



**TOWN COUNCIL MEETING MINUTES**  
**TUESDAY, NOVEMBER 24, 2020, • 6:30 pm.**

1. **CALL TO ORDER** Mayor Hellyer called the meeting to order at 6:30 pm am. Mayor Hellyer, Councilmembers Drake, Holder, Pellegrino, and Keating were in attendance. Others present Town Administrator Shanahan, Town Attorney Crosby, and Town Clerk Sheri Medina. Mayor Pro Tempore Scoles attended by phone. Absent: Councilmember Dietrich.
2. **INVOCATION AND PLEDGE OF ALLEGIANCE**
  - A. Invocation: Councilmember Pellegrino performed the invocation.
  - B. Pledge of Allegiance: Mayor Hellyer led in the Pledge of Allegiance.
3. **PUBLIC HEARING** -None
4. **MOTIONS RELATING TO AGENDA-** None
5. **MINUTES APPROVAL** - Councilmember Drake made a motion to accept the meeting minutes for November 10, 2020, Councilmember Keating seconded. All voted in favor. **Motion Carried.**
6. **PUBLIC COMMENTS** – Agenda Items Only
  - A. Judy Henion, 11th Avenue North, one comment I have about a discussion item is about nepotism or changing anything in Chapter 2 or 17, there was supposed to be a public workshop to make those adjustments. It doesn't make sense to piecemeal those ordinances; that's the reason our ordinances are so thick. So, you might want to reconsider that. I also want to make a comment about Arbor day. It's amazing to me that we're going to make a declaration saying that we honor trees when we're allowing the cutting up lots in this town at the rate that we are, so we might want to go back and look at that, as well. Thank you, and have a happy Thanksgiving.
7. **COMMUNICATIONS**
  - A. **Finance Report** – Given by Director King
  - B. **Breakfast with Santa** - Debbie Ellis stated, I have met with Evan at the Golden Egg. He's a little nervous about it, but he said something about reducing the number of children. He would want to get it down to 40. The first 20 could go for one hour and 20 the next hour, but they wouldn't be able to get close to Santa. I also spoke with Raven, who has been Santa for many years and he stated he is not comfortable with being there with that many kids due to the rise in virus cases. They're going to ask that everyone wear a mask. We also give gift bags.

Councilmember Drake stated that if there is a suit available, he would be Santa. Furthermore, if we can go to shopping centers, we can go everywhere else, we should be able to have breakfast with Santa. I mean, somewhere along the line, you have to draw the line. It should be advertised well. On the website, Facebook, etc. Maybe we don't want to be up close and personal sitting on his lap, but you should at least be able to stand beside him.

Councilmember Scoles stated, I understand, trying to get back to normal, and I hate it for children. I hate it for anyone right now, but I just feel that we have got to respect our numbers climbing, and in order to not have to go back to shut down at some point, we're going to have to make sacrifices. And there are some things that we're going to have to do without, to be able to reach back to that normalcy, though, I would not be in favor of it.

Councilmember Pellegrino stated people have been making sacrifices for nine-plus months now, and we're still in the same boat. I say if it's feasible to do it, do it.

Councilmember Keating stated, I agree that we should have this event. If we need to limit participation, we can advertise that we'll take reservation on a first come first served basis up to the 40 participants.

Mayor Hellyer stated I'm going to say yes too, but there's going to be conditions on it that I would like for you to take the recommendation that when you set this thing up, that it's fair so that everybody has the opportunity, even though everybody

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may not get the opportunity.

**Golf Cart Parade** - Debbie Ellis stated this is not the Christmas Parade. This is a separate golf cart parade, which would be on December 5. Neal & Pam's will provide the judges for the first, second, and third place prizes. They said it's up to me to get prizes. We should have it at two o'clock. I think we can lineup on Melody or 16th Avenue South, pull them out on the Ocean Boulevard, and take them all the way down the Holiday Inn. That way, they go by Neal & Pam's. This is the same route we've used before for the golf cart parade. The participants will be able to throw candy, but they have to wear gloves, and the candy has to be wrapped.

