

## SURFSIDE BEACH TOWN COUNCIL MEETING MINUTES REGULAR MEETING FEBRUARY 9, 2016 + 6:30 P.M. TOWN COUNCIL CHAMBERS

# 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; Town Clerk Herrmann; Police Chief Keziah, and Events Supervisor Ellis.

## 2. INVOCATION AND PLEDGE OF ALLEGIANCE.

A. Invocation: Reverend Kirk Lawton, Ocean Lakes Campground Ministries, gave the invocation.

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

# 3. AGENDA APPROVAL

Mr. Childs moved to adopt the agenda as presented. Mr. Stevens seconded. All voted in favor. **MOTION CARRIED.** 

# 4. MINUTES APPROVAL

**A. Workshop January 21, 2016 and B. Regular Meeting January 26, 2016.** Mr. Childs moved to adopt the January 21, 2016 workshop minutes, and the January 26, 2016 regular meeting minutes as presented. Mr. Stevens seconded. All voted in favor. **MOTION CARRIED** 

**Candidate Introductions.** Mayor Samples invited candidates to introduce themselves.

Special Election Candidates Town Council: Vicki Blair, Tim Courtney, Steve Shore, and Stanley Wrobel.

General Election Candidates Town Council: Vicki Blair, Mark Johnson, Mary Beth Mabry, Ron Ott, Wanda Spannuth, Randle Stevens, and Stanley Wrobel.

General Election Candidates Mayor: Bob Childs and Doug Samples.

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

There were no comments on agenda items.

6. <u>COMMUNICATIONS</u>

Administrator's Report. Ms. Fellner reported:

49 <u>Beach Renourishment.</u> Preliminary confirmation was received from Horry County that the town's 50 share for the renourishment is expected to be \$1.19 million, which is very close to the original estimate 51 reported at \$1.2 million. There remains a question as to the exact dollar amount of the Governor's 52 financial commitment to the Grand Strand for the state's share. The Army Corps has been notified that 53 the town is willing to participate in renourishment on Reach 3 and we are waiting for their determination, 54 if they will actually fund the project before 2017-2018. Council and the public will be apprised of any 55 progress.

<u>Vision Workshop.</u> Staff is finishing up calculations for the vision meeting presentation this Friday.

<u>FY2016-2016 Technical Budget.</u> Ms. Fellner met with all department directors to formulate the tech budget for the upcoming fiscal year and everything but non-departmental has been completed.

<u>Music at the Pier.</u> Ms. Ellis and Ms. Fellner had a good meeting with the pier businesses to discuss various issues and also the testing of music and/or entertainment one night per week during six weeks of the summer. The result is that we will be trying the beach luau show on Tuesday nights on the south side of the pier this summer. Details and times will be forthcoming and you will hear more about this from Ms. Ellis at an upcoming meeting.

<u>Welcome Signs.</u> Public works began installing the concrete footers for the welcome signs today. The weather will determine when they will be installed. We are also waiting for Santee Cooper to bore under the frontage road to connect the electricity so we can install the up-lighting.

Signage Infractions. Staff provide details with regard to the latest inquiries regarding signage and 74 zoning letters and failure to comply summonses served on local businesses. The facts are that in 2014, 75 before the town hired a full-time code enforcement official, there were 18 violation letters issued for 76 signage-related matters and 40 for other zoning issues. The result was that everyone came into 77 compliance regarding signage issues and only three were issued a summons for other zoning violations 78 two of which were *nolle* processed, because they came into compliance before the court date. In 2015, 79 after the code enforcement official came onboard, there were 36 violation letters issued for signage-80 related matters and 173 for other zoning issues. The result was that everyone came into compliance 81 regarding signage issues except for two businesses that received a summons and were both found guilty. 82 For other zoning violations 16 businesses were issued a summons, but 14 were *nolle* processed because 83 they came into compliance prior to the court date. The other two businesses were found guilty in court. 84 To date in 2016, there were eight violation letters issued for signage-related matters and 42 for other 85 zoning issues. Everyone came into compliance regarding signage issues, except for one business that 86 received a summons which was *nolle* processed, but is pending reissuance of a summons. This is because 87 the business owner agreed on a course of action with the planning, building and zoning director then 88 failed to comply with the agreed upon terms. There have been no summonses issued yet in 2016 for other 89 zoning related issues.

