



**SURFSIDE BEACH TOWN COUNCIL REGULAR MEETING**  
**Council Chambers, 115 US Highway 17 North, Surfside Beach, SC 29575**  
[www.surfsidebeach.org](http://www.surfsidebeach.org) - ☎ (843) 913-6111 📠 (843) 238-5432

**TOWN COUNCIL MEETING AGENDA**  
**TUESDAY, NOVEMBER 10, 2020, • 6:30 pm.**

1. **CALL TO ORDER** Mayor Hellyer called the meeting to order at 6:30 pm. Mayor Hellyer, Mayor Pro Tempore Scoles, Councilmembers Drake, Holder, Pellegrino, and Keating were in attendance. Others present were Interim Administrator Duckett, Town Attorney Crosby, and Town Clerk Sheri Medina. Absent: Councilmember Dietrich.
2. **INVOCATION AND PLEDGE OF ALLEGIANCE**
  - A. Invocation: Kirk Lawton, Ocean Lakes Campground Ministries, gave the invocation.
  - B. Pledge of Allegiance: Mayor Hellyer led in the Pledge of Allegiance.
3. **PUBLIC HEARING** - None
4. **MOTIONS RELATING TO AGENDA** - None
5. **MINUTES APPROVAL** - Councilmember Keating made a motion to accept the minutes for the October 27, 2020 minutes. Councilmember Drake second.  
  
All voted in favor. **Motion carried.**  
  
Councilmember Holder made a motion to approve the minutes from the October 30, 2020 meeting. Councilmember Pellegrino second.  
  
All voted in favor. **Motion Carried.**
6. **PUBLIC COMMENTS – Agenda Items Only**
  - A. **Gary White**, 315 Lakeside Drive stated with the Ordinance 20-0225, the language of LEGAL plants should be inserted.
7. **COMMUNICATIONS –**
  - A. **Open Employment Positions** – Mr. Duckett stated there are three open positions, not counting the Police Department. We always advertise for police; I understand they're doing some interviewing either this week or next week. There's an open position for Town Administrator. That may be solved tonight. The second one is the fire chief. As you know, our Fire Chief is retiring on December 11 this year. There have been thirteen applicants. Ten of those were deemed qualified, six have been interviewed, and they have been narrowed down to three finalists. I would submit that your new permanent Administrator should do those interviews and then decide. The department heads are hired and fired by the Administrator with the permission of the Council. There's also an opening for Planning and Zoning Administrator, which I've made clear that the permanent Administrator should hire that person. It's not like we're without help. We have a contract with the Waccamaw Council of Governments and Carol Coleman. I understand that she's doing an excellent job, and the contract that we presently have goes through the end of December of this year.  
  
Councilmember Keating stated currently, our Fire Chief is filling a dual role of the Fire Chief and our Certified Building Official. Is it anticipated that that dual role will continue? Or, are we looking for a different CBO? What's the status of that portion of his responsibilities? Mr. Duckett stated, we have a current employee who has passed two of the three exams; I understand that you have six chances in six months to pass the test. It's also my understanding that he's likely to retake the test tomorrow night. So, that could be solved, as early as tomorrow night, because it's taken online, it's monitored, and he will have the results at the end of his session; if for some reason he doesn't pass, he will get three more opportunities in the next month. You have to have a CBO. Councilmember Keating asked, do we have a backup plan if he is not successful before the Fire Chief leaves? Mr. Duckett stated, yes. He did not share what that plan may be.
  - B. **Report from Keep Surfside Beach Beautiful.** Ellen Delaplane, Linda Woodlief and Pat Horner, representing Keep Surfside Beach Beautiful Committee gave an update of the Committee's activities. They stated, thanks so much for giving us some time tonight. We wanted to give you an update on some activities that we have planned for the next couple of months. But first, just a quick recap on this past spring and summer, which were very busy and very successful. We had Beach Sweeps

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with over 350 total participants. More and more people came every single month. We awarded yard of the month for the months of April through October. So it was a great Spring and summer for us.

