



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

TOWN COUNCIL MEETING MINUTES
TUESDAY, JANUARY 28, 2020 • 6:00 p.m.

1. CALL TO ORDER

Mayor Hellyer called the regular meeting to order at 6:00 PM. Mayor Hellyer, Mayor Pro Tempore Scoles, Councilmembers Pellegrino, Drake, Dietrich, Holder, and Keating were in attendance. Others present: Town Attorney Crosby; Town Administrator Pieper; Town Clerk Medina and Finance Director King.

2. INVOCATION; PLEDGE OF ALLEGIANCE

- A. Invocation: Councilmember Pellegrino gave the invocation.
- B. Pledge of Allegiance: Mayor Hellyer led in the Pledge.

3. PUBLIC HEARING - None

4. MOTIONS RELATING TO AGENDA

Councilmember Drake made a motion to approve the agenda as presented. Councilmember Dietrich seconded. All voted in favor. **MOTION CARRIED.**

5. MINUTES APPROVAL

December 10, 2019 – Regular Meeting, and
December 16, 2019 – Special Meeting

Councilmember Pellegrino moved to adopt the minutes from Town Council meeting of December 10, 2019, and the Town Council Special Meeting of December 16, 2019 as presented. Mr. Dietrich seconded. All voted in favor. **MOTION CARRIED.**

6. PUBLIC COMMENTS – Agenda Items only (3-minutes per speaker)

With this being the first meeting of the new year, Mayor Hellyer reminded all attendees of the rules for public comments. That is, to be respectful, comments pertaining to the agenda, speaker to identify themselves, avoid disrespect, no questions will be entertained, make no personal attacks, shall not speak on behalf of another person, avoid speaking on personnel matters, do not address a particular councilmember by name, do not use profanity or disruptive statements, or defer any time to another person.

- A. Harry Kohlmann, 1610 Ocean Blvd. Mr. Kohlmann stated concerning the Ordinance #20-0915, time of public speaking, the way it used to be was 3 minutes at the beginning of the meeting and 5 minutes at the end. In his opinion, the comments at the end became more of a gripe session since there was no vote after the comments. Sometimes 3 minutes is not enough to get our point across. It should be 5 minutes in the beginning to be able to get their point across and 3 minutes in the end is fine. Sometime we have some knowledge and opinion that would be of value.
- B. Judy Henion, 611 11th Ave North. Thank you for representing our town well. Mrs. Henion expressed her hope that everyone would remember their campaign promises when we get to item E below. Mrs. Henion also stated she agreed with the rewriting of Ordinance #20-0915. In addition, it gets

confusing when we get multiple notices, or no notices. Mrs. Henion offered assistance to establishing the hyperlinks in the agenda. She expressed that they are of great value to the residents to review the ordinance amendments.

7. COMMUNICATIONS.

- A. **Horry County Councilman Tyler Servant – Presentation of recreation check.** Mr. Servant was not able to attend the meeting.
- B. **EMPLOYEE AWARDS.**
 - 1. Mr. Freddy Curry, Police Dept. 20 years as of December 2019. Presented by Mayor Hellyer.
 - 2. Mr. Jesse Alberts, Public Works 5 years – could not attend.
- C. Finance Report, Director King presented the December report,

8. BUSINESS

A. First Reading Ordinance #20-0908-an Ordinance to Amend Chapter 9 MOTOR VEHICLES AND TRAFFIC. - Councilman Pellegrino

Councilmember Pellegrino explained there are parking spaces on Yaupon Drive that were designated for employee parking. Many of the parking spaces go unutilized. This Ordinance will change them to become open parking. Councilmember Pellegrino moved to adopt the first reading of Ordinance #20-0908. Councilmember Scoles seconded. Councilmember Drake stated he agreed with the change, there are a lot of visitors to our area that use this additional parking for their vehicles in the adjacent properties. Councilmember Keating asked if there was a way to be more creative so that the employees would not have to be burden with the cost of \$20.00 a month to park. Such as, monthly allocations to employers. Should we consider removing this paragraph in total, instead of just Yaupon Drive? Councilmember Scoles stated there was a rate offered to the employees at one time. However, what happened was the employees found other places to park, walked, or were dropped off at their employment. However, if the employees are going to use a parking space, they should have a decal and pay for it. Town Administrator Pieper stated that \$20/month is only \$0.60/day for parking and is not a burden. We would still need some designation that the car is an employee parking. All voted in favor. **MOTION CARRIED.**

