



**SURFSIDE BEACH TOWN COUNCIL
REGULAR MEETING MINUTES
DECEMBER 9, 2014 ♦ 6:30 P.M.
TOWN COUNCIL CHAMBERS**

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7 **1. CALL TO ORDER.**

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9 Mayor Samples called the regular meeting to order at 6:30 p.m. Mayor Samples, Mayor Pro Tempore
10 Pellegrino, and Councilmembers Childs, Johnson, Mabry, Magliette, and Stevens were in attendance. A quorum
11 was present. Others present: Administrator Fellner; Town Clerk Herrmann; Fire Chief Fox; Police Chief Keziah;
12 Planning Director Morris, and Recreation Supervisor Ellis.

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14 Mayor Samples reminded everyone that the Christmas Parade would be at two o'clock this coming
15 Saturday.

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17 **2. INVOCATION AND PLEDGE OF ALLEGIANCE.**

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19 A. Invocation: Dr. David Powers of Journey Church said that he encourages the young people in his
20 church to overcome their fear of public speaking and to be involved. He introduced Mr. D. J. King who gave the
21 invocation.

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23 B. Pledge of Allegiance: Mayor Samples deferred to Mr. King to lead the Pledge.

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25 **3. AGENDA APPROVAL.** Mr. Johnson moved to adopt the agenda as presented. Ms. Mabry seconded.
26 All voted in favor. **MOTION CARRIED.**

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28 **4. MINUTES APPROVAL**

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30 A. **Visioning Workshop November 12 and 13, 2014.** Mr. Stevens moved to approve the Visioning
31 Workshop minutes as presented. Ms. Mabry seconded. All voted in favor. **MOTION CARRIED.**

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33 B. **Public Hearing November 25, 2014.** Ms. Mabry moved to approve the Public Hearing minutes as
34 presented. Mr. Childs seconded. All voted in favor. **MOTION CARRIED.**

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36 C. **Regular Meeting November 25, 2014.** Ms. Mabry moved to approve the Regular Meeting minutes of
37 November 25, 2014. Mr. Stevens seconded. All voted in favor. **MOTION CARRIED.**

38
39 **5. PUBLIC COMMENTS – Agenda Items Only.** (3-minutes per speaker). There were no public
40 comments on agenda items.

41
42 **6. COMMUNICATIONS**

43
44 A. **50th Anniversary Presentation, Councilmember Childs.** On behalf of the 50th Anniversary Focus
45 group, Mr. Childs presented Mayor Samples with a framed 50th Anniversary Banner to be hung in the mayor's office
46 as a memento of the town's 50th Anniversary. Mayor Samples expressed appreciation and said it would be hung in
47 his office.

48
49 B. **Employee Recognition, Freddy Curry, 15 Year Anniversary.** Mayor Samples presented Mr. Curry
50 with an awards check, pin, and plaque documenting his 15 years of service to the town. Chief Keziah also presented
51 a special award from Thomas Walker, the United States Attorney representative in North Carolina to Mr. Curry
52 from the United States Attorney's office for his outstanding contributions in stopping extensive organized crimes
53 that turned out to be the 2014 Case of the Year for the North Carolina District of the US Attorney's office. Mr.
54 Curry received an extended standing ovation.

57 **C. Department Reports.**
58

59 **i. Fire.** Chief Fox presented the departmental report, a copy of which is attached to these minutes and
60 made a part hereof by reference. Chief Fox said the helicopter at the Georgetown Coast Guard Station is being sent
61 to Savannah, Georgia, which will add an hour to air response time.
62

63 Mr. Childs congratulated Chief Fox on instituting the Honor Guard. He said it was long overdue.
64

65 Mr. Johnson asked if the Wilmington, North Carolina Coast Guard Station supported rescue efforts here.
66 Chief Fox said it did, but there was no helicopter for air support in Wilmington; the closest helicopter is Savanna,
67 and the next closest is in Virginia.
68

69 Mayor Samples encouraged Town Council and the public to contact Senators Lindsay Graham and Tim
70 Scott to seek their assistance to keep the asset in Georgetown to serve the Grand Strand.
71

72 Mr. Magliette asked for clarification on “medical assist/assist EMS” and “assist invalid.” Chief Fox said
73 that the medical assist/assist EMS is an actual medical call and EMS responds every time. The “assist invalid” is not
74 a “medical call,” but a situation in which a person needs assistance getting out of bed or a reclining chair. Usually
75 these calls are from individuals who live independently and occasionally need help. Mr. Magliette asked if the
76 response time is consistent; previously it was reported at 3- to 4-minutes. Chief Fox said the average response time
77 is between 2- and 3-minutes.
78

