



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, OCTOBER 27, 2020 • 6:00 p.m.

1. **CALL TO ORDER** Mayor Hellyer called the meeting to order at 6:30 pm am. Mayor Hellyer, Mayor Pro Tempore Scoles, Councilmembers Dietrich, Drake, Holder, Pellegrino, and Keating were in attendance. Others present Interim Administrator Duckett, Town Attorney Crosby, and Town Clerk Sheri Medina.
2. **INVOCATION AND PLEDGE OF ALLEGIANCE**
 - A. Invocation: given by David Pellegrino
 - B. Pledge of Allegiance: Mayor
3. **PUBLIC HEARING - None**
4. **MOTIONS RELATING TO AGENDA - None**
5. **MINUTES APPROVAL** Councilmember Keating made a motion to accept the meeting minutes for September 22, 2020, Councilmember Drake seconded. All voted in favor. **Motion Carried.**
6. **PUBLIC COMMENTS – Agenda Items Only**

Email comment read by the Town Clerk

Councilmember Dietrich called a point of interest; I would like to introduce one of our newest officer, Officer Bishop. God bless you and welcome here, and please be safe. Always take care of yourself, son. Thank you.
7. **COMMUNICATIONS -**
 - A. Finance Report, given by Director King.
8. **BUSINESS**
 - A. **First Reading Ordinance 20-0225** AN ORDINANCE TO THE ZONING ORDINANCE OF THE TOWN OF SURFSIDE BEACH TO AMEND CHAPTER 17, ARTICLE 1 GENERAL PROVISIONS, SECTION 17-007 DEFINITIONS AND ARTICLE III DISTRICT & USE REGULATIONS TO DEFINE AND ADD GARDEN CENTER AS A CONDITIONAL USE IN TABLE 17-395.

Councilmember Keating made a motion to accept Ordinance 20-0225 to amend Chapter 17, Article II administration, section 17-201, exceptions and modifications to add language regarding the permitting of handicapped-accessible ramps, lifts, landings, and elevators. Councilmember Drake second.

Carol Coleman, from Waccamaw Regional Council of Governments, stated this is currently the result of an application we had from a business owner who would like to locate in the town and open a garden center. When I started looking through the ordinance, it was permitted in and of itself, but a couple of things caused me to pause. One was the language that says you can't have an outdoor display.

I thought it was best to define a garden center, which he was asking for: a retail business, including a greenhouse and or nursery for the raising, storing, transporting, and sale of plants. This compares to True Blue in Pawley's Island. We wrote a definition for it and then addressed the various sections of the ordinance that it pertained to. We thought we would include it as a conditional use to be safe. One of the things I would point out in the report is that they would still be required to meet the design overlay. They're not skirting any of the requirements; they're just allowed to have an outdoor display of the plants and other things they sell. We added the definition section and then on the table of uses under Classifications, commercial office, and professional uses. Garden Center would be in the C1 district as a conditional use, subject to Section 700 - 396.1, which we think I have in here quoted, basically requires them to be separated and not to have any offensive things noise or odors. Planning Commission did vote unanimously to support this.

This would allow it in any place in the C1 district, so it's not specific to the site that this gentleman is this looking at. It will be allowed anywhere in the C1 district under these conditions.

Mayor Hellyer asked can you explain to us a little bit about that application, where it would be so that everybody understands?

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57 Ms. Coleman stated that the gentleman who is proposing to do this has an agreement with the property owner at the flea
58 market. He is using the front portion beside the antique store on the other side of the drive. He has over an acre on the front
59 portion of the property that he has set aside. And I believe he has an option on it going into the future, but he has at least a
60 lease on it in place.

61 Councilmember Keating stated that in January, we had a pretty extensive modification to Chapter 17, including the table. That
62 was deferred and delayed multiple times. We finally had our workshop that you were part of in June. We made a couple of
63 minor tweaks, mostly relating to the E-district. I understand the sense of urgency on this change - we have someone that
64 wants to come in and do business in our Town, and that requires a more significant issue, but what can we do to bring the
65 original amendment to closure? I know we said we wanted to go back to the Planning Commission, but to my knowledge,
66 they have yet to meet on that or provide any recommendation. Regardless of that, it was approved by the Planning
67 Commission in September of 2019, and I don't think we made any significant changes that would invalidate that
68 recommendation. Can we bring this forward in the meeting in November for the public hearing and the first and second
69 reading to get that off the record books?

70 Ms. Coleman stated that we did take it to the Planning Commission as a discussion item following the workshop. We haven't
71 had a public hearing since then. We can schedule the public hearing prior to the second reading of the ordinance. So, we
72 can schedule this for a meeting in November.

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

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75 **B. First Reading Ordinance 20-0226 AN ORDINANCE TO THE ZONING ORDINANCE OF THE TOWN OF SURFSIDE**
76 **BEACH TO AMEND CHAPTER 17, ARTICLE II ADMINISTRATION, SECTION 17- 201 EXCEPTIONS AND MODIFICATIONS TO**
77 **ADD LANGUAGE REGARDING THE PERMITTING OF HANDICAPPED ACCESSIBLE RAMPS, LIFTS, LANDINGS, AND ELEVATORS.**

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79 Councilmember Keating made a motion to accept the first reading of Ordinance 22-0226 for a modification of Chapter17,
80 Article two. Councilmember Drake second.

