TOWN OF SURFSIDE BEACH
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PUBLIC NOTICE: Town Council will hold a workshop at 6:00 p.m. on Tuesday, July 24th, 2012 to discuss Resolution #118 to Establish Surfside Beach Business Committee

TOWN COUNCIL REGULAR MEETING
COUNCIL CHAMBERS
TUESDAY, JULY 24, 2012 • 6:30 P.M.

AGENDA

1. **CALL TO ORDER** – Mayor Douglas F. Samples

2. **INVOCATION AND PLEDGE OF ALLEGIANCE**
   Rev. Ronald Greiser, Episcopal Church of the Resurrection

3. **AGENDA APPROVAL**

4. **MINUTES APPROVAL**
   A. Regular Meeting, July 10, 2012
   B. Workshop, July 10, 2012

5. **PUBLIC COMMENTS** – 3-minutes per speaker

6. **COMMUNICATIONS**
   A. Department Reports
      i. Finance
      ii. Recreation
      iii. Public Works
   B. Administrator's Report – Update on Current Events

7. **BUSINESS**
   A. Second Reading Ordinance #12-0721 §17-726 Protected/Specimen Tree Removal
   B. First Reading Ordinance #12-0722 §12-29(b) Outdoor Café Permit Fees
   C. First Reading Ordinance #12-0723 §4-2, Repeal Board of Fee Appeals and §4-11 Amend to direct Appeals to Town Council
   D. First Reading Ordinance #12-0724 §2-133 Town Administrator Duties
   E. Resolution #12-118 – to Establish Surfside Beach Business Committee
   F. Accommodations Tax Grant Funding Request – Guy Daniels Foundation, Inc.
   G. Renewal Appointments – Associate Judge/Clerk of Court and Associate Judge/Assistant Clerk of Court

H. Council Organizational Committee, Mayor Samples
I. Northern South Carolina Eastern Surfing Association District, Lee McDade, District Co-Director

8. **DISCUSSION** –
   A. Historical Committee, Mayor Pro Tem Mabry
   B. Golf Cart Rules and Regulations, Mayor Pro Tem Mabry
   C. Any matters of concern or information to be discussed by Town Council

9. **PUBLIC COMMENTS** – 5-minutes per speaker

10. **COUNCIL COMMENTS**

11. **EXECUTIVE SESSION** – Pursuant to FOIA §30-4-70(a)(2) to discuss the engineering contracts for proposed work to be done on the Surfside Beach Pier

12. **ADJOURNMENT**

Pier Outfitters

SURFSIDE BEACH TOWN COUNCIL
REGULAR COUNCIL MEETING MINUTES
JULY 10, 2012◆ 6:30 P.M.
TOWN COUNCIL CHAMBERS

1. **CALL TO ORDER.**

Mayor Samples called the meeting to order at 6:30 p.m. Mayor Samples, Mayor Pro Tempore Mabry, and Councilmembers Dodge, Johnson, Smith and Stevens were in attendance; a quorum was present. Staff present: Interim Administrator Fellner; Planning Director Morris, Fire Chief Packard, and Police Chief Frederick. Also present: Town Attorney Moss and Town Clerk Herrmann.

Mayor Samples announced the Surfside Beach Business Owners reception at 3:00 p.m. on Sunday, July 15th. The July 4th celebration was terrific, and he hoped everyone enjoyed it.

2. **INVOCATION AND PLEDGE OF ALLEGIANCE.**

Rev. Ron Farrar, retired minister and member of Timberlake Baptist Church, gave the invocation. Mayor Samples led the Pledge of Allegiance.

3. **AGENDA APPROVAL.**

Mr. Smith moved to approve the agenda as presented. Ms. Dodge seconded. **All voted in favor. MOTION CARRIED.**

4. **MINUTES APPROVAL.**

Ms. Dodge moved to approve the June 25, 2012 regular meeting minutes as presented. Ms. Mabry seconded. All voted in favor. **MOTION CARRIED.**

5. **PUBLIC COMMENTS – AGENDA ITEMS.**

"Good evening. Ron Ott, 7th Avenue North in Surfside Beach. On your business A, the second reading for boards, commissions, and committees, and thanks to that our beautiful website, we were able to resource information very quickly on there. I'd like to add that it's, it's a pleasure to use that. Under 2-52 it states for executive session, and the way this, I see this written it's too encompass, encompass…I don't know the word I'd use for it. It's, it's just, there's too many ways we can use this and get away with something we don't want people to get away with. Having somebody, not this council, or this mayor or council, maybe 10 years down the road we have somebody appoint some people to a special little committee and, and they immediately or if they don't have any bylaws, they go into 2-52, they go into special secret meetings. We don't need that. We need transparency. The public always need to know what's going on here. You know, besides that the rest of it looks pretty good. You know, we could need to maybe write that up as a, as not what's made for the town council, but what's made for special committees and not using exactly the same words that are used for our town council. Act, actually, it reads as boards and the only board you have is the board of zoning appeals, and that's an illegal to go into special session in that one there. We could change some things you don't want changed. As for to bring up the board of zoning appeals, under your protection of specimen tree removal, I've been to a couple of different board readings in Myrtle Beach at their BZA meetings where they, they're the people that handle the removal and make it into a variance. It's a special assignment for that for the board to look at specimen trees and why they need to be removed, and that's where the judgment for that came from. Thank you."

"Ron Saunders, 6th Avenue South. A little over four years ago, I stepped up to this same podium and asked a very similar question that I'm gone ask tonight, and a, and I was told that I couldn't ask

questions, and I need to make an appointment with the director of public safety to get the answer. Two days after that, I had that appointment, and I went into his office and then I ended up in an interrogation room with the director of public safety, the police captain, and a police lieutenant to try to get the information that I asked. I still didn't ever get it, but I spent about an hour and a half in that room and never got the information. Tonight I'm asking for some information. I'd like to know how many fights have been broken up on our beaches for May, June, through the current date in July by our police department. I don't want a long, drawn-out report. I don't want double entries or anything. I just want to know how many each month. Thank you. And I, you know, I don't need the answer tonight. I would like to have it by the next council meeting. Thank you." Mayor Samples believed that information could be provided.

"Tom Dodge, 14th, 15th Avenue North. Looking at the police report for June 2012 said we had 231 smoking on the beach, no summonses; 51 glass on the beach, no summonses; 32 dogs on the beach, illegal, no summonses; golf cart violations, zero. Last night at the bocce court, I was there for two and a half hours. Never saw a police car. Saw three instances of golf cart violations; 78-year old me, I saw them. On Lakeside Drive during that time the average age of the drivers at the most was 7. That would be five plus two. Where are the police? Have they been told not to ticket these offenses and by who? Thank you." Mayor Samples assured the public that the towns officers had not been told to ignore such offenses.

6. **COMMUNICATIONS.**

A. Department Reports

i. Building & Zoning. Ms. Morris presented the building and zoning report, a copy of which is on file. Mayor Samples said the open display report provided to town council was informative and demonstrated that the town fairly and equally enforces and requires licenses and permits for open displays. Ms. Dodge commended and appreciated the building and zoning department staff's quick response to her inquiries.

ii. Police. Chief Frederick presented the police report, a copy of which is on file. This is the second consecutive year the department has completed the year under budget. There were only eight arrests during the July 4th celebration. Compared to the number of visitors at the event, that was a very low number. A check for almost $5,000 earned during the June 8th Charity Pancake Supper was delivered to Columbia for Special Olympics this week. Chief Frederick publicly thanked council and the community for supporting the event. Mayor Samples congratulated the officers for their efforts.

Mr. Johnson asked whether the Horry County patrol officer on the beach last week was going to be a regular patrol. Chief Frederick said the vehicle belonged to Horry County; it was loaned to the town while a mechanical repair was being made to the town's unit. The cart was manned by a town beach service officer.

Ms. Dodge thanked Chief Frederick for the coverage at the July 4th celebration. She asked if the department enforced parking too close to an intersection, and what could be done. Chief Frederick said the department does enforce the issue. There are two areas now being watched carefully, because of recurring complaints. However, this type of offense does not receive priority, especially during the peak season when there is insufficient manpower. Ms. Dodge asked how very young children driving golf carts are handled. Chief Frederick said there is a duty of care the town is responsible for. When officers see underage individuals driving golf carts, they are stopped. This is usually done between calls. The primary problem is the transient nature of the offenders; every week another set of visitors are here using the golf carts. A paper was presented last year, and when the issue comes before council again, Chief Frederick intends to request a system to placard the golf carts with the key regulations, i.e. operating during daylight hours only; licensed drivers only; no alcohol. He believes about three-fourths of the problems could be solved through a placard placed in the golf carts. Ms. Dodge said warnings were issued for various violations and asked if there is a data base to track repeated warnings to the same offenders. Chief Frederick said there is a data base. Officers on the beach only issue warnings; if there is a serious problem, they will call a sworn officer for assistance. Warnings are a function of the transient

summer population. One warning is a good neighbor policy, when there is no serious infraction and the offenders are cooperative. Many of the rental houses now provide golf carts as an amenity. Unfortunately, they do not advise tenants of the rules for using them. Chief Frederick reiterated the need to present the golf cart issue to town council again in the future.

Mayor Samples asked Chief Frederick to explain the beach service citations. Chief Frederick said beach services officers are law enforcement officers, but they are not actually town-employed sworn officers. They call the sworn beach patrol officer for serious issues, but otherwise issue warnings for the offenses on the beach.

iii. Fire. Chief Packard presented the fire report, a copy of which is on file. Chief Packard explained that the report now includes information on false alarm responses, which is always submitted to the finance department. Ms. Mabry said the Conway City Council came to tour the town's awarding winning fire station. She thanked Chief Packard for his outstanding job presenting the station and representing the town.

C. Administrator's Report – Update on Current Events. Ms. Fellner said not only does www.horrycounty.org have information on storm events, the town's website, www.surfsidebeach.org, also has a link on the home page for emergency preparedness that includes links to various agencies and helpful information. She said there is confusion regarding town council per diem pay and asked council for clarification. Upon checking previous expense reports, she found that some members submitted and were paid for travel days, and other did not request per diem for travel days. *(Clerk's Note: to insure clarity on this directive, comments were transcribed verbatim.)*

Mr. Smith, "The ordinance says that you get paid for the travel days. It doesn't mention how many nights you stay. It just says you have to stay overnight to be qualified to get per diem, and so it's travel days." Ms. Fellner, "I hear what you're saying, but the word overnight is in the ordinance, so that's I'm, I'm just asking for your clarification." Mr. Smith, "Travel days." Ms. Fellner, "I want you paid correctly." Mr. Smith, "Travel days." Ms. Fellner, "Okay." Mayor Samples, "Is there a consensus on that? There is consensus?" Mr. Smith, "Yes." Ms. Mabry "Yes." Mayor Samples, "Very good. Thank you."

COUNCIL CONCURRED THAT PER DIEM IS TO BE PAID FOR ALL TRAVEL DAYS WHEN AN OVERNIGHT STAY IS REQUIRED.

Ms. Fellner said Phoenix Environment Corporation will provide the industrial mold assessment at a cost of $1,595 for council chambers and court offices. It should be completed within two weeks; that was the lowest price received.

Ms. Fellner said at the last meeting, a local business owner was concerned that local businesses were not given the opportunity to participate in the bid process; specifically the Smoke Free grant t-shirts. She said that local businesses are always notified when opportunities arise; she personally telephoned those businesses that did screen printing before the t-shirt order was placed.

Ms. Fellner said the car charging station was provided through a partnership grant with Santee Cooper. The town did not pay for the station, nor will any electric service be charged to the town for a minimum of three years. At that time, town council may make the car charging station a permanent feature and impose a fee for charging vehicles, or may have it removed completely. There is no commitment for any funding for the station; nor have any town funds been expended in regards to the station.

Ms. Fellner said there was a very positive meeting with OCRM (South Carolina Department of Health and Environmental Control Ocean & Coastal Resource Management) regarding pier related permitting issues. The mayor asked that town council receive additional information on the pier, which will be sent before the end of the week.

Mayor Samples believed that town council should hold a meeting to discuss the pier and called a special meeting on Tuesday, July 17th at 6:00 p.m. specifically to hear a pier property update; discuss pier plans, and concepts for development created over the past few years, some of which will be presented for the first time in public; discuss the permits that are currently in place for the pier and those that might be needed; and to discuss engineering work and pier maintenance requirements. **COUNCIL CONCURRED.**

7. **BUSINESS.**

A. Second Reading Ordinance #12-0718, §2-26 Boards, Commission and Committees to add (L) Rules of Order. Mr. Moss said in his opinion, the Freedom of Information Act (FOIA) §30-4-70 provides under limited circumstances where a public body is authorized to go into executive sessions. Most of those reasons would not apply to committees. Mr. Moss cited the code, saying some attorney-client communications could occur, although not very often with boards and committees. But, they do arise infrequently in planning commission and also zoning appeals. He did not believe executive sessions would be called for very often based on his experience. All boards, commissions, and committees are certainly entitled under state law to hold executive sessions. No more than executive sessions would be utilized, Mr. Moss was not sure town council should restrict the provision. He said, "The likelihood of use is very, very small."

Mr. Stevens asked why the board of zoning appeals would require an executive session. His understanding is that the hearings are conducted "in public just like in a regular court room." Mr. Smith said clearly, decisions are made in public. Evidence is presented in public, not necessarily like a regular court room, but certainly in public scenario, because there are rules of evidence that apply in a court that do not apply in a committee like the board of zoning appeals. The board of zoning appeals has been repeatedly referred to in the courts as a "quasi-judicial body," because those boards set legal precedents, but they are not judicial bodies. Mr. Moss said when there is an appeal, the board might like to receive legal advice as to what precedent law is from their own attorney as opposed to an advocate's attorney. An appeal for a variance probably would not require an executive session, because the law stipulates five factors to be applied for granting or denying a variance.

Mr. Smith moved to adopt second reading of Ordinance #127-0718. Ms. Mabry seconded.

Mr. Stevens believed it was a mistake to adopt an ordinance that allowed any committee to enter executive session, because he believed it prohibited transparency and reduced accountability. In his opinion, every committee should operate in public at all times.

Ms. Mabry supported the ordinance as presented. Mr. Moss had given his legal opinion. FOIA has very strict rules about entering executive sessions. Councilmembers will serve on every committee. Trustworthy citizens are being appointed, and she believed they would adhere to the rules. She was not concerned at all about anyone taking advantages of the ordinances. The State of South Carolina believes it is a good ordinance, and she did not believe town council should "keep inventing the wheel."