79 **ii. Planning, Building and Zoning.** Director Morris presented the departmental report, a copy of which is
80 attached to these minutes and made a part hereof by reference. An ordinance will be presented in January to address
81 fines for cutting trees that will be based on other area municipalities’ ordinances. A spread sheet will be included
82 that sets out various options; suggested fines, and protected trees.
83

84 Mayor Samples recollected that at one time the fine was \$1,500 per tree and asked Ms. Morris to research
85 the history for council’s information. Word on the street was that developers were happy to pay \$200 per tree to get
86 them taken down. He said Mr. Pellegrino brought this up during the visioning workshop. The fine is just too low.
87

88 Mr. Magliette recalled discussing a fine based on the circumference of the tree at the visioning workshop.
89 Is that something that would be in the proposal? Ms. Morris said that option would be presented, and also fines
90 calculated on the tree specimen. Options will include recommendations based on tree type, size, and diameter of the
91 tree. Mr. Magliette asked if fines collected would be used to mitigate the lost trees. Ms. Morris said Beaufort
92 County actually uses fines for tree mitigation. The town has a tree mitigation fund established in Section 17-732 of
93 the zoning ordinance, and that would certainly be a recommendation from staff for Town Council’s consideration.
94

95 Mr. Johnson asked staff to investigate past ordinances and practices relating to tree ordinances, fines,
96 mitigation, etc. for at least 10- to 12-years.
97

98 **iii. Police.** Chief Keziah presented the departmental report, a copy of which is attached to these minutes
99 and made a part hereof by reference. He explained the 31-percent decrease in arrests and citations between
100 November 2013 and November 2014 was that during November 2013 the department participated in several CAST
101 (Community Actions for a Safer Tomorrow) check points that targeted under-age drinking and drivers under the
102 influence. The CAST traffic check points were funded through a grant. The department received an award at the
103 15th Circuit Law Enforcement Network yearly banquet for 100-percent participation in all traffic safety activities and
104 initiatives. As a result of that award, the department is eligible for safety equipment to be randomly awarded at the
105 April state banquet. The department was also eligible to win a new police cruiser. Chief Keziah publicly thanked
106 all the other town department directors and their staff. During November there were several quality of life issues,
107 and it only took one phone call to any other director who, without fail, said they would take care of the problem. He
108 appreciated that cooperation, and because of the positive attitudes many quality of life issues were resolved.
109

110 Mr. Childs thanked Chief Keziah for the department’s quick response to his neighbors’ automobile break-
111 in. They praised the speed in which the case was solved, as many valuable items were taken. Chief Keziah said
112 with chagrin that he would like to say it was good police work, but it helped that the perpetrator dropped his drivers

113 license at the scene of the crime. *(Laughter.)* Mr. Childs said he wasn't going to bring that up. *(Laughter.)* Chief
114 Keziah continued saying the perpetrator was walking down the frontage road and responded when the officer called
115 his name. *(Laughter.)*

116
117 Mr. Johnson asked Chief Keziah to briefly describe the thank you note the department received. Chief
118 Keziah read:

119
120 *To the entire staff of the Surfside Beach Police Department. You have the best chief, officers,*
121 *dispatch and staff. This was our second vacation in Surfside, and a special thank you to Corporal*
122 *Lee Black who saw our family at the beach pier area struggling with our granddaughter's*
123 *wheelchair. We were staying in Surfside Beach and he told us about the wheelchair beach buggy.*
124 *What a great city to provide that service. Sophia loves you for it and she's one of only 400 girls*
125 *who have Caroli Syndrome. This summer we used the chair again and stayed here in Surfside at a*
126 *new house with an elevator on 13th Avenue. May all of you have a blessed Christmas. With all the*
127 *best.*

128
129 Chief Keziah said a note was enclosed that they would like to make a donation towards the upkeep and
130 maintenance of the beach wheel chair. That is a great service the town provides, and Chief Keziah thanked the
131 Town Council for its support.

132
133 Mr. Magliette asked if the Neighborhood Watch program was involved with the reports on suspicious
134 activity. Chief Keziah said his department provides a home check service for people on vacation or have recently
135 had an incident. Suspicious persons could be a call from a neighbor or individual or perhaps the officer on patrol
136 seeing suspicious activity. Mr. Magliette said his neighborhood encourages elderly residents to call the department
137 whenever they see someone that did not belong. Chief Keziah said absolutely. He announced that the department
138 had its Facebook page open. Visit "Surfside Beach Police Department, South Carolina" on Facebook to like and
139 follow the page.

