



TOWN OF SURFSIDE BEACH ♦ TOWN COUNCIL CHAMBERS
February 9, 2010 ♦ 6:30 P.M.

**TOWN COUNCIL
WORKSHOP
MEETING MINUTES**

1. CALL TO ORDER

Mayor Deaton called the workshop meeting to order at 6:30 p.m. Mayor Deaton, and Councilmembers Blair, Johnson, Martin, Childs and Samples were present. Mayor Pro Tem Truett was absent. A quorum was present. Staff present: Administrator Booth; Clerk Pinnell, Director of Building and Zoning Donevant and Waccamaw Regional Council Consultant Tom Britton. Attorney Mr. Smith was also present. Planning Commissioners present: Bob Hanson, Charles Seibold, Ron Saunders, Lynn Livesay and Rod Smith.

2. PLEDGE OF ALLEGIANCE.

Mayor Deaton led the pledge of allegiance.

3. WORKSHOP

The workshop was scheduled to discuss zoning ordinances.

Mr. Hanson, Chairman of the Planning Commission, stated that the Planning Commission has been working on the Chapter 17 zoning ordinances for the last 18 months. Mr. Hanson introduced the members present. Mr. Hanson stated that this was originally passed in 1980 and since then it has been amended 72 times. The commission spent hours going over the ordinances paragraph by paragraph and during review found that some ordinances were contradictory of others. The commission worked a lot of hours at home and looked at ordinances in other areas to compare what they had. Mr. Hanson thanked Ms. Donevant for her help and local knowledge and thanked Mr. Booth and council for hiring Mr. Tom Britton, from the Waccamaw Regional Council of Government. Mr. Britton has a masters' degree in Public Administration and over 13 years of experience in planning and zoning in South Carolina and other states.

Tom Britton from Waccamaw Regional Council of Governments presented the policy items identified by the Planning Commission for possible amendments. Mr. Britton gave an overview of these. Mr. Britton commended the Planning Commission for the time taken to go over each zoning ordinance line by line. Mr. Britton stated that from 1980 the zoning ordinances have been amended numerous times and in the last 10 years they have been amended approximately 28 times. Mr. Britton stated that the commission wanted to complete a comprehensive review of the zoning ordinances and that is what has been done adding that one of the most important things is consistency and stability of the ordinances. People purchase property based on zoning ordinances and make improvements with the expectations that in the long term these improvements will be sanctioned and conforming. From meeting with the Planning Commission there were two things they concentrated on and these were technical and policy aspects.

From the technical standpoint which was an administratively and staff driven endeavor was to look at ordinances and find any conflicts or changes to State law. Some of the provisions were updated to meet requirement changes and some were not.

53 Inconsistencies were also found in the ordinances where administratively the zoning
54 administrator has to make determinations as to which provision is more applicable than
55 another. The need for some basic tidying up was addressed with 40 items. The intent is
56 not to change the content of the zoning ordinances but to clarify some provisions that are
57 not clear; rewriting but keeping the same intent. Mr. Samples asked about the 40 items.
58 Council already forwarded back the technical items to the Planning Commission. From
59 a policy standpoint, which is the commission driven aspect, was to identify areas where
60 the zoning ordinances lacked coverage with items that needed to be addressed; existing
61 provisions that did not work the way they were intended to. This list consists of 20
62 items and Mr. Britton gave a brief overview of what he felt were substantial items. One
63 thing the commission wanted was to have some dialogue with the public and council;
64 any time zoning ordinances are amended the council is the final approving authority.
65 The commission wanted to make sure they were on the same page as council. Regarding
66 policy issues there were several items which deal with how the town addresses uses in
67 the zoning ordinances; there are some inconsistencies which were addressed in the
68 technical put some also regarding policy and how uses were classified. There are three
69 options on how uses can be classified; they can be classified by right, by conditional use
70 or special exception. Mr. Britton stated that special exceptions or special use is more
71 important and this would include a church or a school or a building in a residential area.
72 Mr. Britton stated that lots are determined by size and uses differ by intensity. The way
73 the ordinance is currently written these types of uses are allowed by either right or
74 conditional use which means it is an administrative, non-discretion area type of permit.
75 If an individual came in, the Zoning Administrator would issue the permit. With a
76 special exception a board level review would be triggered and it would go to the Board
77 of Zoning Appeals (BZA). Certain uses would then include a public hearing and public
78 input and the ability for the board to make the determination as to whether the use was
79 compatible or not. If the ordinance was amended to include special exception what
80 would take place is some of the uses which are non-residential and are currently
81 permitted by right or conditional use would be shifted to special exception. A public
82 building, church use, daycare use or school use that would want to locate in a residential
83 area would not be automatically considered, it would need to go before BZA. Mr.
84 Samples had a question regarding BZA. Mr. Britton confirmed that under State law the
85 Board of Zoning Appeals has 3 powers, appeals, variances and special exceptions; some
86 communities include the special exception provision and others do not. Mr. Samples
87 stated that it is his understanding that any appeal to the BZA can only be appealed by the
88 circuit court. Mr. Samples stated that the special exceptions included in the towns'
89 current ordinance are height limits and amusements. Mr. Britton stated that there is
90 currently special exception language with some arrant provisions that make reference to
91 special exceptions being approved by the Planning Commission which, under state law,
92 that is not how it works, it would go to BZA. Mr. Samples stated that his concern is
93 granting BZA the authority to approve a special exception for a use that is not now
94 permitted under our current zoning. Mr. Britton answered no; this would be a use
95 variance which is prohibited by the town ordinance. To be a special exception the use
96 would have to be listed and enumerated in the town ordinance. A prison is not permitted
97 in a residential district then it cannot be permitted by special exception. Mr. Samples
98 stated that his concern is that council would be "out of the picture". Mr. Britton stated
99 that currently council is out of the picture from the standpoint that the ordinance is
100 currently written where it is purely an administrative function of the zoning
101 administrator. If a school came in and wanted to locate in a district and it was 75 feet

