



**SURFSIDE BEACH TOWN COUNCIL MEETING MINUTES  
REGULAR MEETING January 12, 2016 ♦ 6:30 P.M.  
TOWN COUNCIL CHAMBERS**

**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, and Councilmembers Childs, Mabry, and Stevens were in attendance. Mayor Pro Tempore Pellegrino and Councilmember Johnson were absent. One seat is vacant. A quorum was present. Others present: Administrator Fellner and Town Clerk Herrmann.

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

A. Invocation: Pastor Oakie Landers, Pine Drive Gospel Church, gave the invocation.

B. Pledge of Allegiance: Mayor Samples lead the Pledge.

**3. PUBLIC HEARING**

Mayor Samples opened the public hearing at 6:34 p.m. Ms. Fellner explained proposed changes to both ordinances prior to public comments.

**A. Ordinance #16-018 to amend §7-12 and §7-25 Summer Roll-out Curb Service in the R3 and C3 Districts.**

“Harry Kohlmann, South Ocean Boulevard, the problem why this has come up is that in the summertime rental area some of the carts are overflowing. I ask how many carts are overflowing. Is it 75-percent, no; 50-percent, no; 25-percent, no. Less than 10-percent of the carts are overflowing, and when are they overflowing? They’re overflowing on Saturdays. Sometimes, other days they’re overflowing. Now the town already has an ordinance that says that [when] the sanitation foreman sees a cart overflowing, he can make them have another cart. So, my question is why is everyone in the rental area getting punished for the sins of a few? If only less than 10-percent of the people have carts overflowing, then why do we all have to pay for it? Why don’t we just have Saturday pickup, instead of Sunday pickup? Now you have the Saturday pickup around nine o’clock. Now what happens on Sunday, I mean Saturday, is that people leave. They leave everything in their, everything that’s open in their refrigerator, unless they live close by, goes in the garbage. Everything that’s open in the pantry goes in the garbage. Garbage cans get filled up. Now, pickup doesn’t come up until Sunday. What happens? The people come in, they check in, they come in around two or three o’clock in the afternoon. They bring all their groceries, all their boxes are emptied. They empty their cases of beer and their cases of soda, and their bags of this and their bags of that, and they throw that into the garbage. Well, that’s why it’s overflowing. So a simpler solution would be this, have Saturday pickup. Put the garbage cans out about six o’clock, six or seven o’clock in the morning, if you have to. The people will then take the garbage when they are leaving and walk it to the curb, stick it into the garbage can. Now, pick up the garbage around nine o’clock in the morning. Now, some people say ten, but most people have a 12, 14, 15 hour drive. They are way out of here before nine o’clock. You pick up at nine o’clock and then by three o’clock, you’re done. And people will check in and have a beautiful, empty garbage can where they can put all their waste. And then, there’s no Sunday pickup, and then there’s no overtime to be paid. There’s no manpower has to be used. I don’t understand why we can’t do this. We’re picking up garbage on Saturday, and then we’re gonna pick it up on Sunday? What are you picking up? One little bag of garbage, maybe two little bags of garbage. It’s not needed. There’s no reason for everyone in the rental district to get charged an extra \$18.75 for something they don’t need. I know it’s only \$18.75, but is anyone in this room is willing to give \$18.75 for something (time ended) they’re not gonna use? It doesn’t make sense.”

“Good evening. Dan Flood, 7<sup>th</sup> Avenue South. I’m gonna agree with Mr. Kohlmann. A Saturday pickup would be much better. I live in the area. You see what happens. They fill up on Saturday. Sunday

58 there's nothing extra. But they can make the adjustment for the Saturday pickup it would be a lot easier, a  
59 lot cheaper for the town, and wouldn't have to burden the rental district. There's not that many that were  
60 overflowing. The guys who come in and out on a regular basis during the week seem to do a good job, if  
61 there's extra there. So, the Saturday pickup would be a much better solution than adding a fourth day into  
62 the pickup program. It's also, if it happens, you should be allowed to go outside to get pickup, because it's  
63 cheaper to go to Waste Management or Waste Industries to just have your garbage picked up than to have  
64 to do it four days a week, and pay the additional \$18."

65  
66 "I'll beat a dead horse here. Mary Maruca, 7<sup>th</sup> Avenue South. [We] have a good representation on  
67 7<sup>th</sup> Avenue South here tonight. I own Old Colony Realty and some beach houses, and again \$18.75 is not  
68 gonna make or break anybody. It's just going to irritate everybody around. I don't want to see garbage  
69 buckets out four days a week. I live there. Three days a week is enough. If you're gonna do that, you  
70 might as well just leave them on the curb Friday, Saturday, and Sunday, if you're gonna have those three  
71 days of pickups. So, we should look at revamping and have a pickup on Saturday as, as was  
72 recommended. We have recommended that many, many times. Start it at the beginning of the season. It  
73 would just be so much nicer for everybody, and even people, you know, if you want to drive down Ocean  
74 Boulevard, you don't want to see garbage cans out there four days, three days in a row, and then another  
75 day. So, please consider revamping. Having a pickup on a Saturday, eliminate that Sunday pickup, and  
76 please do not add another day that we have to look green garbage cans every time I look outside my  
77 window. I would really appreciate that. Thanks so much."

78  
79 **B. Ordinance #16-0819 to Repeal §14-14, ¶(11) requiring Elevation Certificates for**  
80 **all Permits.**

81  
82 There were no public comments on this ordinance. Mayor Samples asked if Town Council had  
83 comments.

84  
85 Ms. Mabry wanted everyone to know that she served on the committee that wrote the ordinance.  
86 One reason the for this particular language for property in the special flood hazard areas was that when  
87 there was a storm event occurred, a recent elevation certificate would be available to file with FEMA and  
88 the claim could be immediately processed. Volunteers and staff spent a great deal of time, money and  
89 resources to save the owners of property in that area 25-percent on their flood insurance premiums. In  
90 return, part of the deal was every five years that you make major repairs, your elevation certificate would  
91 be updated. She thought that was a pretty good return, so it is not just one-sided. She wanted them to  
92 have the opportunity to hear why it was done, and the importance of having an updated elevation  
93 certificate. Now you saw the other side.