140
141 Mayor Samples publicly thanked Chief Keziah and Ms. Fellner for their work on the Horry County May
142 Events Task Force. The bike ride route loops from North Myrtle Beach through Myrtle Beach and back north, but
143 does not come through Surfside Beach. He appreciated their efforts and knew they would continue to "keep a pulse
144 on it."

145 146 **C. Administrator's Report.**

147 148 **i. Updates and Responses to Citizen Comments.** Ms. Fellner reported the following updates:

149
150 ● The organizational subcommittee met last week. Staff will be moving forward with research regarding
151 pay ranges as a first step in the complete overhaul of the pay plan. Of course, that will be presented to Town
152 Council for approval.

153 ● South Carolina Department of Natural Resources (SCNDR) will place an oyster/clam shell recycling
154 trailer next to the aluminum can recycling trailer at the fire department. She was assured that if a malodorous odor
155 emanates from the trailer that it would be removed immediately. This is a free service to the town residents. She
156 thanked Mr. Chris Reynolds, a fisheries biologist at SCDNR and town resident, for offering to provide this to the
157 town for free.

158 ● Ms. Fellner will meet with Lanier Parking Solutions representatives on Monday to discuss the upcoming
159 season budget formulation for the parking function next year. The budget will, of course, be presented to Town
160 Council for approval prior to finalization.

161 ● Mr. Adair and Ms. Fellner will meet with other coastal communities and the Army Corp of Engineers on
162 Tuesday the 16th regarding beach renourishment. She will keep Town Council apprised of all pertinent information,
163 especially with regard to REACH III in which the town participates.

164 ● The finance subcommittee is meeting to discuss healthcare and the fund balance ordinance. The plan is
165 for the fund balance ordinance to be presented to Town Council at the last meeting in January for first reading.

166 ● In case any councilmembers are contacted by the public, due to a death in his family, the building
167 official will be out of the office from Friday, December 12th through Tuesday, December 16th. All known

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168 contractors were sent email messages or were called by telephone on Monday with notice that no inspections could
169 be performed during that time.

170 • The contractor milled up and repaved a 25-foot area of the road where the hydraulic fluid spill occurred.
171 Damage sections of the grass and soil were also replaced. The driveway will be pressure washed, weather
172 permitting, within the next week. Paving repairs where the water main breaks were at 14th Avenue South have also
173 been made. All paving should be completed by next week.

174 • All pipes and catch basins for the north side drainage project were now in the ground. The remaining
175 work consists of driveway repairs on 16th Avenue North and Cedar Drive; asphalt overlays of roadway cuts, and sod
176 in some areas of 3rd and 16th Avenues North.

177 • A copy of the proposed budget schedule was presented to Town Council. To date no councilmembers
178 had expressed concerns about proposed dates for the workshop or the two ordinance readings. She asked Town
179 Council if there were problems with the dates or with holding the budget workshop in chambers. **COUNCIL**
180 **CONCURRED to the budget schedule and to holding the workshop in chambers.**

181 • Ms. Fellner said a “big thank you” to Ms. Mary Ellen Abrams who agreed to help write and edit the
182 brochure series for town hall and the anticipated welcome center. Currently tri-fold brochures exist for stormwater,
183 animal waste and parking. There are unedited tri-fold brochures about the history of Surfside Beach, the pier, and
184 events. A number of other brochures need to be created: town hall departments and services; beach rules; parks;
185 points of interest, and marketing opportunities, just to name a few. Thank you again to Ms. Abrams for her
186 commitment to help with this.

187 • There were no questions from the public requiring responses at the last council meeting.

188
189 **ii. Consensus: Part Time Code Enforcement Officer.** Ms. Fellner explained that the need for a part
190 time 20-hour per week code enforcement officer was discussed extensively during the visioning workshop.
191 Consensus of Town Council was necessary to move forward with the hiring process for this position. **COUNCIL**
192 **CONCURRED.**

193
194 Mayor Samples expressed condolences to Mr. Otte and his family. Although everyone understood the
195 situation, his absence left the town without a certified building inspector. He asked Ms. Fellner for
196 recommendations on how best to address the need. Ms. Fellner explained that she and Ms. Morris held several
197 discussions about this, and that many additional sources were contacted to post the openings. Mayor Samples said
198 the absence creates a burden on individuals and businesses; the issue needed to be dealt with. Ms. Fellner agreed.

