



TOWN OF SURFSIDE BEACH ♦ TOWN COUNCIL CHAMBERS  
May 22, 2007 ♦ 6:30 o'clock p.m.

TOWN COUNCIL MEETING MINUTES

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1. **CALL TO ORDER.**

Mayor Hyman called the meeting to order at 6:30 p.m. and asked everyone to please stand for the invocation to be given by Mr. McKown. Mayor Hyman and Councilmembers Hiatt, McKown, Samples, Martin and Tuttle were present. Mayor Pro Tem Truett was absent. A quorum was present. Staff present: Administrator Booth; Clerk Pinnell; Building/Zoning Director Donevant and Public Works Director Kirk.

2. **INVOCATION and PLEDGE OF ALLEGIANCE.**

Mr. McKown said the invocation. Mayor Hyman led the Pledge of Allegiance. Mayor Hyman then welcomed everyone in attendance on this "beautiful day in Surfside Beach." The Mayor explained that Councilman Truett was absent this evening due to the fact that his daughter's school play was scheduled for this same night and he did not blame him one bit for not wanting to miss that.

3. **MINUTES APPROVAL.**

Agenda was amended to add a guest speaker, David Essex, from the COG to Public Comments section.

Mr. Samples moved to approve the May 8, 2007 public hearing minutes as submitted. Mr. McKown seconded. **All present voted in favor. MOTION CARRIED.**

4. **PUBLIC COMMENTS – Agenda Items only.**

Joseph Buczek, President of Ocean Oaks HOA on Surfside Drive: "There's an item that's coming before you, it's item 6Aii, I believe it is anyway, has to do with rezoning, to move air conditioning units off the slab from underneath our homes. Ocean Oaks is a PUD and, I guess when the subdivision was planned, they did not show the air condition units off the slab, they showed them underneath the house, for whatever reason, whether it was a matter of building economy or whether it was a matter of space, I'm not sure, but at any rate, being underneath the homes is not a good location for those units. They should be exposed to rain that keeps them washed out and operating more efficiently. It washes the salt away from them so they don't deteriorate. Also it's an inconvenience to have them under there, it takes up space that we all could use, of course when you sit under there and try to enjoy the evening, and the air conditioning unit comes on, it's very distracting. I put this to a vote to the 24 owners of the Home Owners Association and of the 22 people who voted, they all agreed that we should move them if we can, so, I filled out the necessary paperwork, submitted it to the town and I guess the Zoning Board had a meeting here a few weeks ago in which they considered the matter, unfortunately, I missed that meeting, wasn't able to comment on it, and it was turned down flat. So, I'm here tonight and hopefully to try to convince you gentlemen and ladies that maybe this warrants your approval. I don't know, that's really about all I can say about it, except that if you have any questions, I'd be happy to answer any."

Mayor Hyman: "We can't ask questions on Public Comments."

Mr. Buczek: "OK. Well, thank you very much."

Mayor Hyman: "Any other public comments on the agenda items?"

There were no other public comments on the agenda items. Public Comments section was closed and then opened for the presentation from David Essex of the COG in Georgetown.

David Essex, COG: "Thank you Mayor, I appreciate that you folks give me a couple minutes of your time. I'm David Essex the Executive Director of the Waccamaw Regional Council of Governments in Georgetown and I am here tonight to brief you on a request that we made formerly to Mr. Booth and that involves the town of Surfside Beach becoming a member of our

62 regional home consortium. This group, or this consortium was formed last year, we received our  
63 first year's funding and it, 13 out of the 19 jurisdictions in our 3 county area chose to join the  
64 consortium, when we first proposed it. The reason I'm here tonight is, I'm personally asking, we  
65 have an opportunity to add members to the consortium, and I have made it a point to contact all 6  
66 jurisdictions, and I'll let you know it's the town of Atlantic Beach, the town of Aynor, Briarcliff  
67 Acres, North Myrtle Beach, Pawley's Island and Surfside Beach and I've been in contact with the  
68 mayors and the administrators of those communities, seeking their participation as a member of  
69 the consortium and I'm pleased to report that we already have two of the six on board, the town of  
70 Atlantic Beach and the town of Pawley's Island have passed the resolutions that are necessary to  
71 become a member of the home consortium. The primary purpose of the consortium is to provide  
72 funding for affordable housing and I think one of the concerns a lot of beach communities have is  
73 that we don't need, one of our problems is not providing housing for low or moderate income  
74 residents, and that is true to a great extent, but what we are seeing more and more in our beach  
75 communities is a problem providing *affordable* housing, not necessarily to low or moderate  
76 income residents but to the people that provide the services in the town. There are some beach  
77 communities where the policemen and firemen that serve that community can't afford to live there  
78 and that's unfortunate, so, this program is not just about providing low income housing its basic  
79 mission is to provide affordable housing and we do that by providing a series of grants or low  
80 interest loans to housing projects that are submitted, on a competitive basis. The region, the  
81 formula that HUD uses to distribute funds is based on population so the more jurisdictions we get  
82 to participate, the more money we bring into the region for the programs. Right now we're  
83 receiving slightly over a million dollars a year and if Surfside Beach agrees to join, it would add to  
84 that total, for money available in the region. It doesn't cost the town anything to participate and  
85 you're under no obligation to participate, if you're a member of the consortium, you're eligible to  
86 apply for and receive funds through the consortium and that is a benefit, so I see it as a win/win  
87 situation. If the town joins we bring more money into the region and it also makes you eligible to  
88 solicit funds through the program if you so desire, but there's absolutely no cost to the town and  
89 you're under no obligation and the only thing that is required is, that we have to submit to HUD, is  
90 that the council would have to pass a Resolution that we would package up and submit to HUD, I  
91 think August is our deadline, so Mr. Booth has a copy of that Resolution and if at some point in  
92 the near future if council would consider that, I would certainly appreciate it and I'll be glad to  
93 answer any questions, I don't want to take too much of your time, I know you folks are busy  
94 tonight."

95  
96 Mayor Hyman: "Thank you very much. Any comments from council?"

97  
98 Mr. Samples: "Mr. Mayor, it kind of sounds like a no brainer, I mean . . . we help the region if  
99 we pass the Resolution."