<u>Consensus Items.</u> There were no consensus items.

Responses to public comments.

*Comment:* The sanitation solution in the R3 should be to make the people who have overflowing cans take a second can and then three pickups per week would be sufficient.

97 Response: During the busiest months last year, we had already given out 59 extra carts and there 98 were 45 additional cases noted the previous Saturday. The Saturday before that there were 21 cases 99 observed. The point is, is there is no way to predict where and which homes will have overflow in any 90 given week. Obviously, the number of instances was too much for the public to be considered acceptable, 101 as demonstrated by the outcry and photos last summer. Staff believes the best solution is to have a fourth 97 pick-up during the busiest nine weeks of the season. Even with that, there will be a case of overflow here 108 and there as a house that has eight people this week may have 20 people the next week.

105Comment: A local business owner had problems with the sign ordinance and the lack of a106business friendly environment in Surfside Beach, and he had a sign behind the building that they were107told he couldn't hang.

*Response:* Staff has received several complaints regarding the sign in the rear of this business
 and since the sign has not been permitted it should be removed.

111 *Comment:* A local business owner stated they have has been waiting for two years for a sign 112 permit. They requested help in getting a sign permit, but felt he received none.

Response: This business is located between two businesses that have existing freestanding signs on their property that have been grandfathered. This property does not have an existing freestanding sign. Consequently, in order for a freestanding sign to be placed on the property, the business would have to meet the current requirements of the zoning ordinance which is 10 feet from the property line. This would ultimately place the freestanding sign in a needed parking space. The business owner was advised to take the request to the Board of Zoning Appeals.

*Comment:* Why does the town needed 66 parking spaces on Surfside Drive? Was it because of a
 plan to rezone Surfside Drive as multi-use from Poplar to Willow as noted in the visioning meeting
 minute? This would negatively affect home values.
 *Response:* Multi-use in that area was presented to council at the visioning meeting for

123 Response: Multi-use in that area was presented to council at the visioning meeting for 124 consideration. There were no decisions made. Council seemed inclined to see if 2-story multi-use was 125 successful in the business block on 3<sup>rd</sup> Avenue South before even considering anything further. With 126 regard to the number of parking spaces, the same spaces exist at present, only there is no drainage or curb 127 and gutter. These enhancements should serve to positively impact land values. The parking spaces will 128 also be a significant asset from May to October when the farmers market is held on Tuesday and for other 129 events held in the vicinity.

131 *Comment:* A resident applied for a building permit and was only allowed to cut down trees in the
 132 plan footprint. He felt most of the other trees needed to be cut down for safety reasons and was informed
 133 he would need a letter from an arborist.

134 Response: Staff met on site the day after the council meeting with the property owner. The 135 remaining trees on site did not appear to be dead, dying or diseased and were located well beyond the 136 footprint of the proposed home. The owner was informed that in accordance with the ordinance he must 137 have an arborist sign off on the removal of any remaining trees. Subsequently, staff was given a letter 138 from an arborist and a permit was issued for removal of the trees.

*Comment:* There are many vacant units in Surfside Beach, because it is so difficult to work with
the town. The sign ordinance has not been enforced in the past and it was unfair to send letters to some
businesses when others were not in compliance.

143 Response: The planning, building and zoning department has been consistent in 144 enforcement. The majority of businesses that receive letters requesting violations be remedied comply 145 without complaint. Signs that are grandfathered are not treated the same as those that have violations 146 after a new or amended ordinance has been approved by Town Council. The department has never looked 147 the other way, or failed to enforce approved ordinances and strives for consistency in enforcement of all 148 ordinances.

*Comment:* The sign ordinance standards should be different and more affordable for small businesses, because they don't have the resources of larger establishments.

152 Response: The current sign ordinance does not regulate affordability; it regulates size and 153 number as it applies to each business in town. Larger businesses in town may request more expensive 154 signage, while smaller businesses request more modest signage. As long as the sign meets the size 155 requirements and the number of signs allowed requirement, each are permissible.