199
200 Ms. Mabry asked if the Tourism Expenditure Review Committee (TERC) had responded whether the town
201 could use accommodations tax revenue for historical signage. Ms. Fellner said the only response was from Damita,
202 the secretary at TERC, whose opinion was that TERC only oversees expenditures to determine whether they were
203 appropriate. Ms. Fellner said she contacted Damita one additional time, but as of yet has had no response. She
204 would like to submit the materials to TERC, but the problem was that there was no representative from Horry
205 County on the committee. Ms. Mabry said it takes so much time to get the historical signs approved that she would
206 like to go ahead and send Mr. Burroughs the \$1,000 required to make application with the Federal government for
207 the four signs, whether TERC approves the expenditure or not. It would take at least six months to get Federal
208 approval. Ms. Mabry said the accommodations tax committee already made its recommendation to fund the signs,
209 and Town Council approved the expenditure. Ms. Fellner believed Town Council supported the project; it was a
210 matter of funding. If the funds were from accommodations tax, but not approved by TERC, the funds could be
211 reimbursed to accommodations tax from another source. Mayor Samples asked how much money was involved.
212 Ms. Fellner said \$10,000. Ms. Mabry reiterated that her request for only \$1,000 so Mr. Burroughs could make the
213 Federal application. Mayor Samples said historic signs were all over South Carolina; he believed the signage
214 supported tourism. He suggested council go ahead and start the process. Mr. Johnson said historical signs were all
215 over the nation. He agreed to move on with the application. Ms. Mabry noted that 5- to 6-generations of freed
216 slaves call Surfside Beach their ancestral home. That probably encompassed the whole United States. Someone
217 somewhere will have a finger, some pulse in Surfside Beach. She, too, believes this would benefit tourism. Mayor
218 Samples said it would be nice to have recognition of the Ark Plantation, which was on this property in the 1700s.
219 There is history here. He asked if members supported moving forward with this project. **COUNCIL**
220 **CONCURRED.**

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222 Mr. Pellegrino asked if there was an update on the paid parking lots. Ms. Fellner said that would be
223 discussed in executive session, because it was contractual matter.

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7. BUSINESS

A. Second Reading of Ordinance #14-0791 to amend Chapter 14 Flood Damage Prevention, Article III Stormwater Management, Ms. Fellner. Ms. Fellner presented the decision paper, a copy of which is on file. Town Council adopted first reading without change at the November 25th regular meeting. The town is permitted to discharge stormwater through its permit coverage administered by South Carolina Department of Health and Environmental Control. The Phase II requirements established January 1, 2014 placed additional regulatory responsibilities on the town, and this ordinance meets those requirements; changes were made to maintain consistency with flood plain management regulations recently adopted by Town Council, and several changes were made to replace outdated references to design manuals and the like. The deadline for adoption of these updates is December 31, 2014. Mr. Stevens moved to adopt second reading of Ordinance #14-0791. Ms. Mabry seconded. All voted in favor. **MOTION CARRIED.**

B. Board and Committee Vacancies (May be deferred until after executive session.) i. Zoning Board of Appeals Recommendation to Declare Seat Vacant and ii. Senior Citizens Committee – resignation from Mr. William G. Thomas, Jr. Mr. Johnson moved to declare vacant seats in both the Zoning Board of Appeals and the Senior Citizens Advisory Committee. Mr. Stevens seconded. All voted in favor. **MOTION CARRIED.**

8. TOWN COUNCIL DISCUSSION – Any matters of concern or information to be discussed.

A. Proposed Ordinance to amend Chapter 4 Business Licenses, Permit and Regulations from SIC (Standard Industrial Code) to NAICS (North American Industrial Classification System), Administrator Fellner. Ms. Fellner said that Ms. Melissa Carter from the Municipal Association of South Carolina (MASC) attended a recent meeting. She explained that the SIC system had been out of date for over 20 years, and there is potential liability to the town if NAICS was not adopted. Ms. Fellner asked council to allow the ordinance to be presented at the next meeting for first reading. She reiterated Ms. Carter’s point that if Chapter 4 is not amended to use NAICS, it would needlessly expose the town to increased liability. The MASC recommends that everyone adopt NAICS, along with the model ordinance that was presented for council’s review. Mayor Samples said others in the area had or were adopting the NAICS system, and the change would be revenue neutral. Ms. Fellner said North Myrtle Beach had already adopted NAICS; Myrtle Beach and Horry County would adopt early next year. She said Mayor Samples was correct; it is revenue neutral. **COUNCIL CONCURRED to bring the ordinance for first reading at the next regular meeting.**