100  
101 Mr. Essex: "When I spoke with Mayor Otis of Pawley's Island, if you're familiar with Pawley's  
102 Island, you'd really have to scratch your head to figure out how they could benefit from this  
103 because it's almost, I guess, probably 90 percent or more, second homes and the Mayor said  
104 'well, we'll be glad to do it to help the region' he saw no program benefit for the town but he was  
105 willing to submit it to council and they graciously agreed to become a member of the consortium  
106 and the little town of Pawley's Island would add almost 12,000 dollars a year to our funding. The  
107 figure's a little higher for Surfside because of your population and the number of housing units  
108 you would bring in, slightly more than 18,000 dollars a year into the consortiums funds, so, it is, I  
109 think, a win/win situation for all involved."

110  
111 Mr. McKown: "Mr. Mayor, since you put this on the agenda at the last minute we weren't  
112 allowed to go through our packets, I'll have to recuse myself from voting on this because I'm on  
113 the Board of the COG, but I do want to say something, to expand on something that David said,  
114 there is no obligation from the town at all, the town would not be submitted to any low house, low  
115 income housing unless you requested it. The only thing it does is, it's a good neighbor policy  
116 basically, you're making the COG stronger in our region, which, as a small community, in the past  
117 we used the services of COG, we used them as a planning facility, so I agree with Councilman  
118 Samples, I think it's a no brainer, that the rest of the members of council should move forward  
119 and make a Resolution on this."

121 Mr. Essex: "And our staff would be available to work with Mr. Booth and his staff to develop  
122 any potential projects that you might be interested in. I know affordable housing has become  
123 more of an issue for the elderly, for single parent households and also for young couples that are  
124 moving to this area, so, that's one of our goals is to increase affordable housing opportunities  
125 throughout the region."  
126

127 Mr. Mayor: "Well, I'll get Mr. Booth to issue each council member a copy of the resolution  
128 and then have councilmembers contact Mr. Booth and if consensus of council is to bring it back at  
129 next council meeting, we can do it."  
130

131 Mr. Essex: "Thanks so much. Thank you."  
132

133 Ms. Tuttle: "Would we have more information in that packet other than the Resolution? Such  
134 as who qualifies to receive the assistance?"  
135

136 Mr. Essex: "I've got a packet. I'll put it together. Sure, we have a competitive round for our  
137 funding allocations and the round for this year is, we're receiving applications right now, what I  
138 can do is, I can provide Mr. Booth with a copy of the folks that were funded last year and that will  
139 give you some idea about the type of projects that we consider. It's not just Habitat for Humanity  
140 type projects, although we do assist those, those type of projects, but it's also providing grants to  
141 rental housing in return for the owner of the rental housing complex agreeing to keep rents at a  
142 certain amount for a period of time to ensure their affordability, but I can provide that to Mr. Booth  
143 . . ."  
144

145 Mayor Hyman: "Get him that information and he'll get the information to us and we'll make a  
146 decision."  
147

148 Mr. Essex: "Thank you."  
149

## 150 **5. COMMUNICATIONS**

### 151 **A. Public Works**

152 Mr. Kirk presented his report on file. Mr. Kirk went on to report that the Myrtle Basin project  
153 so far has been completed between 5<sup>th</sup> and 6<sup>th</sup> South. Started on 4<sup>th</sup> and came all the way back  
154 up to Hollywood and they are currently going along Hollywood to 3<sup>rd</sup> and they hope to be working  
155 across the road by the following week. Some additional resurfacing has been started in town.  
156 The current section they are working on was started the previous day and was expected to be  
157 finished the following day and also the approved sidewalks were started on 15<sup>th</sup> Avenue South  
158 the previous day. The plan was to complete this section then turn on Poplar and then, once  
159 Greenwall is out of the way, the section between 3<sup>rd</sup> and 4<sup>th</sup> on Hollywood will get done. This had  
160 been put off due to the piping that was being installed in that area. Mr. Kirk mentioned that he  
161 met with Tom Garigen and Steve Gosnell the previous day out at Caro Pines to discuss the  
162 Phase VII part of Myrtle Basin as well as the pond expansion they are going to perform at the Bi-  
163 Lo ditch. Mr. Kirk continued to state that in about 30 days they are going forward with Phase VII.  
164 Mr. Kirk went on to explain the project.  
165

166 Mr. Kirk: "They're going to come in there and bush hog the power line area, take everything  
167 that they can, go down to Glens Bay Road and they're also going to run some new piping,  
168 there's a, kind of in the middle of the pump station, if you're familiar with that on Surf Pine Drive,  
169 they're going to run some new piping from there down to Caro Pines, across that, and re-ditch all  
170 of that stuff and take a bunch of water that way, to, because they had a little bit of a conflict with  
171 their covert, and on Glens Bay Road, I think I've touched on this before, some weeks back, with  
172 the elevations that they had, it would have been so deep in the ditches right there, it would have  
173 been a hazard for vehicles and all that, and what they're going to do is, they're going to do this for  
174 right now, which is going to take care of just about every bit of the water, anyway, but when they  
175 go to do the four length, and they're going to make a provision there, to get all of that covering  
176 done at that point, and then in turn, run every bit of that thing back down the power line that we  
177 originally had wanted to do, so they're going to make some provision to go ahead and get this  
178 water out another way so it could still relieve us from the flooding problems that we've got over  
179 there on Sandy Lane and the Bi-Lo ditch, they have just about got that design complete with a

180 filtering system that's going to go on their part of their deal, in their pond and all that , there's  
181 going to be changeable screens and filters and all that stuff and that will be finished and out to bid  
182 within the next 30 days and hopefully within the next 30 out, their doing the work, so that takes  
183 care of those two items that have been kind of hanging out in the weeds there, so.”