The Christmas parade is when December 12 at two o'clock.

### C. Discussions:

#### 1. Chapter 2: Sec 2-209 Bidding Procedures

Councilmember Holder stated I have a concern that our ordinances are outdated. This was one because who reads the newspaper to find out if we're going to build. Very few people do, and most companies don't. We're spending a lot of money. We had to change the ordinance. Different websites will advertise and also magazines.

Councilmember Keating stated I had asked for public workshops to review Chapter 2 and Chapter 17 back in January because our ordinances are very outdated. We heard Chief Hoffman say last time that they are outdated. We do this Band-Aid approach to changes, somebody finds one inconsistent thing or not up with the times, and we put a Band-Aid over it. We change that one clause. We create more conflicts, and we create more confusion. So, I don't believe at this point, these items are significant, that we need to be piecemealing at this time because the public workshop on Chapter 2 is still outstanding. We had it scheduled, but we were focused on the Pier and a few other conflicting priorities. That's gone by the wayside, languishing since January. At this point, I don't want to get into the philosophy of why we need to publicly communicate to more than just the people who will bid on the projects. So, as we have an aging population, they're very comfortable with newspapers. I believe many of our residents are still using newspapers in some form. I don't think it's time to remove that requirement. The other thing is that the state dictates procedures for procurement laws. So, we also don't want to be pulling a knee jerk reaction to something inconsistent with what the state requires us to do. So, again, Chapter 2 is about the administration of this town, I think we owe it to ourselves, our residents, our business owners, and our vacationers to look at that chapter in total and understand how we want to do business and how we're going to continue to do business going forward, and not piecemeal Band-Aid approaches to items that have come up.

Councilmember Pellegrino stated I would say, in January or February, try to get a workshop together on Chapter 2. Also, maybe, look at a venue that we can have better participation. Hopefully, more of the residents would turn out if we're not restricted to so many chairs in the room.

2. **Chapter 2: Division 5, Employees, Nepotism** - Councilmember Scoles stated I brought this forward. My concern is that we have family members working within the municipality, and we don't allow it on the statutory committee. Now that we have one person retiring next month and I have heard rumors in town, we will have several other people retiring. I just don't feel comfortable with a town having family members working within the town. We don't allow it for the committee, and I think we need to be consistent with it, but we can discuss that at the workshop.

Councilmember Keating stated that we need to make sure that our policies on such matter are consistent with the Department of Labor requirements.

3. **Ground Breaking** – Mayor Hellyer stated that the next thing on the agenda is groundbreaking. We've come a long way to get where we are today. We finally got our contract done; everything's ready, we've got our pre-construction done, we've got our construction schedule is done, and we're ready to roll. So basically what I wanted to do, and everybody in this town has been waiting since 2016, for us to start construction on a new pier. Mayor Hellyer stated what I'd like to do is just have a little ceremony initially, which would be on November 30th. It will go for about an hour, and we could give some more things and tell people what's going on with the Pier. What our construction schedule is, and stuff like that. That's the purpose of it - to celebrate our getting moving on this.

Councilmember Holder stated I think it'd be better if we would after the Pier has been torn down.

Councilmember Keating stated I would not recommend trying to do something during the transition of demo and construction because you then are involved in an active construction site. For those who have worked on construction sites, that's no place to be celebrating and having a party is since it's rather dangerous.

Mayor Hellyer stated I think before, as a project kickoff is appropriate. I'm sure it's going to be on the pier parking lot, and we're talking about 10 or 11 am on November 30th, which is on a Monday.

4. **Pier remains** – Mayor Hellyer stated that the Pier itself would be dismantled and taken over to Scipio Lane. The town

has 9 acres. We're going to take the Pier to Scipio Lane to be determined what we're going to do with it from there. I've seen some people's suggestions that we make it so that any residents can come to get a piece of the Pier. We've talked about maybe giving it to a non-profit; we can generate money from them. I'm not exactly sure the best way to do it, but I think that we should all discuss it and figure out what we're going to do. I don't think we must do it tonight to figure out exactly what needs to be done. I just, I think we've already made it clear that the pier remnants are going to be housed so that we can at any time do what we need to do.