102 from a property line the zoning administrator could issue a permit and there would be no
103 review by council. What this addition would do is set higher standards of review so it
104 would not be automatic. Mr. Samples asked Ms. Donevant to give an incidence where
105 this has been an issue and Ms. Donevant stated that there has been no problem to date.
106 Mr. Britton stated that it is a potential for a problem but it would be up to council to
107 decide if it was necessary.

108
109 Mr. Britton stated that the second item identified was to consider inserting a floor area
110 ratio (FAR) requirement in the R-2 as it relates to duplexes. A floor area ratio
111 requirement sets a standard for how much floor area can be inserted on a lot. Example, a
112 .4 floor area ratio for a 10,000 square foot lot would limit floor area to 4,000 square feet.
113 The concern that the commission has was primarily with the construction of some
114 duplexes in the R-2 district and whether the size and bulk was compatible to surrounding
115 houses in the area. Mr. Britton stated that this could be addressed with the floor area
116 ratio. Another item looked at by the commission was the setbacks along US 17 which
117 are currently 75 feet. Mr. Martin stated that regarding the floor area ratio the removal of
118 the minimum roof pitch was mentioned. Mr. Martin stated that the reason it was put in
119 there to begin with was to not have boxes and flat roofed developments in R-2. The
120 council wanted homes to fit in with the neighborhood. Mr. Britton stated that this was a
121 commission generated item. Mr. Hanson stated that it was a 6, 12 pitch which is very
122 steep and people got around it by instead of having one 6, 12 roof they had three (3) 6,
123 12's so they could get another floor in. Mr. Hanson stated that he is not opposed to a
124 minimum but 6, 12 with the FAR ratio would put it above the 35 feet and this is why
125 there was a discussion to reduce it. Mr. Martin asked if the commission could look at
126 modifying it rather than eliminating it so that a pitched roof look in the neighborhood is
127 still required. Mr. Hanson stated that a 4, 12 would have plenty of a pitch and would
128 work.

129
130 Mr. Britton stated that the next item addressed the setbacks on 17; presently there is a 75
131 foot requirement and as a result the town has several structures which have been created
132 as non-conforming as a result of this. The thought process of the commission was to
133 marry the setback lines with what the county requires which would reduce it to a 50 foot
134 requirement. Mr. Martin asked for an example of a current non-conforming use. Mr.
135 Britton stated that the commission, along with preparation of this, performed mapping
136 along 17 using a GIS and identified structures which were at or within the 75 feet. Mr.
137 Britton stated that he cannot currently recall what they were but it was a substantial
138 amount of structures on the beach side. There was a discussion as to how many
139 properties this affects. Mr. Martin stated that he is concerned about this adding that he
140 does not look at Horry County as being an example that the Town of Surfside should
141 necessarily follow. Mr. Martin stated that the town has been using the 75 foot
142 requirement for quite some time and suggested that the town look back to see why the 75
143 foot requirement was put in and believes that a part of it was due to the town wanting to
144 maintain a small town feel. Mr. Martin stated that he is reluctant to change this
145 ordinance. Mr. Hanson stated that the town currently has empty lots which have 75 foot
146 setbacks on the front and 20 foot on the back which only leaves 30 feet to build a
147 commercial building and added that the town would not want a 30 foot shop and these
148 lots have been rendered unbuildable and if it was changed to 50 feet those lots would be
149 buildable. Mr. Johnson asked how many lots this would affect; his recollection is that
150 there is one lot that has this problem. Mr. Hanson stated that there is one next to the

151 bagel shop; the Board of Zoning Appeals heard that request for a variance and it was not
152 granted due to the current ordinance adding that it is a very viable commercial lot but
153 nothing can be built there.