184  
185 Mr. Kirk went on to mention that as far as athletics go they had a good bit of participation for  
186 the coach pitch teams in which they had to add four teams to the six they already had due to the  
187 large turnout. Upcoming events are Sun Fun Super Sunday on Sunday June 3<sup>rd</sup> from 9 to 4 on  
188 the beach with a volleyball tournament at 9 a.m., opening ceremony at 10 a.m., bocce ball,  
189 horseshoes, sandcastle building contest, Sun Fun Kids Fair Monday June 4<sup>th</sup> from 4 p.m. till 8  
190 p.m. at Fuller Park with ages of 12 and under. The movie in the park Saturday, June 9<sup>th</sup> at Martin  
191 Field and the American Red Cross Blood Drive again on Wednesday, June 13<sup>th</sup> from 10 a.m. till 3  
192 p.m. at the Civic Center and the Daddy/Daughter dance Friday June 15<sup>th</sup> at 6:30 p.m. till 8 p.m. at  
193 the Civic Center, also. Mr. Kirk wanted to mention one last thing and that was that Monty and  
194 Cindy Johnson are moving from the area to go assist her parents and he wanted to mention that  
195 they were key employees, great co-workers and friends and it will be sad to see them go. He  
196 wished that we had more people like them and he wanted to wish them the best.

197  
198 Mr. McKown stated that he knows that we are good at keeping up with the grants but he  
199 wanted to mention that DHEC was now accepting requests for grants referencing our TMDL  
200 levels and we may want to apply for that.

201  
202 Ms. Tuttle asked Mr. Kirk what the status of the stop bars were out at the intersections and  
203 Mr. Kirk stated that they have already started that project. They began at the south end with  
204 some slow drying paint that they already had and they were planning on using that up and  
205 continuing. Ms. Tuttle asked if the intent was to eventually do all of the intersections. Mr. Kirk  
206 stated that it was. Ms. Tuttle stated that this was good because we had some “hot spots” in town  
207 that were a concern. Mr. Kirk mentioned that it was a time consuming project but they are trying  
208 to do this a couple days a week and still stay with the 50-50 programs. They're currently spread  
209 a little thin but they are continuing with the project as requested.

210  
211 Mr. Samples asked what the status of the water quality testing was. Mr. Kirk asked if he was  
212 referring to the water in the ponds and Mr. Samples stated he was interested in finding out about  
213 water coming into the county. Mr. Kirk was planning on meeting with Dr. Libes this week to go  
214 ahead and do our baseline test and he then mentioned that the county is also ready to go and do  
215 their part. The county plans on testing where we run onto them on Melody. Mr. McKown asked  
216 Mr. Kirk if he could get Tom Garigen to come and speak about the water testing and he  
217 mentioned that they were currently addressing Murrells Inlets right now and the logic is that a lot  
218 of the contaminants flow in from the county in Surfside and go into Murrells Inlet. Mr. Kirk stated  
219 that what he believes he was going to do in the Bi-Lo is going to help Surfside Beach immensely  
220 with where they are putting a filtering system in and making their pond area larger. This should  
221 clean Surfside Beach up and if we can get some more funds through grants and get some more  
222 dredging done we would be in good shape.

223  
224 Mayor Hyman asked if there were any other comments for Mr. Kirk. There were no other  
225 comments from council.

226  
227 Diane Buffkin-Creel, Director of Volunteers and Fundraisers for Horry County Disabilities and  
228 Special Needs, Commissioner on the StormWater Commission: “One of the things is he  
229 (referring to Mr. Kirk) said Tom has been working with him. One of the things that we recently  
230 voted on and we have a meeting this afternoon, as a matter of fact, but I deemed I needed to be  
231 here. One of the things that we were working on was the money to buy that additional land over,  
232 close to Trade Winds and Bi-Lo's, that ditching and everything, so that it could help contain some  
233 of the waters that you're having the problems with. Happy to know that Tom was here but if there  
234 is any way that I, as one of the commissioners, can help you with that or work with you, I'll be  
235 happy to.”

236  
237 Mr. Kirk: “Great, I appreciate that.”

238

239 Ms. Buffkin-Creel: “But we are vitally concerned about Surfside and some of the other water  
240 flow this way.”  
241

242 Mayor Hyman: “ We’re concerned about the water too, and we’re also concerned about the  
243 water from the county coming through Surfside. You do your fair share, we’ll do our fair share  
244 and everything will be fine.” (laughing in audience)  
245

246 Ms. Bufkin-Creel (laughing): “We’re trying hard.”  
247

248 Mayor Hyman: “Thank you.”  
249

250 **B. Administrator’s Report**

251 Mr. Booth stated that one thing that was not on his report was that at 11:30 AM on Friday,  
252 he and Mr. Kirk would be cooking hamburgers and hotdogs out in the parking lot for the  
253 employees and he wanted to invite council to attend as well. Mr. Booth mentioned that he was a  
254 better cook than Mr. Kirk (laughing in audience). Mr. Booth then presented the report on file. Mr.  
255 Booth stated that the town is running smoothly with very few problems and we are working them  
256 out as we go. Mr. Booth went on to state that Hurricane Season is approaching and everyday  
257 you hear on the news is that it is going to be a bad Hurricane Season and he has been speaking  
258 with the Director about the “real plan”. Mr. Booth went on to state that there is the written plan  
259 and then there is the “real plan” so that in the event of an emergency we will all know what to do,  
260 and once the Public Safety Director is on board he will be included in the planning. Mr. Booth  
261 went on to report that there is an ISO inspection coming up. The last one the Town of Surfside  
262 Beach had was in 1988 and this is to determine the insurance rates for the community and how  
263 prepared we are. Mr. Booth mentioned that one of the items he wants to begin working on to  
264 increase our ISO rating is the vacant lots. He went on to report that these lots are fire hazards;  
265 they contain a lot of debris including garbage and dead trees that have fallen. They also attract  
266 snakes and other types of animals. Mr. Booth went on to talk about code enforcement and the  
267 idea is for compliance rather than issuing tickets so letters are being sent to the current owners of  
268 these lots asking them to take care of their properties prior to our ISO inspection in September or  
269 October 2007. Mr. Booth went on to talk about the Census and mentioned that he had attended  
270 a meeting at the COG and found that there is going to be more work for the town than in prior  
271 years and this is due to the fact that the Census Bureau has had their budget reduced due to the  
272 war in Iraq and, therefore, all of the maps that are currently available are from the year 2000.  
273 They have not been updated and there is no plan for them to get updated and, due to this  
274 situation, it is now up to the individual towns to take care of. Mr. Booth went on to explain the  
275 Census.  
276