Councilmember Keating stated that I think we only need to be sensitive to the hazardous components of some of the materials removed from the Pier when some of these boards were treated lumber. They're quite old. They probably have any version of creosote or cyanide or a few other things that have been used in the past. We don't want hazardous material just to be left out for anyone to come by and take as memorabilia from the Pier, and then we end up with problems later. So, I don't think we want just to take everything from the Pier and set it aside. I think we need to look at what exactly is permissible for personal use.

Councilmember Drake stated I just want to make sure that Surfside Beach citizens get a board of some sort even if they have to sign off. I just think it's very important to anybody who lives here who would like a piece that it is available.

The materials were given to someone who made different pieces, and as citizens of the town or residents of the town were able to purchase at a minimal fee, an artist, and say that went over very well. We do need to be cautious with the material is coming down from that Pier. We know that this coming week, less than a week from today, that they're going to start construction on it, so we'll see.

**D. Proclamation 20-132 Arbor Day – Read by the Mayor.**

## **8. BUSINESS**

**A. FIRST READING, ORDINANCE 20-0228 – AN ORDINANCE OF THE TOWN OF SURFSIDE BEACH AMENDING CHAPTER 4, ARTICLES VI AND VII BY REPLACING ORDINANCE NOS. 19-0889 AND 19-0890 AND AMENDING THOSE PROVISIONS OF CHAPTER 4 LOCAL HOSPITALITY FEE AND ACCOMMODATIONS TAX AS AMENDED BY SAID ORDINANCES.**

Councilmember Scoles made a motion to accept Ordinance 20-0228. Councilmember Pellegrino second.

Director King stated this is the settlement agreement that came out of the lawsuit. We are going back to the way it was before we changed last March. This ordinance is to put back the exact wording that we had before March of 2019. We've compared it in nature that everything is the same, as it was before that. We enacted the hospitality in 1996 and the local accommodations tax in 2003 in the Town of Surfside Beach. Ordinances were amended in March of 2019. Surfside is a member of the proposed class of plaintiffs in with Myrtle Beach for itself, and a class of similarly situated plaintiffs versus Horry County. In October, the town agreed to the settlement agreement in principle, dated September 4, 2020. The settlement agreement requires the town to repeal any new local hospitality and accommodations fees and taxes. Adopted after January of 2019, go back to charging the same accommodations taxes, and hospitality, these and uniformed service charges in place prior to January of 2019. So, we recommend that you we pass the first reading of this and in the next meeting you will have a second reading. This Ordinance will become effective, January 1st at midnight. So, that's why we're getting ready to send out a letter to all of our businesses in town that do hospitality and local tax, explaining to them what's happening. Instead of them now paying all of the money to us, they will pay some to Horry County. The hospitality and the accommodation tax now apply to rentals and accommodations; that's always been true. In accommodation, they pay 1% hospitality and 1.5% accommodation. To us, they only pay half. Before that, in 4 11, it says the accommodation tax of 0.5 percent is imposed on every person that engages in the business of furnishing accommodations.

Councilmember Keating stated that the Ordinance is confusing, I think it needs to be cleaned up and consistent.

Mrs. Crosby, Town Attorney, stated what we'd been told to put it back exactly the way it was, to comply with the settlement agreement. That's what we did.

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

**B. FIRST READING, ORDINANCE 20-913 AN ORDINANCE OF THE TOWN OF SURFSIDE BEACH TO AMEND THE TOWN'S CODE OF ORDINANCES, SPECIFICALLY CHAPTER 17 [ZONING ORDINANCE] ARTICLE III; DISTRICT AND USE REGULATIONS SECTIONS 17-394 THROUGH 17-399.**

Councilmember Keating made a motion to accept ordinance #20-0913 to amend the Towns Code of Ordinances, specifically Chapter 17. Councilmember Drake second.