Mr. Johnson agreed with Ms. Mabry, and said this was discussed at the last meeting.

Mayor Samples, Mayor Pro Tem Mabry, and Councilmembers Dodge, Johnson, and Smith voted in favor. Councilmember Stevens voted against. **MOTION CARRIED.**

Mr. Stevens said for the record "The reason I stated before being my reason for voting against this. I do not, I do not think gives accountability and transparency to the town and the citizens of this town to allow any council, any committee to go into executive session I think is wrong. The attorney said that only, the only committees were considered that would go into executive session was board of zoning appeals and a planning. Now were extending that across the board to all committees. So, we're actually going against what he just said. He said he didn't see any sense in executive sessions in several of these committees."

Mayor Samples said it was also made clear that South Carolina Freedom of Information Act lays out the appropriate times when executive session is to be used. What the town attorney said is that he did not envision the use of executive session in those other committees, nor did he. Mayor Samples said there is a state law in place that governs executive sessions. To make a claim that by council adopting this ordinance violates its commitment to transparency is a misunderstanding of the import of serving on a body, whether it is a committee, a council, or a board, the need in appropriate circumstances to enter into executive session.

B. Second Reading Ordinance #12-0720 §2-39(c) Special Meetings to include Public Comments on the Agenda. Mr. Johnson moved to adopt second reading of Ordinance #12-0720. Mr. Smith seconded. All voted in favor. **MOTION CARRIED.**

C. First Reading Ordinance #12-0721 §17-726 Protected/Specimen Tree Removal. Ms. Morris presented the ordinance saying that several requests were made to remove dead, dying or diseased trees, and requests to remove trees that were damaging foundations. In all of these instances, staff was required to inform the applicants that an arborists or an engineer must be hired to certify the need for tree removal. The proposed changes will allow staff to make the determination under specific circumstances as outlined in the ordinance. The proposed changes, which were approved by the planning commission, would help eliminate a hardship on citizens who cannot afford both an arborist or engineer and the cost of tree removal.

Mr. Smith moved to adopt first reading of Ordinance #12-0721 Protected/Specimen Tree Removal. Ms. Mabry seconded.

Mr. Stevens believed this was a much needed change and was a good change for the citizens. He believed that most citizens would do whatever possible to save the nice trees that added value to their property.

Mr. Johnson said trees had always been an issue in town. He was concerned with the phrase "for trees whose removal is essential for development." He believed that could potentially give a developer the green light to raze some mature, beautiful trees. Surfside Beach prides itself on being a "Tree City," and protecting specimen trees. Ms. Morris said builders must stake out the footprint of construction; when there are trees within the footprint, usually cutting is allowed. When there are disputes about tree cutting, paragraph (4) provides for and staff can require the builder to make an appeal to the board of zoning appeals for a setback variance to save a tree. During her tenure, builders have agreed to move the structure to save protected trees, instead of appealing. Mr. Johnson thanked her for the comments, but remained skeptical.

Mayor Samples, Mayor Pro Tem Mabry, and Councilmembers Dodge, Smith, and Stevens voted in favor. Councilmember Johnson voted against. **MOTION CARRIED.**

D. Resolution #12-118 to Establish Surfside Beach Business Development Committee. Ms. Herrmann read the resolution verbally approved by Mr. Stevens.

Ms. Dodge moved to adopt Resolution #12-118 to establish Surfside Beach Business Development Committee. Mr. Stevens seconded.

Mr. Johnson said number 4 stated *one councilmember who is also a business owner inside the town limits*, and asked how many councilmembers had businesses in town. Mr. Stevens believed four, and said an amendment could be offered to include councilmembers with businesses outside of town.

Mr. Smith encouraged any committee to report quarterly to town council, whether any actions were taken, or they just held meetings. This would help establish the visibility and transparency Mr. Stevens is concerned about. He did not believe it should be added to the resolution, but the minutes should reflect the request. Mayor Samples agreed, saying particularly the council established committees should report to town council and the public.

Mayor Samples believed the resolution was premature. The business reception planned for this coming Sunday could be helpful in determining how the committee is formed. He believed all councilmembers supported better communications with the town businesses, and one way to improve communications is to establish a formal group.

Ms. Mabry moved to defer the resolution until the next regular council meeting. Mr. Johnson seconded.

Mr. Stevens said the town has had a bad reputation with the businesses in town and believed that having an established committee would let them know council is taking positive action to support the businesses.

Mayor Samples had no doubt that a business committee would be established and that the business community would volunteer to serve. He understood Mr. Stevens' frustration over the delay.

Ms. Mabry said the motion to defer was made because the resolution needs to be more inclusive. Her preference was to hear from the business owners for whom the committee was being established, before amendments were offered. She supported the committee, but believed the volunteers have a vested interest and should be heard prior to adoption.

Mr. Stevens said any councilmember could offer an amendment; he welcomed amendments, and asked that they be offered now.

Mayor Samples appreciated the comment and said he believed the resolution needed "major surgery." The emphasis is all about worth the town receives from its businesses and money being taken from the businesses. In his opinion, the approach should be about community, and businesses are essential to the town's long-term health of the town. The town has been working very hard to extend personal invitations to the town's businesses.

Mr. Stevens said the resolution directly addresses the mayor's comments. It gives businesses a chance to have input to improve the town's ordinances.

Mr. Moss said if the council adopted the resolution at this meeting, appointment would not occur before the next council meeting. Ms. Herrmann said town code requires 30-days advertising for volunteers. Mayor Samples said that was a practical observation, but he would not support the resolution as written, because he believes the emphasis is wrong. There is no question that the town derives a high amount of revenue from its businesses that can be documented with statistics. He pointed out that the town has not raised its business license fees in 18 years, which he believed was very business friendly.

Mayor Samples, Mayor Pro Tem Mabry, and Councilmembers Dodge and Johnson voted in favor. Councilmembers Smith and Stevens voted against. **MOTION TO DEFER CARRIED.**

Mr. Stevens suggested a workshop at 6:00 p.m. before the next regular council meeting to discuss this resolution. **COUNCIL CONCURRED.**

E. Resolution #12-119 to Establish Parking Committee. Mr. Stevens moved to adopt Resolution #12-119. Ms. Dodge seconded. All voted in favor. **MOTION CARRIED.**

F. Plantation Resort Busses. Ms. Dodge said some good ideas were discussed during the workshop. Mr. Stevens said several options were discussed, he was not sure was the best solution. Ms. Dodge believed a meeting with Plantation Resort to hear their concerns would be beneficial prior to making a decision. She personally believed using the Yaupon parking lot was the safest and best option. Mr. Johnson believed the town administrator should be directed to contact Plantation Resort personnel to begin a dialogue. Council realizes there is a problem and a change is necessary.

Ms. Mabry moved to direct the town administrator to meet with Plantation Resort to gather information and bring a recommendation to town council for a final decision. Ms. Dodge seconded.

Mr. Smith moved to amend to include Pier Outfitters representative in the meeting. Mr. Stevens seconded. Mayor Samples, Mayor Pro Tem Mabry, and Councilmembers Johnson, Smith, and Stevens voted in favor. Councilmember Dodge voted against. **MOTION TO AMEND CARRIED.**

All voted in favor of the motion as amended. **MOTION CARRIED.**

G. Volunteer Appointments to the Board of Zoning Appeals; Commissioners of Election; Planning & Zoning Commission; Recreation/Special Events, and Keep Surfside Beach Beautiful. Mayor Samples explained that this item would be deferred until after the executive session that was scheduled to discuss the nominees. He said that Mr. Smith's recommendation about quarterly reports from the committees would be adopted as a matter of policy.

H. Council Finance committee, Councilmember Appointments. Mr. Smith moved to appointment Mayor Pro Tem Mabry and Councilmember Stevens to the council finance committee. Mr. Johnson seconded. All voted in favor. **MOTION CARRIED.**

I. Council Infrastructure Committee, Mayor Samples. Mr. Stevens moved to appointment Councilmembers Johnson and Smith to the council infrastructure committee. Ms. Dodge seconded. All voted in favor. **MOTION CARRIED.**

8. **DISCUSSION.**

A. §12-29(b) Reduce the permitting fee for side walk cafés on Surfside Drive. Mr. Smith said council wanted to encourage businesses and the outdoor café permits were established once the Surfside Drive infrastructure improvements were completed. However, the high permitting fees of $300 and $500 were excessive and prevented the businesses from participating. He asked council to consider reducing the fees to $25 to encourage business.

Mr. Stevens believed this action might be a step towards helping businesses increasing their customer bases. He suggested $25 or $30 for smaller areas and $50 for larger spaces.

Mr. Johnson asked how many permits have been sold. Ms. Fellner said only one on Surfside Drive.

Ms. Mabry commented that the area on Surfside Drive was very limited; some places on had room for two tables. She agreed with permitting when it was introduced, because it allowed the businesses to use town property. When you consider the actual space available, she agrees that the current fees are excessive. She personally did not care if the permits had no fee attached; a nominal fee for administrative costs is sufficient. Ms. Mabry said there simply isn't room for a large dining facility. She fully supported Mr. Smith's recommendation.

Ms. Dodge thought $25 a table was low, but did not like $300. She asked whether another amount per table be considered. Mayor Samples said the fee is an annual fee. Ms. Dodge suggested $75 annually would be fair.

Mr. Smith suggested $25 for 100-square feet or less and $50 for spaces over 100-square feet. He asked the mayor to call for consensus that staff be directed to bring an ordinance amendment at the next regular council meeting.

Mr. Stevens supported Mr. Smith's recommendation saying the fee should be kept as low as possible to allow businesses to do business.

COUNCIL CONCURRED. Mayor Samples said consideration should be given to insurance; alcohol definitions, etc.

B. Any matters of concern or information to be discussed by Town Council.

Mayor Samples said a draft ordinance was distributed to council about the board of fee appeals, which has never been filled. The town never had this board until 2009 when the ordinance was adopted. In the event an appeal to business licensing was filed, town council heard the appeal. If an appeal was filed, there is not board to hear it. Mayor Samples recommended repealing the ordinance or at least include language that makes town council the body to hear an appeal in the event there is no active board of fee appeals. Staff was instructed to bring an ordinance for consideration at the next regular meeting.

Mayor Samples said an organizational subcommittee was probably the last one needed to create the foundation for the council form of government. He asked that an organizational council committee be placed on the next regular meeting agenda. The purpose of this committee is to review personnel policies, compensation policies, etc.

Mayor Samples had prepared a draft ordinance addressing the town administrator duties that would be distributed to councilmembers for consideration that redefined the administrator position, and asked that an ordinance amendment be presented at the next regular meeting. His draft includes duties that more closely represents the town's council form of government. The duties stated in the current town administrator ordinance are very similar to a city manager form of government, and he believes that created some of the town's previous problems.

9. **PUBLIC COMMENTS.**

"Harry Kohlmann, 1610 South Ocean Boulevard. I just want to publicly recognize and thank one of our police officers in this town, Officer Byrd. I know he only has a very short time as a police officer, he's done a spectacular job. Most of you know I was a police officer for 27 years. I watch him, and the lack of experience he has, he has a lot of street smarts. He goes out there and he does his job and he hunts and he looks for bad guys. He really does, and one of, one day as some of you know, for whatever reason my house attracts petit criminals, and we have cameras and we catch a lot of these petit criminals. Somebody stole our bikes one day. We reported it, and when Officer Byrd came on, he heard that our bikes were stolen, and he came right over, and he said what's the description on these people, and I gave him, and I gave him two descriptions, and the third one he gave it to me. He said well I stopped those guys at four o'clock in the morning. Now he didn't know the bicycles were stolen, but he stopped. He inquired. He found out what was going on, which is perfectly legal for a police officer to do. A great, great job and I want to publicly thank him very much for the job he's doing. I actually feel very, very safe when I see Officer Byrd. (*applause*) Having said that, Councilwoman Dodge brought up about dangerous parking, hazardous parking, unsafe parking. We have a condition on Ocean Boulevard, and it's mostly in the rental area of dangerous parking. I'd like to a hand out a couple of pictures to council. (*Mr. Kohlmann handed councilmembers copies of photographs.)* As you, as you can see in these pictures, these people are right up to the corner. If someone is trying to come out, you cannot see. Now I know, I don't know if anyone has been killed or injured, or any accidents have happened yet. But, it's an accident waiting to happen. Now when Ms. Dodge asked the chief, he said, well, it's not a priority. I'll ask you folks, we have a traffic enforcement officer. He writes tickets for parking violations. Now, I ask you all what is more important, somebody who is ten minutes, 15 minutes, a half an hour over their time limit on a parking meter, or somebody who's parking in a dangerous spot? Priorities, and that's what the police department does, priorities. Now, hopefully, most of all, or all of you are gone a think it's more important to ticket dangerous conditions than somebody that forgot to get back to their car in time. You know, ten minutes, 15 minutes. He gets a ticket, but the person who's parked on the corner, and in one of the pictures you can see he's parked at a hydrant, and I know we have a lot of great officers here, and if you make it a priority or at least a condition that you want to be addressed I know these police officers will do it, and the parking enforcement officer definitely should do it. Thank you."

"Hello. My name is Patricia Magliette, 104 Harbor Lights. I'm just here to say thank you. I saw for the first time in my life the wonderful fireworks display. This town is the best fireworks town and that's one of the many reasons why I choose to live here, and a thank you doesn't even cover it. I'd also like to say thank you for the next day. The beaches, they were cleaned. The crew that took care of all that did a wonderful job, and that makes our lives enjoyable and it looks good for us to bring people in to visit our beaches, and I just can't tell you how much it's appreciated, because you did a wonderful job. Thank you."