Now onto our holiday initiative. We are having our third annual; It's a Wonderful Life in Surfside Beach. We will not be doing the trolley this year; we don't have any budget. We have many other fun and cost-effective activities that we're hoping will deliver the same or close to the same level of holiday spirit for this town that I know many residents have come to expect from our committee. As with the past year, we will encourage residents and businesses to Light Up the Town, putting up Christmas holiday decorations and whatnot. We've partnered with Century 21 and hired a drone photographer. It will capture footage of all the lights in Town from an aerial view from up in the sky. He'll start on the night of the Christmas Tree Lighting. So they'll be able to capture the tree being lit and other houses and businesses that have lights, and then we'll come back one more time the following week. Then we're going to air the final video on television December 14 during the Cecil Chandler show. We definitely encourage everyone to light up and tell your friends and neighbors because we want the video to be super spectacular. For the third year as well, we will host "You've Been Socked." We purchased 25 stockings. We anonymously put them at people's homes with a poem to refill the stocking and pay it forward. So we're hoping that this also creates a lot of community spirit with children, parents, and neighbors. We're very thrilled about that. Last year, WPDE covered this story, and we're hoping to get the press again this year. This is, as I said, self-funded by the committee, and we will be distributing stockings on December 1<sup>st</sup>. And last year, we also introduced Caroling night. We rode around town in the back of a truck and sang Christmas songs. Based on the feedback we received, we're changing it up a bit this year. This year we're going to be on foot on the east and west ends of Surfside Drive and Memorial Park. We're going to try to capture some more foot traffic and encourage people to join in, and this is going to take place on Thursday, December 17<sup>th</sup>.

Lastly, our committee, all eight of us, will attend the tree lighting and participate in the Surfside Beach Christmas parade. I want to thank you all for giving us the time to talk to you tonight, and if you have any questions, please let us know; get in touch with us.

## **8. BUSINESS**

**A. FIRST READING ORDINANCE 20-227 AN ORDINANCE OF THE TOWN OF SURFSIDE BEACH TO AMEND SECTION 8-111 OF ARTICLE VII OF CHAPTER 8, DISORDERLY CONDUCT.** Councilmember Keating made a motion to adopt Ordinance 20-0227 to amend Chapter 8, Disorderly conduct. Councilmember Holder second.

Chief Hofmann stated what I am before you tonight after doing some work with the Town Attorney. I want to present an amendment to the disorderly conduct ordinance to include urinating and defecating in public. I know it's unfortunate that we would have to consider that, but it is a real thing. My concern about the current ordinance it is that presently if a person is seen or observed urinating in public, they're charged with indecent exposure, which makes them a sex offender for the rest of their lives. That might be just a little extreme. We have had some complaints with people urinating under the pier, and I know you don't want anybody urinating on your new concrete pylon, right? My concern is that as the E-district grows a little bit with many bars and alcohol establishments in very close proximity, we are likely to see an increase in this behavior. For types of behavior like this, I'd like to be able to give our officers the tools. I've discussed this with the town attorney. She's done a lot of work with the Municipal Association, and disorderly conduct is up to speed on the constitutionality of some of the verbiage that cities disorderly conduct ordinances around the state. So, she helped me tune up the language slightly in numbers 1 and 2 to make sure that we're using the best police practices and model policies on this ordinance. We added number 3, which addresses the urinating and defecating in public, and on private property within others' view. So this ordinance change is two-fold, basically, to address number three, and then tightening up language a little bit in 1 and 2.

I probably would be preaching to the choir if I said that many of our ordinances are a little out of date. This one was last tuned up in 1983, so I've been kind of holding off on some of these. I've got some more that I'll be bringing forward to you. I wanted to wait until we got a lot of pier stuff behind us. So you'll probably be seeing me at a couple of meetings for a while if that's OK.

All vote in favor. **Motion carried.**

**B. SECOND READING ORDINANCE 20-0225 AN ORDINANCE TO THE ZONING ORDINANCE OF THE TOWN OF SURFSIDE BEACH TO AMEND CHAPTER 17, ARTICLE 1 GENERAL PROVISIONS, SECTION 17 007 DEFINITIONS AND ARTICLE III DISTRICT & USE REGULATIONS TO DEFINE AND ADD "GARDEN CENTER" AS A CONDITIONAL USE IN TABLE 17-395.** Councilmember Keating made a motion to adopt Ordinance 20-0225 to amend Chapter 17, to add and define Garden Center as a conditional use. Councilmember Holder second.