B. First Reading Ordinance #20-0912- an Ordinance to Amend Chapter 4, BUSINESS LICENSES, PERMITS. - Director King

Councilmember Keating moved to adopt the first reading of Ordinance #20-0912. Councilmember Drake seconded Director King stated this is to do some housekeeping with this Ordinance. The United States North American Industry Classification System (NAICS) is periodically updated; however, it has not been done in a couple years. The MASC recommends the towns to update its business license Ordinance to conform to the newest classifications. Appendix C 2014 class schedule is being repealed and replaced in its entirety by this one. Rates have not changed; however, if a business is reclassified under the new codes, the price will be applied under that new classification. Only classifications with an impact on us, since we are so small, are retail and restaurants moved from a 1 to 2, with a \$5 change in fee, and \$0.20 per thousand. Insurance companies are moving from a 4 to a 6 which is a \$10 change. None of the rentals will change, nor will the food stores. This will be published in April with the business license renewals. All voted in favor. **MOTION CARRIED.**

C. First Reading Ordinance #20- 0913 an Ordinance to Amend Chapter 17 [ZONING], ARTICLE III: DISTRICT AND USE REGULATIONS, SECTIONS 17-394 THROUGH 17-399. – Director Morris

Councilmember Scoles moved to defer the first reading of Ordinance #20-0913 until further review. Councilmember Dietrich seconded. Councilmember Pellegrino agreed to defer the Ordinance, and had multiple questions and some concerns with some of the changes. Councilmember Pellegrino stated that he would be in favor of having a workshop in the near future. Councilmember Scoles concurred with having a workshop meeting to review this Ordinance. Councilmember Scoles preferred to go through this amendment line by line of these changes. Some changes have a vague overall description. Councilman Holder concurred with the workshop and line by line review. Director Morris agreed to schedule this workshop as soon as possible. All voted in favor. **MOTION CARRIED.**

D. First Reading Ordinance #20 - 0914 an Ordinance to Amend Chapter 14 [FLOOD DAMAGE PREVENTION CODE], SECTION 14-17(5) regarding gas containers. – Director Morris

Councilmember Keating moved to adopt the first reading of Ordinance #20-0914. Councilmember Dietrich seconded. Director Morris stated a few years ago – 2014 - the flood prevention ordinance was rewritten entirely to help with the CRS and to help make the Town more resilient to flooding. This new ordinance requires new tanks to be buried and anchored to prevent flotation. Existing tanks, when replaced, were to be strapped to prevent flotation. The majority of the of the issues with this Ordinance is in the R-3 Rental Zone. The lots are small, which does not allow space to bury a tank. FEMA has been contacted for recommendation. Wording of the new amended Ordinance is as stipulated by FEMA and will enable the tanks to be above ground with adequate anchoring. Councilmember Pellegrino asked if this would affect the town's CRS rating. Mrs. Morris stated no. Councilmember Holder said he is not comfortable with tanks being buried for various reasons. Councilmember Scoles questioned the requirements for the strapping and the distance from the home of the placement of the tanks. Director Morris stated the International Building Code regulated the distance and strapping, and compliance will be maintained. Councilmember Scoles also was concerned about annual inspections to ensure compliance. Director Morris mentioned this could be added to the annual review for CRS compliance. Councilmember Dietrich asked who will have the liability upon on approval. Town Attorney Crosby advised that these are private tanks and the town assumes no additional liability. Mayor Hellyer asked about precedent being set by previous grants of appeal. Director Morris agreed there has been a precedent. All voted in favor. **MOTION CARRIED.**

E. First Reading Ordinance #20-0915- an Ordinance to Amend Chapter 2, ADMINISTRATION to address appearance of citizens and regular meeting times.