"John Ard, 612 Cypress Drive, Surfside. First off, I'd like to say Council, Mayor, y'all doing a dog gone good job of things and got it coming together, that's for sure, and we appreciate it very much. Making a lot of headway on things. I'd also like to thank y'all for bringing the parking committee back tonight. That's an important committee that we desperately need back in this town on a full time basis, and I do appreciate it very much. For the business committee, the deferral on that, I think it's a pretty good idea y'all doing that. Guess Sunday will tell the tale on that and give a lot of other business people some insight to what's going on, and it's gone be a big plus in the future, and so I think you done a real good job on that. I want to thank all the people in town, the athletic department and everybody else that had anything at all to do with the 4th of July extravaganza we had down here, because it was something else this year, and after being here so many years and all, seeing so many people at the 4th July on the fireworks and things like this I think that this year tops them all. We had more people on the beach. More people at the fireworks and stuff than we have ever had before, and I'd also like for you to keep in mind this, a business is number one. One of my top priorities in this town. It's bad to see a business leave this town. That's something we don't like to see. We got one business that left last week. Carolina (**) up here, Dr. Jeffrey Morgan, for what reason I don't know, but he had to close his office down and referred all, it's up here on the corner of Surfside Drive and Highway 17 next to the surf shop, and he had to close his business up. Over what reasons I'm not sure. Right now we have another business that will be closing most any time. I'm not sure of the date that they're moving out yet, but it will be closing most any time now, and I'm not at liberty to let that information go on who that is yet. At the end of the season, Seadogs down at the pier, we're gone be losing them after four years. They gone be closing up, and from the way things look at some of the business people that I have had the opportunity to talk with and everything, we do have the possibility, a very distinct possibility of two more businesses being closed after this season. So, we need to do everything possible to get people in this town that'll stay in this town. Help them with any cost, anyway that we can help them. That's what we're for, that's what that business committee, I hope it's gone be helping them doing, and you know, (**) everybody work together. That's all it takes, everybody working together, make them feel welcome, and do what we can to keep them in this town. That's it."

"Gene Maruca, 116 7th Ave. South. Two complaints. Can't all be good. The light on Dogwood and 6th Ave. South up against the park, the ball park, I came to this council probably in May to say the light was out. The entire fixture has since been removed, and this isn't the first time I've been before council mentioning the fact that the light disappeared. First it went out. They're gone a change the bulb so they took the fixture away. I don't know. But, we talk about safety. That's a safety issue, because there is no light from 3rd to 7th other than that one, and that's dangerous. That's the first thing. Second, over by the war memorial we have an outdoor exercise area, which is phenomenal. A lot of compliments on it; however, the people that use it are in dire need of water. It was brought to my attention that we have water in the dog park for the dogs, but we don't have it in the exercise area for our residents, and I'm sure it was an oversight when it was designed, but it's very easy to correct, since there's water at the memorial. All they have to do is run an underground line. Thank you."

"Shelby Smith, Cedar Drive North. Mr. Mayor, council. Just want to comment on Mr. Ard's remarks about that business, and the progress we have made in Surfside Beach in beautification and helping bring Surfside to another level, what I, what I consider another level, attracting business here. Progress, I think, is really needed, and when you go into executive session I'd like you to think about Surfside becoming the jewel of the strand, so to speak. From North Myrtle Beach to Georgetown there's seven different townships, cities, areas, and I feel that Surfside is the least beautiful of the seven. All of the other communities are making serious initiatives to improve their appearance. I have lived here for 16 years. I have, with my wife, Linda, we are very proud of Surfside. We also really appreciate the public

works department, and in those 16 years by far I think this is the best public works, the execution of everything and a it's just tremendous. However, when you drive from North Myrtle Beach to Georgetown, I see more tacky grass or no grass along the median, and overall appearance of the medians on 17, which is our business highway, very a, a shabby. There are more weeds. The edging along the highway, the cuts at the, at the a median needs some real improvement. Pot holes, there are some big ones. Prune trees, or un-pruned trees. We have 60 crape myrtles; they're all bushing out like one or two feet. We only have two miles of Surfside Beach, and that's a lot of trees in two miles, 60 crape myrtles. It takes about ten to 15 minutes a tree to prune them out, and I know resources are lean in town, and you know, we have competing needs throughout the community. We've got some drainage problems that we sure after today especially, signage, we've all talked about that in the past, and some of the business fronts. Just a drive that span and really ask yourself is Surfside where we want it to be. I think the beautification committee, there are 14 people on the, on the list that a that I saw that have volunteered already, and a, a serious identification of opportunities in the town can be made, you know, through this committee and through your support whether it's funding or whether the allocation of resources to get the things done. I think it'll really make a difference. We're coming up in just two years on the 50th anniversary of Surfside Beach. It was founded in '64, and a we have a real opportunity, this council has an opportunity in two years to really make some improvements in the area of beautification, and particularly on the 17, and also on ocean drive, but particularly on Highway 17 and throughout the whole community. So, I ask you to accept that challenge and work with the committees and throughout town to enable this progress to be made, because progress, I think, is what's about, and knowing where we are and where we've been gives us a good insight as to where we can go. Thank you."

"Glen Curtis, 257 Palladium, a couple hundred feet from Surfside. When you go back to where Jamin' Leather used to be down that street next to it to Sand Lane, if you make a left that whole section, there's no street light there. Kids are coming out of the water park. People are riding and at night on golf carts. People even driving down. If we can get some kind of safety thing and get a light there halfway down at the corner or next corner just to brighten up that whole section there a little bit, I think we can maybe save a life, just in case you know. Thank you."

10. **COUNCIL COMMENTS.**

Mr. Johnson, "I heard that. I'll, I'll just make it brief. Thank you for coming out. We did have a parking issue this past weekend, and the weekend before that. I've chalked it up to the amount of people here, but there were some major, major violations, especially on the corners on Ocean Boulevard, and I, I really was surprised that those vehicles weren't ticketed as they had been in the past, and I was also disappointed to hear that the dogs wouldn't share their water! (*laughter)* Take care of that. Thank you."

Ms. Dodge, "Okay, I'm gone a get serious here. I wanted to thank the citizens for making it possible for the councilmembers and the mayor to go to Hilton Head for a few days for training. It was the most amazing experience. I went to so many classes. I've got a bushel of notes. I've got some copies, but it was a very worthwhile experience, and I want to thank you for making it possible for us to go. Also want to thank Ms. Ellis even though she's not here, and her group for the July 4th celebration. I think it was the best one yet. Those fireworks were absolutely spectacular, and my next still hurts from leaning back looking up. Wanted to thank the SAFER (Surfside Area Fire and Emergency Responders) guys for the food that they served at that celebration. I wanted to take them home with me and let them cook. They're not going, by the way. I also noted that garbage cans were full, and that maybe we should pay more attention to those things at celebrations like that and maybe on specific weekends. Then I wanted to talk about the Sunday serenades. I don't know how many of you go to those in the Veterans Park, but they are terrific. They have really good entertainers. It's a good afternoon. Fun to go to; it would be better if we had a banner to put up that said Sunday serenades so that more people riding by in cars or on golf carts know about that. It would get a lot more people there. It is well attended, but the more the better. Wanted to talk about the dangerous intersections and people parking right at the corners. It was good Mr. Kohlmann took pictures. That's very graphic. It's scary when you try to pull out, and somebody is going to be hurt, and it won't be, that wouldn't be a good thing. That's all my notes. Thank you, I appreciate it y'all."

Mr. Smith, "Thank you for coming out, and I'd like to concur with the parking issue; parking at the corners, and also on the east side of Ocean Boulevard at the beach accesses. Sometimes people park so close that when you're coming out in your golf cart it's hard to see, so that's another area where we need to watch how they park, and some of these houses have so many cars that they end up parking on the sidewalks, and I think that's another concern, especially on the east side of Ocean Boulevard when there's so many cars that they end up on the sidewalks, or at least the tail of the car is on the sidewalk. Thank you."

Ms. Mabry, "Well, needless to say, I'm glad that y'all are here. It makes our job so much easier. I did want to address Mr. Shelby Smith. We are putting these committees to work and they'll be working in tandem not only to bring, it's not just about beautification, it, it's about bringing our town up a notch and when you do that, of course, it's gone a help the businesses, and these committees working together, we're gone a have a great outcome. We certainly as a council address all these issues, but these committees are gone a help bring it to the forefront, and I think we're gone a take care of lot of things over, it's not gone a happen overnight, but it's gone a happen."

Mr. Stevens, "I hope all of y'all were paying attention tonight, because you saw, you got a good vision of how a council is supposed to work. We win some; we lose some. Some of us got voted no on stuff, and some of us didn't. *(laughter)* Some stuff got deferred, but that's the way government is supposed to work. We have a lively, but civil discussion on every issue, and that's the way this council needs to work. We're working together. Now even though some of us didn't get what we wanted, we'll still be friends with all everybody here. I'll be sitting in the mayor's office talking to him. I'll be calling Ms. Mabry. I'll be calling Ms. Dodge, and Mr. Johnson and Mr. Smith, too. That's part of government, and I hope you paid attention. I want to also thank all the folks that volunteered for committees. It's nothing more exciting than seeing people stepping up to put a contribution to the town. The fact that we've been, this council has been since May we've started two committees, reinstalled a, a, another committee, and possibly have another committee coming on. We're getting citizens involved and that's important. We need your eyes and we need your thoughts, and we need to look at through your eyes sometimes to get the better (*) you're gone a make recommendations to us and I know you're the people that have volunteered for committees are gone a do a good job. I want to commend Mr. Kohlmann bringing the picture, because a picture is better than a thousand words. He showed us exactly what can happen when you park too close to a stop sign, and you can get a ticket for that, I know, but anyway, I won't go into that. But, the fact is that I'm glad y'all all came out here. I want you to continue coming. We want your input whether it's in the pre-agenda part or at the end. Thank you for coming out, and I'm glad you're all here."

Mayor Samples, "I just share all the comments that were made, and I want to express appreciation to everybody for working so hard, and putting in time necessary, really, to cover a lot of ground cause we need to do that. We've got an asset in the pier. We're all glad to have the new Surf Diner out there, open, operating. And, and we look forward to another great summer. Having said that, we'll see you next time."

11. **EXECUTIVE SESSION.** Mayor Samples stated that pursuant to FOIA §30-4-70(a)(1) to discuss nominees to the Board of Zoning Appeals; Commissioners of Election; Planning & Zoning Commission; Recreation/Special Events, and Keep Surfside Beach Beautiful committees. Mr. Smith moved to enter executive session at 8:46 p.m. for the purpose stated. Ms. Mabry seconded. All voted in favor. **MOTION CARRIED.**

Mr. Smith moved to reconvene regular session at 9:23 p.m. Ms. Mabry seconded. All voted in favor. **MOTION CARRIED.**

Mayor Samples stated that no action was taken during executive session, and that Councilmember Johnson was excused from the remainder of the meeting.

Ms. Mabry moved to appoint Judy Engelhard to the Municipal Election Commission for a six-year term. Mr. Smith seconded. All voted in favor. **MOTION CARRIED.**

Ms. Mabry moved to appoint the following nominees to the Keep Surfside Beach Beautiful Committee: Dora Eaddy, Mary Ann Hunt, Mary Ellen Abrams, Al Stein, Etta Stein, Shelby Smith, Jim Toney, Nancy Weber, Lynda Peckham, Peggy Sattelmeyer, Al Lauer, Terri Lauer, Ron Gaskins, and Sara Saunders. Mr. Smith seconded. All voted in favor. **MOTION CARRIED.**

Ms. Mabry moved to appoint the following nominees to the Recreation/Special Events Committee: Dan Flood, Gene Maruca, Glen Curtis, Anita Crone, Lynn Parker, Betty Holston, and Ron Meadows. Mr. Smith seconded. All voted in favor. **MOTION CARRIED.**

Ms. Mabry moved to appoint Carrie Johnson, Sandra Elliott, and Shane Watson to the Planning and Zoning Commission. Mr. Smith seconded. All voted in favor. **MOTION CARRIED.**

Ms. Mabry moved to reappoint Darrell Willm and to appoint Ralph Magliette to the Board of Zoning Appeals. Ms. Smith seconded. All voted in favor. **MOTION CARRIED.**

12. **ADJOURNMENT.**

Mr. Smith moved to adjourn the meeting at 9:26 p.m. Ms. Mabry seconded. All voted in favor. **MOTION CARRIED.**

Respectfully submitted,

Debra E. Herrmann, CMC, Town Clerk

Approved: July 24, 2012

Douglas F. Samples, Mayor

Mary Beth Mabry, Mayor Pro Tempore

Ann Dodge, Town Council

Mark L. Johnson, Town Council

Roderick E. Smith, Town Council

Randle M. Stevens, Town Council

Vacant Seat

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Mayor Pro Tem Mabry propose to amend the minutes as follows ....

Ms Mabry:

Mr. Mayor I moved to approve the minutes with a correction to my motion to appoint the recreation/special events committee members, specifically Line 618, to correctly state "**Committee: Dan Flood, Gene Maruca, ~~Glen Curtis~~, Beth Kohlmann, Anita Crone, Lynn Parker, Betty Holston, and Ron Meadows.**"

After second is offered, Ms. Mabry will then state this explanation:

Ms. Mabry:

After the meeting I realized that I had mistakenly said Mr. Curtis' name instead of Ms. Kohlmann's. I have personally spoken to and apologized to Mr. Curtis. Mr. Curtis said he understood saying that as long as he could attend the meetings and help with the events, he did not mind not being appointed.

SURFSIDE BEACH TOWN COUNCIL
WORKSHOP MINUTES
JULY 10, 2012◆ 6:00 P.M.
TOWN COUNCIL CHAMBERS

1. **CALL TO ORDER.**

Mayor Samples called the workshop to order at 6:00 p.m. Mayor Samples, Mayor Pro Tempore Mabry, and Councilmembers Dodge, Johnson, Smith and Stevens were in attendance; a quorum was present. Staff present: Interim Administrator Fellner and Police Chief Frederick. Also present: Town Clerk Herrmann.

2. **BUSINESS.**

Mayor Samples said the workshop was called to clarify direction to staff with respect the Plantation Resort bus route, discharge and pickup locations.

Mr. Smith believed Plantation Resort should be allowed to continue operating as it currently does.

Ms. Dodge disagreed, saying it was a safety issue. There are more issues in the pier parking lot than just the bus operation. She suggested that meeting with Plantation Resort would be more beneficial than sending a letter as she suggested in the last meeting.

Mr. Stevens personally viewed the busses several times, and he believes pier area businesses derive income from those passengers. In his opinion, the problem is exacerbated by delivery trucks arriving simultaneously with the busses. He suggested making the parking area one-way to prohibit two-way traffic on the north side of the parking lot. Suggestions were offered to move the newspaper machines allowing the busses to use that area, and to use Yaupon parking lot golf cart parking.