Carol Coleman, Planner from Waccamaw Council of Governments, stated the Planning Commission unanimously recommended this. We had someone come in, proposing a business as a garden center. Upon going through the ordinance, we found some places where the ordinance was conflicting with each other regarding whether or not you could have a business predominantly out of doors because of some of the requirements according to the code. For example, with the lumberyard, you had to have all the lumber indoors to accommodate the business as a use. We wrote a definition for what they could have, then also advised them that they would still be required to meet the requirements of the overlay.

Councilmember Keating stated regarding the comment earlier; our ordinances can't circumvent any federal or state law. It's rather redundant to limit it to "legal" plants. However, the world continues to change around us, and individual plants that have been formerly illegal have become legal, does that still cover what we have here? It still would be under a state or federal law. Ms. Coleman stated that if something were to occur and you had some concerns, you would have the opportunity to go back and make amendments to any language.

All vote in favor. **Motion carried.**

**C. SECOND READING ORDINANCE 20-0226 AN ORDINANCE TO THE ZONING ORDINANCE OF THE TOWN OF SURFSIDE BEACH TO AMEND CHAPTER 17, ARTICLE II ADMINISTRATION, SECTION 17-201 EXCEPTIONS AND MODIFICATIONS TO ADD LANGUAGE REGARDING THE PERMITTING OF HANDICAPPED ACCESSIBLE RAMPS, LIFTS, LANDINGS, AND ELEVATORS.**

Carol Coleman stated we did have this at Planning Commission last night. They did consider this, they had to have a full discussion, so they have been through the whole thing before the first reading. We did add to the amendment for existing structures only, not new construction. We brought this to the council because we had several families that have requested these lifts and landings and rebuild stairs and have run into some problems in granting the permits. We had discussions with other jurisdictions in the area and the region that have adopted language so that they don't have to meet the setbacks necessarily to make it so that people can use their raised beach homes or their elevated houses and are not forced into a situation where they have to move or pay someone to come in and help them up and down the stairs. We tried to make it as accommodating as possible without going beyond that point. The Planning Commission unanimously recommended this approval.

We were trying to be conservative by making the setback encroachment at 50%. If you wanted to be even more conservative, I did talk with some professionals, we could say that an elevator shaft may encroach up to five feet because they typically are no more than five square feet. And that would probably take care of it. The reason that one is different in that it is an enclosed structure. A lot of the beach houses are maybe 600 feet apart. Some are narrower. You could do a zero setback as far from the property line to the house for the elevator. They still have to meet fire separation, and I will point that out. It isn't here, purely from a zoning standpoint, that does not relieve any requirements under the fire code or the building code. These elevator units are five-foot square. These aren't intended to take multiple people up and down; it is meant for one person in a chair. So, five feet square should accommodate it. Six feet if you want to make sure there's any siding or anything else outside of it. Now the landing is not a problem for the elevators because that is ground level. We didn't want to relieve them of going through the review process because we still have to meet Stormwater. We still have to meet everything else that's required. The difference between a lift and an elevator is one is enclosed, and one is not. We can classify them the same if you wish.

Councilmember Keating stated if we're trying to be as helpful to our residents as possible, I don't see why we should start quibbling over a foot or two. If we are not limiting the encroachment for ramps, landings and lifts, why should we limit it for an elevator. I would like to see the 50% limitation removed.

Ms. Coleman stated that for the most people are not going to have as many elevators installed outside of the structure. In the newer construction, they're putting the shafts in them, even if they're not installing the elevators. So, realistically, most people will likely do a chairlift, so you're not going to have as much a need for elevators, but we didn't want to leave it out. We saw request for every single month.

Councilmember Drake stated what's good for one should be good for the others in the district. We have zero setbacks in the E-district.

Councilmember Keating made a modified motion to accept Ordinance 20-226 to modify Chapter 17, Article 2, to Address: Handicapped Accessible Ramps, Lifts Landings, and Elevators with the modification to Section 17- 201(G) subparagraph 1.2 to remove the restriction on the enclosed elevator and encroachment into the setback, similar to the unenclosed.

