



**SURFSIDE BEACH TOWN COUNCIL WORKSHOP
TOWN COUNCIL CHAMBERS
115 US HIGHWAY 17 NORTH, SURFSIDE BEACH, SC
NOVEMBER 20, 2017 AT 9:00 A.M.**

CALL TO ORDER. Mayor Childs called the workshop to order at 9:00 a.m. Mayor Childs, Mayor Pro Tempore Ott, and Councilmembers Samples and Stevens were in attendance. Councilmembers Courtney, Johnson, and Pellegrino were absent. A quorum was present. Others present: Town Clerk Herrmann; Deputy Administrator Harrah, and Police Chief Hofmann.

Mr. Harrah said we're here today to go through this nuisance ordinance from its beginning, and then presented the Property Maintenance Procedures, a copy of which is on file. A new section, "Ejectment, Exclusions; Re-entry as Public Nuisance in Public Places" was presented that will enable to town to prevent homeless individuals from using town parks and buildings as campsites. Staff is publishing a complaint form on the town's website in addition to accepting complaints by telephone and in person.

Mr. Stevens asked who handled the complaints. Mr. Harrah said complaints came into his office and they were assigned to staff based on whether the complaint involved a building or code violation. Mr. Stevens asked if some cases were turned over to the fire department. Mr. Harrah said yes. Mr. Stevens said there were past cases of homeless people camping in vacant properties. Is that turned over to the police department? Mr. Harrah said possibly, two actions could be taken: one, the police department could deal with the trespass. Two, code enforcement can deal with the property owner for allowing it to occur. Mr. Stevens said many absentee owners would have no idea this was happening. Mr. Harrah said the owners would be notified by certified return receipt requested mail, and then we would work towards a solution. Mr. Stevens asked what happened if the mail was undeliverable. Mr. Harrah said the post office would notify the town. The certified letter is filed with the Clerk of Court as a *Lis Pendens*, so a notification would be delivered regardless of where they are located. Mr. Stevens wanted to ensure all avenues were being considered, because he hated to have someone call him with a complaint that he was not notified, because an agent was handling the property. Mr. Harrah said notices are sent to the owner, as well as agents of record. Mr. Stevens said so due diligence is being done. Mr. Harrah said absolutely.

Mr. Ott said recently there was a public hearing about a property and asked if that was typical during this process. Mr. Harrah said the particular incident he spoke of was for a property upon which there exist a public safety hazard. The public hearing is part of the State Law procedures. Much of this section follows the same procedure, and continued to go through the procedures.

Mr. Stevens asked how long the process could take from the initial inspection to the filing of a lien against the property. Mr. Harrah said a lien against the property would not be filed unless the cost to correct the violation was unpaid. The time could be as long as 45 to 60 or more days, depending on the interactions between staff and the property owner.

Mr. Ott asked if the town's public works department could perform necessary work. Mr. Harrah said that is up to council, but it would take staff away from their regular duties. A bid would have to be let if we use a third party, or we can create a rotation list like we have for towing services. Mr. Ott preferred a rotation list to eliminate any collusion. Mr. Ott said as he understands the procedures, it would be Town Council's decision to instruct the administrator to follow through. Mr. Harrah said that is correct.

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51 Mr. Stevens had no problem with the process. He asked what happened when the property was
52 involved in litigation. Mr. Harrah said once the litigation was resolved, the owner of record would be
53 contacted by the town attorney.
54

55 Mr. Harrah explained the "Ejection, Exclusions; Reentry as Public Nuisance in Public Places"
56 section. Chief Hofmann said liked that this section provides additional tools for the police department to
57 stop what is commonly called 'urban camping' by homeless individuals. Currently, the code does not have
58 any language to prohibit that. Mr. Stevens asked if this section provided enforcement tools for private
59 property, too. Chief Hofmann said this section only applied to public property. Homeowners would be
60 involved with violations on private property. A discussion was held about homeless individuals and how
61 they come to be in that position. Mayor Childs thought it was good that the police department offers
62 resources for help.
63

64 Ms. Samples liked the proposed ordinance. It was concise and tight. She said unfortunately for
65 staff, they need to continue reviewing all of the codes to offer updates. I really appreciate your work and
66 thank you very much for the effort put into this.
67

68 Mr. Harrah said in this particular section, a misdemeanor offense enforcement would exclude the
69 individual for 90 days; a felony offense would be not less than 90 days, and up to 180 days. Staff has the
70 option to offer a warning orally or in writing, along with contact information for help agencies, to give
71 violators an opportunity to leave. If the offender does not comply, then notice will be served, and
72 additional actions taken as set out in the code.
73

74 Mr. Stevens asked Chief Hofmann if he would bring a recommendation to add enforcement codes
75 to deal with homeless people. Chief Hofmann said not at this time. In order to avoid overregulation, I
76 would like to see how effective this nuisance ordinance is. If additional language is needed in the future,
77 it will be recommended to Town Council.
78

79 Mr. Ott said the Town Code is a living document that can always change as we need to in the
80 future. Mr. Harrah said it is just like your process to review adopted ordinances once a year. Once it is
81 implemented, necessary amendments will be presented to council. Mr. Ott said thank you. It is exactly
82 what we need in this town.
83

84 Mr. Harrah asked if there were specific questions about the nuisance ordinance. Mr. Stevens
85 wanted to be sure that Article 17-4 Penalties includes trial by jury. Mr. Harrah said that was addressed in
86 Chapter 7, Health and Sanitation, Article 1, Section 4 Penalties. Council was given the entire chapter
87 initially, but just the changes were distributed for this meeting. Mr. Stevens asked that the entire chapter
88 be included with the amendments be presented to councilmembers. Ms. Samples said one
89 councilmember cannot direct staff, and asked Mayor Childs to see if there was consensus. **Council**
90 **CONCURRED.**
91

92 Ms. Anita Crone, representing *Georgetown Times* and *South Strand News*, said she saw in the
93 exclusions that you can exclude anyone from a place where the public is usually excluded [sic.] She
94 asked who she ask about that since she was prevented from attending a meeting of the council when it
95 was being briefed on pier reconstruction options. Mr. Harrah said if you are referring to a meeting for
96 which public notice was given, this does not apply. Ms. Samples said that question has nothing to do with
97 nuisance, the workshop topic. She said Ms. Crone's did need a response, but this was not the proper
98 forum. Ms. Crone said she appreciated it.
99

100 Mayor Childs asked if there were any other comments or questions. There were none. Mayor
101 Childs declared the workshop adjourned at 9:41 a.m.
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Prepared and submitted by

Debra E. Herrmann, CMC, Town Clerk

VOTE:	Yes	No
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SURFSIDE BEACH TOWN COUNCIL

Robert F. Childs, III, Mayor

Ron Ott, Mayor Pro Tempore

Timothy T. Courtney, Town Council

Mark L. Johnson, Town Council

David L. Pellegrino, Town Council

Julie M. Samples, Town Council

Randle M. Stevens, Town Council

Clerk's Note: This document constitutes minutes of the workshop that was digitally recorded, and is not intended to be a complete transcript. Appointments to hear recordings may be made with the town clerk; a free copy of the audio will be given to you provided you bring a new, unopened flash drive. In accordance with FOIA §30-4-80(A) and (E), workshop notice was distributed to local media and interested parties via the town's email subscription list. The notice was posted on the entry door at Town Council Chambers. Workshop notice was also posted on the town website at www.surfsidebeach.org and the marquee.