



**SURFSIDE BEACH TOWN COUNCIL MEETING MINUTES
AUGUST 27, 2019 AT 6:00 P.M.
TOWN COUNCIL CHAMBERS**

1. CALL TO ORDER. Mayor Childs called the regular meeting to order at 6:00 p.m. Mayor Childs, Mayor Pro Tempore Pellegrino, and Councilmembers Dietrich, Ott, Scoles, and Stevens were in attendance. Councilmember Johnson was absent. A quorum was present. Others present: Town Administrator Pieper; Town Clerk Herrmann; Finance Director King; Planning, Building & Zoning Director Morris; Police Chief Hofmann, and Public Works Director Adair.

2. INVOCATION AND PLEDGE OF ALLEGIANCE. A. Invocation: Reverend Kirk Lawton, Ocean Lakes Campground Ministries, gave the invocation. **B. Pledge of Allegiance:** Mayor Childs led the Pledge.

3. EXECUTIVE SESSION. Pursuant to the Freedom of Information Act §30-4-70-(a)(2) discussion of negotiations of incident to proposed contractual arrangements and the receipt of legal advice, specifically regarding the Atlantic Restaurant Group, LLC lease. Mr. Stevens moved to enter executive session at 6:02 p.m. Ms. Scoles second. All voted in favor. **MOTION CARRIED.** Mr. Stevens moved to reconvene regular session at 6:30 p.m. Mr. Dietrich second. All voted in favor. **MOTION CARRIED.** Mayor Childs said for the record that no action was taken during executive session.

4. MOTIONS RELATING TO AGENDA. There were no motions; the agenda was approved by acclamation.

5. MINUTES APPROVAL. July 23, 2019; August 5, 2019, and August 16, 2019. Mr. Stevens moved to adopt the July 23rd, August 5th, and August 16th, 2019 minutes as presented. Ms. Scoles second. All voted in favor. **MOTION CARRIED**

6. PUBLIC COMMENTS. Agenda Items Only.

Mr. Gary White, Lakeside Drive, opposed adoption of correctional institutions, jail facilities, and rehabilitation centers in the public land ordinance, especially if those would be placed on the town park lands.

Mr. Anousha Shifteh, North Ocean Boulevard, thanked Chief Hofmann for his open door policy and assistance with bringing forward the ordinance to allow umbrellas to have tie downs.

Ms. Beth Kohlmann, South Ocean Boulevard, said she could not find any circular umbrellas with tie downs. Cabanas are smaller than tents and have four poles with drapes that can be tied down. She suggested the wording be amended to avoid another unenforceable ordinance.

7. COMMUNICATIONS.

A. Proclamation #19-125 Constitution Week, Vice Regent Cindy Smith and Ms. Barbara Jenkins, Theodosia Burr Chapter, NSDAR. Mayor Childs presented Ms. Smith and Ms. Jenkins with the proclamation recognizing September 17-23, 2019 as Constitution Week. Ms. Smith thanked Mayor Childs for supporting and recognizing this historic event.

B. Employee Award. Eric Simpson, 20 years. Mayor Childs presented Mr. Simpson with a certificate, award check and service pin. He received a standing ovation.

53 **C. Finance.** Director King presented the written report, a copy of which is attached hereto. Mr.
54 Stevens asked if the higher sanitation revenue was because town business increased. Ms. King said it was
55 mainly due to the three times a week summer service along the boulevard.

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57 **8. BUSINESS.**

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59 **A. Second Readings of Ordinances**

