

STATE OF SOUTH CAROLINA) AN ORDINANCE OF THE TOWN OF SURFSIDE BEACH
) TO AMEND SECTION 2-187 FUND BALANCES TO
COUNTY OF HORRY) DEFER PAYMENT FOR BEACH RENOURISHMENT FROM
) ACCOMMODATIONS TAX FUND; HOSPITALITY FUND, AND
TOWN OF SURFSIDE BEACH) PIER FUND FOR A TIME CERTAIN AND TO ESTABLISH A
) STORMWATER MANAGEMENT UTILITY FUND

WHEREAS, the Mayor and Town Council of the Town of Surfside Beach, in council duly assembled on this 28th day of May 2019; and

WHEREAS, the Surfside Pier was significantly damaged during Hurricane Matthew in October 2016; and

WHEREAS, the Surfside Pier has reduced revenue due to the pier closure; and

WHEREAS, the Surfside Pier reconstruction process may take several years to complete; and

WHEREAS, the next beach renourishment is not projected until 2028; and

WHEREAS, the beach renourishment fund has a balance of just over \$650,000; and

WHEREAS, Town Council adopted Ordinance #17-0844 on June 13, 2017 that established in part that "The accommodations tax fund and the hospitality fund shall both transfer Seventy-five Thousand and no/100 (\$75,000.00) annually to the beach renourishment fund. Beginning in Fiscal Year 2019-20, the pier fund shall transfer Fifty Thousand and no/100 (\$50,000) annually to the beach renourishment fund;" and

WHEREAS, revenue is needed to fund the pier reconstruction.

NOW, THEREFORE, by the power and authority granted to the Surfside Beach Town Council by the State of South Carolina that of the Surfside Beach Code of Ordinances Section 2-187, paragraph (7) is hereby amended to state the following, and paragraph (d) Stormwater Management Utility Fund is hereby added:

Sec. 2-187. Funds established and purposes.

(7) Assigned to beach renourishment fund. All fund transfers for beach renourishment are hereby deferred until the end of Fiscal Year 2021, at which time recommendations shall be presented for funding beach renourishment with contributions from accommodations tax, hospitality, and pier funds. Said transfers shall not be expropriated for other uses and shall be solely reserved for the purpose of beach

renourishment. Reserves for beach renourishment shall be held in the capital projects fund.

(d) *Stormwater Management Utility Fund.* The finance director shall set up and maintain a separate fund to be known as the *Stormwater Management Utility Fund (SMUF)*. The annual stormwater management utility fee is collected by Horry County via property tax billing. Town Council shall review the fund annually during its budgeting process to determine projects to be completed, if any, with available funds. Said funds shall not be expropriated for other uses and shall be solely reserved for the purpose of the stormwater utility and its' programs, projects, administration, and enforcement as set forth in this Code.

(2) *Pier fund.* The pier enterprise fund was established by Resolution #08-073. The pier fund is established to reflect all funds received from public admissions, rental lease revenue paid by its tenants, parking revenue from the pier parking lot, and any other applicable revenue received. This fund shall be used for maintenance and operation of the pier. Once the pier reconstruction is completed and is self-sufficient, thereafter the fund shall maintain a minimum of four (4) months of operating expenses and transfers out in the unrestricted net position category. Should the balance fall below four (4) months, the town administrator will notify town council and determine a plan to bring the balance back into compliance.

All other parts of Section 2-187 remain unchanged and in full force and effect.

SEVERABILITY. If any provision, clause, sentence, or paragraph of this ordinance or the application thereof to any person or circumstances shall be held invalid, that invalidity shall not affect the other provisions of this article, which can be given effect without the invalid provision or application, and to this end the provisions of this article are declared to be severable.

EFFECT OF SECTION HEADINGS. The headings or titles of the sections hereof shall be solely for convenience of reference and shall not affect the meaning, construction, interpretation or effect of this ordinance.

REPEAL AND EFFECTIVE DATE. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed. This ordinance shall take effect immediately upon second reading by the Mayor and Town Council of the Town of Surfside Beach.

BE IT ORDERED AND ORDAINED by the Mayor and Town Council of the Town of Surfside Beach, South Carolina, in assembly and by the authority thereof, this 25th day of June 2019.

Surfside Beach Town Council

Robert F. Childs, III, Mayor

David L. Pellegrino, Mayor Pro Tempore

Bruce H. Dietrich, Town Council

Mark L. Johnson, Town Council

Ron Ott, Town Council

Debbie Scoles, Town Council

Randle M. Stevens, Town Council

Attest:

Debra E. Herrmann, CMC, Town Clerk

Approved