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*Comment:* The town is over-regulated and was controlling to a shocking extent.

158Response: Many of the ordinances that exist in this town serve to make it unique. Two prime159examples are the tree ordinance and the building height limits. In many cases the ordinances in place160serve to protect the atmosphere that the town wishes to preserve. In addition, the town has many161ordinances in place due to regulations beyond the local level. The Stormwater Ordinance, Flood Damage162Prevention Ordinance and the ordinance that requires certain building codes are controlled by State and163Federal Regulations. The town's zoning ordinance is no greater than those of the surrounding164municipalities.

Ms. Fellner said for the record: "I would also like to state for the record that there is a lot of misinformation being disseminated and dispersed throughout town and to the media which can be called unfounded at best. Since those divulging the information and the media have proven not to be interested

169 170	in the facts, I would encourage anyone with a serious interest in the true details of any situation not protected under executive session legislation to come and meet directly with me in my office."		
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172 173	There were no comments or questions for Ms. Fellner.		
174	7. <u>BUSINESS</u>		
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176 177	A. Second Reading of Ordinances.		
178	i. #16-0819 to Repeal §14, $\P(11)$ requiring Elevation Certificates for all Permits.		
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180	Mayor Samples said the current ordinance requires elevation certificates for any repair like		
181	changing air conditioners. Repealing this paragraph would remove the burden for an elevation certificate		
182	when "repairs" were necessary. However, the elevation certificates would be required when new		
183	construction or major remodeling were performed as stated in other sections of the code. Copies of the		
184 185	decision paper and ordinance are on file.		
185	Mr. Stevens moved to adopt Ordinance #16-0819 to repeal §14-14, ¶(11). Mr. Johnson seconded.		
187	All voted in favor. <b>MOTION CARRIED.</b>		
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189	ii. #16-0820 to amend §17-395, et seq. to allow Upper Story Dwellings in the C2		
190	District.		
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192	Ms. Fellner presented the decision paper and ordinance, copies of which are on file.		
193 194	Mover Semples employed that the C2 District began at 4th Avenue South and went to Dine Drive		
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196	and from ringhway 17 Dusiness to ropial Drive.		
197	Mr. Childs moved to adopt Ordinance #16-0820 to amend §17-395 et seq. to allow Upper Story		
198	Dwellings in the C2 District as presented. Ms. Mabry seconded. All voted in favor. <b>MOTION</b>		
199	CARRIED.		
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201 202	B. First Reading Ordinance #16-0821 to Codify Bike Weeks Trailer Storage Policy, Councilmember Childs.		
202	councilmentiber clinids.		
204	Mr. Childs moved to adopt first reading of Ordinance #16-0821 to codify the Bike Weeks Trailer		
205	Storage Policy. Mr. Stevens seconded.		
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207	Mr. Childs explained that a few years ago Town Council approved allowing free bike trailer		
208	parking in the lots at 13th Avenue South and 16th Avenue North during the bike events, but that it had not		
209 210	been codified.		
210	Mayor Samples noted that dates were not specific, but reference was made to the spring and fall		
212	bike weeks.		
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214	All voted in favor. MOTION CARRIED.		
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216 217	C. Business Committee Autism Friendly Events April 2016, Councilmember Stevens, Business Committee Liaison, and Ms. Becky Large, Business Committee Member.		
217	Stevens, business committee Liaison, and MS. Becky Large, business committee Member.		
219	Ms. Large presented the activities proposed for the April 2016 Autism Event. She noted one		
220	addition, which was to "Light It Up Blue" Palm Trees on Surfside Drive. Ms. Large said total cost is		
221	\$3,000 and respectfully requested that Town Council approve funding. A copy of the amended report is		
222	on file.		
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224 225	Mr. Stevens moved to approve the events schedule as presented. Mr. Childs seconded.		
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Mr. Stevens said a local business man is planning to have a golf fund raiser for an autism charity
 that would be held concurrently with the autism events. The business committee could apply for the
 event permit according to Ms. Morris.

Mr. Johnson supported the motion, but would like to know where the \$3,000 would be found. Ms. Fellner said she believed there were sufficient funds in administration's budget from unused funds. As long as council approves the motion, she was certain sufficient funds were available. Mayor Samples suggested the mayor's travel funds may have some excess.