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61 **i. #19-0900 to add Public Property Zone (PL) to Chapter 17, Director Morris.** Mr.
62 Stevens moved to adopt second reading of Ordinance #19-0900. Ms. Scoles second. Ms. Morris
63 presented the decision paper and ordinance, copies of which are on file. She read for the public benefit
64 3(h) from the decision paper: *There was not a vote to amend the existing ordinance; however, the mayor*
65 *stated correctional facilities and rehabilitation facilities would be added to the ordinance prior to 2nd*
66 *reading. This has been done. Staff will publicly announce the addition of the two uses prior to 2nd*
67 *approval from council.* Mr. Ott was confused because pages 3 and page 6 disagreed on allowing parole,
68 parole officers, jails, correctional institutions, jails, and rehab centers. Ms. Morris explained that page
69 three states that any building built on public land must be 75 feet from any residential zoning district, and
70 then on page 6, Section 17-396.26 states that courts of law, correctional institutions or jails, parole or
71 probation offices, rehabilitation and detoxification centers have to be 150 from a residential district. Mr.
72 Ott asked why the town would want to allow these facilities. Ms. Morris responded that was a council
73 decision. The planning commission did not recommend including those uses. Ms. Scoles said a
74 rehabilitation center included post-surgery physical therapy programs. Mr. Ott suggested stating medical
75 rehabilitation. Mr. Pellegrino said that it was stated at the last meeting that the current jail would be
76 grandfathered. Ms. Morris said that was exactly right; the holding cell is considered an accessory use to
77 the primary use by the police department. The town is so small that there are no locations that would be
78 suitable for stand-alone jails or rehab centers that require acres of land. After further discussion, Mr.
79 Stevens moved to amend to strike parole, probation officers, rehabilitation and detoxification centers. Mr.
80 Ott second. Mayor Childs, Mayor Pro Tempore Pellegrino and Councilmembers Ott, Scoles and Stevens
81 voted in favor. Councilmember Dietrich voted against. **MOTION TO AMEND CARRIED.** Mr. Pellegrino
82 was glad those uses were removed, but he still opposed the ordinance. In his opinion, it created
83 redundancy. There are too many ordinances we already struggle to enforce. This is another fairly
84 complex ordinance that we will struggle to enforce. Mayor Childs and Councilmembers Ott, Scoles and
85 Stevens voted in favor. Mayor Pro Tempore Pellegrino and Councilmember Dietrich voted against.
86 **MOTION CARRIED AS AMENDED.**

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88 **ii. #19-0901 to adopt International Swimming Pool and Spa Code, Director Morris.** Mr.
89 Stevens moved to adopt second reading of Ordinance #19-0901. Ms. Scoles second. Ms. Morris
90 presented the decision paper and ordinance, copies of which are on file. All voted in favor. **MOTION**
91 **CARRIED.**

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93 **iii. #19-0902 to amend §13-21 IRC Code Chapter 1 Administrative, Director Morris.**
94 Ms. Scoles moved to table Ordinance #19-0902. Mr. Stevens second. All voted in favor. **MOTION TO**
95 **TABLE CARRIED.**

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97 **B. First Readings of Ordinances**

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99 **i. #19-0904 to rezone Various Public-Owned Properties to Public Land, Director**
100 **Morris.** Mr. Stevens moved to adopt first reading of Ordinance #19-0904. Ms. Scoles second. Ms. Morris
101 presented the decision paper and ordinance, copies of which are on file. The planning commission asked
102 that council consider a clause to require property to revert to its original zoning district if the town sold
103 any public property. Mr. Ott did not support that saying that the public should have input because the
104 property belongs to the people. There was no other discussion about a reversionary clause. Mayor Childs

105 and Councilmembers Dietrich, Ott, Scoles and Stevens voted in favor. Mayor Pro Tempore Pellegrino
106 voted against. **MOTION CARRIED.**
107

108 **ii. #19-0905 to add Bingo as an Allowable Use in C1, Director Morris.** Mayor Childs said
109 the planning commission did not recommend adding bingo as an allowable use in C1 and asked for a
110 motion. **NO MOTION, ORDINANCE FAILED.**
111

112 **iii. #19-0906 to amend §12-25, et seq., Sidewalk Width for Outdoor Cafes, Director**
113 **Adair.** Mr. Stevens moved to adopt first reading of Ordinance #19-0906. Mr. Dietrich second. Mr. Adair
114 presented the decision paper and ordinance, copies of which are on file. Mr. Ott was concerned that this
115 would create spot zoning. Mr. Adair said the code applies to the entire town in any location where a
116 sidewalk is located. Mr. Pieper said this applies to existing sidewalks; when the minimum standard width
117 is met a business could apply for a sidewalk café permit to allow outside seating. Infrastructure is not
118 being changed to accommodate a particular request. All voted in favor. **MOTION CARRIED.**
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120 **iv. #19-0907 to amend §12-67(C)III, Tie Downs Allowed for Umbrellas, Chief**
121 **Hofmann.** Mr. Stevens moved to adopt first reading of Ordinance #19-0907. Mr. Ott second. Chief
122 Hoffman presented the decision paper and ordinance, copies of which are on file. Chief Hofmann referred
123 to Ms. Kohlmann's comment regarding cabanas, and said that cabanas are considered 'other shading
124 devices,' and cabana users are asked to place them in line with the tents. After much discussion,
125 including that rental agencies should be required to educate tourists about the rules, Mayor Childs asked
126 Mr. Pellegrino and Mr. Stevens to meet with Chief Hofmann prior to second reading to clarify the
127 language to ensure the code is enforceable. All voted in favor. **MOTION CARRIED.**
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129 **C. Resolution #19-198 to Name the Passive Park Area "Memorial Park," Mayor Childs.**
130 Mayor Childs presented the resolution, a copy of which is on file, and moved to adopt Resolution #19-
131 198 to name the passive park area "Memorial Park." Mr. Dietrich second. All voted in favor. **MOTION**
132 **CARRIED.**
133