277 Mr. Booth: “What’s important there, is that they will only send out those, and this will be an  
278 abbreviated census form this year, two addresses, and if you don’t have your address there then  
279 they won’t get one and they won’t get counted, and it’s very important, because that’s how we  
280 receive most of our money, based on population, and if we miss a few people it could cost us  
281 tens of thousands of dollars over a period of ten years, so we’re really going to put an effort to get  
282 all houses. I’m also going to do an effort that, there are people that live here six months and live  
283 in New Jersey six months, even though they may claim New Jersey as a Homestead they can still  
284 claim this as where they live. It has nothing to do with the Homestead Exemption; it only has to  
285 do with where you’re counted. We’re going to ask them to be counted here so that when they  
286 finally come down here we’ll be able to get their taxes, but anyway, we’ll go out and I’ll see how  
287 successful I am with that.”  
288

289 Mr. Booth then reported on the fire station. Mr. Booth: “The fire station, you have a long list  
290 of pictures and I also have sort of a time line, there’s no dates or time there, it’s really what I’m  
291 going to do. What I really wanted to do is to ensure you that as I give you information and that,  
292 I’m not asking you for a vote, I’m giving you information, at the end of this process, we’ll ask you  
293 for a vote, but we have a long ways to go. I have to make sure that I can afford it, now, unlike the  
294 airport; we have spent no dollars (referring to Myrtle Beach Airport negotiations-laughing in  
295 audience) on this process. One fire station, and that’s the first on your list, is in Virginia Beach  
296 and I travel up there because my son is stationed up there, so I’m watching this. This one is sort  
297 of beach friendly or a kind of a beach motif. The Fire Department also likes this particular one

298 and I'm watching it built; it's probably a little larger than we need because it has more offices, but  
299 it certainly is attractive as I'm watching it being built. It has one feature in it and that is that large  
300 building over here (pointing to photo) they're not quite sure what they're going to do with it but it  
301 looks pretty, we probably wouldn't put that in there, we don't have the money to look pretty, my  
302 new office (laughing in audience) I knew there was a reason for that, but we will be looking for  
303 input from you so if you will save those pictures and kind of give us an idea here soon, on what  
304 you're thinking about, I think we need to have some public hearings here from the public to see  
305 what they think along that, and I have to look very carefully at our budget, and how much money  
306 we're saving and how we can fit this in, and then I will present that to you and then after that we  
307 can consider about doing the vote."  
308

309 Mr. Booth went on to mention the staff change position of an employee in the Planning and  
310 Zoning Department to Code Enforcer because of the need for this position. The ultimate goal is  
311 for compliance instead of handing out tickets. There hasn't been much code enforcing in the town  
312 few years and it is now time to utilize this new position. Mr. Booth went on to report that the town  
313 telephone system is no longer working properly and it needs to be replaced as soon as possible  
314 on an emergency basis. The current phone system was a used phone system when it was  
315 purchased back in 1995. This was the end of Mr. Booth's report.  
316

317 Mayor Hyman asked if there were any comments from council. Mr. Martin wanted to discuss  
318 the fire station and referred to one of the handouts provided by Mr. Booth where it mentioned that  
319 prior to involving an architect, the town completed the fire design handbook and classes were  
320 produced by one of the architects and Mr. Martin wanted to know if we had looked into this. Mr.  
321 Martin stated that it sounded like it was something we could do to have our requirements better  
322 defined before talking to an architect. Mr. Booth stated that this was true and he has been in  
323 contact with Virginia Beach and will get additional information from them on this. Mr. Martin  
324 stated that he thought the design handbook would be something useful. Mr. Booth mentioned that  
325 this was something that may be what they provide for a larger city but he would try to get a copy  
326 anyway. Mr. Martin mentioned that Senator Cleary is a joint sponsor on a bill that is currently  
327 before the State Legislature that requires all new public buildings to meet certain energy  
328 efficiency requirements and asked if Mr. Booth was familiar with this. Mr. Booth stated that he  
329 was not but he would look into it. Mr. Martin mentioned that he does not believe it has passed yet  
330 but it is on the way and has many joint sponsors connected to it, so it has a really good chance of  
331 passing. Mr. Booth mentioned that it may also have some grant money with it as well and he  
332 would look into it. Ms. Tuttle suggested that council take a conducted tour of the existing fire  
333 station facility. Ms. Tuttle mentioned that council "has had no workshops, no lengthy discussions  
334 of which, out of that, would come a needs assessment, cost analysis and funding sources at the  
335 minimum." Ms Tuttle mentioned that it is very important to know what all our needs are and what  
336 we want prior to hiring an architect. Ms. Tuttle mentioned that we would also need the public  
337 participation in the form of public hearings because this could end up becoming very costly. Mr.  
338 Booth agreed and stated that this is why he listed the items prior to the vote that there would be  
339 the funding options and a public hearing. Mr. Booth agreed that it would be a great idea to have  
340 a workshop and walk through the fire department. Mr. Booth stated that he would place it on the  
341 agenda for 6 o'clock p.m. for the next council meeting. Mayor Hyman wanted to confirm with Mr.  
342 Booth that 15 minutes would be enough time. Mr. Booth stated that it should not take long to  
343 walk through. Mr. McKown stated that once council walks through the fire station they will see  
344 the need that we have to replace this facility and stated that the current condition is "horrendous."  
345 Mr. Samples mentioned that he believes that the walk through will be beneficial because he,  
346 himself, has walked through on previous occasions and it is quite obvious that there is a need for  
347 a new facility but he just wants it to be clear as to what we actually need to include in a new fire  
348 station, such as how many bays, etc.  
349

350 Mr. Booth wanted to mention another item that was not currently listed on the agenda but he  
351 wanted to let council know that in another week, on May 29<sup>th</sup>, the Public Works Department is  
352 getting a demo on a new garbage truck and he will get information out to council as soon as he  
353 gets it. Mr. Booth mentioned that this truck should save in cost of labor and that this is where the  
354 industry standard is going.  
355

356 Mr. Martin had a question regarding hurricane's, the first item on the Administrator's report,  
357 and he stated that he did not believe that anyone had ever indicated to him what was expected of  
358 council during a hurricane, as in the instance where the Governor declares a mandatory  
359 evacuation, he would want to set a good example for his neighbors and evacuate, but what was  
360 his actual role to be." Mr. Booth stated that the Mayor would need to declare the situation as an  
361 emergency and then he would expect the Mayor and council to evacuate and let the staff handle  
362 the situation. The largest concern would be to close off the town and protect the property of the  
363 residents. Mr. McKown went on to clarify what differentiates the role of council and the mayor  
364 and that is that the role that the Mayor takes in a hurricane emergency. He went on to explain  
365 that the line of command is the Governor to the Mayor and then the Mayor actually takes over in  
366 a hurricane emergency.