Carol Coleman, Planner, stated there are about 4 changes to the table, so just to be consistent, what I did was take what was

forwarded to you in January and reformatted it into the ordinance and try to color-code anything that had changed since that time meeting with the workshop. I gave them the bullet points that we had from the workshop on June 16th, and I've put that in here so you can see where that was reflected. I created a Sandy Lane Analysis based on one of the things sent here. But everything that you see that's either highlighted in yellow or a strike-through was that way before.

There was a C4 district that was changed to the E-district. Anything that falls under the district shows up with a yellow highlight only because the E-district was changed. The Planning Commission recommendations are in Green text highlights, and anything pink or magenta is something that I added.

The design overlay applicability article was not easily found. So this is trying to make it easier for someone who's not a staff member to go back and find information. We've broken out all of the different uses. We've added the use of PA, which is permitted use but only an accessory.

Planning Commission wanted to add Assembly Hall and Banquet facility, as permitted uses in the E-district. That may be something we have elsewhere in here. We already have that as a PA use because we didn't necessarily want them to be standalone. Anyone in the E-district had the availability of a meeting facility or an event facility, and I think we even discussed that in the workshop. We discussed that as part of the hotel resorts. They asked to put it up here under assembly, but it's also under the accommodations used as an accessory.

That doesn't mean that this has to go through, just like it is, because this is just what we discussed. Again, we do have it here available as an accessory use. At some point, people can come here and have weddings and maybe even allow them on the beach where they don't allow them on the Beach in some areas. So that's just something to think about down the road. We have built three buildings on the Pier; if we choose to leave one as a banquet facility, that will fall under this category so that it could be there.

There could be other commercial applications within the building; then we have another section for professional services uses business office. Most of those are pretty general that the additions you see are basically all under the design overlay, applicability codes, and the parking codes, which have changed somewhat. Moving on down to general commercial is where you see a lot of action. On the second page of general commercial, under dining, You'll see a green highlight brewpub. This was the discussion we had before. The meeting tonight was just for clarification. We had talked about a microbrewery in the Entertainment District. Planning Commission liked the idea of having something like that in the E-district. Under state law, a microbrewery and a brewpub are two different things. So the best way to describe them, the closest thing to a microbrewery we have in this area right now truly is New South Brewery in Myrtle Beach. It's in the Industrial District off of Seaboard, and they have the big giant tanks as a warehouse; they're allowed to be open to have a tasting room for a few hours certain days of the week, but the majority of their focus is brewing, several barrels, canning, potentially bottling beer.

On the other hand, a brewpub is something closer to Quigley's in Litchfield or Gordon Biersch in Market Common, where they do brew beer on-site, but it's mainly an accessory to the pub side of it. So you can go in with a growler, a big jug, and you can buy beer to go, but they're not bottling it or canning it. Under state law, the differences between microbreweries are allowed to brew more barrels of beer per year. Whereas a brewpub brews lesser barrels of beer per year. A brewpub is very much more in keeping with what I think you want, and a family beach more of an accessory to a pub.

Medical and Clinical, we added a couple of different things that weren't specifically identified.

Exterminators are permitted use in the C1 and C2. I would recommend not allowing that necessarily the C2. Exterminators often have many poisonous materials on-site, and I would leave that in your highway commercial, your more intense district.

We thoroughly defined what we can accept as a nursery, with some outdoor display of plants and storage of materials. The golf cart rentals in the E district will be another. Conditionally, they cannot have stock stored on-site. They can have a couple of display items, but they have to store their stock somewhere else because we don't want a big yard full of scooters and Mopeds on Ocean Boulevard.