154
155 Mr. Samples stated that he is also concerned about this issue with parking being
156 affected. If this is brought back to council, parking must be addressed. Mayor Deaton
157 stated that North Myrtle Beach encourages landscaping in the front of their buildings and
158 parking in the back as a solution to make it more appealing. Mr. Hanson stated that the
159 current location of Posh was built to economy standards and then they came to the Board
160 of Zoning Appeals with a request for a variance; their only other solution was to tear the
161 building down. Mr. Hanson stated that the building has ample parking and he feels that
162 it does not look bad at all. Mayor Deaton stated that he would like to see the Planning
163 Commission look at landscaping in the front and parking in back. Mr. Samples stated
164 that he attended the Planning Commission meeting where the ordinance presentations
165 were originally addressed, items 2, 10 and 11 were grouped with the Zoning Board of
166 Appeals and added that he does want to understand clearly regarding the state law as it
167 relates to the Planning Commission and Board of Zoning Appeals, a general concern he
168 has is giving additional authority to the Board of Zoning Appeals. Mr. Samples stated
169 that the town website does not have currently approved minutes and it concerns him that
170 it was mentioned that there was an issue with training. Mr. Samples stated that he would
171 feel more comfortable if they were a recommending body as opposed to a final
172 determining body. Mr. Britton stated that this board is a state mandated and state
173 required board and at a minimum they need to serve as an appeals body; special
174 exceptions are an optional component from a policy standpoint it would need to be
175 determined if the town would want to have a discretionary view or a ministerial review
176 for certain uses. Under a ministerial review the administrator, Ms. Donevant, would be
177 given authority to issue a permit; there is no discretionary authority. Mr. Britton stated
178 that the Board is currently up to speed on training; it was, however, a previous concern.
179 Mr. Britton stated that he worked for 14 years in communities and he has seen it work
180 well and seen it work not so well; it is a local call. Mayor Deaton stated that he also
181 heard it work both ways. Mr. Samples stated that he, Mr. Martin and Mr. Truett, for 4
182 years, dealt with some very controversial issues and arrived at the right decisions. Mr.
183 Samples stated that he is concerned that the town will have a separate independent body
184 to grant special exceptions outside the view of anyone; it would be a done deal with no
185 recourse; whatever they grant, stands. Mr. Britton added it would stand short of an
186 appeal to the circuit court adding that the same goes with the decision made by the
187 zoning administrator. Mr. Martin stated that there is some control by council for the
188 Building Director and there is no control of the Board of Zoning Appeals. Mr. Britton
189 stated that council has the authority to appoint and remove members from BZA. Mr.
190 Martin stated that the way he read this was that it was an additional protection for town.
191 If the town chose to give authority to the BZA could the Building Administrator still
192 handle special exception requests or does it have to go to BZA? Mr. Britton stated that
193 special exceptions must go to BZA and it would be a discretionary review. The town
194 cannot have a tiered threshold.

195
196 Mr. Martin stated that he agrees with Mr. Samples “if it is not broke don’t fix it”. Mr.
197 Martin stated that this would refer to things that would be unusual such as a church;
198 currently there is no residential property large enough for a church and added that he
199 does not feel it is a problem for the town adding that the way the town has been

200 operating has worked well. Mr. Johnson thanked Mr. Martin for bringing this up. Mr.
201 Johnson stated that when it comes down to it the BZA is not going to hear anything
202 about schools or churches, the town is small and there is not a whole lot of building that
203 can go on and does not see it having to deal with the addition of churches and schools; if
204 it does happen it could be addressed at that time. Mayor Deaton stated that the applicant
205 would still have that option if they were not happy with the decision made by the
206 building administrator and he does not see a reason to add another layer. Mr. Samples
207 stated that the town has the largest special exception clause along with other local
208 governments and it is called a *planned development district*, all the applicant would need
209 to do is put together an acre and see what transpires; this protects the towns' interest.
210

211 Mr. Britton stated that the commission also reviewed the district requirements; one was
212 for the mobile home district and the desire is to increase some of the standards there.
213 The purpose was not to do away with the district but as new structures come in
214 minimum standards would be set and currently there are no set standards. Also the
215 commission discussed adding a mixed use district. The town does not currently have a
216 good transitional district. This would create a limited commercial district where the
217 town would have a mixture of small businesses and some multi-family or single family
218 structures. The creation of this district does not currently map out any area. If the town
219 wanted to later apply it to an area or if the town had property owners who were
220 interested in doing this they could seek this designated use. Mr. Britton stated that
221 illumination standards for the sign ordinance were also discussed with the Planning
222 Commission; enforceable standards being placed in the ordinance were discussed.
223