Mr. Johnson said after speaking with business owners in the area, he believed it might be best to allow Plantation Resort work out a solution on its own. The town would have to approve any recommendations. He understood the workshop purpose was to give direction for the letter content to Plantation Resort.

Mayor Samples said yes, staff was directed to send a letter. However, there were questions that resulted in this workshop. He commended Ms. Dodge for her initiative in bringing the issue before council. There is an action item on the meeting agenda; this is the opportunity for council to discuss options that should end the matter.

Mayor Samples believed this is a safety issue that should be addressed. There is very limited parking. He, too, hoped that the parties involved would arrive at a solution without any town interference. Because the town owns the parking lot and the pier, the town is responsible for public safety.

Mayor Samples called for public comments asking that comments be kept at one minute.

"Tom Dodge, curmudgeon, 15th Avenue North. I go down to that parking lot nearly every day in the afternoon and nearly every day it's pretty much of a "Chinese fire drill." Regardless of what people say, I have talked to people getting on the bus, and getting off the bus. I said when you get on, when you get off the bus, where do you go. To the beach. I said you don't go to the businesses. No. I haven't heard anybody yet that I've talked to down there go, say they go to one of the businesses. Now they may go to it later, but they're not going when that bus brings them into that zoo of a parking lot. The parking in the golf cart parking space is not a good idea, because that's reserved for golf carts and the parking committee, I think, is trying to push to get golf carts into that spot. It was built for golf carts. The other thing is, Plantation Resort should not tell the town what to do, nor should Deerfield."

DRAFT

"Ron Saunders, 6th Avenue South. A couple of town administrators ago, we had a town administrator who did do something pretty good. He worked out this problem and had it taken care of, and the bus was dropping those people off over at our new Taj Mahal parking lot over there at Yaupon, and those people got off that bus, walked across that parking lot and went past all the businesses. So, all the businesses had a shot at them. So, I would strongly urge you to try to get that bus routed back to that particular location, and get it out of our safety problem area, and let those people go past all of our businesses. Thank you."

"Kurt Kramer, I'm representing Pier Outfitters. As I've talked to several of the councilmembers about this, I'd be happy to take on the task of visiting with the Plantation people and simply asking them to reschedule times and we could make a drop off point in one lot and a pick up point in another. I don't think it's a huge problem. I think it's, if there's concerns, I think they're more than willing to work with us. I'm more than willing to take it on and see if I can make a difference there."

"Harry Kohlmann, South Ocean Boulevard. The golf cart parking lot is a waste of time putting golf carts there. No one every goes there, except if there's a large event. Hopefully in the future, we'll have all golf cart parking at the pier. Saying that, I think that's a good place to put that transfer point for the busses. That way they are out of the way, and they also have to, they'll be able to give them to all the businesses out there. As Mr. Dodge said, maybe the people don't go to the stores right away, they camp out and then they come back. So, they want to be within the pier area. Another place you possibly could think about putting them is letting them drop them off at Scotty's, which is in the pier area, and it's a road that is hardly ever used. Seaside on the other side by the newspapers that's a busy area still near River City Café. It's just another thing to think of, maybe Scotty's area. It's only a block from the pier. The people still will use it, if you don't want to use Yaupon. I don't think you should let the businesses decide what's best for them. It's a public safety thing. The town should say what's best for everyone. The businesses just might think about what's best for them."

"John Ard, 612 Cypress Drive, Surfside. Just, I'm wondering about something right now. The Taj Mahal parking lot that Mr. Saunders said is a good place. But right there at the pier right there where they go on the beach at, the trailer and all is set up there where they go on the beach at, would there be a possibility, and this is just a question now, of pushing that sand back like another 15-feet and in fact, asphalting that, and that bus could pull in there and unload and everything else, and back out. It wouldn't take up but a little bit of space right there and there's still plenty of access to get on the beach and all with emergency equipment, the town equipment and anything else, and I don't know, but I think that would be pretty feasible."

"Mary Ellen Abrams, 311 13th North. I thought I liked the Yaupon idea. It's the one that was not going to divert anybody from our businesses. As I've been sitting here thinking about it, I'm getting a mental picture of all those people getting off the bus and now they're going to parade all the way through that screwed up parking lot. Is that going to create more safety hazards, Mr. Police Chief? I don't know. Just think about it. Cause now we've got a whole lot more people walking the whole depth of the parking lot, and I don't know about the Scotty's side. That might be a good idea. I don't know what that looks like. That's all I have to offer."

There were no other public comments. Mayor Samples asked for additional council comments.

Mr. Stevens said after hearing public comments, it boiled down to being a safety issue. Public safety is important and the town has the ultimate responsibility for the safety of its citizens and guests. The suggestion to pave another portion of the beach area would have to be approved by OCRM (Ocean and Coastal Resource Management.) It is not far from the Yaupon parking lot to the beach. It seems that might be the best possible solution. He mentioned that the placement of the suntan booth should not be overlooked.

Mr. Johnson supported working out using the Yaupon parking lot.

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Mr. Smith believed insofar as safety, the closer the passengers are to the beach when they discharge from the bus, the safer they will be. He suggested relocating the suntan booth beside the pier ramp. He also suggested that the bus pull onto the sand to discharge passengers so the paved area would remain open for other traffic. A large number of people walking at one time from Yaupon parking to the pier would create a safety issue. On Saturday after July 4th, the pier parking lot was full; Yaupon parking lot was full. He personally had to drive around twice before locating a spot. So, those lots have full use on certain days. Mr. Smith reiterated that dropping off passengers as close to the beach as possible was the best answer in regards to safety.

Ms. Dodge believed in safety for the people; however, she did not necessarily believe that it was totally the town's responsibility, because passengers must assume some responsibility for their own safety and make good decisions when they are in the parking lots or walking around the area. She believed town council should decide what the best use is for the parking lot. She supported meeting with Plantation Resort to discuss the bus issue and come to an appropriate solution.

Mayor Samples believed the town should take advantage of Mr. Kramer's offer to meet with Plantation Resort to arrive at a solution that first and foremost addresses safety, which is the reason the matter is being discussed. He agreed with Mr. Smith that the safest solution would be to "drive them on to the beach at 14th Avenue North and let them off." *(laughter)* Mayor Samples said the town is looking for an accommodation between the town and a very important neighbor who does much business in the area, which the town wants to support. Over time, the degree of business will grow as construction progresses in Deerfield on the undeveloped property, and it is time for the town to communicate. He suggested that Mr. Kramer take the lead and advise council as to any progress. Mr. Smith supported that suggestion. Ms. Dodge did not support the suggestion. Mayor Samples asked if council would support the suggestion if a councilmember was included in the discussion. Mr. Johnson suggested the administrator go with Mr. Kramer.

3. **ADJOURNMENT.**

Mayor Samples declared the workshop closed at 6:21 p.m.

Respectfully submitted,

Debra E. Herrmann, CMC, Town Clerk

Approved: July 24, 2012

Douglas F. Samples, Mayor

Mary Beth Mabry, Mayor Pro Tempore

Ann Dodge, Town Council

Mark L. Johnson, Town Council

Roderick E. Smith, Town Council

Randle M. Stevens, Town Council

Vacant Seat

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DRAFT

Finance Committee:
Meet your Finance committee; the newly formed council subcommittee which consists of three members of council; Doug Samples, Mayor, Mary Beth Mabry, Mayor Pro Tem and Randall Stevens, Council Member. The committee held its first meeting with town staff, Micki Fellner, Interim Town Administrator and Kimberly Hursey, Treasurer, on Thursday July 19 at 1:00 pm. The first meeting was very informative and general in nature as the committee discussed what is wishes to accomplish, and has requested staff to prepare preliminary fund balance estimates and various draft ordinances for consideration. The committee will meet once a month or more as needed.

Business License:

- June 2012 Activity ***(43) New Accounts***: New business In-Town (9); New business Out-of-Town (9); New Rentals (12); New Contractors (13); Additional business inquiries (11)
- Business License for June 2012 is $111,200 which is down from prior year's $112,612. Preliminary YTD income of $658,751 is down from $683,517 prior year. The current year will be adjusted for accruals.

Taxes:
Current real estate, personal property and vehicle tax collections from Horry County for June 2012 were $9,875 which is up from ($12,575) last year due to cash abatements. YTD income including penalties and prior year collections are $2,145,082 up from $2,076,455.

Hospitality & Local Accommodations Taxes:
Hospitality and Local Accommodations taxes received in the month of June were $51,474 and $9,054 respectively; both hospitality and local accommodations are subject to accrual and will be adjusted based on July collections. YTD hospitality of $550,830 and YTD local accommodations of $122,597 are both on target to make budget.

Enterprise Funds:
In June 2012, the Sanitation Fund collected $112,067 in service charges, which is up from $111,239 last year. YTD income of $1,067,403 is still lagging behind prior year's $1,103,958. In June, the Pier Enterprise fund collected $60,118 in revenue compared to $58,848 the prior year. YTD income of $277,458 came in less than prior year's $323,409.

FY 2011-2012 Audit:
The audit schedule has been received and we look forward to working with the Town's auditing firm Harper, Poston, & Moree, CPAs,.

Transparency:
The Town's accounts payable check register has been posted online and a link has been added to the State Comptroller General's office website. Visit the following websites for information:

Town of Surfside Beach	http://surfsidebeach.org/
SC Comptroller General	http://www.cg.state.sc.us/transparency/

Please contact the Finance department if you have any questions concerning this report, (843) 913-6336, or email finance@surfsidebeach.org

Town of Surfside Beach
Finance Department Report
Preliminary Year End - June 30, 2012

General Fund	June 2012	YTD FY 11-12	FY11-12 Budget	Over (Under) Budget	June 2011	YTD FY 10-11
Property Taxes						
Current Property Taxes	$ (2,727)	$ 1,990,136	$ 2,150,000	$ (159,864)	$ (11,796)	$ 2,022,906
Motor Carrier Taxes	46	3,163	4,000	(837)	28	3,417
Penalties & Prior Year Taxes	12,556	151,783	30,000	121,783	(808)	50,132
	$ 9,875	**$ 2,145,082**	**$ 2,184,000**	**$ (38,918)**	**$ (12,576)**	**$ 2,076,455**
Licenses and Permits						
Business Licenses - Local	$ 111,200	$ 658,751	$ 675,000	$ (16,249)	$ 150,643	$ 683,517
Business Licenses - MASC	552,678	654,373	715,000	(60,627)	574,086	700,820
Animal Licenses	690	2,630	3,000	(370)	560	3,035
Building Permits	8,270	165,269	100,000	65,269	18,585	113,222
	$ 672,838	**$ 1,481,023**	**$ 1,493,000**	**$ (11,977)**	**$ 743,874**	**$ 1,500,594**
Franchise Fees						
Santee Cooper (Bi-Annual)	$ -	$ 138,405	$ 250,000	$ (111,595)	$ 116,691	$ 258,048
GSW&SA (Monthly Installments)	16,620	199,441	190,000	9,441	15,960	191,519
TimeWarner (Quarterly)	-	92,715	115,000	(22,285)	29,956	118,060
HTC	159	460	-	460	55	248
SCANA (Annual)	8,375	8,375	9,600	(1,225)	9,969	9,969
	$ 25,154	**$ 439,396**	**$ 564,600**	**$ (125,204)**	**$ 172,631**	**$ 577,844**
Fines and Forfeits						
Police Fines	$ 15,884	$ 136,924	$ 130,000	$ 6,924	$ 14,317	$ 118,490
Victims Assistance	3,373	27,673	20,000	7,673	2,588	20,084
Parking Fines-Current	2,788	40,428	85,000	(44,572)	4,439	89,794
Parking Fines-Prior	75	4,477	-	4,477	150	4,096
	$ 22,120	**$ 209,502**	**$ 235,000**	**$ (25,498)**	**$ 21,494**	**$ 232,464**
Interest	**$ 443**	**$ 5,458**	**$ 10,000**	**$ (4,542)**	**$ 744**	**$ 8,424**
Intergovernmental Revenues						
Aid - Local Government Fund	$ -	$ 52,257	$ 90,000	$ (37,743)	$ 19,134	$ 88,314
Alcohol Permits	-	8,899	41,500	(32,601)	25,201	33,451
Homestead Exemption	-	36,318	40,000	(3,682)	-	35,865
Merchants Inventory	-	8,341	11,120	(2,779)	2,780	11,121
Government Grants	7,394	117,158	7,500	109,658	100,426	233,599
H.C. Recreation Dept.	-	16,600	16,600	-	-	16,600
H.C. Road Maintenance	29,657	119,197	100,000	19,197	30,898	112,979
	$ 37,051	**$ 358,770**	**$ 306,720**	**$ 52,050**	**$ 178,439**	**$ 531,929**

Town of Surfside Beach
Finance Department Report
Preliminary Year End - June 30, 2012

General Fund	June 2012	YTD FY 11-12	FY11-12 Budget	Over (Under) Budget	June 2011	YTD FY 10-11
Recreation Revenue						
Recreation Registration Fees	$ (40)	$ 20,558	$ 22,800	$ (2,242)	$ 420	$ 23,518
Recreation Sponsorships	-	5,900	6,500	(600)	750	7,825
Other Recreation Revenues	966	27,077	25,700	1,377	8,495	46,903
	$ 926	**$ 53,535**	**$ 55,000**	**$ (1,465)**	**$ 9,665**	**$ 78,246**
Other Revenue						
Miscellaneous Revenues	6,609	31,578	25,000	6,578	8,067	22,961
	$ 6,609	**$ 31,578**	**$ 25,000**	**$ 6,578**	**$ 8,067**	**$ 22,961**
Other Financing Sources						
Sanitation Fund (5%)	$ -	$ 27,805	$ 58,500	$ (30,695)	$ 17,688	$ 55,198
Accommodations Tax Fund	-	42,098	45,000	(2,902)	5,016	46,218
Interest Revenue - Pier Enterprise	-	22,037	22,820	(783)	(959)	25,813
Pier Enterprise (5%)	-	7,855	17,500	(9,645)	6,670	16,170
Trans from Hospitality	50,000	150,000	150,000	-	-	60,000
Local Accommodations Tax Fund	22,551	122,596	140,000	(17,404)	46,357	146,498
Sale of Fixed Assets	-	19,897	25,000	(5,103)	2,914	109,691
Lease Proceeds	-	-	-	-	731,469	731,469
Insurance Proceeds	-	12,255	-	12,255	-	-
Franchisee Reimbursement	63,810	490,508	-	490,508	3,788	12,412
	$ 136,361	**$ 895,051**	**$ 458,820**	**$ 436,231**	**$ 812,943**	**$ 1,203,469**
Total Revenue & Other Financing Sources	**$ 911,377**	**$ 5,619,395**	**$ 5,332,140**	**$ 287,255**	**$ 1,935,281**	**$ 6,232,386**
			YTD Remaining %:	***-5.4%***		