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82 Ms. Coleman stated you heard via an email read at the beginning of the meeting, the lady who wrote in did have a very tough
83 time, and we were working with her to try to expedite the process. That was the first one in a series that we had over the
84 course of months. Every single month, we've been getting applications in for residents to add, either a ramp, lift, or an
85 elevator onto their property so they can access the home. As you can see in the report that I wrote up, when you read the
86 standards under state law, the requirements for granting a variance is very difficult even for legitimate reasons, such as
87 adding something that makes a home accessible. If we're telling people that they can't live in their home or access their
88 home, which almost amounts to a constitutional taking. I'm not an expert on constitutional law, but I looked at it and read it
89 every which way. The new language would create an exemption to allow for some of these things to be allowed by right to
90 encroach into the setback. Also, the extras we added in was that the elevator could encroach up to five feet. The ordinance
91 language is very straightforward under residential uses, unenclosed and uncovered ramps, lifts, and associated landings
92 necessary to provide handicap access. It may extend into the required setback provided the landings are no larger than the
93 ADA (Americans with Disabilities Act) requirements for landings and closed elevators. They may encroach no more than 50%
94 into the required setback without a variance. Under commercial, it's the same type of language. Ms Keating mention that this
95 should not include new construction. That is a very good point, and I'll write it in the ordinance that this does not include new
96 construction. The logic is if you're doing something under New construction, you have the time to create a land plan that
97 would allow you to have those things within the setbacks.

98
99 Just as a side note, many houses built today are built to be retrofitted with elevators. They are built with a shaft in the middle
100 of the house. People can get in and out when they need them, they may not install them when they move in, but they will
101 install them at some point. People are thinking ahead, but I think this would be very beneficial to the residents.

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103 Councilmember Scoles stated I happen to know one of these people, and it was very difficult for them to get into their home,
104 and on the lot next to me, a new home is being built, and there is an elevator shaft there. People are looking ahead that as
105 this community ages, we're probably going to see more of this. So thank you for all your work on this.

106
107 Ms. Coleman stated I'd seen people that have had damage. I even had someone tell me that they need to move if they can't
108 get into their home anymore. That's not an option. When someone puts their entire life into having a home here, they
109 shouldn't have to sell it just because they can't walk upstairs anymore.

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

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113 **C. Parking Committee Update**

114 Councilmember Scoles stated it came to our attention that there were no complaints regarding public access from residents.
115 There was one complaint from a business owner on Surfside Drive. So this Committee has recommended leaving beach
116 access, as it is, to leave Surfside Drive, as it is, with the exception that a letter is sent to every business owner, explaining to

117 them, once again, the restrictions on Surfside Drive, and that our police department will enforcing them. We want the
118 Council's opinion.

119 Councilmember Dietrich asked Chief Hofmann do you feel it's something your department should get involved in?

120 Chief Hofmann stated, we would feel that the same approach should be taken if we get a complaint, that if there's somebody
121 who's been in the marketplace for more than the allotted period of time on Surfside Drive. The concern is the only way to
122 enforce the parking time limit on Surfside Drive is to start chalking tires. If that's where it's going, it could be problematic to
123 provide police officers. But, we will if that's councils wish, we will get it done.

124 Councilmember Dietrich stated that if there is a problem, have an officer go to Surfside Drive, not tie them up chalking tires. I
125 think that is a waste of manpower.

126 Councilmember Scoles stated that's what the Committee recommended instead of taking on Linier and paying an extra cost to
127 have that monitored. Since we only had one complaint from a business owner, we're hoping that this letter will reinforce the
128 fact that there are rules. I think the letter is a definite do, I've been keeping an eye on the situation, and I know that you can
129 tell which businesses are out there. They've got cars parked out there all day long, where I think the letter will probably go a
130 long way.

131 Councilmember Keating recommended that the letter include a statement to invite them to notify our Police Department if
132 they observe violations.

133 Councilmember Scoles agreed, and stated I think that will take that extra step of encouraging them to make that phone call
134 because otherwise, they're going to say, oh, say nothing has changed, is still the same thing. But let's encourage the business
135 owners that are having the problem to call in our officers to enforce.

136 Councilmember Drake stated it's a two-hour parking limit, but it's not meant for an employee to use as parking places. The
137 business owners of the two businesses, it's like they're ignoring the fact that their employees are too lazy to go park around
138 back and walk around front. If someone's coming down there, tourists are coming down to shop, it's hurting the retail sales of
139 those businesses.

140 Chief Hofmann recommended a map of that general area around there along with the letter to show alternative parking for
141 employees.

142 Mayor Hellyer stated that what we need to do is just put people on notice.

143 Councilmember Scoles stated these businesses ought to work with each other. We need to just put out the official letter by
144 the town that puts them on notice. And if and if it isn't done, then we'll have to get together, and we'll have to revisit it.

