



**SURFSIDE BEACH TOWN COUNCIL  
PUBLIC HEARING MINUTES  
OCTOBER 28, 2014 ♦ 6:00 P.M.  
TOWN COUNCIL CHAMBERS**

**1. CALL TO ORDER.**

Mayor Samples called the public hearing to order at 6:00 p.m. Mayor Samples, Mayor Pro Tempore Pellegrino, and Councilmembers Childs, Johnson, Mabry, Magliette and Stevens were in attendance. A quorum was present. Others present: Administrator Fellner, Town Clerk Herrmann, Planning Director Morris, and Public Works Director Adair.

Mayor Samples explained that the hearing was for the public to comment on the proposed flood damage prevention ordinance.

**2. PUBLIC COMMENTS.**

Mr. Phil Vasser, a 29-year town resident and manager of the Surfside Beach Resort, thanked Town Council and staff for the proactive approach to the town's needs in reducing or controlling FEMA imposed increases on Federal flood insurance. Over the past six days he had several discussions with staff and had seen three or four drafts of the proposed ordinance. He explained that elevators were vital to the hotel and commercial businesses, and asked council to please consider that restriction carefully as it would definitely impact businesses. The town's proactive approach will save everyone, although it might not lower [premiums.] It could get worse if nothing was done. As a resident and member of the town's business community, he hoped that the CRS committee could review the ordinance again to ensure it is heading in the right direction, so the town can get the maximum impact from the ordinance.

Mr. Buck Ricks, 4<sup>th</sup> Avenue South, thought Surfside was being proactive and agreed with the town's direction. But he had an issue with the degree of change that was being proposed; the LMWA line. At the last CRS meeting, he addressed the elevators being in enclosures, hydrostatic vents, and breakaway walls. It seemed everyone went along with that, but a few weeks later he was made aware of the LMWA line, which is Limited Moderate Wave Action line. He heard that the CRS committee was in consensus, but unless he was mistaken, they were not aware of this at the time of the last meeting. That is where it affects his property. The property adjacent to his can have a 290-foot enclosure for allowable uses. He agreed with a reduction; he did not need 290-feet. Gasoline with ethanol would not be stored, because the ethanol draws moisture into the mix. He would bring ethanol-free gasoline from Conway. It would be nice to have storage for a small push mower. He prayed [sic] that Town Council would encourage the ability to have elevators. He heard that residential may be allowed now, but limited to 40-square feet of enclosure. While that would work for him; it would hurt the income for the Surfside Beach Resort and Holiday Inn. Moving to lower insurance premiums is a good thing; but restricting income might be a wash or a negative. Both hotels had to provide a lift for access to swimming pools to comply with Federal law. The town has built handicap accessible ramps to the beach. A motel without an elevator would not accommodate anyone with a handicap. The code needs enough flexibility so these hotels can keep their services, because that is where much of the town's accommodations tax was generated. Most business taxes come from the R-3 District on the boulevard, and the R-1 [sic] on 17. Restricting income in the business area will create a need to raise taxes for residents that have property in R-2. He prayed [sic] that the LMWA line would be reconsidered and that elevators would be allowed.

Mayor Samples asked any other speakers to come forward. Staff and the CRS committee worked very hard; but they are only human so more input is better.

Ms. Stephanie Decatur of the Holiday Inn Surfside said they reviewed all the information and would like to mirror comments previously made by the gentlemen. Their business is visitors. They help the area attract

56 tourists; they want to stay with them. Limiting the hotel on rebuild and having the elevators within the property will  
57 harm them and Surfside as well. ADA requires them to have the elevator shafts. They need repairs periodically,  
58 because they have maintenance issues after a while. Her research found some counties in other states that  
59 leave hotels out of codes and ordinances like this and it works well for them. She asked that Town Council take  
60 into consideration that the hotel properties need elevators to comply with ADA (Americans with Disabilities Act)  
61 and its regulations.  
62

63 Mayor Samples said at the last meeting a councilmember reminded everyone that the Town of Surfside  
64 Beach gets about 84-percent of its revenue from directly or indirectly from businesses via accommodations,  
65 hospitality, or property taxes. Residents reap the reward from that. He did believe that the services provided in  
66 town were second to none, but somebody had to pay for them. It certainly was not Town Council's, staff's or the  
67 CRS committee's intent to propose and implement something that would be detrimental to the town's economy.  
68 He thought everyone recognized that tourism, the visitors who come to town, are the basis for the town's  
69 economy. The Holiday Inn, and more recently, the Surfside Beach Resort, do fantastic jobs promoting the Family  
70 Beach, and also carry quite a load of those contributions that help keep the town a great place to live.  
71

72 Mr. Ricks neglected to mention that Ms. Morris had received compliments from the City of Myrtle Beach in  
73 their CRS rating, but he checked their area and they are not going to disallow elevators. So, there are ways to  
74 get points without doing this stuff. Mayor Samples said Myrtle Beach may have more political sway, but they  
75 would check with them.  
76

77 Mr. Stevens said since elevators were addressed, he wanted to make sure the town does the right thing.  
78 Not only do the two hotels have elevators, there are numerous 3-story beach houses, condominium complexes and  
79 other buildings that have elevators. He wanted to make sure the proposed ordinance meets ADA requirements.  
80 He knew of several new building projects and would like to learn how they were addressing ADA compliance  
81 issues. What would happen if a homeowner ages and needs to install an elevator? He would not want to be in  
82 that situation and not be able to get into his own house. He referred to Section 14-4 No environmentally  
83 conditioned space shall be allowed below the lowest floor and asked if that was air conditioned spaces. Ms.  
84 Morris said that was right. Mr. Stevens said flood proofing shall not be permitted in town and asked for a  
85 definition.  
86