Capital Projects Fund	June 2012	YTD FY 11-12	FY11-12 Budget	Over (Under) Budget	June 2011	YTD FY 10-11
Revenue						
Property Taxes	$ 1,302	$ 297,855	$ 250,000	$ 47,855	$ 2,477	$ 289,620
Interest	75	912	-	912	155	1,008
Misc/Reimbursement	36,929	124,889	70,000	54,889	-	-
Total Revenue	$ 38,306	$ 423,656	$ 320,000	$ 103,656	$ 2,632	$ 290,628
			YTD Remaining %:	***-32.4%***		
Expenditures						
Lakes - Maint. & Enhancements	5,926	141,914	173,500	(31,586)	4,855	84,187
Water Quality/NPDES	285	54,752	37,500	17,252	29,461	67,233
Storm water Improvements	-	135,852	252,000	(116,148)	1,648	19,068
Total Expenditures	$ 6,211	$ 332,518	$ 463,000	$ (130,482)	$ 35,964	$ 170,488
			YTD Remaining %:	***28.2%***		
Net Revenue over/(under)	**$ 32,095**	**$ 91,138**	**$ (143,000)**		**$ (33,332)**	**$ 120,140**

Town of Surfside Beach
General Fund
Summary Financial Information
Period Ending 06/30/12

	June 2012	YTD FY 2011-12	FY 11-12 Budget	Over/(Under) Budget	June 2011	YTD FY 2010-11
Revenues						
Property Taxes	$ 9,875	$ 2,145,082	$ 2,184,000	(38,918)	$ (12,575)	$ 2,076,455
Licenses & Permits	672,838	1,481,022	1,493,000	(11,978)	743,874	1,500,594
Franchise Fees	25,154	439,395	564,600	(125,205)	172,631	577,844
Fines	22,120	209,502	235,000	(25,498)	21,493	232,464
Interest	443	5,458	10,000	(4,542)	744	8,424
Intergovernmental	37,051	358,771	306,720	52,051	178,439	531,929
Recreation Revenue	926	53,535	55,000	(1,465)	9,665	78,246
Other Revenue	6,609	31,578	25,000	6,578	8,067	22,961
Other Financing Sources	113,810	869,500	458,820	410,680	812,943	1,203,469
Total Revenue	$ 888,826	$ 5,593,843	$ 5,332,140	261,703	$ 1,935,281	$ 6,232,386
			YTD Remaining %:	***-4.9%***		
Salaries & Benefits						
Salaries	$ 291,533	$ 2,687,671	$ 2,785,265	(97,594)	$ 384,046	$ 2,605,180
Benefits	78,295	972,163	1,033,412	(61,249)	106,003	950,973
Total Salaries & Benefits	$ 369,828	$ 3,659,834	$ 3,818,677	(158,843)	$ 490,049	$ 3,556,153
			YTD Remaining %:	***4.2%***		
Operating Expenditures						
Administration	$ 14,042	$ 127,179	$ 134,991	(7,812)	$ 15,395	$ 96,913
Finance	1,292	62,748	65,380	(2,632)	1,865	47,705
Court	3,397	32,896	36,435	(3,539)	2,503	32,761
Facilities	2,394	28,679	30,375	(1,696)	4,813	29,427
Police	27,649	245,221	214,461	30,760	25,183	205,653
Fire	6,528	121,370	139,935	(18,565)	10,345	102,651
Building & Zoning	6,742	78,564	78,355	209	3,487	48,880
Grounds	5,868	49,779	71,260	(21,481)	3,312	76,138
Public Works	20,871	752,161	252,355	499,806	19,200	203,573
* Underground wiring project						
Fleet Maintenance	(3,223)	20,277	25,995	(5,718)	3,190	23,782
Recreation & Special Events	14,318	124,021	132,225	(8,204)	28,181	173,214
Non Departmental	6,893	86,679	111,910	(25,231)	8,414	89,999
Total Operating Expenditures	$ 106,771	$ 1,729,574	$ 1,293,677	435,897	$ 125,888	$ 1,130,696
			YTD Remaining %:	***-33.7%***		
Net Revenue/(Expenditures) Before Debt		YTD without underground %:		***9.9%***		
& Capital Expenditures	**$ 412,227**	**$ 204,435**	**$ 219,786**		**$ 1,319,344**	**$ 1,545,537**
Capital Building	$ -	$ -	$ 8,000	(8,000)	$ -	$ 51,443
Debt Service	-	517,286	515,543	1,743	-	411,527
Total Expenditures	$ 476,599	$ 5,906,694	$ 5,635,897	270,797	$ 615,937	$ 5,149,819
Net Operating	**$ 412,227**	**$ (312,851)**	**$ (303,757)**		**$ 1,319,344**	**$ 1,082,567**
Capital Replacement (Equipment)	$ -	$ (111,713)	$ (130,600)	$ (18,887)	$ (738,924)	$ (1,282,003)
Capital Improvements (Paving/Sidewalks)	-	(140,749)	(144,000)	(3,251)	214,360	(302,643)
Transfer to Hospitality - Parking fines	(2,863)	(43,907)	(45,000)	(1,093)	(4,423)	(92,441)
Net Revenue over/(under) Expenditures	**$ 409,364**	**$ (609,220)**	**$ (623,357)**		**$ 790,357**	**$ (594,520)**

Town of Surfside Beach
Preliminary Year End - June 30, 2012
Enterprise Funds

Sanitation Fund

	June 2012	YTD 2011-12	FY 11-12 Budget	Over (Under) Budget	June 2011	YTD 2010-2011
Revenue:						
Sanitation Fees	$ 112,067	$ 1,067,403	$ 1,135,000	$ (67,597)	$ 111,239	$ 1,103,958
Other Income(Grants, Sale of F/A)	-	15,229	-	15,229	-	9,027
Interest Income	148	2,820	1,200	1,620	300	2,528
Total Revenues	$ 112,215	$ 1,085,452	$ 1,136,200	$ (50,748)	$ 111,539	$ 1,115,513
			YTD Remaining %:	***4.5%***		
Expenses:						
Salaries & Operating Expenses	$ 111,711	$ 912,758	$ 937,179	$ (24,421)	$ 86,622	$ 846,256
Depreciation Expense	-	-	125,000	(125,000)	110,337	110,337
Transfer to A-Tax	-	-	15,000	(15,000)	15,000	15,000
Transfer Gen Fund	-	27,805	58,500	(30,695)	17,688	55,198
Total Expenses	$ 111,711	$ 940,563	$ 1,135,679	$ (195,116)	$ 229,647	$ 1,026,791
			YTD Remaining %:	***17.2%***		
Net Operating	$ 504	$ 144,889	$ 521		$ (118,108)	$ 88,722

Pier Enterprise Fund

	June 2012	YTD 2011-2012	FY 11-12 Budget	Over (Under) Budget	June 2011	YTD 2010-2011
Revenue:						
Income Rents/Leases	$ 10,000	$ 50,000	$ 50,000	$ -	$ 10,000	$ 86,250
Other Income-Admissions	12,333	49,251	50,000	(749)	11,116	53,039
Other Income-Fishing	25,020	108,721	100,000	8,721	24,736	108,194
Meter Income	12,712	68,557	80,000	(11,443)	12,941	75,608
Interest Income	53	929	-	929	55	317
Total Revenues	$ 60,118	$ 277,458	$ 280,000	$ (2,542)	$ 58,848	$ 323,408
			YTD Remaining %:	***0.9%***		
Expenses:						
Salaries & Operating Expenses	$ 3,529	$ 17,912	$ 17,826	$ 86	$ 704	$ 60,176
Depreciation Expense	-	-	65,000	(65,000)	56,796	56,796
Interest Expense (Loan)	-	22,037	22,820	(783)	(959)	25,813
Transfer A-Tax	-	-	10,000	(10,000)	10,000	10,000
Transfer G F	-	7,855	13,750	(5,895)	6,670	16,170
Total Expenses	$ 3,529	$ 47,804	$ 129,396	$ (81,592)	$ 73,211	$ 168,955
			YTD Remaining %:	***63.1%***		
Advance due G F - Principal	-	-	-		-	-
* Re-Payment has been deferred for 2 years						
Net Operating	$ 56,589	$ 229,654	$ 150,604		$ (14,363)	$ 154,453

Town of Surfside Beach
Preliminary Year End - June 30, 2012
Special Revenue Funds

Accommodations Taxes

	June 2012	YTD 2011-2012	FY 11-12 Budget	Over (Under) Budget	June 2011	YTD 2010-2011
Revenues:						
Accommodations Tax	$ -	$ 366,958	$ 450,000	$ (83,042)	$ 100,320	$ 449,355
Special Events	-	3,486	20,000	(16,514)	-	1,262
Interest Income	13	450	-	450	7	409
Transfer from Other Funds	-	-	25,000	(25,000)	25,000	25,000
Misc Income/Donations	-	29,098	-	29,098	-	-
Sale of Fixed Assets	-	2,184	-	2,184	6,938	7,826
Total Revenues	$ 13	$ 402,176	$ 495,000	$ (92,824)	$ 132,265	$ 483,852
			YTD Remaining %:	***18.8%***		
Expenses:						
Police	$ 31,328	$ 68,859	$ 93,234	$ (24,375)	$ 22,107	$ 87,791
Grounds	3,271	11,383	13,876	(2,493)	433	11,639
Public Works/Sanitation	10,975	157,364	155,260	2,104	2,297	66,809
Special Events	7,516	62,767	70,227	(7,460)	7,101	41,934
Grants & Materials & Supplies	-	10,000	11,500	(1,500)	-	3,500
Fireworks Display	-	25,000	25,000	-	-	25,000
Advertising & Promotion	-	1,686	5,000	(3,314)	-	5,304
Advertising - MB Chamber (30%)	-	102,588	137,000	(34,412)	30,096	127,826
Transfer to Gen Fund (5%)	-	42,098	48,000	(5,902)	5,016	46,218
Total Expenses	$ 53,090	$ 481,745	$ 559,097	$ (77,352)	$ 67,050	$ 416,021
			YTD Remaining %:	***13.8%***		
Net Revenue(Expense)	**$ (53,077)**	**$ (79,569)**	**$ (64,097)**		**$ 65,215**	**$ 67,831**

Local Accommodations Taxes

	June 2012	YTD 2011-2012	FY 11-12 Budget	Over (Under) Budget	June 2011	YTD 2010-2011
Revenues:						
Local Accommodations Tax	$ 9,054	$ 122,597	$ 140,000	$ (17,403)	$ 31,178	$ 138,892
Interest Income	5	241	-	241	10	58
Total Revenues	$ 9,059	$ 122,838	$ 140,000	$ (17,162)	$ 31,188	$ 138,950
Expenses:						
Transfer to General Fund	$ 25,551	$ 122,596	$ 140,000	(17,404)	$ 46,357	$ 146,498
Net Revenue(Expense)	**$ (16,492)**	**$ 242**	**$ -**		**$ (15,169)**	**$ (7,548)**

Town of Surfside Beach
Preliminary Year End - June 30, 2012
Special Revenue Funds

Hospitality Taxes

	June 2012	YTD 2011-2012	FY 11-12 Budget	Over (Under) Budget	June 2011	YTD 2010-2011
Revenues:						
Hospitality Fees	$ 51,474	$ 550,830	$ 600,000	$ (49,170)	$ 151,878	$ 654,897
Meter Revenue & Parking decals	19,529	107,816	125,000	(17,184)	23,104	123,021
Logo/Promotion Sales/Misc	165	3,416	-	3,416	-	2,457
Other Revenue (Grants)	-	8,000	-	8,000	-	11,932
Interest Income	152	2,799	-	2,799	266	2,576
Transfer from G.F. Parking fines	2,863	43,907	85,000	(41,093)	4,423	92,441
Total Revenues	$ 74,183	$ 716,768	$ 810,000	$ (93,232)	$ 179,671	$ 887,324
			YTD Remaining %:	***11.5%***		
Expenses:						
Police - Community Services	$ 27,480	$ 80,352	$ 102,689	(22,337)	22,497	$ 79,511
Police - Meters	5,865	55,799	93,789	(37,990)	8,704	60,781
Admin - Parking	-	4,301	3,526	-	448	1,727
Fire	-	27,235	27,000	235	-	1,687
Grounds	2,737	80,818	90,000	(9,182)	102,150	142,902
Recreation	1,200	130,708	126,600	4,108	7,765	28,130
Parking/Land Improvements	-	9,836	13,500	(3,664)	202,395	202,395
Transfer to General Fund	50,000	150,000	150,000	-	-	60,000
Total Expenses	$ 87,282	$ 539,049	$ 607,104	(68,055)	$ 343,959	$ 577,133
			YTD Remaining %:	***11.2%***		
Net Revenue(Expense)	**$ (13,099)**	**$ 177,719**	**$ 202,896**		**$ (164,288)**	**$ 310,191**

RECREATION DEPARTMENT
JULY 2012
MONTHLY REPORT

ATHLETICS

T-Ball, Coach Pitch and Kid Pitch season end June 29th. The waiting list for these age groups was close to 100 children. Plans are under way for a fall baseball league to accommodate these children who did not have a chance to play as well as the returning players.

Our All Star teams finished their season as follows:
Dixie Ponytails (girls ages 9-12) finished runner up in the District tournament
Dixie Minors (boys ages 9-10) finished runner up in the sub-District tournament
Dixie Majors (boys 11-12) finished runner up in the District tournament
Dixie Boys (boys 13-14) finished runner up in the District tournament
Congratulations to all four of these teams and thank you to the coaches and parents for their support.

There were two outside tournaments this month – one on July 21st and 22nd and one on July 28th and 29th Huckabee Complex and Martin Field.

Letters were mailed to approximately 74 head coaches and assistant coaches in all leagues inviting them to attend a meeting held on Monday, July 16th in council chambers regarding a booster club for the athletic programs with the Town of Surfside Beach. Mayor Samples, Micki Fellner, Mary Lynn Stalnaker and I attended this meeting as well as 8 coaches. Plans were put into motion to elect a Board of Directors as well as preparing bylaws. The next meeting was scheduled for Monday, July 23rd to elect the board and discuss steps to move forward.