94  
95 Mr. Childs said for years he has said that there are not enough Moby carts out. He gave pictures  
96 to the former administrator of overflowing carts. Why are more carts not used? He agreed with Ms.  
97 Maruca and Mr. Kohlmann. He would like to try not adding a day, but having a Saturday pickup around  
98 nine o'clock or later. If it does not work this season, then something else can be tried. Then every options  
99 has been tried. He could certainly like to try that and possibly amend the ordinance when it is presented  
100 for first reading to require more Moby carts and a Saturday pickup. Anyone that lives in town or comes to  
101 town knows that there are overflowing cans. Just put out more cans before another pickup day is added.

102  
103 Mr. Stevens said the R3 and C3 districts where the rollout service is being discussed is the highest  
104 paying property tax bracket. Most of those properties are second homes. Accommodations and  
105 hospitality taxes are also paid on the rentals. These districts are some of the most important areas in town  
106 from which revenue is derived. He wants the town to be business friendly; face it 80- to 90-percent of our  
107 revenue is paid by businesses. He opposed raising the rate, and agreed with all three public speakers. We  
108 definitely need to do something on Saturday to pick up the trash and take care of that problem. He  
109 believed all three of the public speakers were completely right. Regarding elevation certificates, the  
110 change would remove a \$300 - \$400 expense for the property owners when they were having air  
111 conditioners, for instance, worked on. The only time an elevation certificate will be required is when you  
112 do major renovations, like building an addition or remodeling your home. The requirement will not apply  
113 to small maintenance jobs. Mr. Stevens said he would be upset if he had to purchase a new elevation  
114 certificate if he was replacing his air conditioner, so he thinks this is a great move.

115  
116 Mayor Samples said the repealing the elevation certificate was a 'no brainer.' He would like to  
117 hear from the public works director and sanitation supervisor in regards to the summer service. He would  
118 like to have a Saturday pickup, and to transport it to a Department of Health and Environmental Control  
119 (DHEC) approved dump. In the past the Solid Waste Authority (SWA) had limited hours on Saturday.  
120 He personally spoke with the chairman, board members and chief executive officer attempting to get them  
121 to extend their Saturday hours, which would enable the town to get to the SWA after checkout with full  
122 trash trucks and dump them. He would speak with the City of Myrtle Beach to determine whether the  
123 town could utilize its transfer station, which is DHEC approved. The City of Myrtle Beach invested in a  
124 transfer station so its Saturday trash could be held until the SWA dump was open. He was extremely  
125 sympathetic to (1) the aesthetic issue of having trash bins on Ocean Boulevard more often than we need;  
126 (2) the nonresident business owners in the R3 and C3 pay a great deal of the property tax that the town  
127 collects, and (3) the reason the issue was addressed last year was, frankly, the town was getting bad press.  
128 It does not help the town to be getting press about rodents. We attempted to fix the situation, and he was  
129 sure more information would be forthcoming.

130  
131 Mayor Samples asked whether there were any additional public comments on the two ordinances.  
132

133 "Good evening. Ron Ott, 7<sup>th</sup> Avenue North, Mr. Kohlmann brought the information, the data that  
134 there's 10-percent of these cans that are overflowing. Are they the same cans every time? Probably not.  
135 Can we force somebody to take another can? Probably not. Maybe it's only one time a month. Maybe it's  
136 one time a whole season. It takes time to go in there and see what's wrong. We need, we're gonna have to  
137 have somebody collect information, some data, and look at do you have a trash problem, an overflow  
138 problem, you've got to find it. The easiest place is what Mr. Childs said. Let's give 'em a can, okay. You  
139 got an extra can, but we have to know who we're doing this with. It could be, and these are people that are  
140 coming in as renters, so maybe you don't have the same amount of trash every week. But, we have to look  
141 at it and see what's going on. I would say that, and it's after season. So, ask people to take another can, if  
142 they think they have a problem. Somebody needs to go down there and take a look at it. Maybe  
143 somebody from our public works department every Saturday or Sunday. Visualize it; collect the  
144 information. Thank you."

145  
146 There were no other public comments. Mayor Samples closed the public hearing at 6:56 p.m.  
147

#### 148 **4. AGENDA APPROVAL**

149  
150 Mr. Childs moved to adopt the agenda as presented. Mr. Stevens seconded with an amendment  
151 to hold executive session after business was completed pursuant to FOIA §30-4-70(a)(1) to discuss a  
152 personnel matter. Mr. Childs accepted the amendment. All voted in favor. **MOTION CARRIED.**

#### 153 **5. MINUTES APPROVAL**

154  
155  
156 **A. Regular Meeting December 8, 2015, and B. Special Meeting December 15, 2015.**  
157 Mr. Childs moved to adopt the December 8, 2015 regular meeting minutes as presented and the  
158 December 15, 2015 special meeting minutes as presented. Mr. Stevens seconded. All voted in favor.  
159 **MOTION CARRIED**

#### 160 **6. PUBLIC COMMENTS – Agenda Items Only.** (3-minutes per speaker)

161  
162 There were no comments on agenda items.  
163

#### 164 **7. COMMUNICATIONS - Administrator's Report.** Ms. Fellner reported the following:

165 **Budget & Infrastructure Projects.** Staff continues to work on the budget and the various  
166 infrastructure projects that are in the works.  
167  
168  
169

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170 MASC Weekly Briefing. The weekly conference calls with the MASC to brief all administrators  
171 and managers on upcoming important issues have begun and will continue throughout the legislative  
172 session.