Councilmember Drake moved to adopt the first reading of Ordinance #20-0915 to modify it to return to 2 meetings a month, to restore the comment time to 5 minutes, and to move the start time from 6:00 to 6:30 PM to give some respect to the homeowners and residents of Surfside Beach. Councilmember Keating seconded. Councilmember Pellegrino stated when this came before the Council to make changes to this Ordinance, he voted against the changes that curtailed public involvement. With that, he is in favor of the transition to go back to two meetings per month. Councilmember Keating stated she feels there is plenty of business to warrant two meetings, including a significant project with the pier construction. This revision to the meetings is the first mechanism to achieving our goals to begin addressing review and update of all our ordinances in a timely manner. Councilmember Scoles said she voted for this Ordinance to change from two meetings to one because she feels there is not enough business for two meetings. This Ordinance was just changed a few months ago and feels it has not been given a trial long enough to see if it's been advantageous. Maybe some residents need more time for their comments in the beginning of the meeting. A special meeting can be called should one be needed. Councilmember Scoles does not support this change. Councilman Holder agrees, going back to two meetings a month. His concern is with the time change from 6:00 to 6:30 PM. The employees have a long day. Maybe we should consider a day meeting since over 80% of our residents are retired, and other Municipalities

have day meetings. This would make it easier on the employees. Councilmember Drake stated that being servants of the public sometimes requires overtime, and we need to be here for the residents. Thirty minutes more to make sure the residents are heard is very important. Councilmember Dietrich said he concurred with Councilmembers Scoles and Holder. It is not a case of not wanting to meet; it is a case of the need to meet. If we do, I can call Mr. Pieper to schedule a meeting within 24 hours. Mayor Hellyer supports having two meetings. Special meetings do not always serve to be convenient to the residents. Councilmember Scoles takes exception to Mayor Hellyer's comment. The only special meeting called outside of "normal times" was to accommodate a visiting speaker. Mayor Hellyer and Councilmembers Drake, Holder, Keating, and Pellegrino voted in favor. Councilmember Dietrich and Scoles voted against. **MOTION CARRIED.**

F. State Accommodations Tax – Approval of additional FY 2019-2020 funding requests.

(Restroom & UTV)

- **Director King**

Director King spoke about the A-Tax meeting in January and that the funds for expenditures were approved for this year in accordance with State code. There is \$ 84,000.00 in A-Tax funds. We are asking permission to spend the money as follows.

- **Chief Hofmann**

Chief Hofmann stated two ATVs were sold on GovDeals recovering \$10,000 and is asking to spend those funds to buy a new Kubota for the beach. Councilmember Keating asked if the funds accrued will replenish the A-Tax fund. Chief Hofmann said it has already been realized. Councilmember Dietrich asked if this affects anything in the operation. Chief Hoffman acknowledged that nothing in services will be changed. Councilmember Drake asked if the new equipment is being cleaned in Public Works. Chief Hofmann stated they are waterproofed as much as possible by Public Works and cleaned after every shift at the Police Department.

- **Public Works Director Adair**

Director Adair stated he is requesting to use \$74,000 to replace a third restroom at Third Ave North. He feels they are a great amenity to the Town and are getting a lot of use where previously installed. Councilmember Scoles asked about the time frame for construction. Director Adair stated around the end of May or early June they should be installed and operational. Councilmember Scoles said Public Works did a great job of the installation of these new units, she had received a lot of compliments regarding the new restrooms. Councilmember Scoles asked for an update on the lift station at Dogwood and about 4th N. Director Adair said within the next week the road will be closed and that work completed. Councilmember Keating asked if the town has to go out to bid, or have we received proposals to replace the bathrooms to preclude cost overrun risks? Director Adair stated these are pre-fabricated restrooms, but a plumber and electrician do have to be contracted for the hookups. Councilmember Holder asked if there were any challenges or issues with the existing units. Director Adair indicated there were no operational issues, just have had some minor vandalism to correct.