367  
368 **6. BUSINESS**

369  
370 **A. Issue Papers-Planning & Zoning**

371 **i. #07-626 to amend #05-558-South Beach PDD-Increase maximum height of building**

372 Ms. Donevant presented the issue paper on file. Ms. Donevant explained that the  
373 applicant, Charles Knipper, owner of South Beach, LLC which is a PDD located at 14<sup>th</sup>  
374 Avenue South and Poplar Drive, has requested to amend the maximum building height of  
375 35 feet as adopted in ordinance 05-0558. He currently has a house that measures at  
376 37.24 feet and the ordinance restricts the building height to 35 feet. Ms. Donevant stated  
377 that this home is currently in compliance with the mean roof height but the actual top of  
378 the ridge is higher. Ms. Donevant went on to explain that the current home has not been  
379 issued a Certificate of Occupancy and he is requesting from council to either allow this  
380 one home at the current height of 37.24 feet or, if it was possible, to allow this home  
381 along with the additional ten homes to be built in this development at 38 feet. Ms.  
382 Donevant explained further that this was presented to the Planning & Zoning Commission  
383 on May 1<sup>st</sup> and their recommendation was to allow the one home at the exceeded height  
384 but not the other homes. Mayor Hyman asked how this came about and was it in the  
385 pilings or the pitched roof. Ms. Donevant explained that it was in the roof design, Mr.  
386 Knipper had changed the roof design on this home and that is how the height limit was  
387 exceeded. Ms. Donevant explained that this was not permitted this way. The design was  
388 changed. Mayor Hyman asked for action from council to be at council's pleasure, to  
389 amend as presented or to change amendment. Ms. Tuttle had a question for Ms.  
390 Donevant and asked what the 3 feet allowed him to do that he could not do at a shorter  
391 height. Ms. Donevant answered "nothing" it was just the roof design that increased the  
392 height.

393  
394 Ms. Donevant went on to explain that: "the mean roof height is a construction standard  
395 and most contractors, and I can see where he probably made this mistake, construction  
396 standards, you usually go from the mean roof height, our ordinance under the building  
397 height is measured from the grade to the highest point of the roof. Construction  
398 standards usually take an average from the eave to the top of the ridge and get a mean  
399 roof height, now this doesn't allow him to have any more height as far as storage in his  
400 house or anything, it's actually just the pitch of the roof."

401  
402 Ms. Tuttle asked that from an aesthetics standpoint is it that noticeable from the street  
403 and Ms. Donevant stated that it was not because actually the mean roof height is  
404 probably right at the 35 feet, so there is only a 2 foot, 6 inch difference. Mayor Hyman  
405 asked for a motion to either suspend the rules or to take action. Mr. Samples moved to  
406 suspend the rules. Mr. McKown seconded motion. **All voted in favor. MOTION**  
407 **CARRIED.**

408  
409 Mr. Samples wanted to confirm that this was a planned development district and Ms.  
410 Donevant stated that it was. Mr. Samples then stated that this proposal came before the  
411 Planning & Zoning Commission and then asked that in the proposal what was the height  
412 they were proposing. Ms. Donevant stated that it was 35 feet. Mr. Samples then stated  
413 that before it was built, being a PDD, it requires a rezoning and that is what a planned  
414 development district is. Ms. Donevant stated that this was correct.

415  
416 Mr. Samples then stated that “under South Carolina State law when a PDD, what a PDD  
417 really is, is it’s a negotiation between the town and the developer, the town waives certain  
418 rules, zoning requirements, in order to get something from the developer, so, I’m a little  
419 bit concerned, to be perfectly honest with you, it seems to me, the way you described it,  
420 is that the developer changed the roof design.”

421  
422 Ms. Donevant: “Yes sir, he did.”

423  
424 Mr. Samples: “And did not come to y’all for, was that approved or . . .?”

425  
426 Ms. Donevant: “No it was not approved.”

427  
428 Mr. Samples: “I mean, so if he went back to the original, there’s only one house in  
429 question at this point in time?”

430  
431 Ms. Donevant: “That’s correct.”

432  
433 Mr. Samples: “No other houses have been built which exceed the 35 foot . . .?”

434  
435 Ms. Donevant: “Well I have two more houses that have a problem, but that was not  
436 brought before the P&Z, this is the only one.”

437  
438 Mr. Samples: “I see, I see, so . . . let me tell you what I think.”

439  
440 Ms. Donevant: “OK.”

441  
442 Mr. Samples: “I think given that planned development districts are a negotiation, OK, in  
443 that, what the developer has done was not approved. It’s a quid-pro-quo situation at this  
444 point, what is it that, in order to amend the planning, the zoning, changed the rules, if you  
445 will, so that he can occupy what he’s already built that doesn’t comply with what he was  
446 told to build. What this council voted and approved, to build, what is it that he’s willing to  
447 give us?”

448  
449 Ms. Donevant: “I didn’t ask him, but I will.”

450  
451 Mr. Samples: “I mean, I’m not inclined to approve it, to be perfectly honest with you,  
452 because I think it sets a bad precedent. What it does is that it, it . . .”