224 Mr. Britton discussed the tree ordinance. Several items deal with the old ordinance and
225 the new ordinance regarding the change of the requirement from an acre to a lot with the
226 number of trees. In the R-1 district there are 10 trees per lot, R-2 it is 7 and R-3 it is 5
227 trees. The concern would be compliance or the ability to comply with larger trees on a
228 lot. The minimum lot size requirement for an R-3 district is 3,000 square feet and would
229 require 5 mature trees; there would be an intermesh canopy and it would be almost
230 impossible to comply and to build a house. The thought process of the commission was
231 to reduce the requirement but concentrate more on the diameter of the tree and set that
232 minimum. Currently the only way to comply is to have small trees so the town is
233 basically doing a detriment to preserving the larger tree. Mr. Britton stated that the
234 mitigation language including some verbiage on what eligible expenditures would be
235 was discussed. Anytime a fee "in lieu of" is required there are things to consider. Mr.
236 Britton stated that there are some good examples in other ordinances.
237

238 Mayor Deaton clarified that the town is talking about going to inches per tree instead of
239 allowing a lot of small trees it would be allowing larger trees and the mitigation tree
240 bank and asked Mr. Britton for further clarification regarding the bank. Mr. Britton
241 stated that the City of Myrtle Beach has some good language; anytime there is a fee "in
242 lieu of" the requirement for a cash contribution is waived then it has to be proportional.
243 The town needs to establish something in its ordinance that states that the town will use
244 the mitigated funds received for specified uses such as replanting, landscaping,
245 purchasing seed etc.; the town would not be able to use these funds for anything other
246 than this.
247

248 Ms. Blair stated that the commission took a good deal of time looking at these changes
249 adding that it was quite an undertaking and thanked the committee. Ms. Blair stated that
250 she has some of the same concerns already identified and is in favor and agrees with
251 working on the mobile home ordinance. Mr. Hanson stated that the mobile home
252 ordinance was to address safety issues; the commission wants people to live in a safe
253 home.

254
255 Mr. Johnson thanked the Planning Commission adding that he once sat in their seat
256 adding that he is aware that just when you think you have something worked out “there’s
257 a monkey wrench that’s thrown in it”. Mr. Johnson stated that he appreciates all the
258 work that was put in to this. Mr. Johnson stated that he has no major concerns at this
259 point in time and as far as the trees go he has concerns regarding the replacement of pine
260 trees adding that they are a detriment and cause damage to property.

261
262 Mr. Martin stated that he appreciated the hard work that went into reviewing the policies
263 and technical aspects of the ordinances. Mr. Martin seconded the comment about the
264 mobile home park adding that he feels that it would be good for the safety of the people
265 that live there and it would be an improvement. Mr. Martin stated that as much as he
266 does not like the thought of touching the tree ordinance he appreciated the thought that
267 went into the changes and that it looks like it may need some improvements.

268
269 Mr. Samples stated that he seconded the comments that have been made adding that he
270 appreciates Councilman Martins’ work over the years and for being a strong advocate
271 for a thoughtful, managed growth philosophy for the town and added that he would be
272 missed.

273
274 Mr. Childs stated that he agrees with his colleagues; he sat through many Planning
275 Commission meetings and added that they did an excellent job going through the zoning
276 ordinances.

277
278 Mr. Johnson asked for confirmation for the public if the suggested policy changes were
279 available on the town website. It was confirmed by staff that they were available on-
280 line.

281
282 Mr. Martin explained to the public that the council, during this meeting, is providing
283 feedback to the Planning Commission. Each one of these items is an ordinance and it
284 will be put forth through staff to council for approval; there will be a public hearing and
285 two readings and added that nothing is being finalized at this time. Mr. Martin stated
286 that all of the ordinances are available on-line and asked the public to review them and
287 provide feedback at the next Planning meeting and stressed again that there would be a
288 public hearing and two readings with council before they are passed.

289
290 Mayor Deaton stated that this is part of an exciting process adding that back in 2000 this
291 process would never have taken place; the Planning Commission was operating on a
292 “rubber stamp basis”. This council looked hard for good people that were dedicated to
293 serve on this committee adding that the Planning Commission has become a wonderful
294 commission. Mayor Deaton stated that the town is currently reviewing all of its
295 ordinances. The current council is committed to having a more professional and
296 business-like environment in Surfside adding that the Planning Commission has been a

297 major part of it. Mayor Deaton stated that it is nice to have a body that is that
298 professional and can go through these ordinances line by line; it takes a lot of time and
299 responsibility off of council so that council can concentrate on the big picture. Mayor
300 Deaton stated that once the ordinances are refined then council can make the final
301 decision and thanked the Planning Commission for their hard work adding that this is
302 just another indication how well Surfside is doing professionally.

303
304 Mr. Hanson stated that the idea was for the commission was to hear from council so that
305 time was not wasted on constructing ordinances that the council had no intention of
306 approving. Mr. Hanson stated that now he feels the commission has a good direction
307 from council to continue.