173  
174 Bike Fest 2016. The first Bike Fest task force meeting is Thursday of this week. We have already  
175 secured commitments from both SLED (South Carolina Law Enforcement Division) and the DNR  
176 (Department of Natural Resources) for the same number of personnel as last year. I will, of course, keep  
177 council apprised.

178  
179 Lanier Parking. Director King and I will be meeting with Lanier Parking solutions tomorrow  
180 morning to discuss the 2016 parking budget. I will, of course, be bringing the completed budget back to  
181 council for approval.

182  
183 Consensus Items. I have no consensus items in communications this evening

184  
185 Responses to Public Comments:

186  
187 *Comment:* Three residents felt that requiring an elevation certificate for minor repairs was over  
188 regulation.

189 *Response:* After conferring with our FEMA CRS liaison, our Director of PB&Z has clarified that  
190 the town will not lose significant points (i.e., we will still be able to maintain a 5 rating) if this requirement  
191 is repealed. A public hearing on this matter was held earlier this evening.

192  
193 *Comment:* A resident asked whether limiting the sanitation pickup in the R3 during the season to  
194 only three pickups was considered as he felt that would be sufficient if the Sunday pickup was changed to  
195 Saturday.

196 *Response:* This was considered but due to the time the landfill closes and our proximity to it this  
197 would not resolve the problem. This past summer during the double collection weekends we picked up  
198 approximately 7 tons on Saturday and another 6 or 7 tons on Sunday in the R3 district.

199  
200 *Comment:* Extra cans should be assigned for larger houses at the homeowner's expense.

201 *Response:* Wherever overflow is present an additional can is already issued at the owner's  
202 expense.

203  
204 Ms. Fellner said there were other comments, but there were no questions requiring answers or  
205 follow-up.

206  
207 Mayor Samples asked when the Surfside Drive project would be completed. Ms. Fellner said mid-  
208 March.

209  
210 **8. BUSINESS**

211  
212 **A. Resolution #16-162 Surfside Beach is An Autism Friendly Travel Destination, Ms.**  
213 **Becky Large, Surfside Beach Committee.** The resolution was read by the clerk. Mr. Stevens moved  
214 to adopt Resolution #16-162 as presented. Mr. Childs seconded.

215  
216 Ms. Large thanked Town Council for the support. She said that the business committee jointly  
217 with the business community recognizes the need for families with Autistic members to have a safe,  
218 welcoming environment for vacations. This resolution supports *The Family Beach's* goal of providing a  
219 place where families with autistic members can be in a "judgment free zone," and have a good time. Plans  
220 are to offer two weekends in April with activities specifically designed for those with Autism. Ms. Large  
221 offered to answer any questions and to provide help where needed.

222  
223 All voted in favor. **MOTION CARRIED.** (Applause)  
224



225 **B. South Frontage Road Paving Project, Administrator Fellner.** Ms. Fellner presented  
226 the decision paper, a copy of which is on file. She explained that the south frontage road is in the worst  
227 condition of any road in town. If the project is approved, a budget amendment would be required.  
228

229 Mr. Childs said several meetings had recently been held about repaving Highway 17 Business and  
230 the frontage roads, and that the agreement was to “wrap the frontage roads into the Highway 17 project.”  
231 Mr. Pellegrino, who was absent, had told Mr. Childs that he also wanted to hear the argument for moving  
232 the project forward. Mr. Childs asked how much of the frontage road would be changed when Highway 17  
233 was improved. Ms. Fellner said that the Department of Transportation (DOT) cannot give an estimate on  
234 that unless their engineers surveyed the road. The issue is that businesses along that frontage road are  
235 complaining, because the road is in such bad condition.  
236

237 Mr. Childs agreed with all of Ms. Fellner’s comments, but because there were so many arguments  
238 for not paving the frontage road now, he moved to defer paving of the South Frontage Road until Mr.  
239 Johnson and Mr. Pellegrino, who along with himself are on the infrastructure committee, could attend to  
240 hear and act on the matter. Mr. Stevens seconded. Mayor Samples asked if Mr. Childs intended for the  
241 matter to be presented at the next meeting. Mr. Childs said that would be fine. Mayor Samples believed  
242 the next meeting with DOT was February 3 at 10:30. Ms. Fellner said that was correct. All voted in favor.  
243 **MOTION CARRIED.**  
244

245 **C. Meet N’ Greet, Expand to the 1<sup>st</sup> and 3<sup>rd</sup> Wednesdays Monthly, Councilmember**  
246 **Stevens.** Mr. Stevens explained that meeting once a month was too long between meetings. He  
247 recommended that the Meet N’ Greet group meet twice monthly, but the dates would vary from month to  
248 month. The only cost to the town would be reprinting the flyers. **TOWN COUNCIL CONCURRED.**  
249 Mayor Samples asked Mr. Stevens to provide the meeting dates for publication on the town website.  
250

251 **D. Committee Appointments & Recommendation – This may be deferred to**  
252 **executive session pursuant to FOIA 30-4-70(a)(1). i. Stormwater Committee (1 vacancy) –**  
253 **Mr. P. L. Mabry, volunteer. ii. Keep Surfside Beach Beautiful (open) – Ms. Meg Perrino,**  
254 **volunteer.**  
255

256 Mr. Childs thanked Mr. P. L. Mabry for continuing to volunteer. Mr. Mabry has a wealth of  
257 knowledge about the town. He often provides details as specific as the day a project was started. He was  
258 very pleased that Mr. Mabry decided to continue serving. Mr. Childs moved to appoint Mr. P. L. Mabry to  
259 the stormwater committee and Ms. Meg Perrino to the Keep Surfside Beach Beautiful Committee. Mr.  
260 Stevens seconded. All voted in favor. **MOTION CARRIED.**  
261

262 **iii. Planning, Economic Development & Marketing (1 vacancy) – Councilmember**  
263 **Childs, volunteer.**  
264