SPECIAL EVENTS

The town's 4th of July Celebration was held on Wednesday, July 4th in the pier parking lot. Entertainment was provided by "Garth and Friends" which included Garth Brooks, Alan Jackson, Rod Stewart, Big and Rich, Tim McGraw, Blues Brothers, Michael Jackson and a lady who swallowed fire. Approximately 200 "Smoke Free Horry County" shirts were distributed. The town also sold 4th of July shirts as we have in the past. The shirts were purchased for $1,652.98 and sales to date are $1,691.00. There are a few shirts left that are on sale at the front desk of Town Hall. The fireworks display was fantastic and it has been stated as "better than last year". Attendance was definitely the largest so far.

After the presentation to council in June from Bambi Bullard with Mutiny Soccer, I met with Ms. Bullard and Trym Hogner of Mutiny Soccer to discuss the details of their request to conduct exhibition soccer games on the beach. They are as follows:

- Would like a three day event on July 19, 20, 21 of 2013 with a set up at 5pm the event of the 18th and breakdown by 9 pm on the 21st.
- Field size would be 40 yards by 40 yards which would need a light raking by the town and Mutiny would tape and stake boundaries and set up temporary flex fence.
- Mutiny staff will set up, run tournament and breakdown as well as clean up. No town staff involved with the exception of raking the playing area.
- They will need electricity and are going to contact the hotel or the restaurant concerning this once council approves the event.

Ms. Bullard has also requested since my meeting with her to conduct a 10K or 5K race that would allow her company (Coastal Events) to produce the race for Mutiny Soccer. I informed her that council would have to approve that event as well.

UPCOMING EVENTS

1. **Sunday Serenades** – every Sunday at the gazebo in the Passive Park – behind the Veterans Memorial from 2 p.m. to 5 p.m.

2. **Guy Daniels Memorial Surf-Off** – Saturday & Sunday, August 18th & 19th – on the beach at 13th Avenue South.

FYI

BOOSTER CLUB
BOARD OF DIRECTORS
July 23, 2012

PRESIDENT – Dennis Seman

This letter is to serve as my notification that I would like to be considered for a board position for the Surfside Baseball/Softball programs. I have two children who play in both the softball and baseball leagues. The following is a brief bio of my involvement with athletics both professionally and recreationally from 1994 until the present:

- BS degree in English Education
- MS degree in Athletic Administration
- Assistant athletic director for a Maryland high school
- Boys Head Varsity basketball coach for five different high schools (boys&Girls)
- Boys Assistant Varsity/Head Junior varsity baseball coach
- Head High School Golf coach
- Assistant College Basketball Coach
- Tee Ball, Coach Pitch, Machine pitch, and Dixie Softball Head Coach for Surfside; Assistant baseball coach for numerous teams for Surfside.

VICE-PRESIDENT – Dan Flood

Surfside Beach town resident since 1994
Current Business owner
10 years as Head coach in Surfside Beach, (Baseball and Softball)
4 Years coach of USSSA Travel Ball
No longer have any children in baseball/softball program

SECRETARY – Will Rabon

- Born and raised here, played my Dixie Youth years at Martin Field. Played Baseball for Coach Jodie Rush at Socastee High, 1983-84
- Coached 13,14 Dixie Boys for 7 years, 3 as assistant. 5 as head coach from 1989-93 and 3 all-star teams
- Started back with my Son for the past 7 seasons T-ball through this season head coach all but last year when no team was available. On all-star staff last 4 years.
- Sponsor sign on the fields here from 1989 to current.
- Coached Football 2 seasons at Horry County Rec and 1 season in Surfside assistant coach.
- Coached 2 seasons soccer at Coast FA.
- Coached 1 season basketball at Horry County Rec.
- Assisted 3 seasons basketball at Belin Methodist Basketball league
- Deacon at Surfside Presbyterian Church 2007-2010. Chairman 2009 and 2010

- Chairman Building Committee Surfside Presbyterian Church during last building additions.
- My office is located on Sandy Lane here in Surfside since 1999. Rabon Construction and Storage.

My vision for this Board of Directors is to have the sports community join to do what the town used to ask just two folks to do, along with their other responsibilities.
I would like this board to listen to all the parents so we can have a program that evolves to meet the needs of our community and continues to produce State Champions, World Series Champions and best of all State Tournament Sportsmanship Award winners. We are being handed possibly the best program in the area, the sky is the limit with the right folks at the helm.

TREASURER – Chris Sullivan

Sullivan Irrigation, Chris Sullivan, has been in business and incorporated (Sullee Enterprises, Inc.) 25 years in the Myrtle Beach area. Christopher W. Sullivan, President, offers the dedication and experience that has made us an area irrigation and landscape lighting leader. Sullivan Irrigation is also one of the most highly-recognized professionals by the National Irrigation Association. The designations of Certified Irrigation Contractor, Certified Irrigation Designer, and Certified Landscape Irrigation Auditor mean you receive knowledge and experience at the highest level of industry standards. Sullivan Irrigation is also a partner in the U.S. Environmental Protection Agency's WaterSense program, promoting environmentally-friendly, water efficient products. Additionally, Sullivan Irrigation is a member of the Carolinas Irrigation Association and is also designated a Certified Irrigation Contractor (General Statute 89G) and Corporation in the state of North Carolina. Finally, Sullivan Irrigation is designated as a Certified Landscape Lighting Contractor with Cast Lighting and Vista Lighting. Additionally, I have been a baseball coach in Surfside Beach for ten years consecutively, coaching recreational baseball. I am sincerely interested in helping our youth excel at the game of baseball while simply having fun competing. I am interested in teaching our young men about teamwork, discipline, sportsmanship, and loving the game of baseball. As a member of the Board of Directors, I will do my best to ensure the success of Surfside Beach athletics.

Irrigation Association (www.irrigation.org)
Carolinas Irrigation Association (www.Carolinasirr.org)
North Carolina Irrigation Association (www.nciclb.org)
U.S. Environmental Protection Agency (http://www.epa.gov

Education: BA, Mathematics, The Citadel Graduation date, 1989
Commendations: Dean's List, Gold Stars

"AT LARGE" MEMBERS

Mark Bartholomey

I am married and have 2 boys ages 10 and 11. I have been coaching in Surfside for the last 6 years since my kids signed up for t ball. I have also sponsored teams in the past as well. I have a Bachelors of Science degree in Education/Recreation from the University of South Carolina.
I have been a Real Estate agent for the last 12 years and currently working at Coldwell Banker. I am the Physical Education Teacher and Athletic Director at Saint Michaels Catholic School. I am the head coach for the boy's basketball and soccer teams, and the boys and girls track teams at Saint Michaels. I have been a coach for the Horry County Parks and Recreation South Strand football league for the last 3 years.
I am serving my 8th year on the Glenmere homeowners Association board. I have held the positions of Secretary for the last 5 years. I would love the opportunity to work with the elected board members as a board member or on a committee to keep Surfside Beach baseball one the best programs around and give all kids the opportunity.

Monty Parker

I have been playing baseball since I was six. Having tried out and made a starter for my high school team when I was a junior. We moved to Surfside area in 1994, and I have been involved as a head coach, (4 years), or assistant head coach, (2 years), for Surfside Rec department for the last 6 years. I thoroughly enjoy coaching and being part of the Surfside Rec organization. I'm looking forward to being an active member of the new Surfside Baseball booster club in the coming years and seeing the club succeed

Tony Hoffman

No information available at this time.

PUBLIC WORKS MONTHLY REPORT
June 20th – July 18, 2012

SANITATION DIVISION (FTEs – 9)

Residential Service – Six carts were delivered; five to accounts once the certificate of occupancy had been issued and one per owner request. One cart was repaired and nine carts were replaced. Sanitation supervisor responded to four calls regarding ordinance enforcement; eighteen calls regarding late put outs and/or questions about bulk/yard debris pick up, four miscellaneous calls and/or questions and three complaints.

Commercial Service – Service routes continue to be updated based on business needs. Five businesses added additional service days. Twelve businesses required extra pick-up services due to overflow. Supervisor explained commercial collection schedules to five new business owners. Crew responded to three questions about ordinances, one complaint and answered four miscellaneous calls.

Summer Service – Three times a week summer service continues in the C-3 and R-3 zoning districts. Six additional exemption requests have been received and verified. Fifty additional carts have been delivered to rental properties to handle overflow bringing the total number of additional carts delivered to eighty (80). Sanitation supervisor responded to four calls with questions about summer service. Crews have been rolling back carts improperly put out by renters, and some new educational stickers are being designed.

Caropines – Effective July 1, 2012 sanitation services will no longer be offered to residents of Caropines. Letters were mailed to all current customers advising them they will have until September 28th to secure trash services elsewhere. To date, eleven accounts have discontinued service. All mobys and recycle carts will be removed from Caropines locations upon discontinuation of services the week of September 24th. Sanitation supervisor responded to three miscellaneous calls with questions about Caropines service.

Recycling News – Twenty-five carts have been delivered to town residents upon request. Five carts were removed and two carts were replaced. One 95G container was delivered to a town business; two 65G containers were delivered to rental district. Supervisor responded to three miscellaneous calls with questions about recycling.

In June we collected 538.63 tons of solid waste, 42.96 tons of mixed debris, 121.53 tons of yard debris, and 52.98 tons of recyclables.

Crews assisted with the 4th of July Celebration at the Pier.

Welcome to Brad Pfifer and Scott Campbell, who filled in our laborer vacancies. Both men are courteous and energetic, and are adapting well to the 2:00 AM roll outs and the weather.

STREETS & DRAINAGE DIVISION (FTEs –8)

The Beach – Crews worked diligently to ensure our beach was cleaned before, during, and after the 4th of July fireworks celebration. Mother Nature supplied her own fireworks (lightning) show the morning of July 5th which slowed our clean-up crews down a bit but did not deter them from completing the task at hand. We are completing 3 times per week beach raking and grooming, as well as swash outlets being dug out to ensure proper water flow. Beach trash and recycle cans are being emptied three times a week as well as on weekends, weather permitting. We have collected 6.57 tons of recyclables from the beach thus far this summer!

On-going/Special Projects:

- Repairs were made to the 1st Avenue North Beach walkover, after some overload damage July 4th.
- Trees leaning on power lines were removed on 13th Avenue North and 3rd Avenue South. Crews trimmed overhanging tree branches along 5th Ave. North/ Cherry Drive and 6th Ave. North and Myrtle Drive to ensure motorists' safety at intersections.
- Crews assisted with the 4th of July Celebration at the Pier.
- Crews continue to perform maintenance and clean-up of drainage ditches and catch basins throughout town.
- Twice weekly (Tuesday/Friday) town wide mosquito spraying continues, weather permitting.
- Dirt – is still available free of charge to town residents who come to Scipio Lane and load up the dirt themselves between the hours of 8:00am until 3:00pm on the third Saturday of each month. Those requesting delivery must have the Public Works Director or Street Supervisor inspect the delivery site and issue an inspection ticket confirming proper usage of the dirt prior to placing an order at Town Hall. This inspection will insure that the dirt is not being used to fill in ditches and/or swales that would interfere with our storm water drainage. An appointment can be made to pick up dirt other days by calling Public Works at (843) 913-6360.
- Two reports were sent to Santee Cooper identifying street lights that were not functioning properly. One petition for installation of a streetlight was approved and request was sent to Santee Cooper for processing.
- Welcome to James Albright, who stepped right in as our new light equipment operator, filling a resignation vacancy…he is experienced, and was on the tractor and the z-turn mower the first day.
- In conjunction with the Police Dept., new road markings and striping will be installed at intersections along Ocean Blvd. This will serve as a visual reference for motorists so they can observe the "No Parking" rules within 30 feet of the intersection. Prep work and edging has begun on this, and will continue throughout the summer.
- From June 20th through July 13th Public Works assistant answered 308 incoming calls. 169 of those calls dealt with sanitation questions/concerns/complaints; 5 calls were from vendors providing product information and/or quotes; 49 calls dealt with street/drainage issues, streetlights, and questions about driveway inspections and dirt delivery; 37 calls dealt with parks/grounds issues; 30 were internal calls dealing with department and/or personnel issues and/or questions; 7 calls were received for the Public Works Director; 11 calls dealt with miscellaneous questions, wrong departments and/or telemarketers.

GROUNDS DIVISION (FTEs-4)

- Crews assisted with the 4th of July Celebration at the Pier, as well as the manual beach cleaning on the 5th.
- Crews continue to spruce up Town properties and parks, as well as weeding and trimming.
- Lake spraying has begun and will continue as needed, weather permitting.

FLEET MAINTENANCE DIVISION (FTE-2)

From June 20th through July 13th our mechanics completed fifty-two (52) repairs on Town vehicles and equipment. Two (2) vehicles had tires replaced and four (4) vehicles had flats repaired. Bi-weekly fleet tires checks and fire extinguisher inspections were completed on all Public Works vehicles and/or equipment. "Preventive" and "Scheduled" maintenance (consisting of lube, oil & filter changes, brake inspections, tire rotations and fluid checks) were performed on twenty-two (22) Town vehicles and/or equipment.

Welcome to our new mechanic, Randall Roberts, who began work for the Town garage on June 29th. Randall has much experience with diesel engines and equipment and will be a welcomed addition to our staff.

FACILITIES (FTE-2)

- Replacement of ceiling tiles on Town Hall has been completed.
- Repairs/replacements have been made to several bathroom fixtures in Town Hall, the Police Department, and Public Works.
- Informational signs around the Town Hall Complex are being repaired and repainted.
- A renovation of the building official's office at Town Hall is underway.
- Welcome to Dennis Todd, our new facilities foreman. This long-awaited hire has decades of experience in all phases of construction and renovation. I think staff and the public will see noticeable improvements to the condition of our facilities right away.

July 2012 – Public Works Current Events

Hazardous tree removal

Sidearm truck demo

Beach recycling

Busy shop

Another beautiful morning in Surfside Beach!