308

309 **4. DISCUSSION**

310 *Business 17 Corridor*

311 Mr. Childs stated that he feels that the Business 17 corridor through Surfside Beach has
312 been the most talked about item to come before council. Mr. Childs stated that he had
313 all intentions of making a motion this evening to establish a subcommittee of council to
314 address Business 17 but after a long conversation with the Mayor another solution was
315 discussed. Mr. Childs stated that the intent was not to leave council members out but to
316 have a few members of council focus on this issue adding that he realizes that Mr. Booth
317 and staff are currently bogged down. Mr. Childs stated that the Mayor suggested having
318 a workshop to include everyone and feels that this would work. Mr. Childs stated that
319 there was a study done in 1999 regarding this same issue and questioned why it was
320 dropped. Mr. Childs stated that by having a workshop the council can bring these
321 studies together and find out where the town stands. Mr. Childs stated that Senator
322 Cleary is currently Chairman of the GSATS and he considers him part of Surfside Beach
323 adding that Nelson Hardwick, also on GSATS, lives in town and feels that they will both
324 pitch in and really help the town. Mr. Childs stated that he believes that these people on
325 GSATS will help the town get a plan and get something started. Mr. Childs stated that
326 he would like to have the workshop soon adding that the Mayor is also a voting member
327 of GSATS and could work on giving council direction.

328
329 Mayor Deaton stated that he feels this would be a good idea adding that he is a voting
330 member of GSATS on the policy committee, Senator Cleary is the Chairman and Nelson
331 Hardwick is the Vice Chairman. Mayor Deaton stated that this is the first time that
332 Surfside has come to the forefront; the town had previously been ignored and it was
333 partially the towns' fault; it did not have a voice before and it was not considered high
334 priority by the previous administration but now it is a priority. Mayor Deaton stated that
335 there have been millions of dollars lost due to the previous lack of concern adding that
336 this will no longer happen, we are now the "squeaky wheel". Mayor Deaton stated that
337 the frontage road issue addressed in 1999, Georgetown got the money; the town missed
338 the boat on that. The town is currently moving forward; it now has its foot in the door.
339 Mayor Deaton stated that money is always the issue, Business 17 is a federal highway, it
340 is not a state highway, which makes it more complicated with the bureaucracy being
341 thicker. Mayor Deaton stated that we're in great shape; in better shape than in the past
342 adding that he is encouraged and if this council comes together as a body and has a sense
343 of urgency to get that message through he feels they will be heard.

344

345 Mr. Samples stated that he supports both of what Mr. Childs and the Mayor have to say
346 but also agrees that there is a benefit of having a subcommittee; the subcommittee
347 maintains a focus. Mr. Samples stated he is all for having a workshop but he is also for
348 having a subcommittee workshop; his fear is that the council will come together and
349 disperse. Mr. Samples stated that GSATS must know that the town is committed and
350 that it has a single plan that it can show the people in town and he is not sure that it
351 currently does have a single plan. Mr. Samples stated that he realizes the town has a
352 roadway and sidewalk plan but Business 17 has just been talk and he has not seen
353 anything on paper and he feels that this is a critical step for the council to help enable the
354 Mayor to go forward with GSATs. Mr. Samples stated that he recalls Highway 544
355 when it was a two way road; that was always a high priority but it moved slowly. Mayor
356 Deaton stated that this was due to money. Mr. Samples stated that priorities move up
357 and down adding that there have been bridges that were not on anyone's priority list but
358 they got funded. Mr. Samples stated that the town needs to maintain a focus and agrees
359 with Mr. Childs that the town needs to use the leverage that Senator Cleary has.
360 Murrells Inlet was recently widened and that was not on any priority list either. Mr.
361 Samples stressed that the town needs to stay focused and believes that the subcommittee
362 is the way to go but perhaps at a workshop the council will come to this conclusion. Mr.
363 Childs confirmed with the public that GSATS stands for Grand Strand Area
364 Transportation Study.

365
366 Mayor Deaton confirmed to the public that he serves on the policy making committee of
367 GSATS and that Mr. Booth serves on the technical committee. Mayor Deaton explained
368 that the information goes through the technical committee first then it goes to the policy
369 committee. Mayor Deaton stated that he had a discussion with Mr. Childs and a couple
370 municipal attorneys regarding subcommittees; generally a subcommittee is from a large
371 board with 15 members or a 12 member council, the town is a seven member council
372 and only four members are required for quorum. The argument was that three people
373 could get together easily and the Mayor stated that he feels that four could get together
374 as easily as three and this would be a quorum of council. Mayor Deaton stated that
375 regarding the council, everyone is equal and feels that there should be an even flow of
376 information received by council and three members should not be isolated to receive
377 information which the rest of council does not receive and if all of council is not
378 available it could meet as a quorum of four members. Mayor Deaton stated that council
379 should have full participation in any issue and it should not micromanage. Mayor
380 Deaton stated regarding GSATS it all comes down to money; priorities and money.
381 Mayor Deaton commented on the City of Conway coming to a GSATS meeting ready
382 and prepared and they received action adding that the Town of Surfside now understands
383 the process and knows how to approach these items.

384
385 Mr. Martin stated that the timing is very good for council to act and added that he has a
386 lot of confidence in this council and knows that the council can focus at a workshop to
387 move forward.