Councilmember Drake moved to approve the A-tax funds to be expended as requested. Councilmember Pellegrino seconded. All voted in favor. **MOTION CARRIED.**

G. Decision letters

1. Fire Chief Otte - Purchase of new battery-operated rescue tools. Chief

Otte stated requirement to purchase new tools to equip the new fire truck to be able to extricate people from vehicles. The request is for an additional \$22K for this purchase. These funds will be sourced from the Hospitality Tax fund. The need for the new equipment is due to the old equipment has met its useful life expectancy and will be transitioned to training. Councilmember Drake indicated he was in favor of the new equipment, however, mention that insurance companies do provide reimbursement of some services in response to accidents. Chief Otte

indicated that Murrells Inlet and Garden City participate in the reimbursement program. Chief Otte said we can look into our participation on such programs. Councilmember Scoles asked when the new fire truck will arrive. Chief Otte stated it would be delivered on Tuesday, February 4th. Councilmember Dietrich asked if it will be operational. Chief Otte stated it would be a short time before it will be ready. Councilmember Holder stated this equipment is most likely lighter than hydraulic equipment and improves our response to medicals calls and vehicle accidents. Chief Otte said it is almost 50% lighter with the battery-operated, and is quicker to use. Councilmember Keating requested confirmation that the \$22K allocation out of the Hospitality Tax fund would be acceptable. Director King indicated the money was available.

2. Fire Chief Otte - Declaring 1994 fire engine surplus

Chief Otte is requesting that a 1994 truck be declared a surplus so that it can be sold. The apparatus is no longer NFPA compliant. Equipment is to be replaced every 25 years. This truck is 25 years old. Councilmember Drake confirmed that the truck will be sold on GovDeals. Chief Otte confirmed. The Mayor asked the value of the truck. Chief Otte stated it could be anywhere from \$5,000 to \$10,000.

Councilmember Drake moved to approve the purchase of the new battery-operated equipment, and to sell the 1994 Fire Engine surplus property as requested. Councilmember Dietrich seconded. All voted in favor. **MOTION CARRIED.**

3. Director Adair - Award of Contract for Road Resurfacing – Palmetto Corp.

Director Adair is requesting to Award a road resurfacing contract to Palmetto Corporation for paving services. Palmetto Corp of Conway was the lowest responsible bidder. The proposal for paving is \$473K, with only \$300K budgeted. The extra \$173 is requested to be used out of the road fund. An additional \$300K will be reimbursed out of the county transportation fund (CTC). The streets to be paved are Ocean Blvd with the exception of 3rd N to 3rd S; and will temporarily fix the dip in the road near 10th N. Also Pine Drive - 17th to Willow, Cedar South - 10th to Sparrow, and the 3rd N beach access parking lot. Mayor Hellyer asked if the road projects are done on a rotation. Director Adair replied that an evaluation is done based on wear and scheduled based on condition. Councilmember Pellegrino asked when this work will start. Director Adair stated in a couple of weeks. Councilmember Scoles asked if this is the same paving company that worked previously on 13th South. There were issues with the transition between the road and resident driveways. Director Adair stated he wasn't sure if it was the same company awarded that previous contract, but the contractor can provide a transition between the roadway and the resident driveways. Councilmember Holder moved to approve the resurfacing contract to the Palmetto Corp. Councilmember Dietrich seconded. All voted in favor. **MOTION CARRIED.**

H. Resolutions - None

I. Committee Appointments

Councilmember Keating made a motion to defer Committee Appointments until they all had an opportunity to perform due diligence to evaluate. Councilmember Dietrich seconded. Councilmember Scoles asked that this item be deferred to Executive Session. Councilman Drake stated he feels they should hold a workshop meeting to meet some of the new people. Councilmember Scoles stated that she didn't agree to a workshop and any public appointments. It's better to do this in executive session. Everyone has the ability to call these applicants individually. Councilmember Pellegrino agreed that discussing the applications in Executive Session. Councilmember Scoles made a motion to discuss the committee applications in Executive Sessions. Councilmember Holder second. All voted in favor. **MOTION CARRIED**

9. PUBLIC COMMENTS – Town Services or Business Conducted (3 minutes per speaker)

- A. Ashley Hines, 526 17th Ave North, stated she is the Vice Chairman of the Keep Surfside Beach Beautification Committee and wanted to advise Council that her committee has three vacancies.
- B. Betty Lowery, 619 4th Ave N stated transparency has been a real issue in Surfside. I spoke with a few of you about email notices not going out. I'd like to see that be made a priority and be started again. Lastly, it's about theater manners. People in the audience need to have theater manners, it is rude to speak out when others are speaking.
- C. Bill Kinken, 1312 North Dogwood, stated the new restrooms are very nice. I'd like to see more of them. Also recommended that they may be placed closer to the road to be accessible from both the beach and the roads. Residents would like an update on the Pier. We're hearing rumors and we'd like to know what's happening. We need to get that done.
- D. Tom Dodge 8th Ave. South stated the new council members are a breath of fresh air. Thank you for voting with a show of hands so the audience know who voted for what.
- E. Bob Lange 151 N Myrtle, stated he has lived here 40 years. He feels Surfside is one of the greatest place in the United States.