MYRTLE BEACH
REGIONAL ECONOMIC DEVELOPMENT
CATCH THE RISING TIDE

Dear Potential MBREDC Partner:

Please allow us to express our gratitude to you for considering a formal partnership with the Myrtle Beach Regional Economic Development Corporation (MBREDC). It is critical that we engage a number of public and private sector partners to effectively fund and manage an aggressive and sophisticated economic development program that our community can be proud of. Thanks to partners like you, we are developing a world-class program that will allow Horry County to compete with other large communities across the Southeast for jobs and investment. If we want to meet the challenge of retaining our talented young folks graduating from Coastal Carolina University and Horry Georgetown Technical College while improving upon a high unemployment rate and low average wages, we need your support. Your EDC is committed like never before to tackling those challenges.

In the past year, our organization has come a tremendous distance in building a program you can be proud of. Led by our Chairman, our board now consists of over thirty(30) of the community's key decision makers from the public sector, academia, manufacturing, development and other fields. After a thorough strategic planning process, Horry County Council appropriated adequate funding in the 2012 fiscal year for economic development, and they deserve credit for making job creation a top priority. As a result of the changes we have made, and the investment from our public and private sector partners, we are currently working numerous industry expansions representing hundreds of jobs with investment numbers exceeding $50 million. On the new industrial recruitment front, we currently have over twenty (20) companies we are working to locate here with potential job creation in excess of 5,000 new jobs.

We commit to being a good steward of your resources, and creating jobs will have an exponential impact on the service, tourism, retail, housing, medical and all other sectors of our economy. Thank you for your consideration of support, and it is an honor for our team to serve you. Come join our team and "catch the rising tide!"

In partnership,

Doug Wendel
MBREDC Chairman

Dr. Phil Render
MBREDC Membership Committee Chairman

Brad Lofton
MBREDC President and CEO

FYI

PHYSICAL ADDRESS
2050 Hwy 501 East | Building 900 | Conway, SC 29526-9521

MAILING ADDRESS
P.O. Box 261966 | Conway, SC 29528-6066

MYRTLE BEACH
REGIONAL ECONOMIC DEVELOPMENT
CATCH THE RISING TIDE

Letter of Intent

YES, the future economic health of Horry County is too important to be left to chance. We will commit $_____ per year to the Myrtle Beach Regional Economic Development Corporation.

Funding Campaign for the years 2012—2016.*

Primary Contact: _____

Organization: _____

Address: _____

Email: _____

City: _____ **State:** _____ **Zip:** _____

Signature: _____ **Date:**_____

Membership Investment Level Guide:

Please see attached Investment Guide to select your funding level.

Membership Level:

___Participating ___ Silver Level ___ Gold Level ___ Platinum Level

Membership Type:

___ Individual Membership
___ Municipality
___ Hospital
___ State Owned Electric Utility
___ Architects, Engineers
___ Law Firm
___ Educational Institutions
___ Hospitality Industry
___ Transportation
___ General Business
___ Manufacturing
___ Healthcare Provider
___ Cooperative Electric Utility
___ Membership Organization
___ Media
___ Government Organizations
___ Major Educational/ Technical College Institutions
___ Banking Institutions
___ Real Estate
___ Water and Sewer Utility
___ Telecommunications Utility
____ Automotive
____ Retailer
____ Non-Profit Organizations

If you have questions or comments, regarding membership please don't hesitate to contact us at 843-655-0842 or email Candace Howell our Membership Director at chowell@mbredc.org. Payments can be made by check and credit card processing will be available soon.

Please fax completed forms to 843-347-2292 or email them to chowell@mbredc.org

All numbers taken from 2010 Comprehensive Annual Financial Reports and represent Government and Business-Type Activities

City of Myrtle Beach contribution for FY2010 was $40,000

	Myrtle Beach	Conway	North MB	Surfside Beach	Loris
General Fund Only	59,015,727	15,537,121	22,839,224	6,792,056	-
Governmental Activities	103,433,602	17,474,044	28,618,162	6,041,673	
Business-Type Activities	31,984,281	7,817,042	20,982,750	1,129,450	
TOTAL ACTIVITIES	135,417,883	25,291,086	49,600,912	7,171,122	-
MB Benchmark contribution	$ 40,000				
MB Benchmark Contribution as % of General Fund Only	0.068%				
Other Cities contributions @ .068%		10,531	15,480	4,604	-
MB Benchmark Contribution as % of Governmental Activities	0.039%				
Other Cities contributions @ .039%		3,023	8,114	437	-
MB Benchmark Contribution as % of Total Activities	0.030%				
Other Cities contributions @ .030%		**7,471**	**14,651**	**2,118**	-
2010 Population Estimates	27,109	17,103	13,752	N/A	N/A

MYRTLE BEACH
REGIONAL ECONOMIC DEVELOPMENT
CATCH THE RISING TIDE

MBREDC Membership Investment Guide

A.) Individual Members

Participating Level $150
Silver Level $300
Gold Level $500
Platinum Level $1,000

B.) General Business

Participating Level $250
Silver Level $1,000
Gold Level $3,000
Platinum Level $5,000

C.) Banking Institutions

Participating Level $1,000
Silver Level $2,500
Gold Level $5,000
Platinum Level $10,000

D.) Manufacturing

Participating Level $1,000
Silver Level $2,000
Gold Level $3,000
Platinum Level $5,000

E.) Higher Educational Institutions

Participating Level $1,000
Silver Level $2,500
Gold Level $5,000
Platinum Level $10.000

F.) Hospitals

Participating Level $5/Bed
Silver Level $10/Bed
Gold Level $20/Bed
Platinum Level $23/Bed

G.) Healthcare Providers

Participating Level $250
Silver Level $500
Gold Level $1,000
Platinum Level $2,500

H.) Water and Sewer Utility

Participating Level $10,000
Silver Level $15,000
Gold Level $20,000
Platinum Level $30,000

I.) State Owned Electric Utility

Participating Level $10,000
Silver Level $20,000
Gold Level $30,000
Platinum Level $40,000

J.) Cooperative Electric Utility

Participating Level $2,500
Silver Level $5,000
Gold Level $10,000
Platinum Level $15,000

WHAT DO I GET FOR MY LEVEL OF INVESTMENT?

$150-$1000

*MBREDC Membership sticker to display in the window of your business or as you wish

*Listing on the website under the membership tab and in an annual/bi-annual membership guide

*Two annual invitations to the breakfast meetings

*Facebook post announcing you as a new member

$1000-$2,500

*MBREDC Membership sticker to display in the window of your business or as you wish

*Listing on the website under the membership tab and in an annual/bi-annual membership guide

*Two annual invitations to the breakfast meetings

*Press Release from the MBREDC announcing you as a new member

*Two Facebook Posts about your company on the MBREDC page

*Ability to apply and be considered for a Board of Directors seat (subject to board approval)

$2,500-$5,000

*MBREDC Membership sticker to display in the window of your business or as you wish

*Listing on the website under the membership tab and in an annual/bi-annual membership guide

*Two annual invitations to the breakfast meetings

*Press Release from the MBREDC announcing you as a new member

* 4 Facebook Posts about your company on the MBREDC page – Posted Quarterly

*Ability to apply and be considered for a Board of Directors seat (subject to board approval)

* 4x6 MBREDC Member Plaque

$5,000 Plus

*MBREDC Membership sticker to display in the window of your business or as you wish

*Listing on the website under the membership tab and in an annual/bi-annual membership guide

*Two annual invitations to the breakfast meetings

*Press Release from the MBREDC announcing you as a new member

* 4 Facebook Posts about your company on the MBREDC page – Posted Quarterly

*Ability to apply and be considered for a Board of Directors seat (subject to board approval)

* 8x10 MBREDC Platinum Member Plaque

Ordinance No. 12-0721
First Reading: July 10, 2012
Second Reading: July 24, 2012

STATE OF SOUTH CAROLINA	)	**AN ORDINANCE OF THE TOWN OF SURFSIDE BEACH**
	)	**PROVIDING THAT CHAPTER 17, SECTION 17-726 BE**
COUNTY OF HORRY	)	**AMENDED REGARDING GUIDELINES FOR REMOVAL OF**
	)	**PROTECTED AND/OR SPECIMEN TREES**
TOWN OF SURFSIDE BEACH	)	

WHEREAS, the Mayor and Town Council of the Town of Surfside Beach, in council duly assembled adopted Chapter 17, Section 17-634; and

WHEREAS, the Surfside Beach Planning Commission had adopted its resolution captioned "RESOLUTION OF THE SURFSIDE BEACH PLANNING COMMISSION RECOMMENDING THE AMENDMENT OF CHAPTER 17-726 OF THE TOWNS CODE OF ORDINANCE IN REGARDS TO THE GUIDELINES FOR REMOVAL OF PROTECTED AND/OR SPECIMEN TREES" ; and

WHEREAS, the Mayor and Town Council of the Town of Surfside Beach, has determined that the facts and findings support the recommendation of the Surfside Beach Planning Commission,

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS that Chapter 17, Section 17-726 is hereby amended to read:

Sec. 17-726. - Guidelines for removal of protected and/or specimen trees. When there is clear evidence that the protected tree or specimen tree poses a hazard, (i.e. broken concrete, roots extending under structure, trees located within 10 feet of the foundation of a structure, tree is dead, diseased, weakened by storm, fire, or other injury) or for trees whose removal is essential for development, tree removal for a protected tree or specimen tree may be allowed by the code enforcement Official for only those trees. When staff cannot determine whether a tree meets the criteria for removal, a protected tree or specimen tree (including those located in the buildable area) as well as protected trees or specimen trees located within the front, side, or rear yard setbacks of the applicable zoning district, shall not be removed unless a licensed or ISA certified arborist, South Carolina registered forester, landscape architect, architect or engineer certifies that:

(1) The tree poses a safety hazard to pedestrian or vehicular traffic; or

(2) The tree poses a hazard to existing buildings or utilities; or

(3) The tree is diseased, dead, or weakened by age, storm, fire, or other injury, which is a source of hazard to people, buildings or other improvements on a lot; or

Draft

(4) The tree presents a situation which prevents the development of a lot or the physical use thereof for proposed development. The board of zoning appeals may grant a variance to minimum yard setbacks to save specimen trees when feasible.

BE IT ORDERED AND ORDAINED by the Mayor and Council of the Town of Surfside Beach, South Carolina, in assembly and by the authority thereof this 24th day of July 2012.

_____
Douglas F. Samples, Mayor

_____
Mary Beth Mabry, Mayor Pro Tem

_____
Ann Dodge, Town Council

_____
Mark Johnson, Town Council

_____
Roderick E. Smith, Town Council

_____
Randle Stevens, Town Council

_____
Vacant Seat

Attest:

_____
Debra E. Herrmann, CMC, Town Clerk

Draft

Ordinance No. 12-0722
First Reading: July 24, 2012
Second Reading: _____

STATE OF SOUTH CAROLINA)	**AN ORDINANCE OF THE TOWN OF SURFSIDE BEACH PROVIDING THAT CHAPTER 12, SECTION 12-29(b) OF TOWN'S CODE OF ORDINANCES BE AMENDED IN REGARDS TO THE ANNUAL FEE AMOUNT FOR OUT FOR OUTDOOR CAFÉS**
)	
COUNTY OF HORRY)	
)	
TOWN OF SURFSIDE BEACH)	

WHEREAS, the Mayor and Town Council of the Town of Surfside Beach, in council duly assembled adopted Chapter 12, Section 12-29(b); and

WHEREAS, Chapter 1, § 1-12 of the Town Code of Ordinances allows for the amendments to the ordinance as Council deems necessary for the betterment of the Town; and

WHEREAS, the Mayor and Town Council of the Town of Surfside Beach, has determined that reducing the annual fee for outdoor cafes is in the best interest of the town as a whole,

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS that Chapter 12, Section 12-29(b) is hereby amended to read:

(b) Not later than fifteen (15) days after the filing of a completed application for a temporary encroachment permit, the applicant shall be notified by the permit administrator of the decision on the issuance or denial of the permit. An annual fee of ~~three hundred dollars ($300.00)~~ twenty five dollars ($25.00) for one hundred fifty (150) square feet or less or ~~five hundred dollars ($500.00)~~ fifty dollars ($50.00) for any area greater than one hundred fifty (150) square feet, shall be due and payable on or before July 1 of each year for the following year. This fee is in addition to the business license fee required for operation within the town. Only new permits shall be prorated on a quarterly basis. No fees shall be charged for encroachments solely for the purpose of beautification, but all other provisions of this division shall apply.

BE IT ORDERED AND ORDAINED by the Mayor and Council of the Town of Surfside Beach, South Carolina, in assembly and by the authority thereof this _____ day of _____, 2012.

_____
Douglas F. Samples, Mayor

_____
Mary M. Mabry, Mayor Pro Tempore

_____
Ann Dodge, Town Council

_____
Mark L. Johnson, Town Council

_____
Roderick E. Smith, Town Council

_____
Randle M. Stevens, Town Council

_____
Vacant Seat

Attest:

_____
Debra E. Herrmann, CMC, Town Clerk

Draft

Ordinance No. 12-0723
First Reading: 07/24/2012
Second Reading: _____

STATE OF SOUTH CAROLINA	)	**AN ORDINANCE OF THE**
	)	**TOWN OF SURFSIDE BEACH**
COUNTY OF HORRY	)	**TO AMEND CHAPTER 4 TO ELIMINATE**
	)	**THE BOARD OF FEE APPEALS AND**
TOWN OF SURFSIDE BEACH	)	**DIRECT APPEALS TO TOWN COUNCIL**

WHEREAS, the Mayor and Town Council of the Town of Surfside Beach, in council duly assembled, considered and approved the amendment of the Town Code of Ordinances to eliminate the business licensing board of fee appeals

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS, that Chapter 4 of the Town Code of Ordinances shall be amended as follows, provided always that where a provision is not specifically amended by this present ordinance, it shall remain unchanged and in full force and effect:

CHAPTER 4, ARTICLE I. IN GENERAL

SEC. 4-2. DEFINITIONS.

The following words, terms, and phrases, when used in this article, shall have the meaning ascribed herein:

The following definition is hereby repealed and omitted in its entirety:

~~*Board of Fee Appeals* means that board appointed pursuant to section 4-16 of this Ordinance, solely for the limited purposes set forth therein.~~

(Ord. No. 04-0525, 5-25-04; Ord. No. 09-0662; 04-14-09)

SEC. 4-11 ASSESSMENTS, PAYMENT UNDER PROTEST, APPEAL.