388
389 Ms. Blair stated that she agrees with Mr. Martin and does not feel that council should
390 short change members of subcommittees; she was part of the Downtown Development
391 subcommittee and she does not look at this as micromanaging. Ms. Blair stated that
392 there have been many times where discussions came up regarding redevelopment and
393 nothing got done and a subcommittee was able to focus. Ms. Blair stated that the

394 subcommittee was able to put three minds together to research the best plan and then
395 bring it back to council with input stressing that subcommittees are a way to stay
396 focused.

397
398 Mr. Samples pointed out that the town is a stakeholder in GSATS and there will be a
399 public hearing held at the Myrtle Beach Train Depot on Monday February 22nd from
400 5:00 PM to 7:00 PM and encouraged individuals to show up and stressed how important
401 it is to address the town frontage roads adding that they are dangerous.

402
403 Mayor Deaton stated that this is a long range vision planning process that will go to
404 2035. This is a good opportunity for the town to get on the lists and the more they hear
405 the more chances we have of moving forward.

406
407 **5. PUBLIC COMMENTS – Agenda Items only – 5 minutes per speaker**

408 ***Terry Bono, Ocean Avenue:*** “My concern is, this will be our 3rd summer here and I
409 know it’s supposed to be, I heard tonight, a family area and my concern is the vendor
410 who has girls pushing the carts on the beach and that is such a contradictory to a family
411 beach and a small town area and I was just wondering what guidelines there are that he
412 has, who has gotten, the vendor who has been given permission to hire these girls from
413 overseas; they don’t speak English and I would hate for the front page on YouTube or
414 something on the web to be that we have slavery. My sons and my daughters have tried
415 to help them push the cart; it’s very embarrassing if you have teenagers to see these poor
416 girls pushing those carts so I asked the guy who owns it, you know, these carts don’t
417 look like they’re made to be pushed through the sand they look like they are supposed to
418 be stationary and he just kind of laughed at me so I’m wondering, talk about committees
419 or subcommittees or something, what is your guidelines that he was given permits to hire
420 these overseas girls to do this?”

421
422 Mayor Deaton directed Ms. Bono to speak with Mr. Booth after the meeting.

423
424 ***Jim Ellis, Ocean Pines:*** “I’m currently here and with two other persons we’d like to
425 take about 3 or 4 minutes of your time to talk about an issue and this regards Ocean
426 Pines I. I’m currently treasurer of the homeowners association; I have the president and
427 another member here tonight. We would like just to talk for a minute about an issue; an
428 issue of trees. That came up earlier tonight and I guess we’re asking for some
429 consideration to allow us to take down some non-specimen, non-protected trees,
430 basically pine trees on our property that are causing some problems. Back in 2005, I
431 wasn’t on the board at that time, I think the board hired a certified arborist who did a
432 survey of all our trees and made some recommendations on which ones should stay and
433 which ones should go and which ones were problems or not and recently we have made
434 a request to remove some of these and they’re basically pine trees. What I want to talk
435 about very briefly is some of the things that are happening because of the trees. I think
436 there are three main issues, one is our sidewalks, we find they are buckling. We’ve had
437 some replaced, people get injured. We got an older population in the community too;
438 we’re a little concerned about. We’ve had some repairs and it seems to be an ongoing
439 issue. We have 11 parking lots and we have some of them that are really being
440 destroyed by the tree roots buckling. The one I park in, in particular, and it’s not (SIC)
441 but we just got an estimate on a repair of about \$2,000 and the contractor says it’s going
442 to have to be repaired again in a couple years because of tree roots and finally we’re

443 talking about an impact on our water and sewer pipes. We've had at least documented
444 11 homeowners out of 104 who have had to bear expenses for repairing either the water
445 lines or the sewer lines because of the tree roots. I know it happened to me once when I
446 wasn't here and a tree actually broke the water line and somebody came along and
447 turned the water off for me but I got a bill for \$200 from Grand Strand Water and Sewer
448 later and it was broken because of the tree roots so that's one area I want to talk about
449 and with your permission I'd like to ask Lynn Moran to cover a couple of other little
450 areas."

451
452 **Bud Joynes, Ocean Pines:** "I'd like to talk about the beautification area of the trees;
453 they are very messy, pine needles lay on the roofs, pine cones are all over the roof. I
454 have to go up there every day and pull them off and we've got like 386 trees in about 5
455 ½ acres and I believe that we have quite a bit more than we're required to have as far as
456 the beautification goes. Where the trees were taken down, that is the most beautiful part
457 of Ocean Pines. You can drive up 14th and 15th Avenue and you will see (SIC) the trees
458 have been taken down and we have replanted more than we've taken down and that is
459 the pretty part of Ocean Pines. The rest of Ocean Pines is a mess. I'm just requesting on
460 your behalf of the council and Mr. Booth that we'd be allowed to take some of those
461 trees down. Thank you."