134 **D. Renew 15th Judicial Circuit Law Enforcement Network Agreement, Chief Hofmann.**
135 Mr. Stevens moved to direct the town administrator to execute the agreement. Mr. Dietrich second. Chief
136 Hofmann presented the decision paper and agreement, copies of which are on file. All voted in favor.
137 **MOTION CARRIED.**
138

139 **E. Motions or directions to Town Administrator resulting from Executive Session.** Mr.
140 Stevens moved to authorize the town administrator to retain Haynsworth, Sinkler, Boyd for legal services.
141 All voted in favor. **MOTION CARRIED.**
142

143 **9. PUBLIC COMMENTS.** Town Services or Business Conducted.
144

145 Mr. Anousha Shefte, North Ocean Boulevard, understood the chief's concerns. The [cabanas] can
146 be used in multiple ways including closing the sides, which obstructs lines of sight. Beach goers that close
147 their cabanas are using them a screens to hide smoking; he sees cigarette butts where they are placed.
148

149 Mr. Tom Dodge, 8th Avenue South, said council presented the E District as being walkable. He
150 guessed the "E" was for "evil." There are no setbacks, no parking required, no flood plain. The planning
151 board was fired because it caught the flood plain debacle. He asked during other meetings who would
152 benefit from the E District. As of this meeting he has not received an answer. He believed the plan was
153 all along that council would spend over \$500,000 of tax payer money for a parking lot for the E District
154 businesses. It's been almost three years, and we still don't have a pier, which is the town's focal point.
155 One of the two monthly meetings was cancelled, therefore residents' time to speak went from ten
156 minutes to three minutes [sic.] This resulted in the citizens being shut up. [He expressed disgust with the
157 council.]

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Ms. Wanda Burgess, 15th Avenue South, said not only should rental agencies educate tenants about the beach rules, golf cart rental companies should also educate their customers. Until council requires businesses to sign a statement that they read the rules nothing will happen.

Mr. Bill Kinken, Dogwood Drive North, said every rental golf cart he saw had a sticker stating that you must be 16 years old to drive. There's nothing the golf rental companies can do; the renters are the offenders. The property at 1311 Dogwood North was left in terrible condition after the contractor razed the burned home. He hoped the town would do something to require it to be cleaned up. Earlier this summer council discussed the danger of digging holes in the sand. The town needs to be more aware of piling sand up along the swashes where they are dug out, which sometimes reach five or six feet high. There is danger of collapsing when the water undercuts the sand mounds. He challenged council to find a way to make changing the town's height limit to require a unanimous vote, because he hears that a candidate for the upcoming election wants to raise the height limit. The town's low profile is what makes us the family beach, and maintains growth in a reasonable manner. He appreciated councils' service, even though he was a little disappointed with the format.

Ms. Diana Taylor, 7th Avenue North, asked if the pier status could be reported at each meeting. She believed it was council's responsibility to keep the public notified.

Mr. Harry Kohlmann, Ocean Boulevard South, said the last time he spoke at a meeting he said there wouldn't be enough parking. Council allowed the E District to eliminate parking, and we have to buy a parking lot. Is this insanity? You all voted for it. Right revenue Randle? Ms. Scoles called *point of order*. Mayor Childs affirmed no names are to be called. Mr. Kohlmann apologized and continued saying the road is collapsing near 10th Avenue North near the swash; the depression is about six inches. He asked Mr. Adair what would be done, and was told it would have to be redone at the cost of about \$800,000. We only have \$500,000. We could've used the money you bought the parking lot with. He asked if truck traffic on the road can be restricted to avoid further damage. He was glad most of the members would be gone.

