



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

**TOWN COUNCIL MEETING MINUTES**  
**TUESDAY, February 23, 2021, • 6:30 pm.**

1. **CALL TO ORDER** Mayor Hellyer called the meeting to order at 6:30 pm. Mayor Hellyer, Councilmembers Dietrich Drake, Holder, Keating, Pellegrino, and Mayor Pro Tempore Scoles were in attendance. Others present: Town Administrator Shanahan, Town Attorney Crosby, and Town Clerk Sheri Medina.
2. **INVOCATION AND PLEDGE OF ALLEGIANCE**
  - A. Invocation: David Pellegrino performed the invocation
  - B. Pledge of Allegiance: Mayor Hellyer led in the Pledge of Allegiance.
3. **PUBLIC HEARING** – Amending Chapter 17 – No public comments were provided, and no further discussion resulted.
4. **MOTIONS RELATING TO AGENDA - None**
5. **MINUTES APPROVAL** - Councilmember Keating made a motion to accept the meeting minutes for February 9, 2021. Councilmember Drake seconded. Councilmembers Scoles, Keating, Holder, Dietrich, Drake, Pellegrino, and Mayor Hellyer voted in favor. Councilmember Dietrich abstained. **Motion Carried.**
6. **PUBLIC COMMENTS – None**
7. **COMMUNICATIONS**
  - A. **Elected Officials Graduation** – Mr. Shanahan gave some background on the extensive training that Elected Officials must complete as offered by the Municipal Association of South Carolina (MASC) to continue as an Elected Official. Mr. Shanahan presented Mayor Hellyer with a certificate from MASC for graduating from the Elected Officials training. Mayor Hellyer presented Councilmembers Holder, Keating, Drake, and Scoles with their certificate from MASC.
  - B. **Finance Report** – the Finance monthly report was given by Director King.
  - C. **Events Report** – The Recreation and Events department quarterly report-out was given by Debbie Ellis. Ms. Ellis spoke about a large amount of wood from the pier that has been sold. She also stated that there is most likely enough for at least two more weeks to sell. The Youth Association requested that Council be present on opening day on March 29th at Huckabee Park and for the Mayor to throw the first pitch.

Ms. Ellis questioned Council concerning the Easter Egg hunt. She stated that due to COVID precautions we could not have the inflatables, face painters, or the balloon man because these would encourage people to be too close together. Mayor Hellyer said we ought to check with DHEC and find out what the regulations are, and maybe they have some recommendations on what we can do to make it a safer event.
  - D. **Discussion – Stormwater fees for 501(C)(3)** - Councilmember Pellegrino stated I was contacted by some finance directors from some of these non-profit organizations in Town. I talked to the Administrator, Ms. King, and Ms. Crosby to get some context on it. One 501(C)(3) in town never paid the stormwater fee bill for 2019 since it is part of the property tax bills. They don't pay property taxes, so had not seen a tax bill and they ignored the document in 2019. Then in 2020 it came in, and they finally noticed it was a bill. Since they did not notice this was a bill in 2019, they have accrued a \$420.00 late fee. Councilmember Pellegrino asked if Council would give a consensus that they have to pay the stormwater fee for 2019 and 2020, but we can eliminate the late fee for this 501(C)(3) organization.

Mayor Hellyer stated I think that would have to go to the county for waiver. It would be the Horry County decision on whether the late fee can be waived. Also, what about all the others that got a late fee and paid it?

Councilmember Keating stated I think we have to be very careful with waiving this fee. If we waive this fee now, then the next guy comes down the road and wants his fee waived, and he's going to claim the same thing, so you create a very

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slippery slope. If we're going to relinquish this right and waive the late fee; we must be clear that this is a one-off special circumstance and why it's unique. Here we are in 2021, and they still haven't paid their 2019 stormwater fee?

Councilmember Pellegrino reiterated and asked if we have a consensus for the Administrator to talk to the County to see if he can get the late fee eliminated.

Councilmember Keating stated I think it's just unfair to the other 501(C)(3) organizations in Town that paid the fee on time, or may have incurred a late fee as well, and other residents that may have had to pay the same situation.

## **8. BUSINESS**

- A. **Emergency Ordinance 21-0920**, EMERGENCY ORDINANCE OF THE TOWN OF SURFSIDE BEACH - REMOTE MEETING ATTENDANCE DURING COVID-19 STATEWIDE EMERGENCY. Councilmember Keating made a motion to reject the proposal for Emergency Ordinance 21-0920 for remote meeting attendance and voting. Councilmember Drake Second.