All voted in favor. **Motion Carried.**

**9. PUBLIC COMMENTS – Town Services or Business Conducted - None**

**10. TOWN COUNCIL DISCUSSION AND/OR COMMENTS**

**A. Councilmember Scoles –** I'd like to thank everyone for coming this evening and those that called in. Carol, I appreciate everything that you've done for us. I appreciate that. I hope everyone has a very good evening. Please show up tomorrow, if you can, for our Veterans Day. Thank you.

**B. Councilmember Holder** – I want to thank everybody for coming out tonight and those who called in. I want to thank Mr. Duckett for his hard work that he's done here. He's done a great job. So, thank you. I also want to say that tomorrow we have Veteran's Day Ceremony. Everyone have a great night.

**C. Councilmember Keating** – I also want to thank you for everyone coming out. Thank you, Ms. Colman, and Chief Hoffman for explaining to us what we are changing and deciding upon. I appreciate that. I also want to thank Mr. Duckett for his work over these last couple of months. I appreciate the openness and the willingness to share information and conversations and add light to our job and how we can help serve our Town and our Town Administrator. I appreciate what you've done for us. In that light, I also wanted to give a little status and say that, according to Mr. Duckett, we hope we will have a signed construction contract in the next few days, hopefully by the end of this week. That would be fabulous. I have reached out to a couple of people who do some beautiful photography and another that does drone photography. I've given them both the heads up and asked them if they would like to do a photo documentary of that project for us. Both are very willing and interested in doing that. I think that'll be a great thing to have after construction is complete to see where we came from and how we got there. I think that'll be a great thing to do. Thank you. Be safe, going home.

**D. Councilmember Pellegrino** - Thanks for listening in online. I appreciate the participation. I want to thank Mr. Duckett for his work on the construction contract. They've been going back and forth for a couple of weeks now with them. So that's the last step before we finally start demolition and construction. Have a great night.

**E. Councilmember Drake** - Thank you, everybody, for coming out tonight and tuning in, and thank you, Mr. Duckett, for your hard work and getting things accomplished that we were trying to get pushed through this pier. We finally got it there. Thank you, Ms. Coleman, for the amendment for the lifts that keep people in their homes.

**F. Mayor Hellyer** - Thank you. Here, again, I'd like to thank you all for coming out, and we've gotten a lot accomplished here in the last couple of weeks. It's all thanks to Mr. Duckett. He has put it together, kept everybody going, and helped us with our pier contract and all the things we have to get done. We will have an Executive Session later on tonight; in which we're going to discuss the employment of a new town administrator. We have a lot coming up in the next couple of months. We have the veteran service. They have the turkey trot down at the pier. I want to put something together where we have a groundbreaking for the pier and its demolition. We need to find out when we can get a start date on when we're going to do that. We have a lot going on at Christmas. I want everybody to be safe and everybody to protect themselves. Make sure you wear a mask, and let's get through this and see how things get done. So, thank you very much.

## 11. EXECUTIVE SESSION

**A.** Councilmember Keating made a motion to enter into Executive Session at 7:11 pm, pursuant to South Carolina Code section 30-4-70 (a) (1) and (2) to discuss employment, compensation, qualifications, and potential contractual arrangements and considerations regarding the position of Town Administrator. Councilmember Drake second.

All voted in favor. **Motion Carried.**

Councilmember Drake made a motion to return to regular session at 7:31 pm. Councilmember Pellegrino second.

All voted in favor. **Motion Carried.**

**B. Motions resulting from Executive Session.** Councilmember Pellegrino motioned to accept the employment agreement with William P. Shanahan Jr. to be hired as Town Administrator for Surfside Beach to be executed immediately after this meeting. Councilmember Scoles second.

All voted in favor. **Motion Carried.**

## 12. ADJOURNMENT Councilmember Drake made a motion to adjourn at 7:32 pm. Councilmember Holder second.

All voted in favor. **Motion Carried.**

## Surfside Beach Town Council

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Robert Hellyer, Mayor

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David L. Pellegrino, Town Council

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Bruce H. Dietrich, Town Council

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Cindy Keating, Town Council

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Michael Drake, Town Council

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Debbie Scoles, Mayor Pro Tempore

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Paul Holder, Town Council

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Sheri L Medina  
Town Clerk

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