All voted in favor. MOTION CARRIED.

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**8.** <u>**TOWN COUNCIL DISCUSSION**</u> – Any matters of concern or information to be discussed.

## A. #16-165 to Establish an Anti-Fraud Policy, Administrator Fellner.

Ms. Fellner presented the discussion paper and resolution, copies of which are on file. She explained that her edits were to mirror the manner in which sexual harassment was handled, which states in the event the town administrator is unavailable or is the subject of the report, the report shall be made to the mayor who shall engage the town labor attorney. She also believed that reporting to the press should only be made upon approval of the town administrator or the town labor attorney.

Mayor Samples explained that a consensus was needed to direct staff to prepare the resolution for consideration during business at the next meeting.

Mr. Stevens asked if this had ever happened. Mayor Samples said Ms. Mabry indicated if it did happen, it would only be discussed in executive session. Ms. Fellner said it certainly would not be discussed in public.

Mr. Johnson asked if Ms. Mabry's edits would be included in the final resolution. Ms. Fellner said yes, except for those portions struck out.

Town Council **CONCURRED** to bring the resolution for consideration under business at the next meeting.

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

262 Mr. Stevens reminded everyone that the Meet N' Greet breakfasts were the first Wednesday and 263 the Wednesday after the second council meeting. Everyone was welcomed to attend. It was a good 264 opportunity to meet visitors and neighbors. He was happy to continue the program in memory of 265 Councilmember Ralph Magliette. The business committee is having a workshop on the sign ordinances at 266 the fire station at 10:00 a.m. on February 18<sup>th</sup>. The senior citizens committee is sponsoring a workshop 267 on Thursday, February 18th, at the civic center. Clemson Garden 101 will instruct you on vegetable gardening. The workshop is free and everyone is invited. The senior citizens committee meets on 268 269 February 29<sup>th</sup> at 5:30 p.m. in the fire station. 270

Mr. Johnson, who serves on the Municipal Association (MASC) Board of Directors, reported that
 MASC is working diligently to craft a resolution that will facilitate local governments with their ability to
 charge business license taxes. Some legislators want to cap the license tax at \$100, which would cripple
 many municipalities. Nothing was sent to the Legislature yet, but he will keep Town Council apprised.

Mayor Samples said a traffic study was done by the town's police department on 10<sup>th</sup> Avenue North in regards to the Senior Center. For the most part, the study showed that traffic was okay. The average speed was about 21 or 22 miles per hour. He believed that lower speed was because of ingress/egress to Harbor Lights, and the Horry Council on Aging van that transports seniors to the center. Because 10<sup>th</sup> Avenue North is a state road from Highway 17 to Cedar Drive, the town does not have any jurisdiction. He asked if members would concur to bring the matter for consideration during

business at the next meeting to ask the South Carolina Highway Department (SCDOT) to improve signage
 on 10<sup>th</sup> Avenue North to enhance our seniors' safety.

Mr. Stevens said that Mr. Adair said parallel parking could be added on the south side of 10<sup>th</sup>
 Avenue North. There is a possibility for 10 or 11 spaces, but SCDOT would have to approve the project.
 He hoped that could also be addressed at the next meeting.

Mayor Samples agreed and reiterated that 10<sup>th</sup> Avenue North was a state road. The town is
 working with the state on a number of highways, and prospects look good. Relationships seem to be
 positive. It took a while to get the pier information sign, but it was approved.

Mr. Stevens said councilmembers just attended the MASC winter meeting. Cities Mean Business was one of the topics, which included a discussion about business friendly cities. He paraphrased: speakers from the City of North Charleston said it comes from the top down. The city is not successful unless business is successful. Every issue isn't black and white. You have to use a little bit of common sense in interpreting codes. That was difference between being a public servant and being a bureaucrat. Mr. Stevens had shared that information with some people, and he said, hopefully, we can work more in the town to be business friendly to everybody.