265 Mr. Stevens moved to appoint Mr. Childs to the Planning, Economic Development & Marketing  
266 group. Ms. Mabry seconded. All voted in favor. **MOTION CARRIED.**  
267

268 **iv. Business Committee – Recommendation to Increase Membership to Nine**  
269 **Members.**  
270

271 Mr. Stevens moved to increase the membership of the business committee to nine (9) members.  
272 Mr. Childs seconded. All voted in favor. **MOTION CARRIED.**  
273

## 274 **9. TOWN COUNCIL DISCUSSION**

275

276 **A. Anti-Fraud Policy, recommended by Green, Finney & Horton, CPA,**  
277 **Administrator Fellner.** Ms. Fellner presented the discussion paper, a copy of which is on file. The  
278 town’s auditors recommend that an anti-fraud policy be adopted. The policy would be perpetual.  
279

280 Ms. Mabry said this policy was past due, and the language should be stronger. She offered  
281 changes in Section C that were distributed to each councilmembers as follow:

282  
283 **C. REPORTING PROCEDURES AND RESOLUTION OF REPORTED**  
284 **INCIDENTS. Councilmember Mabry's Edits are in Red Ink**  
285

286 1. It is the responsibility of all employees to immediately report all allegations or  
287 incidents of fraud to their immediate superior, or, if the employee has reason to believe that his or  
288 her immediate supervisor is involved, to the next level of management or directly to the Town  
289 Administrator. ~~In the event the Town Administrator is unavailable involved (per Ms.~~  
290 ~~Mabry 01/12/2016)~~ reports should be made to Town Council. All department managers  
291 must report all incidents and allegations of fraud to the Town Administrator. The Town  
292 Administrator, ~~and/or Town Council's designee,~~ will initiate an investigation into the matter.  
293 ~~Pending the completion of an investigation, the subject employee shall be suspended with~~  
294 ~~pay, and shall be subject to additional discipline set forth hereinbelow.~~  
295

296 2. Any fraud committed by employees of the Town of Surfside Beach will be pursued by  
297 thorough investigation and to the full extent of the law, including consideration of the following:  
298 • ~~Taking disciplinary action for~~ Any employee ~~in accordance with the Town of Surfside~~  
299 ~~Beach Personnel Manual found guilty shall be immediately terminated; --End of changes.--~~  
300

301 Ms. Mabry knew there were special circumstances, and if one was found, it could be brought  
302 before council for consideration. We are talking about fraud and doing something not right with either  
303 the town's equipment, money, reporting, or anything like that. If an employee is doing any of these  
304 things, they shouldn't be patted on the back and told not to do it again. Ms. Fellner wanted the labor  
305 attorney to review the policy. Ms. Mabry said that was the next thing she was going to suggest.  
306

307 Mr. Stevens thanked Ms. Mabry for her comments, especially "any employee found guilty shall be  
308 immediately terminated." He recalled that there was an employee terminated and then found not guilty,  
309 or the charges were dismissed and ended up in a lawsuit. This is a wise verse here. He commended Ms.  
310 Mabry on that.  
311

312 Mayor Samples asked to which case Mr. Stevens referred; he did not remember any such case. It  
313 is critical that the policy have a legal review before being presented for adoption.  
314

315 **B. Any matters of concern or information to be discussed by Town Council.**  
316

317 Mr. Stevens said recently many businessmen have called him about the sign ordinance in the  
318 commercial areas. He believed that council should take a serious look at the sign ordinances. One person  
319 told him that every ordinance in the town should have a sunset clause to require that it be revisited to  
320 determine whether it meets the town's guidelines. The sign ordinance is very confusing. He spoke with  
321 the planning, building and zoning director and suggested that if the sign ordinance is reviewed, that it be  
322 written in layman's terms so the businessman can understand it. He would like to see a workshop on the  
323 sign ordinance at a later date.  
324

325 Ms. Mabry, Mr. Childs, and Mayor Samples agreed. Mayor Samples said the sign ordinance was a  
326 little vague in some areas. He was sure more would be said about the sign ordinances during public  
327 comments. When an ordinance has been on the books for a number of years, and it has not been  
328 enforced, to him, it presented a problem. Mayor Samples did not know if that was factually correct, he  
329 only knew that his phone started ringing about ten days ago, and it continues to ring.  
330

331 Mayor Samples reminded councilmembers that the town was hosting the League of Cities  
332 meeting on Thursday, January 21<sup>st</sup> at the Surf Diner. He looked forward to everybody representing the  
333 town. The town is having a workshop in council chambers on Thursday, January 21<sup>st</sup> at 10:00 a.m. to  
334 discuss special events. A special meeting is being held Saturday, January 16<sup>th</sup> at 9:00 a.m. to meet with  
335 two architects who responded to the request for qualifications (RFQ). Council is considering needs that  
336 the police department has. Mayor Samples said the special meeting will open in chambers. Candidate  
337 filing for Town Council is open and closes Friday, January 15<sup>th</sup> at 4:00 p.m.

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

Good evening, Kevin Fitzmaurice, Ocean Palms Drive. I serve on the business committee with Mr. Stevens. I just would like to state that when I found out that the sign ordinances in this town was 26 pages long, I was amazed. As a former business owner, I know how critical signage can be. I also know how challenging it can be working with towns on signs. My record was seven years to get one sign approved. I can't help but believe that 26 pages there are no contradictory statements or perhaps confusing statements. As a former business owner, I would look at it and go "Wow!" I would like to ask the town to either have planning and zoning or an independent commission look at these ordinances and perhaps review them and maybe get them down to 2.6 [sic] pages or something a little more reasonable that a normal person could look at and go "Oh, good!" I like Surfside and I like being here. Thank you.