Then we go through manufacturing, transportation; everything is in line and restricted uses. We've got the definite section on accessory dwelling units. Once you get to the next section, everything else is clarifying changes that are already in here. The next page is the one thing that the Planning Commission had long discussions on restricted locations. We've had this at the Council level too. We had the PDD that came up earlier in the year. When I first came on board, and I did create a study. There's not a problem with restricting areas at all. The concern is if we restrict to a specific area, but it's impossible to have to such use in that area. Just to show you the difficulty, one of the businesses that we're restricting to Sandy Lane - on the east side of Sandy Lane, the lots are about 225 feet deep. The front setback is 75 feet. The rear setback is 20 feet, and that's 95 feet of that lot that's already taken up. I bring this up because we also have a section here that says that the business cannot front on the frontage road around 17. If we limit a specific use, lots that can't house the use, then we are in effect saying, we're not going to allow that use. The Planning Commission recommended keeping the restricted use section, but they did not include mini storage or other storage facilities there.

I would also like mention in South Carolina we can't make zoning decisions based on the economic impacts. I would love to do a marketing study and say, we don't need any more of these because I think the example I used in other parts of the Grand Strand is beachwear stores. After all, they're everywhere. If you are ever going to point out something that we are completely overwhelmed within this area if you're not from here and you come through, it's eye-opening and shocking when you count the number of beachwear stores. I'm not talking just Surfside. I'm going all the way up to North Carolina aligned and down into Georgetown.

There could be a way to handle storage units and parking decks; they cannot be recognizable as storage units or parking decks because they have to be encased in residential and commercial, so if you have residential units like a commercial on the first floor and residential units above it so that from the street, that's what it looks like. The interior of it could be a parking deck. The interior of it could be storage units. That's an idea, and that's a design factor, that's like a code design factor that we can implement. That way, it won't be visible, but it would be available. If a developer doesn't want to go that route, they don't have to come. Our primary focus is the branding opportunity that we don't want anything on Business 17 that does not support that vision. However, you need to write it.

Under theaters in multiplex movie theaters, sexual-oriented theaters are subject to supplementary district regulations under your SOP sexually-oriented business laws. So we've already got that covered. That was just added for clarification.

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

**C. SECOND READING ORDINANCE 20-227 AN ORDINANCE OF THE TOWN OF SURFSIDE BEACH TO AMEND SECTION 8-111 OF ARTICLE VII OF CHAPTER 8, DISORDERLY CONDUCT.**

Councilmember Holder made a motion to accept Ordinance 20-227. Councilmember Scoles second.

Chief Hofmann stated the Council wants to do something about people urinating in public. We have events in town and stuff like that. You have hundreds of people here sometimes. We will make sure that we have Porta-Johns available in different places to cut down on this. We only have so many bathrooms, so we've got to make sure we get them a place to go to. The town has always been really good, and Debbie Ellis has always been outstanding in making sure that there are more than enough bathroom locations at special events. I don't think that'll be a problem in this situation.

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

**D. RESOLUTION 20-204 – a RESOLUTION TO RATIFY AND RETROACTIVELY CONSENT TO CERTAIN HORRY COUNTY ORDINANCES. (COLLECTION OF HOSPITALITY)**

Councilmember Keating stated I would like a summary of content of all the numbers relating to the county ordinances. Before putting this forward, we need to do some homework and look up what those county ordinances provide and what it means to us before we agree to sign this document. Before approving this, we need to find out, at least, in principle, what those county ordinances mean to us. I'm sure it has something to do with collection and distribution and restricted use of tax monies collected, et cetera, but until we read those Ordinance, I don't know that we should commit the town to this resolution.

Mrs. Crosby, Town Attorney, stated it has to do with the settlement agreement, and you all were represented by outside counsel with that. Would you like to have the outside counsel come back and explain that settlement agreement?

Councilmember Keating state that we can take the next two weeks to look up these ordinances, read them, understand them, and bring this back forward at the next meeting on December 8th.

Councilmember Keating made a motion to postpone resolution #20-0204 until the December 8th meeting. Councilmember Drake second. All voted in favor. **Motion Carried.**

**9. PUBLIC COMMENTS – Town Services or Business Conducted – Read by the Clerk**

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

**A. Councilmember Scoles,** Thank you to everyone presenting their reports. I also would like to welcome Mr. Shanahan. I hope everyone has a great Thanksgiving, and make sure to practice your social distancing.