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# 9. <u>PUBLIC COMMENTS – General Comments.</u> (5-minutes per speaker)

303 Mr. Harry Kohlmann, South Ocean Boulevard said it's good to hear that beach renourishment, 304 hopefully, will be done in two years or so. Right now we have a big problem on the beach. I don't know if 305 any of you have been down there. History is eight years ago, I believe it was, they renourished the beach. 306 Seven years ago, they put up posts, and they put up the sand fences. They moved the dunes closer to the 307 ocean. Eight years later, those dunes that were created are no longer there. We have a bunch of poles. I 308 believe the town took the dangerous, the wiring off it. But, we do have a bunch of poles there. The high 309 tide is still coming up to the original dunes. It's going past those poles. Now, I don't know who, I think it 310 was the Feds who placed the poles there. [I don't know] how they came up with the formula. If it's wiping 311 it out, it's gonna wipe it out today, it's gonna wipe it out tomorrow. I don't know if you have a plan; if we 312 have a timeline, or what we're gonna do with those poles. Putting up sand fences again is like the 313 definition of insanity. You know, keep doing the same thing over and you're gonna wind up with the same 314 result. That's insanity. So, when they put up those sand fences, you made the beach smaller, and what 315 happened is the dunes washed away. I don't know what you're gonna do with the poles. Are you gonna 316 remove 'em? Are the Feds gonna allow you to remove 'em? Like you said at the beginning of the meeting, 317 it's February 9th already. Before you know it, Easter's gonna be here, and this is when officially our season 318 starts; people start coming down. We can do a lot of things in this town, but if we have no beach, and we 319 have no place to sit on that beach, nobody's gonna come. And, that's a fact. We're the only beach in the 320 whole Grand Strand that allows tents. Now, I'm not gonna be pro or against tents. But, if we have the 321 high tide line right up to the dunes, we have no beach. At least on the south end. I didn't walk all the way 322 to the north end. So, we have no beach; can we have a moratorium or something or think about getting 323 rid of the tents on the south side. The north side might have a little more beach. It's bad. There's no 324 place to go on high tide. So, like I said, if we have no tourists, they come this year and there's no place to 325 sit and we have a bunch of tents; I mean, if anyone's gone down there most of the people who put up tents 326 put them up at eight o'clock in the morning. Just like going on resort, you take your towel and you put it 327 on a lounge chair. Then you get down to the beach around 12 when it's been sitting there unoccupied for 328 five hours. Then what most of the people do, they don't sit under it. They just mark their territory. They 329 sit around it and you got one or two people sitting under it [sic.] So, just look at it, please, before the time 330 comes. We really don't; I'm not like Henny Penny yelling and screaming about this. It's a real problem. 331 It's gonna be a real problem, and we need to do something about it now. Thank you. 332

Mrs. Dora Eaddy, 628 Surfside Drive, said hello everybody. I just want to say thank you. Nothing in this world makes me any happier than to get out and ride around Surfside and see our men working. Every little thing they do that can make our town more attractive makes me very happy. In fact, week before last when they filled in that ditch, canal, whatever you call it, I was so happy I baked the men a big basket of muffins and took them over to them. *(Laughter.)* But, thank you everyone. Instead of

criticizing people, why don't we say thank you, and say a little prayer for them, and I assure you it will
work. Thank you so much.

341 Ms. Charlene Henderson, North Cherry Drive, said I would like to address council about 342 something that I received in the mail recently from the Citizens Concerned, Citizens for Ethical and 343 Honest Government. My neighbors and my family were very distressed about this. We'd like to know 344 who these people are writing this so that we can address them. I feel it's slanderous, and I personally feel 345 that they're cowards with no honor. I think you're hurting your case. Most of my neighbors agree that 346 anybody who wouldn't sign a name so that it can be rebutted, again, if you can't back up your allegations 347 with a name, then we figured they're lies. Come out of the dark. Let's have a discussion about these 348 accusations. I feel it's hurting our town. Our town's in enough trouble. I don't think we need to have 349 bickering and accusations and slanderous talk like this. That's all I came to say. I love my town. I really 350 do, but this is very disturbing. Sign your names next time, if you're here. Thank you. (Applause.) 351

Ms. Wanda Spannuth, Harbor Lights Drive, said in reference to the safety of the seniors going into the Senior Center, I was very glad that you brought that up. As you know, I'm on the senior citizens advisory committee and I've met with Jackie Willis a number of times. There's an adjacent lot to the Senior Center that is for sale. I would ask the council to consider negotiating a purchase for that for the Senior Center to park, and then the seniors don't have to cross the street. Thank you.