Harry Kohlmann, South Ocean Boulevard. I have a riddle for you. What's the difference between a garbage truck and a dumpster? It's just the wheels. So, you're probably thinking, well, why is he asking that question? It seems silly. Well, we're so worried in this town about a garbage truck sitting in a non-residential area up on Sandy Lane full of garbage, because the dump closes on Saturday. You have dumpsters all over this town and most of them are on Ocean Boulevard and they only get picked up once a week. We don't worry about that. So, why are we worrying about a garbage truck, which is sealed better than a dumpster, sitting overnight or for two nights? I don't understand the problem. With the numbers on Saturday and Sunday, the different tonnage, of course they had six tons on Sunday, because you picked up too early on Saturday. If you would have picked up later on Saturday, you would have had probably had 10 tons on Saturday and maybe two tons on Sunday. I mean, this is like simple common sense stuff. I really don't understand about the garbage truck; can't sit in a non-residential, but in a residential area you can have a dumpster sit there for seven days. Same garbage; same smell, so I think that argument, Mr. Adair keeps bringing it up, I think that's not a good argument. I also have another question. I was researching about the Greenway. It goes from the tip of Maine down to the tip of Florida; 2,900 miles. What a wonderful thing. Bike paths, trails, people on bikes, running, hiking; all of this stuff. You look at and it comes down to South Carolina. North Myrtle Beach has plans or they have some in effect. Myrtle Beach has stuff in effect already. Garden City has plans that they're gonna do. But there's an area in the Grand Strand that the government says 'no, we don't want it.' I'm just curious why. Now, a lot of people say to me, well, if we build it they will come. I live on Ocean Boulevard. They're here. There are packs of bicyclists, 20, 25, 30 bicyclists roaring down Ocean Boulevard. I have no problem with that. But, if they have a safe to do it, it would be a lot better. Then we have people, adults, driving [golf carts] on the sidewalk. It's not allowed, folks. It's the same rules as a motor vehicle, like a car, a bicycle is the same rules as a car, a motorcycle, a moped. They're not allowed on the sidewalk. People don't know that, and that's a dangerous situation. So why not think of a nice bike way. They're here already. It'd be a lot safer for people, pedestrians here, for the bicyclists and for the tourists. Thank you.

Mayor Samples asked Mr. Kohlmann to meet with Ms. Fellner regarding his first question, as she would be able to explain the issues on sanitation, because DHEC regulations are involved. He understood Mr. Kohlmann's comments. The town has 10 acres on Scipio Lane. Mr. Kohlmann said he meant to ask about that as a storage place.

Ron Ott, 7<sup>th</sup> Avenue North. I've had the privilege for over a decade to be on the board of zoning appeals. We don't get to ratify the ordinances, but we do see them when they are being used. In the last four years we've had four, I was thinking it was three, but there was one, a very unique one that was there, and it shows us are we looking at the ordinances or are we not when we ratify 'em. It was for the Dollar Store. They came in front of the board of zoning appeals, because they could not put their sign up. They had, all the Dollar Stores had a change; a different design. But, our ordinance wouldn't let us put there [sic,] because you look at that store when go out today, our ordinance said that they could only put a 2-foot by 4-foot sign on that building. Well, they were granted the variance to put that sign on there for a right reason, too. If somebody would've looked at that after that happened, but evidently, nobody looked at it. There was two other variance requests for signs. Two were denied. One other was approved. So it was two and two. That in front of the board of zoning appeals shows something was weak in there. Something needed to be tweaked. Thought you should know that. Thank you very much.

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395 How you doing? Michael LaFramboise, 311 Highway 17 North, Joker's Cycles. I'm fairly new into  
396 the town. I found out there's a lot of different things going on with that sign and the permits and stuff like  
397 that. I put up a tint in my windows, which is considered, I guess, by Surfside, they're trying to say it's a  
398 sign. Does it look like a sign during the day in the sun? Yes. But, you can see through it at night when  
399 there's light in the shop. You can see through it when you're inside the shop. Plus, on that corner, I think  
400 it looks very good. I think I cleaned up that area in the corner. I got fined recently for \$1,092.50 on that  
401 for the tint. Didn't even get a chance; when I spoke Ms. Morris and Ms. Fellner on the phone, I was told  
402 that I would receive another certified letter on that separate statement, because at that time, we were  
403 talking about tint, and then they were also talking about a sign, and then they came, like I said, the first of  
404 the year and fined me \$1,092.50. One, I don't even understand why somebody would get fined that kind  
405 of money being a business in a business town. Second of all, nobody can explain why that is against the  
406 rules or why it shouldn't be allowed when in the 2-mile stretch of Surfside every business has either signs,  
407 neon, vinyl, a couple of businesses have the same stuff that I have in my windows. This hasn't been  
408 visited in 5-years since you guys done it, and here I come. The new guy and you guys slam me. It doesn't  
409 make sense. So, I think the sign ordinance definitely needs to be looked at and at this point, I don't know  
410 what I should ask on the ticket. But, I don't believe I deserve a \$1,092.50 ticket. Especially without  
411 having a chance with anything. I think that's all I have.  
412