**B. Councilmember Holder,** Thank you to Ms. Johnson with KSBB for collecting 4 trailers of can food down at the Pizza Hyena. Also, welcome Mr. Shanahan. We have a lot of work to do. I hope everyone has a great Thanksgiving. This marks our first year as Councilmembers, and we have 3 more to go.

C. **Councilmember Keating** Thank you, everybody, for coming. I would also like to thank those that called in and listening in as usual. Not everything is as easy as it may appear at face value. Many people may think I'm a little too particular on things, but I spent about 40 years of my life being very particular about things, especially when it comes to committing legally. So, hopefully, it ultimately does add value and understanding. I appreciate Carol's diligence in understanding what our zoning ordinance means to us, what we can and cannot do, and how it relates to legal definitions and so forth. I do appreciate that. Thank you very much. We all know it's very contentious; it's one of our most controversial ordinances. That's where most of our permitting and PB&Z challenges come from - what can and cannot be done in certain areas of the town. So we need to have that due diligence and make sure we are putting forward a quality product that's easy to understand and easy to implement, so I appreciate that. I hope you can take some time and enjoy your families and your friends for the holiday seasons, including coming up this week. Now I will have a few at my house, so I'm looking forward to that. So, everybody, have a very Happy Thanksgiving, and we will see you on the eighth.

D. **Councilmember Pellegrino** Thanks for coming tonight. Thanks for listening if you're online. I'd also like to welcome our new Administrator. He jumped right in last week. There are all kinds of things still to finish up on the Pier, and he jumped in. Quick change over with Mr. Duckett. Now we have all our contracts signed ready to go. So thank you for that. And I hope everyone has a great Thanksgiving day. We have a lot to be thankful for. We have a great little town we live in, and certainly, be thankful for that. Have a great night.

E. **Councilmember Drake**, Let me thank everybody for coming tonight and tuning in, and I'll thank Bill Shanahan for joining ...We appreciate you coming on board and feel he will do a good job. Also, Carol, thank you for explaining the ordinance tonight. Just keep in mind, we want Surfside Beach to be the family beach. Chief Hofman, thank you very much. Everybody, keep Bruce in your prayers.

F. **Mayor Hellyer**, I also want to welcome Mr. Shanahan; it's great working with you. I want to thank you all for coming out tonight. I think we had a very productive meeting. We had a whole lot on the agenda. We've got a whole lot more to do. We're moving right along. We're getting things done. In a week from now, we're going to start the Pier. In 18 months from now, we should have the Pier finished. Chief Hofmann, thank you, and I saw the article in the paper today about the guy they arrested from the Piggly Wiggly, and we appreciate your department's diligence and getting that done and protecting us as residents. So, we thank everybody for coming out, and I want everybody to have a really good Thanksgiving, and we've got a lot to be thankful for.

#### 11. **EXECUTIVE SESSION**

Councilmember Drake made a motion at 8:17pm to enter in executive session pursuant to South Carolina Code sections 30-4-70 (a) (1) and (2) to discuss employment, compensation, qualifications, and potential contractual arrangements and considerations regarding the position of Fire Chief.

Councilmember Keating made a motion to reconvene the regular session at 8:40 pm.

Councilmember Holder made a motion to give the Administrator the ability to negotiate the contract for Fire Chief. Councilmember Scoles second. All voted in favor. **Motion Carried.**

#### 12. **ADJOURNMENT** Councilmember Holder made a motion to adjourn at 8:42 pm. All voted in favor. **Motion Carried.**

**Surfside Beach Town Council**

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Robert Hellyer, Mayor

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David L. Pellegrino

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Bruce H. Dietrich, Town Council

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Cindy Keating, Town Council

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Michael Drake, Town Council

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Debbie Scoles, Mayor Pro Tempore

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Paul Holder, Town Council

Attest: \_\_\_\_\_  
Sheri L Medina  
Town Clerk

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