Mayor Hellyer stated we would entertain doing another special ordinance, which would be an emergency ordinance that would be in place for 60 days, allowing public comments to be read by the Town Clerk and our councilmembers to vote off-premises.

Councilmember Keating stated in the modification of Chapter 2 that we would get to, we did provide for the Clerk's ability to read emailed public comments into the public record in the event we are, for whatever reason, limiting face-to-face participation by the residents. That component of this proposed emergency order will be taken care of as soon as we pass Chapter 2. The only real open item is the remote participation and voting by the governing members, which I don't support.

Councilmember Drake asked if councilmembers joining via phone would be counted to constitute a quorum. If 4 people decided that they couldn't make it to the meeting location and chose to call in on the telephone, would that be a quorum?

Town Attorney Crosby, stated the current code says it shall be necessary that a minimum of 4 council members be present in person to constitute a quorum. This is not changing in the emergency order.

Councilmember Pellegrino stated I disagree with the 60-day emergency ordinance. However, anything can happen, sickness, broken leg, but the Councilmember still can make decisions, but that will be discussed in Chapter 2.

Councilmembers Keating, Drake, Pellegrino, and Mayor Hellyer voted in favor. Councilmembers Scoles, Holder, and Dietrich voted against it. **Motion passed.** (no emergency order will be issued.)

- B. **First Reading: Ordinance 21-0921** AN ORDINANCE OF THE TOWN OF SURFSIDE BEACH TO AMEND CERTAIN SECTIONS OF CHAPTER TWO (II), ADMINISTRATION, OF THE CODE OF ORDINANCES OF THE TOWN OF SURFSIDE BEACH, SOUTH CAROLINA. Councilmember Keating made a motion to accept the first reading of Ordinance 21-0921 modifying chapter 2 of the Surfside Beach Code of Ordinances with the modification, Section 2 - 209, increasing the threshold between formal and informal bids from \$10,000 to \$20,000. Councilmember Drake second.

Councilmember Pellegrino made an additional modifying motion to eliminate the line "the funding shall be 200,000 per year transferred from the Unassigned Fund General Fund, providing funds is available", and to replace it with "a funding goal of one point five million dollars (\$1,500,000) by the end of the 2025 budget cycle." Councilmember Holder second.

Councilmember Pellegrino continued to state that I've been talking with Diana multiple times over the last couple of weeks, and we want to maintain 4 months of the Town's expenses in our assigned fund. I think we're too ambitious with \$200,000 a year on that. If we do well, and spend well and look at Value Engineering, and we don't spend as much when we can put a chunk in after that. I would recommend that we maintain the transfer of \$75,000 from the annual A-Tax, and have the one point five million dollars' goal by the end of the 2025 cycle.

Councilmember Keating stated I would further modify that to say that there will be annual funding as available with that goal in mind. We need to have something that says we will keep feeding it every year; the amount can vary based on funds availability with the end goal in mind. I would still like that annual commitment.

All voted in favor, as modified. **Motion passed.**

Councilmember Pellegrino made another modifying motion to amend subsection seven relative to beach renourishment funding to delete the line that states funds transfer is deferred until 2021, and replace it with a provision to resume \$75,000 a year transfer from the A-Tax in the 2021-2022 budget cycle, \$75,000 from the hospitality tax in the 2021-2022 budget cycle, and \$50,000 from the pier fund beginning in the 2022-2023 budget cycle. Councilmember Drake second.

Councilmember Pellegrino stated that we have been doing this all along, and we're doing well, and we had the money for our last beach renourishment because of it, so it was positive. We don't want to lose sight of beach renourishment because, every 9 to 10 years, that's just something we have to do, and we never know how much the state's going to cover.

All voted in favor. **Motion carried**

Councilmember Pellegrino made a third modifying motion to amend section 2-38 (quorum) to maintain quorum and allow remote voting. Councilmember Scoles second.

Councilmember Pellegrino argued that it's critical to allow remote voting under circumstances of sickness or injury. Then, I want to add the option of remote voting for sickness, injury, or unforeseen circumstances, like the mold. I understand the arguments against that, but we never know. Things will come up, and if someone breaks their leg and is out for a meeting, they are certainly fully capable of making a rational decision.