453  
454 Ms. Donevant: “I understand exactly what you’re saying and that’s why it was brought  
455 the way it was brought before P&Z. It’s not a question of whether it’s a zoning variance  
456 or something like that, it’s an actual ordinance and to do that it has to go before the  
457 planned commission and then it has to come to you to either deny it and stick with the  
458 original . . .”

459  
460 Mayor Hyman: “Well what we need to do Doug, we need to hear from everybody, and if  
461 we got consensus from council we’ll bring it back and if we don’t have a consensus of  
462 council we’ll take action on it.”

463  
464 Mr. Samples: “That’s very good, if I could ask one last question, and you may have an  
465 idea, you know, occasionally, homes are moved around town.”

466  
467 Ms. Donevant: “Correct.”

468  
469 Mr. Samples: “Since these are built on stilts, if you will, conceivably they could be  
470 lowered.”

471  
472 Ms. Donevant: “Absolutely.”

473

474 Mr. Samples: "Could you, would you, what ballpark estimate, what do you think it would  
475 cost. I understand, I'm not going to hold it to you."

476  
477 Ms. Donevant: "Well you'd have to redo the foundation engineering, I'd say around  
478 25,000 probably, might be in the ballpark."  
479

480 Mr. Samples: "Thank you."  
481

482 Mr. McKown: "I agree with councilman Samples on his analogy of this situation. Educate  
483 me a little bit here Jackie. On a PDD, that we know that's not straight zoning, so if it's not  
484 straight zoning, why didn't the building board, of the, Zoning Board of Appeals, hear this  
485 instead of the regular Planning & Zoning?"  
486

487 Ms. Donevant: "They can't, not according to, a PDD has to come before council."  
488

489 Mr. McKown: "OK, so it's not straight zoning."  
490

491 Ms. Donevant: "A PDD is it's own ordinance. It is an ordinance and in this ordinance a  
492 height requirement for that, those houses is 35 feet. According to our ordinance the  
493 building height is measured from the grade to the top of the ridge."  
494

495 Mr. McKown: "So did you guys catch this in your inspection process, is that, how did this  
496 come about? Did they alert you to it or did you . . ."  
497

498 Ms. Donevant: "The final survey, the builder came in with his final survey. Now on the  
499 plans, the plans showed 35 feet. The initial plans."  
500

501 Mr. McKown: "But, I thought under an inspection process when you and Jack go in there  
502 and (SIC) before they close in, when they're framing, don't you guys come out and  
503 inspect stuff, measure stuff?"  
504

505 Ms. Donevant: "Yes we do, I wasn't here during this so, again, I don't, the only thing I  
506 can assume from what Mr. Knipper said, and I know that's a scary word, but he, if he  
507 decided to change the roof pitch on the house and just got his plans changed in design  
508 when Jack came out and did the inspection, he just looked at what was on site there. He  
509 very rarely, does he go back to the approved plans until we get further on and we check it  
510 at the end."  
511

512 Mr. McKown: "I'm sure it was an honest mistake and we all can . . ."  
513

514 Ms. Donevant: "I'm sure it was, too."  
515

516 Mr. McKown: "I think what councilman Samples has alluded to and I sort of agree with  
517 him. What kind of precedent is this going to set for us? They came to us with a planned  
518 development. We approved it as council. They, in turn, went and changed things and  
519 we've seen this all along with the pools and the setbacks and it always comes through  
520 and it seems like we don't, I mean, how much leeway are we giving this and that's why  
521 we have the controls in place."  
522

523 MS Donevant: "And the other thing was, this was a PDD that was presented by someone  
524 else and then sold to these other contractors."  
525

526 Mr. McKown: "Was this the one that the Scalise has sold to?"  
527

528 Ms. Donevant: "That's correct."  
529

530 Mr. McKown: "OK."  
531

532 Mayor Hyman: "Any other comments from any councilmember?"

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Ms. Tuttle: “Mr. Mayor, if there’s no other comments, I’m prepared to make a motion. That the town withhold the C/O until compliance at 35 feet and deny the request at ten additional 38 foot structures.”

Mr. Mayor: “I have a motion on the floor. Is there a second?”  
Mr. Samples: “**I’ll second that for discussion.**”

Mayor Hyman: “Discussion item. Ok there’s a motion on the floor and second and we’ll open for the discussion. It will be denied a C/O until it conforms. Judy, you made the motion, you have the floor.”

Ms. Tuttle: “I think it’s very clear, the motion’s self explanatory and based on the discussion and, I feel like that’s the way to go.”

Mayor Hyman: “Doug you seconded the motion.”

Mr. Samples: “I, I, what I really think is that I want, I’m going to make a statement then and then I’m going to amend the motion. I agree with what Ms. Tuttle’s motion is but what I would like to see is for staff to, I would amend the motion to direct staff to get with the developer and bring back a solution, which demonstrates the developer’s commitment to not make this mistake again in the town of Surfside Beach. Something, the motion is to direct staff to go negotiate with the developer to bring back an alternative solution.”

Mayor Hyman: “I have an amended motion on the floor, is there a second to this amended motion? **Amended motion is denied, lack of a second.** We go back to the original motion.”

Mr. McKown: “Mr. Mayor, and one reason I think that we got to be very careful, we go forward with this, and I understand where you’re coming from though, Doug, but when you mentioned the cost of what this, with the change, it’s almost implying like we’re strong-arming the developers, so we have to be very careful how, I think how we do that, I don’t think as a governmental body that we need to be leveraging those type of positions. I think the rules are clear and that you have to abide by them or pay the consequences and I think that’s what the motion on the second has actually demonstrated.”