413 Good evening. Beth Mahr, I'm at 327 North Highway 17. I am a business down from Joker's  
414 Cycles. He has cleaned up that corner. Done an excellent job. We have new people moved in beside me  
415 that has gone in the night to do stuff that shouldn't have been done. I've asked that they not do it. But,  
416 they say 'we can pay Surfside and do anything we want.' They have more money, so they get to do  
417 anything, where we as the little guys get fined for our stuff. This one business goes in and does everything  
418 they want to do, day and night, and they pay y'all is what they tell us. We pay Surfside, so we can do  
419 anything. It's not fair to us who are small to have that treatment. I'm sure, and I trust planning and  
420 zoning, they're excellent, but they have someone come in here and say 'oh, we pay them off,' I don't think  
421 they should be able to do that. Come and accuse people of being Hell's Angels when they're not. Dope  
422 heads and everything else, and it's this one new business that's in our block. But, they've come to me and  
423 told me, 'Well, we can pay them off. We have enough money, so we can do anything we want.' They've  
424 come in there; they didn't have any permits for signs, they had no permits to put lattice up on Sunday.  
425 Nobody else can do that on this block. But, this one business does. But I hate that they come to us as  
426 other businesses and say 'we have enough money to pay off Surfside.' That bothers us; everybody on that  
427 block, because we know Surfside is not being paid off. We know that y'all are fair and honest and true  
428 people. But, I just think the sign issue; I was warned to take my sign off the street. Okay, I did. It was no  
429 problem. I didn't mind. I didn't know the ordinance; I was never told. But, these people get to keep it,  
430 and I don't, and they're right next door to me. So why is it good for one and not for me? That's all I ask is  
431 that we all across the board have the same rules. Where just like he [Mr. LaFramboise] has a perfectly  
432 good window that's not bothering anyone, but because he's a biker, these people have stirred this up.  
433 They're trying to accuse him of something he's not. Accuse me of something I'm not. Because they're a  
434 bigger business. They do have more money, and it's their explanation, 'They pay you off. They pay zoning  
435 off.' So, when they say that to us as business owners, it really bothers us and we can't get nothing [sic]  
436 done but fined or disciplined, and they get no problems. That's all I ask. They put railroad ties across the  
437 back of the driveway, which has never been there. It's a hindrance, if one of those restaurants caught fire,  
438 the fire truck couldn't come through. I reported this to the fire department to see what could be done.  
439 Nothing, that's fine. They can do that, but if a fire truck comes through there, every building's gonna burn  
440 because they put these railroad ties across the driveways just to block off their back yard so that nobody  
441 else can park there that works anywhere else. The railroad ties are a real concern of mine. The zoning  
442 says that it's okay, but it's not if you would go look and see 'em lined up there. No fire truck can come  
443 through, and that's our concern. I just think that we all should be treated equally, and that's where the  
444 ordinance with the signage is not right. It's not being presented right to all of us. Thank you for taking  
445 time to listen.  
446

447 Zanita Patel, Pavilion Discount Beverage, the signage problem has been; I've been here in  
448 Surfside for 35 years, so the signage problem came now. We need the reason for it. The sign cost us  
449 almost \$1,000 per window. I have 18 windows, \$18,000 will go out of my windows. That [cost] needs to  
450 be covered from the Surfside town or whoever needs to pay for it, because we don't need to take it off.  
451 Somebody needs to pay for those signs. So signage is a problem that's been created recently. Why? We



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452 need an answer for that, too. That's the complaint that I have. I got a letter that I have to remove all the  
453 signs by tomorrow, and the date is wrong. It's dated 1/13/2015 [sic], it should be 1/13/2016. The signs we  
454 have, it's not a vinyl. It's called the "jet-view clings." When we checked the signage on the internet it says  
455 vinyl only. There is a difference between vinyl and the jet cling signs.  
456

457 I'm Meg Perrino. I don't have anything to complain about. I just want to say thank y'all for  
458 [appointing] me to the beautification committee.  
459

460 John Ard, Cypress Drive, Surfside. I had no intentions of getting up here tonight and saying  
461 anything. I listened to this gentleman here from Joker's Cycles and the lady that spoke right behind him.  
462 It seems like that could be some pretty serious allegations right there, and what really bugs me and  
463 bothers me about this whole thing is it's not the first time that I've heard things like this. About somebody  
464 getting paid off or something. If this is the case, I think that kind of constitutes bribery, and I for one as a  
465 citizen of this town, and have been here quite a few years as each and every one of you know, I would like  
466 to see this checked into; find out what's going on with it, whether it is any foundation to it or not [sic], and  
467 if it is, let's get to the bottom of it. Let's get it resolved. These businesses, each and every one, deserve a  
468 fair shake. We want businesses in this town. We're trying to get good businesses in this town. Right now  
469 we have quite a few of them. But, we're not going to continue to do that with stuff like this going on. I  
470 mean, you've got somebody that put something up in a window or anything like that, and the first thing  
471 you know there's a new business gets fined \$1,092. It would seem to me like somebody's not getting a fair  
472 shake at all on this. If somebody is getting paid off, like I said before that does constitute bribery. I want  
473 to know who's getting done [sic,] and I think everybody else in this town does, too. So, what I would like  
474 for Ms. Fellner, the Mayor, the Council to have this checked into and find out what's going on, if there is  
475 any foundation that somebody's getting paid off, or whatever. Thank you.  
476

477 Mr. Mayor, Council, my name is Ray Van Arsdale. I'm the new owner of the Borgata. Now it's  
478 called Surfside Beach Bar and Grill. I come to this town from New Jersey, a small town similar to Surfside  
479 Beach. I've done my stuff up there just as well as I've done down here. I heard Surfside is a business  
480 friendly town, so I invested my time and energy into this town. As you've heard from people behind me, it  
481 doesn't seem that way. I recently bought the Borgata, December 1<sup>st</sup>. I had put up signs to encourage  
482 people to come into my place. Then I get a letter, actually a gentleman came by the other day and said I  
483 gotta take my sign down within 24-hours or otherwise I'm gonna get fined just like Joker did. I took my  
484 sign down, because I can't afford \$1,000, \$500 fine. But, he said I can hang it inside as long as I don't  
485 tape it to the windows. So, if I tape it to the windows I get fined; if I don't tape it to the windows I don't  
486 get fined. I don't want to beat a dead horse, but the sign ordinance obviously needs to be addressed or  
487 something like that. I'm sure the council will take care of that. One other thing that I had on this, too, is  
488 the fact with the vinyl you can't see inside because of police issues and stuff like that. My question to the  
489 council is that what happens if there are no windows? The police can't see through bricks can they, versus  
490 a window? Thank you very much.  
491