B. Any matters of concern or information to be discussed by Town Council. There were no other matters to be discussed.

9. PUBLIC COMMENTS – General Comments. (5-minutes per speaker). There were no public comments.

10. TOWN COUNCIL COMMENTS.

Mr. Magliette thanked everyone for coming to the meeting and for all they do for the town. The town is a little gem that provides many good services and he hoped in the New Year they could improve and strengthen the bonds between neighbors and friends and move the town forward. He had made many friends since moving here. He thanked everyone, especially the police and fire staff, for the support given to the needy in our area through South Strand Helping Hand, Toys for Tots and many other organizations. About 75 people attended Thanksgiving dinner at Surfside Methodist Church. It was a wonderful meal and fun fellowship. He encouraged everyone to join them next Thanksgiving, or volunteer to help. The Surfside Beach Library Christmas Novel and Tea is Friday, December 12 at 3:00 p.m. There will be a guest speaker and refreshments. Everyone was welcomed to attend; the event was free. He wished everyone a Merry Christmas and Happy New Year; may God bless you.

Ms. Mabry wished everybody the happiest Christmas and she would see them next year.

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280 Mr. Pellegrino thanked everyone for attending tonight. He wished everyone a Merry Christmas. Please
281 focus on your families and the meaning of Christmas; the celebration of the birth of our Savior Jesus Christ. That's
282 probably the most important thing. God bless.
283

284 Mr. Stevens wished everyone a Merry Christmas and Happy New Year. He hoped everyone got all the
285 things that Santa Claus promised them. Thank you and have a good evening.
286

287 Mr. Johnson thanked everyone for attending meeting after meeting, month after month, and year after year.
288 He thanked the councilmembers for working together and being good stewards. He asked everyone to contact
289 Senators Lindsay Graham and Tim Scott to request that they work to get Coast Guard air support back in
290 Georgetown. That is very important to us, because we are a tourist destination. There are hundreds of thousands of
291 people visiting our beaches. Many times boats cannot respond to emergency events, but a helicopter could. God
292 bless you; Merry Christmas, and Happy New Year. See you after January 1st.
293

294 Mr. Childs thanked everybody for attending and wished all a Merry Christmas and a Happy New Year.
295

296 Mayor Samples said "ditto that." He also expressed appreciation to the councilmembers. They are
297 working together. He was very proud of their accomplishments. God bless you all. Merry Christmas. Stay safe.
298

299 **11. EXECUTIVE SESSION** Pursuant to Freedom of Information Act (FOIA) 30-4-70, et seq.
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301 **A. Pursuant to FOIA §30-4-70(a)(1) to discuss employment, appointment, compensation, promotion,**
302 **demotion, discipline, or release of an employee and B. Pursuant to FOIA §30-4-70(a)(2) to discuss proposed**
303 **contractual arrangements.** Mr. Johnson moved to enter executive session at 7:37 p.m. Ms. Mabry seconded. All
304 voted in favor. **MOTION CARRIED.** Mr. Johnson moved to reconvene regular session at 8:55 p.m. Ms. Mabry
305 seconded. All voted in favor. **MOTION CARRIED.** Mayor Samples said that no action was taken during
306 executive session. Mr. Johnson moved that the town administrator move forward with personnel actions addressed
307 in executive session. Mr. Pellegrino seconded. All voted in favor. **MOTION CARRIED.**
308

309 **12. ADJOURNMENT.** Mr. Johnson moved to adjourn the meeting at 8:56 p.m. Ms. Mabry seconded.
310 All voted in favor. **MOTION CARRIED.**
311

312 Prepared and submitted by,
313

314 _____
315 Debra E. Herrmann, CMC, Town Clerk

316 Approved: January 13, 2015
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318 _____
319 Douglas F. Samples, Mayor
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321 _____
322 David L. Pellegrino, Mayor Pro Tempore
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322 Robert F. Childs, Town Council
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325 Mark L. Johnson, Town Council
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325 Mary Beth Mabry, Town Council
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328 Ralph J. Magliette, Town Council
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328 Randle M. Stevens, Town Council
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331 Clerk's Note: This document constitutes summary minutes of the meeting that was digitally recorded. Contact the town clerk for
332 appointments to hear recordings or to obtain a copy bring a flash drive. In accordance with FOIA, meeting notice and the agenda
333 were distributed to local media and subscribers on the town's Email Updates list. The agenda was posted on the town website, the
334 entry door at Town Council Chambers, and in the Town Hall reception area. Meeting notice was also posted on the Town
335 marquee.