145 **D. Resolution 20-203** – Resolution to Promote Workplace Safety, Read by the Mayor

146 Councilmember Keating made a motion to adopt Resolution 20-203 to Promote Workplace Safety.

147 Mayor Hellyer stated that the reason that this is being put out is, this is one of the requirements of our town insurance that
148 there are 12 things that we need to do, and one is that we have a resolution stating that we will promote public or work
149 safety. That's the purpose of the resolution.

150 Councilmember Scoles second. All voted in favor. **Motion Carried**

151 Mayor Hellyer called a ten-minute recess.

152 **9. PUBLIC COMMENTS – Town Services or Business Conducted**

153 **A.** LaVern Kreklau, South Hollywood Drive, reminded everyone to vote on Tuesday.

154 Email comment read by the Town Clerk

155 Mayor Hellyer read a thank you card from the Mayor Bethune of Myrtle Beach thanking our Police Department for all their help
156 so that their department could attend the funeral of their fellow Officer Jacob Hancher.

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

158 **A. Councilmember Scoles** - Thank you for those that came out and those that called in. And thank you to all of our
159 Officers for helping your brothers; I greatly appreciate that. There was no doubt in my mind that the police would step up to
160 the plate at that time. I want to remind everyone that we have the car show this weekend, and it's my understanding: it will

180 be in the pier parking lot. So, I hope everybody will come out and attend and thank our staff for all that they do to keep this
181 town up and running and doing a great job, and I greatly appreciate it. Everyone have a good evening, and please continue
182 to stay safe during this pandemic.

183
184 B. **Councilmember Holder** - Thank you for all coming out tonight; we did not have a major agenda, as you can tell. I
185 think it's great that we passed two Ordinances. I think they're good for the town. We need to continue to work to improve our
186 town code. So, thank you for coming tonight, and I'll talk to you later.

187
188 C. **Councilmember Keating** - As with the others, I appreciate everyone coming out and dialing in. It's very refreshing and
189 very nice to have a meeting with some less contentious items on the agenda for once. I think we are well on our way to
190 moving forward with getting the pier project started. From what I have been told and understand, we're close to resolving
191 the contract, so that that should trigger some activity for everybody to watch. I think that that's a plus for the Town. As Mr.
192 Holder said, I agree that these two ordinances are definitely a plus, but I also want to see us complete that rewrite that we
193 first evaluated back in January. It's time that we update that chapter fully so that that's more in line with our town's
194 businesses. That's also a plus if we can get that through the process in November. Other than that, everybody have a very
195 happy Halloween. And don't eat too much candy. Have a good night.

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197 D. **Councilmember Dietrich** - Good evening, folks, and thank you for all coming out. I hope we have Halloween. I'm not
198 sure we're going to have one of those. We'll figure it out. Chief, thank you very much for your attention tonight. Officer
199 Bishop, God bless you, welcome. And thank you very much for being out here, and we'll get this done. We always get it done.
200 God bless you all. Please have a safe trip home, and we'll see you next time.

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202 E. **Councilmember Pellegrino** - Thank you to everyone who's listening online. Quick agenda tonight, easy things to vote
203 on. Like Mr. Kreklau said, please vote on Tuesday; hopefully, we'll have a bright future.

204
205 F. **Councilmember Drake** - Thank you, everybody, for coming out tonight. And thank for everyone tuning in. We
206 approved two Ordinances. Again, as Mrs. Keating said, Chapter 17 is something we've been working on, trying to get some
207 things right now for businesses. And also, in the future, Chapter 2. As far as Halloween goes, I want everybody to be safe;
208 watch out for the little ones out there. As you ride around on the golf carts, please keep your speed down. And thank you
209 very much.

210
211 G. **Mayor Hellyer**, in closing, I want to bring up a couple of things. I put in my Mayoral update the other day that the
212 Farmer's Market was ending Tuesday, which was today. I failed to put that starting on November 3, which is next Tuesday, at
213 Memorial Park, there will be a Holliday market. That is going to go on until December 15. So we will have something going on
214 weekly. Again, we have the car show coming up. We also have the Veterans Day service, and as far as the pier, as Ms.
215 Keating said, we're almost done with the contract. We probably have about a week left. We're doing the final inspections
216 right now; we're waiting for the results to come back on the diner to see if there is any asbestos in there. And if that comes
217 back clear, we expect that it will be, then the town through John Adair will apply for the demolition permit, which ought to
218 take within 10 days to get it done. So, in the meantime, the Surf Diner, I believe, will be moving out within the week. We
219 ought to be putting together and starting the construction of the new pier. I want to thank you all. Make sure that everybody
220 goes out to vote, and we will see you at the next meeting. Thank you.

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222 **11. ADJOURNMENT** Councilmember Keating made a motion to adjourn at 7:24 pm.
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Surfside Beach Town Council

Robert Hellyer, Mayor

David L. Pellegrino

Bruce H. Dietrich, Town Council

Cindy Keating, Town Council

Michael Drake, Town Council

Debbie Scoles, Mayor Pro Tempore

Paul Holder, Town Council

Attest: _____
Sheri L Medina
Town Clerk

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