462
463 **Lynn Moran, President of HOA Ocean Pines:** "Our community has 104 units, of this
464 104 units we have 36 or 1/3 that are owned by people that are 65 years or older. 15 of
465 these units are owned by people in their 70s and 80s and they live here all year round.
466 We have 15 units that are owned by retirees that spend a considerable amount of their
467 time down here; they don't live down here but they still spend a considerable amount of
468 time. Our other units that are owned by retirees that are in their 60s. We have several of
469 our residents who walk with canes, walkers and have to use wheelchairs on our complex.
470 We have had reported two different people that have tripped over carbunched sidewalks.
471 A fall for an older person can mean a hip replacement. We had one that's fallen and
472 broken her hip (SIC). She, however, did not fall over the sidewalk itself she just lost her
473 balance but it is an issue that we're concerned about because you have these people that
474 walk with walkers and canes and then we have the safety issues of trees blowing over in
475 heavy winds and hurricanes. The heavy wind that we had, the wind that came through,
476 summer before last I believe, we had one of our pines just came through and just wacked
477 it off and stood up and bounced off and the only thing holding it up was a little stump.
478 We had to get people to come in and chainsaw that down. It was a safety hazard for
479 falling. I have relatives that own several places up in Ocean Lakes camp ground and
480 when Hugo came through I personally saw the damage caused by the pine trees up there
481 where the hurricane tossed them out and just dropped them on peoples units. The South
482 Carolina Wind and Hail came in up there to the camp ground and told the owners to take
483 down every pine tree left on their land, they, of course, refused to do that. They did tell
484 all the owners that we can remove the pine trees at our own personal expense, so they
485 are very dangerous. We currently have 62 pine trees on our property; we have 6
486 different homeowners who have come to the HOA board and requested that pine trees be
487 removed for no other reason except they were scared to death, if and when we have
488 another hurricane, that it will fall on their unit. Each one of our units, everybody's
489 responsible for their own unit. Our insurance policy covers a \$3,000 deductible. That
490 makes a total of \$18,000 that our attorney feels that our HOA will be liable for if we
491 don't remove these trees and (SIC). We are asking council if they would please take the

492 (SIC) and remarks that we've made tonight and I request per the letter that you were
493 handed out, I think. Thank you very much."
494

495 **Joe Zoltak, 414 Pine Drive:** "I too, agree that the Planning and Zoning did a thorough
496 job and I'd like to bring to their attention to it; their work. One thing I'd like to bring to
497 their attention is they may want to address what the definition of a park is because
498 currently there is a (SIC) that has been stated in open public meetings to create a park in
499 and R-2 district but it's really a parking lot that was stated in public that we'll make it 51
500 percent park and 49 percent parking lot or whatever we can get away with. I'm hoping
501 that the Planning & Zoning Commission will go back and look at the definition of a park
502 to preclude this type of (SIC) in our R-1 and R-2 neighborhoods. Secondly, I'm really
503 disappointed in the momentum that was lost with regards to the special exceptions and
504 giving that authority to the Zoning Board of Appeals. That process, going to the Zoning
505 Board of Appeals really protects the citizens' rights because the Zoning Board of
506 Appeals is obligated by law to follow 4 criteria and those criteria basically address
507 protecting the citizens and they are not subject to political influence like our elected
508 officials are. This is basically a denial over a citizen's rights and I hope the citizens
509 rights are going to be addressed to our next council candidates. Thank you."
510

511 **Beth Kohlman, 7th Ave.:** "I just want to say, Vicki, your comment about the
512 subcommittees, I'm so glad you said it and I disagree with what you're saying about a
513 lot of things take a lot of time, because you have proven to us that some things don't take
514 a lot of time. The skateboard park which I know I talk about a lot but it's such a positive
515 thing and you guys made it happen and you know that wasn't on the plan, it wasn't on
516 the agenda, it was something that came up and everybody really took it and ran with it
517 and it was a great thing and I think the subcommittee for Surfside Drive proved it once
518 again, so, I don't understand tonight. Make the motion then see how it goes and then
519 take it from there. Why can't we do both, why can't we have a workshop and have
520 subcommittees because I think that the subcommittees have proven to be a very good
521 asset in this town as well as the council themselves and I thank you all."
522

523 **6. COUNCIL COMMENTS**

524 **Ms. Blair:** "Well, thank you all for coming out and some of you came and didn't realize
525 it was going to be a different format. I hope you weren't too disappointed being outside
526 of our normal way of doing things. It was important issues that we addressed, things
527 that needed to be handled, so, once again, thanks to the Planning and Zoning and Tom
528 and Jackie for all their work. Thanks for coming out, if you haven't, on a positive note,
529 if you haven't looked behind us at the new skyline, do so, it's wonderful; it's great, the
530 old fire department is down, the new one is up and it's a huge move forward for Surfside
531 Beach and I'm (SIC) staff and everyone that made this happen and, so, if you haven't
532 noticed, sometimes you pass by things all the time and suddenly you're like, where did
533 the building go, so, take a minute and look at it and be proud of what's happening in our
534 town. Thank you all for coming out."
535

536 **Mr. Johnson:** "When I made the pine tree comment I had no idea that the wonderful
537 residents on the south end, where I live, were going to speak and I appreciate your
538 concern. Thank you all for coming out. This is your town. Call us; e-mail us with all
539 your concerns. Thank you very much."
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Mr. Martin: “Thanks again, staff and the Planning & Zoning Commission, you put a lot of work into this. We really appreciate it.”