Councilmember Keating stated that if there is another pandemic, another quarantine, whatever emergency cases, we would be passing emergency ordinances. If we, as the governing body, are meeting together to discuss items, and to vote on items, then everyone needs to be in attendance. Therefore, again, I don't agree that remote participation should be allowed if the meeting is conducted in person in front of our stakeholders. We can always find a space to conduct a meeting, whether in the fire hall, the Civic Center, or one of the local businesses with a banquet facility. If circumstances are such that the Council has decided that we cannot meet face-to-face, that's a different story, and that will be subject of an emergency ordinance. Bottom line - if we're meeting face-to-face, then everybody needs to participate face-to-face.

Councilmember Drake stated in other circumstances, they could call in for whatever reason they wanted. Anybody could call in because they don't feel good today and decide so I'm going to call in. We're not going to come before the people to do the people's business, I disagree with that. We were elected to be here. If you can't be here, OK, that's fine, but you don't vote. That's an incentive for you to show up to vote.

Councilmember Scoles, Holder, Dietrich, and Pellegrino voted in favor. Councilmembers Drake, Keating, and Mayor Hellyer voted against. **Motion carried.**

Motion to adopt Ordinance 21-0921, as modified: Councilmembers Holder, Pellegrino and Scoles voted in favor. Councilmembers Keating, Dietrich, Drake, and Mayor Hellyer voted against. **Motion failed.**

**C. Second Reading: Ordinance 20-0913**, AN ORDINANCE OF THE TOWN OF SURFSIDE BEACH TO AMEND THE TOWN'S CODE OF ORDINANCES SPECIFICALLY CHAPTER 17 [ZONING ORDINANCE], ARTICLE III: DISTRICT & USE REGULATIONS SECTIONS 17-394 THROUGH 17-399. Councilmember Keating made a motion to adopt Ordinance 20-0913 Article III: District & Use regulations section 17-394 through 17-399. Councilmember Drake second.

Ms. Carol Coleman, Planner from Waccamaw Council of Governments, stated what we are addressing what we inherited through the Planning Commission, and you've seen it all before I got here. It was amendments to Section 395, which was the use table. It was created to make it a little bit easier for people to look at and consistently implement to requirements. Each one has a heading that includes specific uses, the different zoning districts, applicable standards that may apply, design overlay, applicable article, and the parking code. All that's changed from what you've got now is we added a brewpub instead of a microbrewery, which was discussed at the public workshop on these zoning changes. I had a question on whether or not we should have a parking designation for the E-district, so I've added that. There's the only place it can be a conditional use, and the conditions are that they meet state law; we'll add that to the text. There is no parking code for the E-district if it's an existing structure. I think we added a parking code that says no parking is required within the E-district. If we have someone that comes in to redevelop, they may be subject to parking standards unless the intent was that no one has to worry about parking at all because that's the current language.

Ms. Coleman went on to explain that I had recommended that you add to under professional use, an outpatient alcohol and drug clinic as a special exception, which means that the Board of Zoning Appeals would have to approve it. I suggested adding it, which is under restricted use because we have had someone question it. In some of the other municipalities, to smaller towns in the area, I've had people question whether or not these were allowed. If they don't have the language you have here that says, if it's not here, we don't allow it. So by putting the onus on the board of zoning appeals to look at all of them as a special exception; you have control of it. It's not a by-right use, and I believe those are the only two things that had any fundamental changes since you last looked at it.

Councilmember Holder stated that he thought we agreed to remove the restriction of storage warehouses to only Sandy Lane. A clarification was provided that the corresponding vote to do so had failed, and therefore, was not incorporated into this ordinance change.

Councilmembers Keating, Drake, Pellegrino, and Mayor Hellyer voted in favor. Councilmember Scoles, Holder, and Dietrich voted against. **Motion carried.**

**D. Board of Zoning Appeals Appointments** – Councilmember Keating made a motion to reappoint Mr. Guy Lanham, Ms. Terri Lauer, Mr. Darrell Willm, and Mr. Steve Taylor to the Board of Zoning Appeals. Councilmember Drake second. All voted in favor. **Motion Carried.**

Mr. Shanahan spoke about the Community Garden. There will be 18 plats that are 4x8. The memorial bench will remain where it is. The area will be fenced in. At this time, we have two residents that want to participate on the community garden committee. Councilmember Drake asked that only flowers planted will be for herbicide purposes.