Mayor Hyman: “Council comments? My comment is if he made an honest mistake I could overlook one at one time, one house, if the appearance is not all that great, but I’m just one person and he shouldn’t and whoever it was should never have changed the pitch roof without coming back and getting it approved to start with and you’re very, very wrong, whoever you are, you know, so all in favor of the motion say aye.” **All present voted in favor of first motion. MOTION CARRIED.**

- ii. **#07-0625 to amend original PDD requirements #98-409-clear side and rear setbacks**  
Ms. Donevant presented the issue paper on file. Ms. Donevant stated that council has heard from the President of the HOA, Mr. Buczek on this. Ms. Donevant went on to explain that this was a planned development that was done over at Ocean Oaks off of Surfside Drive. The developer had placed the HVAC under the homes where the parking area is also located. The request was brought forward to the Planning and Zoning Commission to have permission to move the HVAC from under the homes and place them in the setbacks. Planning and Zoning had recommended that council deny the request. Ms. Donevant stated that it is now being brought to council for either approval or denial. The Mayor asked for a motion. Mr. Martin made a motion to agree with recommendation of the Planning & Zoning Commission and deny the request to move the HVAC units. **Ms. Hiatt seconded the motion.** Ms. Hiatt had a comment regarding the units. Ms. Hiatt stated that the reason the units were not in the yard to begin with was because the homes were built to the max and they knew it when they purchased it and

592 rain does spill in the unit and it washes out of the vent at the sides. The Mayor asked if  
593 there was any other discussion. **The Mayor voted against and all other**  
594 **councilmembers present voted to deny request to move the HVAC units. MOTION**  
595 **CARRIED.**

596  
597 **B. Judge Blanton-salary increase**

598 Mr. Booth presented issue paper on file. Mr. Booth stated that as everyone knows there  
599 have been some problems in the court system and Judge Blanton has stepped up and done  
600 a lot more work than he was originally signed on to do. Mr. Booth stated that he believes that  
601 the small increase from 11,000 to 15,000 will allow the Judge to reconcile his added  
602 workload. Mayor Hyman asked for a motion from council. Mr. Samples moved to accept the  
603 recommendation and increase Judge Blanton's salary to \$15,000. **Ms. Hiatt seconded**  
604 **motion. All present voted in favor. MOTION CARRIED.**

605  
606 **C. Sun Fun Festival Presentation by Mark Lazarus, Myrtle Beach Chamber**

607 Mayor Hyman introduced Mark Lazarus who proceeded to give presentation of upcoming  
608 Sun Fun Festival Activities.

609  
610 Mark Lazarus: "Thank you Mr. Mayor, Council, I'm glad I'm here tonight on a fun subject,  
611 instead of some of the past, sometimes controversial, I'm surely not here on that airport issue  
612 either." (Laughing in audience)

613  
614 Mr. Lazarus went on to tell everyone about the Sun Fun Festival and what was going on.  
615 He stated that this year he is the chairman of the Festival and he is going around to all of the  
616 municipalities to tell them about the events that are going to be taking place in their  
617 jurisdiction and what was going to be going on along the Grand Strand. Mr. Lazarus stated  
618 that it has, in the past always been a one-week event and this year it has been changed to a  
619 summer celebration that will last all summer long. The close of the event will be on Labor  
620 Day weekend with the Beach Boogie and Barbeque Festival, which will feature some great  
621 bands. Mr. Lazarus stated that some changes have been taken place this year in the festival  
622 due to finances, logistics, loss of the amusements at the pier and construction. Mr. Lazarus  
623 went on to state that this is the 56<sup>th</sup> annual Sun Fun Festival and the kick-off will be in Plyler  
624 Park, a Park named after one of the founders, Justin Plyler, of the Sun Fun Festival. This  
625 Festival is being used to promote and gain publicity for the Grand Strand. Mr. Lazarus then  
626 went on to highlight some of the key events that would be going on, such as the contest for  
627 the largest sand castle. They would be competing with Virginia Beach who beat them out last  
628 year. They plan on getting some great press and hopefully getting into the Book of World  
629 Records with the world's tallest sandcastle. Mr. Lazarus went on to explain that there will  
630 also be a luau, concerts every Saturday night in Plyler Park, a national Jet Ski tournament  
631 which will generate a lot of publicity, guest celebrities and there will also be the Miss Sun Fun  
632 Pageant and the regionals for the Miss Hawaiian Tropic contest. There will also be a  
633 souvenirs shop open downtown and there will be chances to win a 2007 Ford Fusion where  
634 the name will be drawn at the Labor Day Beach Boogie Barbeque. In addition to these  
635 events in Myrtle Beach, they are having the Surfside Super Sunday, which includes a variety  
636 of events to be held in Surfside Beach. Mr. Lazarus stated that he appreciated the  
637 sponsorship and help from Surfside Beach in being a part of the Sun Fun Festival. Mr.  
638 Lazarus then presented Mayor Hyman with a plaque and t-shirt (applause in audience). Mr.  
639 Lazarus then thanked everyone in attendance and stated that he hoped to see everyone at  
640 the events and on a personal note he wanted to let council know that they made a great  
641 choice in the new Public Safety Director with Andy Christenson and also commented on his  
642 approval of the changes made in the building department and that working with Mr. Booth on  
643 a personal level has been a pleasure and he wanted council to know that the choices they  
644 have made have been good ones.

645  
646 **7. PUBLIC COMMENTS – General. – 5 Minutes**

647 P.L. Mabry 15<sup>th</sup> Avenue North: "I'm certainly glad to see the county send a stormwater  
648 representative over here and we're real excited about having the 4 to 6 acres of lakes over here  
649 on the other side, behind, the Bi-Lo, for them to start that. The other point I was going to make  
650 was that, Mark, if you really want that sand castle, if you put just a little bit of cement in that, you

651 can get that up there (laughing in audience). The other point is that Mark has a t-shirt under all  
652 these chairs, so look under (no shirts under the chairs-laughing in audience). It's not exactly  
653 Oprah, but that's all we could do was put one under the seats there. The big thing is, and no  
654 kidding aside, I am glad to see the county step up to the plate, Mr. Gosnell and so forth, they had  
655 promised us the retention ponds that would be built on the other side of 17 and I'm certainly  
656 looking forward to have that being done, which will make a big effect here in town, so that's what I  
657 want to bring up and also to thank the county for having one of their representatives here and for  
658 Mark to put the t-shirts underneath the chairs (laughing in audience)."  
659