492 Hello, Patricia Magliette, Harbor Lights Drive. Well, I'm a little bit confused and I've been living  
493 in this town for a while. Real short, to the point, 26 pages worth of any ordinance is horrible. Everybody  
494 is bound to be confused, because by the time you finish reading that 25<sup>th</sup> page you forget what's on the  
495 first page. We cannot possibly have ordinances that long. Too, it seems to me that even if you live in  
496 town, how do you know where all the ordinances are? I know some of you might say look on the internet,  
497 but there are people who actually don't have computers and go on the internet. So, we need to clarify  
498 where, or maybe how you can come to town hall and get the complete book of Surfside ordinances, and  
499 yes, if there's gonna be fines behind these misunderstanding ordinances, you do need to have a complete  
500 book of ordinances, if you're gonna be fining people. Too, we don't need 26 pages worth of stuff on any  
501 one ordinance. I'm hoping we can make some improvements here in town. I have faith in y'all. Thank  
502 you very much.  
503

504 Mayor Samples asked if there was objection to allowing Mr. Ott to speak again. There were no  
505 objections.  
506

507 Thank you for the Freedom of Speech. Ron Ott, 7<sup>th</sup> Avenue North. Ms. Mabry, I appreciate it.  
508 I've worked with four different zoning directors in this town as long as I've been on the board of zoning

509 appeals. Actually, Ms. Morris has been the most open and straightforward person. I can't say, go against  
510 what has been said, but I can say this, she's been very open with me. She's been very open with the board  
511 of zoning appeals. There's never been anything hidden, ever. I'd like to give you that. Thank you.

512  
513 **11. TOWN COUNCIL COMMENTS**  
514

515 Mr. Childs said regarding the sign issue that he thought everybody on Council this week has  
516 probably met with the administrator. She is working on it along with the council. Something will be  
517 done. He couldn't say exactly what. The ordinances are not made up overnight and they certainly cannot  
518 be changed overnight. We understand there is a problem, and we want to work with everybody we can.  
519 The bike path goes back three mayors. He believed about \$200,000 plus was turned back in several years  
520 ago.

521  
522 Mayor Samples said to be clear, that "we" did not turn back the money. Mayor Hymn  
523 overstepped his authority with respect to the Grand Strand Area Transportation Study (GSATS.) Mr.  
524 Hoeweler, vice director of the Council of Governments, will confirm that then Mayor Hyman turned back  
525 in \$300,000 designated for the bike path, unbeknownst to Town Council. He was always happy to see  
526 residents attending the GSATS meeting when it was held in town. It was very important to keep an eye on  
527 all of your elected officials. In that particular instance, there was no action taken by Town Council to turn  
528 that money back in to GSATS.  
529

530 Mr. Childs said the bike path keeps coming up just about every year. He was a supporter of  
531 committees, and believed a committee should be established to study the bike path. The future plans call  
532 for a bike path to make it a walking, and bike friendly town. We need that. Discussion were held about  
533 using Ocean Boulevard, which had too many ingress/egress areas. Hollywood Drive was also discussed.  
534 He believed a committee should move forward to develop a couple of plans for presentation, so council  
535 can work on completing the bike path. If other members were interested, he would be glad to discuss it.  
536

537 Mr. Stevens said his first goal when he was elected four years ago was to start a business  
538 committee. The committee has bunch of great people. Membership was expanded to nine members.  
539 Businesses pay our bills. They allow us to have a better fire department, which is one of four ISO 1 rated  
540 departments in the state. We have a great police department. Without the business revenue the town  
541 would be bankrupt in three or four months. It is important that we review the sign ordinances.  
542 Everybody needs to be fairly and equally under the law. We don't need to target one person and let the  
543 other one slide. That's important. Several of the people who came up here have already talked to me.  
544 One guy said he had to put a sign on his window, and a franchise chain across the street that has signs all  
545 the way around it. He wondered what would happen if a McDonald's came into town. Would it be  
546 allowed to have the golden arches? He couldn't find screening or tinting in the sign ordinance, but found  
547 out there were in the overlay ordinance. The overlay is fine, but in his opinion, it went too far. A few  
548 years ago, they wanted to require brick on the sides of metal buildings that were already built. We need to  
549 take care of the businesses, whether it is real estate, running a restaurant, fixing motorcycles or printing.  
550 The town need to keep its businesses and fill every vacant store so it is a real business friendly  
551 environment. Mr. Stevens suggested that if the town wants a Greenway bike path to get citizens from  
552 every section of town to see if a plan can be developed to present to council.  
553

554 Ms. Mabry said there were always two sides to every story. I always like to give the other side.  
555 First of all, you can't get a sign permit; any signage does not go up without a permit. When you apply for  
556 the permit, you should be told exactly what you can and can't do. If that's not happening, then we need to  
557 look at that. On your permit, you ask for what you can and can't do. That's what you can and can't do,  
558 period. We've had four sign variance requests in four years. It can't be too bad of an ordinance. It's not  
559 26 pages for businesses. It is, I think, 9 to 11 pages and that is too much. We need to tweak that. I agree.  
560 But, we have the weakest overlay between Horry County and Georgetown. There are triggers that we can't  
561 require improvements on buildings until it is sold or new tenants move in. When the trigger is met, they  
562 will have to comply with the stricter rules. A new business in town is a trigger, so you will be asked to  
563 meet the overlay requirements, as weak as it is. We will build a partnership with you. Every business is  
564 not good for Surfside. Ms. Mabry said let me make that very clear. She did not think every business was  
565 good for Surfside. She thought every business in town right now was good for Surfside, as long as they