10. TOWN COUNCIL DISCUSSION AND/OR COMMENTS (3 minutes per speaker)

- A. Councilmember Drake stated there would be more pictures of the Pier for the resident. It's way overdue to get the pier project moving along. Need more pictures.
- B. Councilmember Pellegrino stated he was glad to see the turnout. He also feels this town is a great place to live, great services, good staff. Stay focused on the positive. Especially on social media. Have a great night
- C. Councilmember Dietrich, good to see all the full seats. Thanks for all the thoughts and comments. It's been a long year, but we are getting there. Life is good.
- D. Councilmember Keating, thanked everyone for coming out, and appreciated all the comments and praise from residents. Councilmember Keating tries to acknowledge everyone that comments or sends requests. She would like to challenge the department head to start to review entire Ordinances instead of the piecemeal approach. When we have the opportunity to open an ordinance for change, we should review them in their entirety, including other referenced ordinances. I appreciate all the input. As the pier project progresses, you should be seeing a lot more information. We should also appeal to our favorite photographer, Cathy Kelly, to capture the progress of the project.
- E. Councilmember Holder stated he was glad to see so many people come out to the meeting. I appreciate the support.
- F. Councilmember Scoles thanked everyone for coming out and also to the staff for all their hard work. I appreciate the comments made tonight. Also, thanks for all the respect shown this evening. Councilmember Scoles started the process with the Pier is a long process in dealing with the government and engineers. We want to ensure that it is done right.
- G. Mayor Hellyer stated he wants communication between Council and the residents. He wants all residents to be involved. All Council can be emailed. Council is working together. Thank you for coming out.

11. EXECUTIVE SESSION pursuant to the Freedom of Information Act §30-4-70(a) (1) and (2) to discuss employment, appointment, and organization of existing employees and receive related legal advice, and §30-4-70-(a) (2) discussion of negotiations incident to proposed contractual arrangements with Atlantic Restaurant Group.

Councilmember Scoles moved to enter into Executive Session at 7:32 PM. Councilmember Dietrich seconded. All voted in favor. **MOTION CARRIED.**

Councilmember Holder made a motion to enter back into regular Session at 9:42 PM. Councilmember Pellegrino seconded. All voted in favor. **MOTION CARRIED.**

12. MOTIONS RESULTING FROM EXECUTIVE SESSION

Councilmember Keating moved to appoint Councilmembers Pellegrino, Drake, and Mayor Hellyer to approach the Atlantic Restaurant Group with a new amended and restated lease agreement for the tenant's signature. Councilmember Dietrich seconded. All voted in favor. **MOTION CARRIED.**

Councilmember Scoles moved to appoint applicants to the various committees. Councilmember Holder seconded. All voted in favor. **MOTION CARRIED.**

Councilmember Dietrich made a motion to authorize the Town Administrator to implement organizational changes to the town's employees consistent with their duties and overall administration of the Town.

Councilmember Holder seconded. All voted in favor. **MOTION CARRIED.**

13. ADJOURNMENT

Councilmember Keating moved to adjourn the meeting at 9:58 PM. Councilmember Drake seconded. All voted in favor. **MOTION CARRIED**

Approved: **Surfside Beach Town Council**

Robert Heller, Mayor

David L. Pellegrino, Town Council

Bruce H. Dietrich, Town Council

Cindy Keating, Town Council

Michael Drake, Town Council

Debbie Scoles, Mayor Pro Tempore

Paul Holder, Town Council

Sheri L Medina

Town Clerk

Clerk's Note: This document constitutes summary minutes of the meeting 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), meeting notice and the agenda were distributed to local media and interested parties via the Town's email subscription list. The agenda was posted on the entry door at Town Council Chambers. Meeting notice was also posted on the town website at www.surfsidebeach.org and the town's LED marquee.