358 Ms. Patricia Magliette, Harbor Lights Drive, said I'll be quick. I don't know how many people 359 realize when you're on Facebook you want to see your friends and your friends want to see you from far 360 away. Sometimes when you get tagged on Facebook that means that whatever they send you 361 automatically goes onto your Facebook page. Over the past couple of weeks, I've received something on 362 my Facebook page that talked about our town, but it wasn't always nice things being said. My friends up 363 in north New Jersey said, 'What are you crazy you moved there? You got this stuff written in public on 364 Facebook about your town.' So, I went into my settings and I had to say, you know what, I'm not gonna 365 let things be tagged on to my page for anyone to see, especially if I'm not on Facebook but twice a week. I 366 think it's a doggone shame. It's one thing to open your mailbox and find really rotten things written about 367 people, but it's another thing to know that on Facebook page there could be some uncomplimentary 368 things. If people need to say something, they could at least say it in a nicer way. So, I was moved to say 369 that I was not gonna endorse any of this on my Facebook page. If it comes out of mailbox, at least I can 370 shred it. But, if it's gonna be on Facebook, that's an embarrassment when you're living here and it just 371 gets wild around election time. I just told everybody don't read nothing [sic] around election time, 372 because they're wild. Some of 'em are crazy. Some of 'em are nice. Who knows who's doing what? Thank 373 vou. 374

# 10. TOWN COUNCIL COMMENTS

Mr. Childs said I just want to thank everybody for coming tonight.

Mr. Stevens said thank y'all all for coming out. It's good to see people out in the cold. Anybody that can get out in this weather and attend a council meeting has got a lot of grit. Thank you for coming. Have a nice night.

Ms. Mabry said again thank you for coming. I know y'all want to go home. It's cold, and I'm not gonna say anymore.

Mr. Pellegrino said thanks for coming. It's great to hear about beach renourishment funding moving forward. That's a big positive for the town. That's probably priority number one. As some of you said, we have huge erosion on our beach. So, hopefully, we can get that done quickly. Have a great night.

Mr. Johnson said number one, I will never, ever be negative in any campaign that I venture into.
 I certainly appreciate the comments that were made tonight about negativity. I just don't know how to
 address that, because that's just not in my mind. So, thank you, thank you for showing up
 tonight. God bless you, and God bless Surfside Beach. We'll see you next time.

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395 396 397 398 399 400 401 402 403	Mayor Samples said that on Friday, February 12 <sup>th</sup> , at 9:00 a.m. at Brookgreen Gardens the Town Council is meeting to hold the second part of its visioning workshop. The public is invited. On Monday, February 15 <sup>th</sup> , at 10:00 a.m. in Council Chambers, Town Council will meet to discuss sanitation. We've got a good group of people. We don't always agree, but rest assured, everybody is working hard and we're trying to communicate. There is anything, any matter that any councilmember can't bring up under the agenda as currently structured. Some matters have to be discussed in executive session for the reasons provided for under State Law. But, we have discussion specifically to allow members to raise issues, which others may not be aware of.		
404	11. ADJOURNMENT.		
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406	Ms. Mabry moved to adjourn the meeting at 7:25 p.m. Mr. Johnson seconded. All voted in		
407	favor. MOTION CARRIED.		
408	Prepared and submitted by,		
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412		Debra E. Herrmann, CMC, Town Clerk	
413 414 415	Approved: February 23, 2016		
416	Douglas	F. Samples, Mayor	
417 418	Dougias F. Samples, Mayor		
419 420	David L. Pellegrino, Mayor Pro Tempore	Robert F. Childs, Town Council	
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422 423 424	Mark L. Johnson, Town Council	Mary Beth Mabry, Town Council	
425 426	Randle M. Stevens, Town Council	Vacant Seat	
427 428 429 430	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, meeting notice and the agenda were distributed to local media and subscribers to the town's email subscription list. The agenda was posted on the town website and the		

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