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566 want to be our partners. To be a partner, we give so much and they give so much. It's not always about  
567 the dollar. It's also about the feel of the town. We have a water tower that says "The Family Beach." Well,  
568 what do you think you're moving into? You're moving into the Family Beach. We want to support every  
569 business here. I do have riders in my family, and I want to be able to say that's where you go. That's who  
570 I trust, and that's where I want to send [sic.] Tinted windows; never gonna be for that. It's safety. Google  
571 it. It's unsafe. Someone mentioned the brick; well, you don't have to invite more trouble. You just have  
572 to live with what you have. But, all these people that want this heavy tinting, they're not gonna come to  
573 my house at 2:00 o'clock in the morning and protect me. They are not gonna roll up within a three  
574 minute time. But, if they call our police department, they're gonna roll up in a three minute time. If you  
575 think that I'm willing to send my finest into a building that they have least advantage to protect  
576 themselves, you're crazy. I would never vote for that. It is unreasonable to think that we don't look above  
577 what we're doing instead of below. To the lady that made the comment that somebody said that we are  
578 buying off, number one, I would bet my house that didn't happen. But, number two, because there's an  
579 accusation of it, I hope that this council will agree that there needs to be a formal investigation, because I  
580 want it off the books and I want it off the books today! [*Speaker's emphasis.*] Ms. Fellner, if there's no  
581 objection from council, I hope that you will investigate that and clear Ms. Sabrina Morris's name and her  
582 department name. Because obviously, we're not gonna have this floating around. What happens is when  
583 somebody thinks that you get a favor and you don't, corruption is accused. When in fact, they may have  
584 been grandfathered, and there is nothing we can do about it until the [overlay] trigger takes place. To  
585 accuse a department of buying off somebody is unacceptable from this person. I'm just going to tell you  
586 how I feel. I want those sign ordinances reviewed, because it's the right thing to do. But just to say  
587 anything goes, absolutely not. If I had a business, I'd fight for every single square footage of signage I  
588 could get, plus some. But, I represent the whole town, and we have to look at what's best for the entire  
589 town. If you come to Surfside, you've got my 100. I'm gonna support you anyway I can. I want you to be  
590 a millionaire while you're here. But, you have to partner with us. We have to work together.  
591

592 Mayor Samples said there was no objection to the administrator looking into said allegations. We  
593 are not talking about the overlay. We are not talking about triggers. The overlay was adopted in 2013.  
594 The citations and letters that I have seen that were sent out are talking about the sign ordinance itself; the  
595 sign ordinance that was adopted by in 2011. I have to ask why all of sudden are these letters being sent to  
596 these many long-standing businesses in our town. For what purpose? What is the rationale? Some will  
597 say we added staff. It seems to me that there are different ways of approaching and resolving problems.  
598 Nobody wants to get a letter from the town; except, our newsletter. I don't want to get a letter from the  
599 town or the county or South Carolina. It just seems to me that there was a different way to handle this. It  
600 might have required more time on the front on the part of the enforcement department. But, in the long  
601 run, they may save time. It's a balance. Too many people getting involved. Again, it's not the overlay. It's  
602 an existing ordinance from 2011. One of the things that I spoke with the administrator about is that the  
603 ordinance reads frontage. He asked if the definition of frontage was found. Ms. Fellner indicated that she  
604 did. Mayor Samples said we assumed that it meant 17. But on a corner lot where there is a commercial  
605 property, road frontage on both streets should affect how much signage was allowed. Obviously, some  
606 people have been in business for 35 years in town, didn't know they were violating a rule. I didn't know  
607 they were violating rule, and I don't think anybody knew they were violating a rule. We have agreed to  
608 meet; we have agreed to take this matter up for review, but I'm concerned about the people that are  
609 caught, because they already got a letter. Some already got a citation. Some got a court date. I just want  
610 us to be fair and treat everybody the same. I'm not sure I know how to do that. So, I'm asking for help  
611 from staff and my fellow councilmembers to help do the right thing for these particular incidents,  
612 citations, so the town can have a code that is enforceable. I find it hard to believe that you can't use any  
613 kind of tint now. We're not sure. I know I voted on the sign ordinance in 2011. I know I voted on the  
614 overlay in 13, but I can't sit here and recite the codes. As Ms. Mabry said, education is important, and that  
615 would be the first step that I would hope our enforcement staff, the police know this as well or better than  
616 most, would exercise discretion before issuing a citation. As a retired government employee myself, you  
617 do get paid to think. Otherwise, you don't need employees. You need robots who just read the book; don't  
618 think, and enforce it. Thank you all for coming out for 2016. We have a great Town Council, despite the  
619 fact that we have different approaches. That's the way it's supposed to work. Don't forget to file for  
620 election. It'll cost you \$25 for council and \$50 for mayor.  
621  
622

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623 **EXECUTIVE SESSION.** (Added by approved motion, see Agenda Approval, Item 4.)

624

625 Mr. Stevens moved to enter executive session at 8:14 p.m. pursuant to FOIA §30-4-70(a)(1) to  
626 discuss a personnel matter. Mr. Childs seconded. All voted in favor. **MOTION CARRIED.**

627

628 Mr. Stevens moved to reconvene regular session at 8:30 p.m. Mr. Childs seconded. All voted in  
629 favor. **MOTION CARRIED.**

630

631 Mayor Samples said that no action was taken during executive session.

632

633 **12. ADJOURNMENT.**

634

635 Mr. Childs moved to adjourn the meeting at 8:30 p.m. Ms. Mabry seconded. All voted in  
636 favor. **MOTION CARRIED.**

637

638 Prepared and submitted by,

639

640

641

Debra E. Herrmann, CMC, Town Clerk

642

Approved: January 26, 2016

643

644

645

Douglas F. Samples, Mayor

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648

David L. Pellegrino, Mayor Pro Tempore

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Mark L. Johnson, Town Council

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Randle M. Stevens, Town Council

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Clerk's Note: This document constitutes summary minutes of the meeting that was digitally recorded. Contact the town clerk for appointments to hear recordings. Bring a flash drive to obtain a free copy. In accordance with FOIA §30-4-80(A), meeting notice and the agenda were distributed to local media and 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.