87 Mayor Samples said the regular meeting begins at 6:30 and the other members might have questions.  
88 This was discussed in a workshop during which these questions could have been asked. He reiterated that staff  
89 and the CRS committee that was set up to help address the escalating flood insurance costs have done a  
90 yeoman's job in putting this together. There are certain items that were discussed; Mr. Vasser has a concern  
91 over elevators, let the other members have an opportunity to speak.  
92

93 Ms. Morris said flood proofing, or more accurately "wet proofing" is only allowed in commercial properties  
94 in the downstairs area that is enclosed with special treated materials that would prevent wetting inside from a  
95 flood. Mr. Stevens asked how penalties and violations applied to existing structures. Ms. Morris said existing  
96 structures that are not currently in violation are grandfathered. If they are in violation, they would have to comply.  
97 Mr. Stevens asked what the cost was to appear before the Construction Board of Appeals. Ms. Morris said there  
98 is no cost. Mr. Stevens said variances were not allowed within any designated floodway. Ms. Morris said there  
99 are no floodways located in the town; the language is required by the state.  
100

101 Ms. Mabry, who serves on the CRS committee, assured everyone that she had attended four seminars, a  
102 webinar, and she was going to one next month. They were very familiar with the LMWA line and where they think  
103 it probably will move. There are always hard decisions. Who gets the benefit, and when she said that she meant  
104 all the businesses would receive a benefit of lower insurance that would be across the board. She understood  
105 there are problems with the elevators; will your house be saleable, if an elevator is installed? You would pay a  
106 much higher flood premium, if an elevator had not been put in. The hotel is already being "eat up to death," I can  
107 assure you, with insurance. They get it coming and going. If you could get 20-percent off of the businesses  
108 around town, and we look for that reduction, then we're going to make decisions that are not always going to be  
109 popular. Council has to be very aggressive in whatever they do, because they are looking at the town as a whole,  
110 and all the businesses as a whole. This was a tough, tough decision, and it's ever evolving, and it always will be.  
111 Myrtle Beach gets a very low rate, but remember, the town does not get credit for a lot of the things that Myrtle

112 Beach gets. The town doesn't have dams, levies, and many other things that would help us get more points. So  
113 we get them where we can get them. This is a much weaker ordinance than was proposed to council. The  
114 committee proceeded painstakingly to try to make it work for the town. She wanted everyone to know that there  
115 was a lot of hard, hard decisions and nobody took it lightly. They did take everything into consideration and there  
116 were a lot of coins that the committee had to look at. So please don't think that anyone was being targeted; they  
117 were not. It was very difficult and it still is.

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119 Mr. Stevens thanked the committee members serving. They are a group of good people that did a lot of  
120 hard work on the proposal. Staff worked hard on it. The main thing they want to do is get it right, realizing that  
121 the town is not a manufacturing town. Tourism is the only industry the town has. It was important to do the right  
122 thing for the tourism industry, because that produces about 84-percent of the town's income according to Mr.  
123 Pellegrino. He thought this was an on-going process. It's all about saving money.

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125 Mr. Pellegrino asked how different standards for hotels would affect the CRS scoring, if they were either  
126 included or exempted from this ordinance. Ms. Morris had spent most of the day on the telephone with the  
127 Department of Justice (DOJ) and explained that the town definitely does not want to see business decline  
128 because of these new regulations. Copies of all the email messages were sent to Town Council. The last email  
129 message from the DOJ said that there were different rules and regulations for residential elevators and  
130 commercial elevators. DOJ recommended that the ordinance include "Commercial and residential elevators meet  
131 the Department of Justice requirements." That way, the commercial would certainly meet the size requirements;  
132 the town would not have to limit it, because there were several different factors in the commercial districts; i.e. the  
133 number of stories, or the number of rooms the hotels have. So there would be no harm to any business. Mr.  
134 Pellegrino asked if that wording would resolved the questions raised earlier. Ms. Morris said it would allow for  
135 elevators in residential and commercial, which was being proposed. The town would lose points by allowing that,  
136 but points would also be lost if the town did not allow elevators and the owners sought and were granted a  
137 variance. It was almost a wash, but it would be promoting the businesses. Mr. Pellegrino said he thought Ms.  
138 Morris had the better solution.

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140 **3. ADJOURNMENT.**

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142 Mayor Samples thanked everyone for their comments, and was sure the CRS committee would review  
143 the information. He adjourned the public hearing at 6:26 p.m.

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145 Prepared and submitted by,

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148 Debra E. Herrmann, CMC, Town Clerk

149 Approved: November 10, 2014

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151 \_\_\_\_\_  
152 Douglas F. Samples, Mayor

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155 David L. Pellegrino, Mayor Pro Tempore

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158 Robert F. Childs, Town Council

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161 Mark L. Johnson, Town Council

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164 Mary Beth Mabry, Town Council

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167 Ralph J. Magliette, Town Council

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170 Randle M. Stevens, Town Council

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172 Clerk's Note: This document constitutes summary minutes of the public hearing that was digitally recorded.  
173 Appointments to hear recordings may be scheduled with the town clerk, or you may bring a flash drive to obtain a  
174 copy of the audio recording. In accordance with FOIA, meeting notice and the agenda were distributed to local  
175 media and interested parties. The agenda was posted on the town website, the entry door at Town Council  
176 Chambers, and in the Town Hall reception area.