Mr. Samples: “ One of the problems, when we passed the tree ordinance, I thought we did allow the removal of pine trees by amendment but somewhere that didn’t get included. I know that I had a pine tree snap in my yard on 8th Avenue at a time when, frankly, I couldn’t afford to spend the extra money to have somebody come out and do it but I had to do what I had to do and I think we should allow pine trees to be cut. What I would say with respect to the direction that the council gave Planning and Zoning tonight, I believe in all my heart that it, in fact, protects the interest of the people who live in town, in a community that most of us decided to move to or call our home, I don’t want to sound political but, the fact of the matter is, you do elect your town council, your town council should be the responsible party for, if there’s going to be any changes, any exceptions, that’s what I want to say, if there’s going to be any exceptions granted over building heights, for example, it ought to be done above board and it ought to be done in here and it shouldn’t be done by a small group of citizens, again, who might be well intentioned but we fought long and hard to get what we got and once you lose it you can’t get it back. Do you want to live in Myrtle Beach or North Myrtle Beach, they got real estate up there too. Thanks for coming.”

Mr. Childs: “You know, the pine tree issue, when that ordinance came up I amended that to, that if roots were affecting driveways, sidewalks or interfering with foundation and I thought it was in, how did it get off? I did address that issue, so, I don’t know what’s what on that amendment but I thought it covered anything that was hazardous for people walking. One other issue, Mr. Mayor, this young lady who talked about subcommittees, I was the one who made that motion that created that last subcommittee and it did work. It was a lot smaller project and after talking with the Mayor I didn’t want to be confrontational; it is a lot bigger subject to work with than Surfside Drive. There’s always that option to go back and create, all is not lost, if we get bogged down, one motion, we’ll create a subcommittee but I don’t think we will because this council works good together and I think once we get together in a workshop and decide what direction we want to go (SIC) I think you’ll find that this workshop we’ll work good on this and if it wasn’t such a large area I’d agree with you but I have to agree with the Mayor on this, so we’ll see how it goes and we’ll address it, believe me, it will not be forgotten this time. We have a great study that was done in 1999; it’s addressed every issue that everybody’s concerned about. Here we are, 11 years later, and it’s still not done, so, I think with the Mayor’s position on GSATS I think now we’ll push it through. I’m like a dog with a sock, it won’t get dropped, believe me.”

Mayor Deaton: “In that vein, this is a (SIC) county project for GSATS. This was the February 1st meeting 2010, reference number 133017 install additional lights on Business 17, eliminate frontage roads in Surfside Beach so it’s on the radar so our job is to move that up, so, we are on track. I’d like to thank everyone for coming tonight; appreciate your time. The reason for this format, the workshop format works well in an environment like this, we have the P and Z here, we have us here, we’re on a level playing field. I think the interaction was wonderful; that’s a new thing for Surfside and I appreciate the input and thank you for coming, ladies and gentlemen.”

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7. ADJOURNMENT

Mr. Johnson made a motion to adjourn. Mr. Martin seconded the motion. **All present voted in favor. MOTION CARRIED.** The meeting was adjourned at 8:00 PM.

Approved: February 23, 2010

Sharon Pinnell, Town Clerk

K. Allen Deaton, Mayor

Joseph P. Martin, Town Council

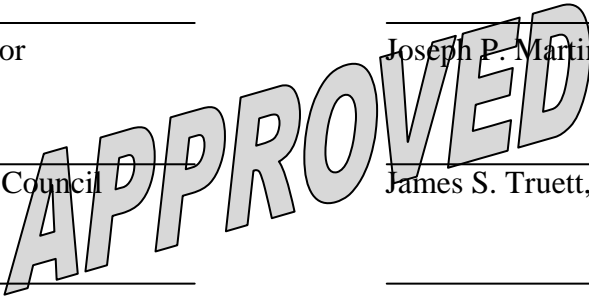
Vicki W. Blair, Town Council

James S. Truett, Mayor Pro Tem

Douglas F. Samples, Town Council

Mark L Johnson, Town Council

Robert F. Childs, III, Town Council



Clerk's Note: This document constitutes minutes of the meeting, which was audio taped. This meeting was transcribed by Clerk Pinnell . In accordance with FOIA, meeting notice and the 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 on bulletin boards outside Council chambers and in the town hall reception area. Meeting notice was also posted on the town marquee.