain to enter my attic. What am I supposed to do? Do I still need to get an elevation certificate before I can have that repaired? I want to have it repaired before January. Mayor Samples asked Mr. Holt to speak with the administrator. Mr. Holt said regarding sanitation and pickups, was there any way to require contractors to put garbage compactors in the larger homes like the one mentioned with 14 bedrooms. Wouldn't that solve a big problem as far as a lot of the trash? Packed trash would fit into smaller cans. Mayor Samples thanked Mr. Holt for the suggestion and said it could be referred to the business committee.

Ms. Kathy Andreas said I'm a permanent resident at 8th Avenue South for over 30 years. I just had one little question, before the wonderful parade, could some tell us the exact route? Mayor Samples said the lineup would be at Melody Lane. The parade would travel north along Ocean Boulevard to Surfside Drive where it would turn west and travel to Poplar Drive and end up at town Hall, as it has for the past couple of years. Ms. Andreas said I saw some improvements going on and did not know if they would change anything. I'm sorry that I'm the only person that didn't understand that and I was counting on standing down there near the 8th South area. Thank you.

10. TOWN COUNCIL COMMENTS

Mr. Childs said there was a lot of conversation on additional trash cans, and I've been confused, because there is in our ordinance a sentence that says it's at the discretion of the supervisor of the sanitation to add a trash can where he deems necessary. I don't know what the deal is about adding

trash cans. It's his responsibility, if we need one to add one. He doesn't need anybody's permission to do so. I don't know. We go round and round with that same thing, but anyway, I want to thank everybody for coming, and wish everybody a Merry Christmas and Happy New Year.

Mr. Johnson said it has been a real pleasure working the council this past year. We have gotten many things accomplished, and no one's bitten off each other's head, or anything. We have been able to work together, and that's always a good thing. I would just like to thank the citizens of this great town for coming out continually and supporting council, and I just hope you have a Merry Christmas and Happy New Year.

Mr. Stevens thanked everybody for coming out. First, I want to wish you all Merry Christmas and Happy New Year. I may see you around, somewhere around the town. When we talk about regulations, and sometimes, I hate to say it, but I agree with Mr. Pellegrino, we've got too many regulations. We regulate and regulate. Then we get people out here and want to make them get another trashcan, but they don't need another trashcan. We need to be more responsive to the citizens and to businesses in town and make sure they are not overregulated, and we're not overregulating the town since it makes everybody miserable. We discussed a little bit about that in business committee meeting today. The members said the main thing we need to do is promote customer service; be more kind to people around town. The Meet N' Greet Breakfast will be at the Golden Egg Restaurant the Wednesday every month. A flyer was available, if anyone wanted a copy. Several citizens attended the Meet N' Greet on December 2nd. I have two ears to listen; we can talk about the weather, or whatever you want. Everyone is welcome to attend. Thank you and Merry Christmas to you all.

Mr. Pellegrino said thank you for coming tonight. I'll just touch base on some of the public comments. One citizen talked about the sanitation issue. We did discuss at length different options at the visioning meeting, including three versus four pickups a week. I recommended Saturday, Monday and Thursday, and hold it to three on Saturday afternoon, Monday and Thursday. There are pros and cons; the consensus was to keep the extra pickup. I also recommended that we do give extra cans where needed. However, I don't agree with increasing the charges of those rental house owners for them. In his opinion, if there are only three pickups, we're gonna spend for the fourth pick up anyway, so the town could pay for those extra cans. That is another fee, tax, whatever you want to call it that just would added to taxpayers, to the base that pays the majority of our taxes. As far as the lots, we did pay \$330,000, I don't know where the \$399,000 comes from. I didn't agree with that, because I still felt it was too high. We did pay \$330,000; I don't even know where the \$399,000 came from, and I do keep an eye on the numbers. I think one of the big positives, I said this when I was campaigning, this town has done two things really, really well. One of them is we always kept a height requirement for the houses and buildings lower so we can maintain the family beach, so we don't have a strip of huge hotels. The other thing is that we maintained a situation where we have no debt. Sometimes that does equate to expenses going high, and we need to look at cutting expenses. But, that is really powerful, because when the economy goes south, which it will again at some point, debt load is what crushes communities, businesses, and organizations. Carrying that debt load is really difficult when the economy goes, and we don't have to worry about that. We definitely do need, and we've talked about it at visioning, to cut expenses, because we do have inflation regardless for which we need to compensate. I just wanted to touch base on a few of those things. I wish you a Merry Christmas and Happy New Year. Remember, Jesus is the reason for the season, so please be sure to talk to people, be positive. We have a society now where our news, our media, everyone around us talks about acceptance, and acceptance is acceptance. But to whose measure? To man's measure or to God's measure? That's what we need to ask ourselves. Please have a great Christmas, and please be thankful for our Lord and Savior. In Jesus name we pray. Amen.

Ms. Mabry said she wanted everybody to have a great Christmas and a Happy New Year. It has been a pleasure working with council. I have to mimic those thoughts. We don't always agree, but we're never disagreeable, and that's the main thing. We have learned a great deal from each other and from the citizens. We do appreciate your input. We do listen, and we take it to our meetings, so I thank you. Have a great Christmas and have a wonderful year.

393 Mayor Samples thought it all had been said and said Merry Christmas, Happy New Year, Happy 394 Holidays. God Bless you. 395 396 11. ADJOURNMENT. 397 398 Mr. Johnson moved to adjourn the meeting at 7:28 p.m. Ms. Mabry seconded. All voted in 399 favor. MOTION CARRIED. 400 401 Prepared and submitted by, 402 403 404 Debra E. Herrmann, CMC, Town Clerk 405 Approved: January 12, 2016 406 407 408 Douglas F. Samples, Mayor 409 410 411 Robert F. Childs, Town Council David L. Pellegrino, Mayor Pro Tempore 412 413 414 Mark L. Johnson, Town Council Mary Beth Mabry, Town Council 415 416 417 Randle M. Stevens, Town Council Vacant Seat 418 419 Clerk's Note: This document constitutes summary minutes of the meeting that was digitally recorded. 420 Contact the town clerk for appointments to hear recordings. Bring a flash drive to obtain a free copy. In 421 accordance with FOIA §30-4-80, meeting notice and the agenda were distributed to local media and 422 subscribers on the town's email subscription list. The agenda was posted on the town website and the

entry door at Town Council Chambers. Meeting notice was also posted on the Town marquee.

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