10. TOWN COUNCIL DISCUSSION AND/OR COMMENTS.

Mr. Pellegrino thanked everyone for coming and for their comments. He agreed with [Mr. Kinken's] comments about the height limit. There are two things that previous councils have done right: maintain the height limit to keep the family beach, and also zero debt. He voted yes by omission for the parking lot purchase; he actually listened to the audio to confirm he did not vote no. He was very vocal about his opposition during the meetings. He did not agree with spending any reserve funds because there were two big threats: the pier, which is a government project and there is a good chance it will be over budget; and the South Carolina Retirement System is requiring municipalities to make up its retirement fund, which is a huge expense for the town. We need reserves to use when issues happen, like the bridge Mr. Kohlmann mentioned. Again, thank you for your comments. Thank you to Ms. Kohlmann for the comments about the word "circular" in the umbrella definition, because we need to have that conversation.

Mr. Dietrich thanked everyone for coming. There were some good comments and concerns mentioned. The pier status is that the public knows what the council knows. We have ideas of when it might get started and finished, but there is no certain time decided. The parking issue was addressed. We authorized Mr. Pieper to negotiate that; he did an excellent job doing so. We will complete that lot as soon as possible. He appreciated everyone's time and comments.

Mr. Ott thanked everybody for coming, and enjoying [the meeting.] A council seated 15 or 20 years ago approved using parking revenue to buy land in town. That is why that happened. Buying land

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210 is a decent investment. It doesn't have to be used as a parking lot; 15 or 20 years from now, it could be
211 something else. The town will continue to buy land.
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213 Mr. Stevens thanked everyone for coming. He congratulated Eric Simpson for his 20 years of
214 service. Constitution Week is in September. The town's election is coming up. He heard many people
215 would run for office, which was great. Welcome to \$455 a month pay and long hours. He was not
216 running again, because he believed in term limits. He heard some candidates want the town to use green
217 cars, but that would not be sensible for the police department which needs high power motors to pursue
218 suspects. He hoped no socialists were elected. In his opinion, the best choices are people who are
219 business oriented, because businesses pay 85 percent of all property taxes, and 70 to 80 percent of the
220 sanitation revenue, and also business license fees, hospitality and accommodation taxes. Highway 17 is
221 being repaved by the state, unlike several years ago when council illegally voted to pay with town money.
222 All but \$20,000 of that money was refunded when council reversed its decision and appealed to the state.
223 The new pier will be concrete; we're working on a deal for the tenants. He encouraged everyone to dine
224 at the many restaurants in town. *(Time ended.)*
225

226 Ms. Scoles thanked everyone for coming out and for making comments. She and Chief Hofmann
227 have discussed the problems with golf carts and the beach problems. We are looking at some resolutions.
228 The majority of the golf cart businesses post the rules and regulations on the carts. There are some
229 rental agencies that do not. That will be addressed, because there are major problems with underage
230 driving and driving after dark, which are both regulated by State Law.
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232 Mayor Childs said the bids for the pier should be let around the first of November. We didn't want
233 to put anyone out of business during the summer season. Construction should start around the first of
234 the year. The architects and engineers are predicting about 18 months for completion. Depending on the
235 weather, he expected about two years to complete. That is the best information we have now.
236

237 **11. ADJOURNMENT.** Mr. Stevens moved to adjourn the meeting at 7:40 p.m. Mr. Dietrich and
238 Ms. Scoles second. All voted in favor. **MOTION CARRIED.**
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240 Prepared and submitted by:

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242
243 Approved September 24, 2019

Debra E. Herrmann, CMC, Town Clerk

Surfside Beach Town Council

Robert F. Childs, III, Mayor

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David L. Pellegrino, Mayor Pro Tempore

Bruce H. Dietrich, Town Council

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254 _____
Absent 08/27/2019

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Mark L. Johnson, Town Council

Ron Ott, Town Council

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Debbie Scoles, Town Council

Randle M. Stevens, Town Council

260 Clerk's Note: This document constitutes summary minutes of the meeting that was digitally recorded, and is not
261 intended to be a complete transcript. Appointments to hear recordings may be made with the town clerk; a free copy
262 of the audio will be given to you provided you bring a new, unopened flash drive. In accordance with FOIA §30-4-
263 80(A) and (E), meeting notice and the agenda were distributed to local media and interested parties via the town's

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264 email subscription list. The agenda was posted on the entry door at Town Council Chambers. Meeting notice was
265 also posted on the town website at www.surfsidebeach.org and the town's LED marquee.

Approved