660 Mayor Hyman: "Thank you very much. Any other public comments?"  
661

662 Sean Decker 14<sup>th</sup> Avenue South PDD: "I am also the owner of AmeriBuilt Homes, we bought  
663 three lots from South Beach, LLC. The problem we're having over there is with the height  
664 restriction. When we submitted our plans, to the building department, on my plans, I showed on  
665 there the mean roof height of 34.75 feet. This is the first time I've ever built any homes in  
666 Surfside, and I tried to go through every possible route. I spoke with Michelle to try to get every  
667 piece of information I could to make sure I submitted it correctly, and also the building director at  
668 that time. Building in the county all the time, the county ordinance reads to the mean roof height,  
669 and the definition in Surfside, that I find out now, says to the peak of the roof. The plans that we  
670 submitted are built exactly how, the house is built exactly how we submitted the plans and you  
671 know, I'm pleading with you to take a look at this, and see if we could, what we can do to resolve  
672 this, there was no mal intent in any means. We don't get anything out of it. What it does by  
673 increasing the pitch of the roof, it, and I would, you know, ask anybody here that, if the roof is flat,  
674 you know, you don't want a flat roof on the house so we increased the pitch and submitted the  
675 plans that way and I think it's much more visibly pleasing than having a flat roof on the house.  
676 You know, I don't see any detriment to the community at all by having the house be under the 35  
677 foot mean roof height and just asking, you know, what, where I need to go from here to get this  
678 resolved."  
679

680 Mayor Hyman: "You need to talk to the Administrator after the meeting."  
681

682 Mr. Decker: "OK. Thank you."  
683

684 Mayor Hyman: "Thank you very much."  
685

686 Ann Dodge, 15<sup>th</sup> Avenue South: "I just wanted to say thank you to the town and the council  
687 for presenting the music down at the pier. It is something we look forward to every year. It was  
688 so good and we had so much fun. Thanks again for doing that and also, sitting back there it's  
689 hard to hear you, even with the microphones. I don't know if there's a problem or not, but maybe  
690 you want to look at that. Thank you very much. Thank you for the music."  
691

692 Mayor Hyman: "Thank you very much. Any other comments?"  
693

694 Mark Lazarus: "I figure while I'm here, I'll go ahead and take the opportunity, Wild Water  
695 Wheels will be opening this weekend, unfortunately our new slide's not going to be quite ready.  
696 Tried to get Jackie to speed it up a little bit, but (laughing in audience) but we couldn't do it but, a  
697 little delay in this construction, but it looks like about Saturday of the next week. I think many of  
698 you received invitations to come over for tomorrow night but we're going to still do the event  
699 Friday night, I mean, we're going to still do it Friday Night, hope you come out, we've got our  
700 season pass holders coming out and going to enjoy the park for that night, anyway and do a lot of  
701 publicity for the town, but we'll get it open here soon, it's going to be a great addition to the town  
702 of Surfside Beach and hopefully a lot more tax dollars to y'all, so, and Mayor, I'd like to go ahead  
703 and publicly invite you, when we originally opened the Water Park up, Mayor Johnson actually  
704 came and slid the slide the first time (laughing in audience) so, and that was that big cliff dive one  
705 too, now if you remember that, so when the day that we do get to open it up and cut the ribbon I'd  
706 like to publicly invite you to be one of the first ones to come in and slide down with us."  
707  
708

708 Mayor Hyman: "Well I appreciate it but there's two things, I'm not Mayor Johnson and I don't  
709 have anything to prove, so I'll wait at the bottom." (laughing in audience)

710  
711 Mr. Lazarus: "And of course all the councilmembers are invited to come out also. Thank  
712 you."

713  
714 Mayor Hyman: "Thank you very much. Any other comments?"

715  
716 Ms. Buffkin-Creel: "Tonight I would like to invite Surfside, the town of Surfside, to appoint a  
717 representative to the Horry County Disability and Special Needs Commission. We serve several  
718 of your people, here, in Surfside, I think it's probably between 30 and 40. We call them  
719 consumers, and as we have several projects taking place, I certainly think Surfside needs a  
720 representative. All areas need to be represented, as it should be, and I offer my services again,  
721 as a Stormwater Commissioner to help the city of Surfside, the town of Surfside. Thank you."

722  
723 Mayor Hyman: "Thank you for being here tonight, appreciate it very much."

724  
725 There were no other public comments. The public comments section was then closed.

726  
727 **8. COUNCIL COMMENTS**

728 The Mayor then asked if there were any council comments.

729  
730 Mr. McKown: "Mr. Mayor."

731  
732 Mayor Hyman: "Bill."

733  
734 Mr. McKown: "I'd like to thank Mark also for coming and getting us all fired up about the Sun  
735 Fun Festival and I hope everybody attends it, because it is going to be a lot of fun this year."

736  
737 Mayor Hyman: "Any other comments?"

738  
739 Mr. Martin: "We've had a couple of things on the agenda tonight about PDD's and we've had,  
740 in previous meetings, things come up about existing PDD's, and I think I'd like to offer my  
741 sympathy to the people who have moved into PDD's and are having difficulties with their PDD's.  
742 Each one of those is a struggle for council. We look at many, many factors involved from the  
743 parking to where things are placed and each one of those is a major decision and a difficult  
744 decision and I can only offer my sympathy for the people who have difficulties with the closeness  
745 together or the detail designs, we try to do our best. Thank you."

746  
747 Mayor Hyman: "Any other council comments? Mark I want to thank you for coming and  
748 giving us that presentation, it's always a pleasure having you here and we wish you very, very  
749 good luck at the Water Park this summer so we can get more dollars from you. (laughing in  
750 audience) and Andy we're glad to have you here and we're looking forward to you starting with  
751 the town full time, sir."

752  
753 Mr. Christenson: "Thank you."

754  
755 **9. ADJOURNMENT**

756 There was no other business to come before the meeting. Mr. McKown moved to adjourn the  
757 meeting at 7:42 p.m. Mr. Samples seconded. **All present voted in favor. MOTION CARRIED.**

758  
759  
760  
761 Clerk's Note: This document constitutes minutes of the meeting, which was audio taped. In accordance with FOIA, meeting notice and the  
762 agenda were faxed and/or emailed to local media and interested parties. A complete list is on file in the clerk's office. The agenda was posted  
763 on bulletin boards outside council chambers and in the town hall reception area. Meeting notice was also posted on the town marquee.