**9. PUBLIC COMMENTS – None**

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

**A. Councilmember Scoles** – Councilmember Scoles stated I'd like to thank everyone that called in this evening, and please continue to stay safe, and we will see you in a couple of weeks. Thank you.

**B. Councilmember Holder** – Councilmember Holder stated, I'd like to thank everyone online for being a part of this. The COVID numbers are starting to come down, and it's nice to see that nationwide. Hopefully, we can see that here in our area. Thanks to Mr. Shanahan for the work with the community garden. It's a good thing. Thank you.

**C. Councilmember Keating** – Councilmember Keating stated, thank you, everybody, for watching and calling in to listen. We apologize that circumstances are what they are and that we could not allow more participation for safety reasons. We are looking at other venues. Hopefully, this is the only occasion to restrict participation and not have the residents be face-to-face. Future meetings may not be in chambers, but they will be available for public participation. I also want to say thank you, Ms Coleman, for finally getting our chapter 17 use table through the process. It only took us 13 months! Thank you very much. I'm glad to see that finally off the table. Also, I hope we have finally put to bed this remote voting and participation discussion. This is about the fourth time we've voted on this, and I'm not sure the vote we had again tonight to edit chapter 2 was even appropriate because I recall we just voted it down at the end of January. I would have to go back and check some documentation, but I recall already doing that maybe once or twice before. Hopefully, that we won't have to address that again. We will start going through more and more of our ordinances. So, be prepared that there will be future discussions, probably a little confusion, and a lot more discussions to try to make sure we're all aligned with the same understanding. Hopefully, we all will bring the same goal of moving the Town forward to the table. Again, I thank everyone for their feedback and their kind words, and their messages and emails I receive. Thank you very much. I appreciate them. We will see everyone back face-to-face in a new venue in a couple of weeks. Thank you.

**D. Councilmember Dietrich** - Councilmember Dietrich stated, good evening, everyone. Thanks for popping it in tonight listening to us. I think Mrs. Keating said it best, which is hopefully the last time we're going to have to do this. We're going to try a workshop now where we can have meetings regardless of whether they're here or not. We could still have meetings with the public's invited. So, let's, let's do the best we can. Everybody have a great night. Enjoy the weather tomorrow and take care.

**E. Councilmember Pellegrino** – Councilmember Pellegrino stated, thank you for listening online. It's nice to see the involvement. Thank you, Ms. Colman, for Chapter 17 also. Especially for adding the outpatient drug treatment. I didn't agree with some other stuff, but I didn't vote yes because of that. I know that can cause issues and other communities and its good protection for the Town. So thank you for thinking of that. Thank you, and have a great night.

**F. Councilmember Drake** – Councilmember Drake stated that I'd like to thank everybody for tuning in tonight. I want to thank Ms. Coleman for her work on Chapter 17 and the drug rehab section. Mr. Shanahan, thank you very much for your work on the Community Garden. I think it'd be a very good thing for a lot of our senior citizens and the young people too, to come together and both generations learn from each other. I think that's something the community needs. Also, stop at the South Side Grill for their home-made desserts. Thanks to all our other businesses. Keep supporting our local businesses. It's really good to help our economy and help everybody locally out. Thank you very much.

**G. Mayor Hellyer** – Mayor Hellyer stated that I want to thank everybody for all the work that they've done. Ms. Coleman, thank you very much. I'm glad we got Chapter 17 put to bed. Mr. Shanahan, I want to thank you for the work that you're doing. I think you're doing a great job and want to Thank you. The COVID numbers seem to be going down. We need to make sure that everybody is using social distance is everybody practices, good practice. We do, as we said before, have a mold issue here in Town Hall, in the Council chambers, and planning and zoning. So we're going to be doing some re-organizations. I think our next Council meeting will be in this Civic Center, but we're still working that out. We haven't decided that as of yet. We will keep everybody informed. We have the barbecue festival coming in March. This is some time that the

residents can get out. The same thing with the community garden. We're looking forward to people getting out and getting together and, enjoying ourselves. So, I thank you very much for coming, and I'll talk to you later. Thank you very much.

- 11. ADJOURNMENT** Councilmember Drake made a motion to adjourn at 7:40 pm. Councilmember Keating second. 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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