(c) A final assessment may be appealed to the town council ~~board of fee appeals constituted hereunder~~ only by payment in full of the assessment under protest within five (5) days and the filing of written notice of appeal within ten (10) days after payment pursuant to the provisions of this article relating to appeals to town council ~~board of fee appeals constituted hereunder.~~

(Ord. No. 04-0525, 5-25-04; Ord. No. 09-0662; 04-14-09)

Sec. 4-14. DENIAL OF LICENSE.

The license official shall deny a license to an applicant when the application is incomplete, contains a misrepresentation, false or misleading statement, is unsigned; or the applicant evades, suppresses or refuses to furnish the license official information material to the proper issuance of the license; or the activity for which the license is

sought is unlawful or, constitutes a public nuisance; or the applicant fails to first comply with any provision of this article, or other ordinance regulating the business, the business property, or the business location. A decision of the license official shall be subject to appeal **to town council** ~~**before the board of fee appeals**~~ as herein provided. Denial shall be written with reasons stated.

(Ord. No. 09-0662; 04-14-09)

SEC. 4-15. SUSPENSION OR REVOCATION OF LICENSE

The license official shall give written notice to the licensee of the person in control of the business within the town by personal service or certified mail that the license is suspended pending a hearing before **town council** ~~**the board of fee appeals**~~ for the purpose of determining whether the license should be revoked. The notice shall state the time and place at which the hearing is to be held, which shall be at a **regular town council** meeting **or special town council meeting called for the sole purpose of conducing the hearing** ~~**of the board of fee appeals**~~ within thirty (30) days from the date of service of the notice, unless continued by **written** agreement **signed by both parties**. The notice shall contain a brief statement of the reasons for suspension and proposed revocation and a copy of the applicable provisions of this article.

(Ord. No. 04-0525, 5-25-04; Ord. No. 09-0662; 04-14-09)

SEC. 4-16 . APPEALS TO BOARD OF FEE APPEALS. Sec. 4-16 is hereby repealed in its entirety:

~~(a) A board of fee appeals shall be constituted to hear and determine appeals from the license official, but shall not have jurisdiction to alter, amend or suspend the rates imposed by the Town Council for the issuance of business licenses. The board shall consist of a chairman and two other persons, and shall meet as required. All appointed members of the board shall be residents of the Town. The Town's treasurer shall serve an ex officio member. No appointed member of the board shall be an employee of the Town or a member of the Town Council, and all members shall serve at the pleasure of the Town Council for not more than two consecutive terms, each of two (2) years. There shall be no payment for service on the board, however the Town Administrator may reimburse actual expenses necessarily incurred by the members of the board.~~

~~(b) Any person aggrieved by a decision, final assessment, revocation, suspension, or a denial of a business license by the license official may appeal the decision to the board of fee appeals by written request stating the reasons thereof, filed with the license official within ten (10) days after the payment of the assessment under protest or notice of denial is received. Payment under protest shall be a condition precedent to appeal.~~

~~(c) An appeal or a hearing on revocation shall be held by the board of fee appeals within thirty (30) days after receipt of a request for appeal or service of notice of suspension at a meeting of which the applicant or licensee has been given written notice, unless continued by agreement. At such hearing all parties shall have the right to be represented by counsel, to present testimony and evidence and to cross-examine witnesses. The proceedings shall be recorded and transcribed at the expense of the party so requesting. The rules of evidence and procedure prescribed by state law shall govern the hearing. The board of fee appeals shall by majority vote of members present render a written decision based on findings of fact and application of the standards herein which shall be served upon all parties or their representatives and shall be final unless appealed to a court of competent jurisdiction within ten (10) days after service.~~

~~(d) Any appeal from the board of fee appeals shall lie to the Circuit Court for Horry County.~~

~~(e) No person shall be subject to prosecution for doing business without a license until the expiration of ten (10) days after notice of denial or revocation which is not appealed or until after final judgment of a circuit court upholding denial or revocation.~~

(Ord. No. 04-0525, 5-25-04; Ord. No. 09-0662; 04-14-09)

Section 4-16 is hereby replaced by the following:

SEC. 4-16. <u>Appeals to Town Council.</u>

a. Any person aggrieved by a decision, final assessment, proposed revocation, suspension, or a denial of a business license by the license official may appeal the decision to the town council by written request stating the reasons therefore, filed with the license official within ten (10) days after the payment of the assessment under protest or notice of denial is received. Payment under protest shall be a condition precedent to appeal.

b. An appeal or a hearing on proposed revocation shall be held by the town council within thirty (30) days after receipt of a request for appeal or service of notice of suspension at a regular or special meeting of which the applicant or licensee has been given written notice, unless continued by agreement. At the hearing all parties shall have the right to be represented by counsel, to present testimony and evidence and to cross-examine witnesses. The proceedings shall be recorded and transcribed at the expense of the party so requesting. The rules of evidence and procedure prescribed by town council shall govern the hearing. Town council shall by majority vote of members present render a written decision based on findings of fact and application of the standards herein which shall be served upon all parties or

their representatives and shall be final unless appealed to a court of competent jurisdiction within ten (10) days after service.

c. No person shall be subject to prosecution for doing business without a license until the expiration of ten (10) days after notice of denial or revocation which is not appealed or until after final judgment of a circuit court upholding denial or revocation.

(2008 MASC Model Business License Ordinance)

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 several 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 approval at second reading by the Town Council of the Town of Surfside Beach, South Carolina.

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 ___ day of _____ 2012.

_____
Douglas F. Samples, Mayor

_____
Mary M. Mabry, Mayor Pro Tempore

_____
Ann Dodge, Town Council

_____
Mark L. Johnson, Town Council

_____
Roderick E. Smith, Town Council

_____
Randle M. Stevens, Town Council

_____
Vacant Seat

Attest:

_____
Debra E. Herrmann, CMC, Town Clerk

Ordinance No. ~~11-0709~~
First Reading: ~~10/11/2011~~
Second Reading: _____

STATE OF SOUTH CAROLINA	)	**AN ORDINANCE OF THE**
	)	**TOWN OF SURFSIDE BEACH**
COUNTY OF HORRY	)	**TO AMEND CHAPTER 4 TO ELIMINATE**
	)	**THE BOARD OF FEE APPEALS AND**
TOWN OF SURFSIDE BEACH	)	**DIRECT APPEALS TO TOWN COUNCIL**

WHEREAS, the Mayor and Town Council of the Town of Surfside Beach, in council duly assembled, considered and approved the amendment of the Town Code of Ordinances to eliminate the business licensing board of fee appeals

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS, that Chapter 4 of the Town Code of Ordinances shall be amended as follows, provided always that where a provision is not specifically amended by this present ordinance, it shall remain unchanged and in full force and effect:

CHAPTER 4, ARTICLE I. IN GENERAL

SEC. 4-2. DEFINITIONS.

The following words, terms, and phrases, when used in this article, shall have the meaning ascribed herein:

The following definition is hereby r

~~*Board of Fee Appeals* means that be~~
~~this Ordinance, solely for the limited purpos~~

(Ord. No. 04-0525, 5-25-04; Ord. No. 09-0

SEC. 4-11 ASSESSMENTS, PAYMENT

(c) A final assessment may be ap
~~appeals constituted hereunder~~ only by pa
within five (5) days and the filing of writte
payment pursuant to the provisions of th
~~board of fee appeals constituted hereunder.~~

(Ord. No. 04-0525, 5-25-04; Ord. No. 09-0662; 04-14-09)

Sec. 4-14. DENIAL OF LICENSE.

The license official shall deny a license to an applicant when the application is incomplete, contains a misrepresentation, false or misleading statement, is unsigned; or the applicant evades, suppresses or refuses to furnish the license official information

DRC EMERGENCY SERVICES, LLC
888-721-4372
www.drcusa.com

10:50 am
10-3-2011 Mr. Duckett will discuss this w/members & present at a future meeting.
D.

material to the proper issuance of the license; or the activity for which the license is sought is unlawful or, constitutes a public nuisance; or the applicant fails to first comply with any provision of this article, or other ordinance regulating the business, the business property, or the business location. A decision of the license official shall be subject to appeal **to town council** ~~**before the board of fee appeals**~~ as herein provided. Denial shall be written with reasons stated.

(Ord. No. 09-0662; 04-14-09)

SEC. 4-15. SUSPENSION OR REVOCATION OF LICENSE

The license official shall give written notice to the licensee of the person in control of the business within the town by personal service or certified mail that the license is suspended pending a hearing before **town council** ~~**the board of fee appeals**~~ for the purpose of determining whether the license should be revoked. The notice shall state the time and place at which the hearing is to be held, which shall be at a **regular or special town council** meeting ~~**of the board of fee appeals**~~ within thirty (30) days from the date of service of the notice, unless continued by **written** agreement. The notice shall contain a brief statement of the reasons for suspension and proposed revocation and a copy of the applicable provisions of this article.

(Ord. No. 04-0525, 5-25-04; Ord. No. 09-0662; 04-14-09)

SEC. 4-16 . APPEALS TO BOARD OF FEE APPEALS. Sec. 4-16 is hereby repealed in its entirety:

~~(a) A board of fee appeals shall be constituted to hear and determine appeals from the license official, but shall not have jurisdiction to alter, amend or suspend the rates imposed by the Town Council for the issuance of business licenses. The board shall consist of a chairman and two other persons, and shall meet as required. All appointed members of the board shall be residents of the Town. The Town's treasurer shall serve an ex officio member. No appointed member of the board shall be an employee of the Town or a member of the Town Council, and all members shall serve at the pleasure of the Town Council for not more than two consecutive terms, each of two (2) years. There shall be no payment for service on the board, however the Town Administrator may reimburse actual expenses necessarily incurred by the members of the board.~~

~~(b) Any person aggrieved by a decision, final assessment, revocation, suspension, or a denial of a business license by the license official may appeal the decision to the board of fee appeals by written request stating the reasons thereof, filed with the license official within ten (10) days after the payment of the assessment under protest or notice of denial is received. Payment under protest shall be a condition precedent to appeal.~~

~~(c) An appeal or a hearing on revocation shall be held by the board of fee appeals within thirty (30) days after receipt of a request for appeal or service of notice of suspension at a meeting of which the applicant or licensee has been given written notice, unless continued by agreement. At such hearing all parties shall have the right to be represented by counsel, to present testimony and evidence and to cross-examine witnesses. The proceedings shall be recorded and transcribed at the expense of the party so requesting. The rules of evidence and procedure prescribed by state law shall govern the hearing. The board of fee appeals shall by majority vote of members present render a written decision based on findings of fact and application of the standards herein which shall be served upon all parties or their representatives and shall be final unless appealed to a court of competent jurisdiction within ten (10) days after service.~~

~~(d) Any appeal from the board of fee appeals shall lie to the Circuit Court for Horry County.~~

~~(e) No person shall be subject to prosecution for doing business without a license until the expiration of ten (10) days after notice of denial or revocation which is not appealed or until after final judgment of a circuit court upholding denial or revocation.~~

(Ord. No. 04-0525, 5-25-04; Ord. No. 09-0662; 04-14-09)

Section 4-16 is hereby replaced by the following:

SEC. 4-16. Appeals to Town Council.

a. Any person aggrieved by a decision, final assessment, proposed revocation, suspension, or a denial of a business license by the license official may appeal the decision to the town council by written request stating the reasons therefore, filed with the license official within ten (10) days after the payment of the assessment under protest or notice of denial is received. Payment under protest shall be a condition precedent to appeal.

b. An appeal or a hearing on proposed revocation shall be held by the town council within thirty (30) days after receipt of a request for appeal or service of notice of suspension at a regular or special meeting of which the applicant or licensee has been given written notice, unless continued by agreement. At the hearing all parties shall have the right to be represented by counsel, to present testimony and evidence and to cross-examine witnesses. The proceedings shall be recorded and transcribed at the expense of the party so requesting. The rules of evidence and procedure prescribed by town council shall govern the hearing. Town council shall by majority vote of members present render a written decision based on findings of fact and application of the standards herein which shall be served upon all parties or their representatives and shall be final unless appealed to a court of competent jurisdiction within ten (10) days after service.

c. No person shall be subject to prosecution for doing business without a license until the expiration of ten (10) days after notice of denial or revocation which is not appealed or until after final judgment of a circuit court upholding denial or revocation.

(2008 MASC Model Business License Ordinance)

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 several 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 approval at second reading by the Town Council of the Town of Surfside Beach, South Carolina.

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 ___ day of _____ 2011.

_____
K. Allen Deaton, Mayor

_____
Vicki W. Blair, Town Council

_____
Ann Dodge, Town Council

_____
Robert F. Childs III, Mayor Pro Tempore

_____
Mark L. Johnson, Town Council

_____
Douglas F. Samples, Town Council

_____
Roderick E. Smith, Town Council

Attest:

_____
Debra E. Herrmann, CMC, Town Clerk

ARTICLE I. IN GENERAL*

Sec. 4-1. License required.

Every person engaged or intending to engage in any calling, business, occupation, or profession listed in the rate classification index portion of this article, in whole or in part, within the limits of the Town of Surfside Beach, South Carolina, is required to pay an annual license fee and obtain a business license as herein provided. Any business collecting monies or providing services that is conducted from a house or other structure within the town limits requires a business license. The insuring of any risk located within the town through any procedures constitutes doing business; therefore, a business license is required.
(Ord. No. 09-0662, 4-14-09)

Sec. 4-2. Definitions.

The following words, terms, and phrases, when used in this article, shall have the meaning ascribed herein:

Board of fee appeals means that board appointed pursuant to section 4-16 of this article, solely for the limited purposes set forth therein.

Business means a calling, occupation, profession, or activity engaged in with the object of gain, benefit, or advantage, either directly or indirectly, for which a separate classification (as defined below) exists.

Charitable purpose means benevolent, philanthropic, patriotic, or eleemosynary purpose, which does not result in personal gain to a sponsor, organizer, officer, director, trustee, or person with ultimate control of the organization. A charitable organization shall be deemed a business subject to a license tax unless the entire net proceeds of its operation, after necessary expenses, are devoted to charitable purposes. Compensation in any form to a sponsor, organizer, officer, director, trustee, or person with ultimate control of the organization shall not be deemed a necessary expense of operation.

Classification means that division of businesses by major groups subject to the same license rate as determined by a calculated index of ability to pay based on national averages, benefits, equalization of tax burden, relationships of services, or other basis deemed appropriate by town council.

Gross income means the total revenue of a business, received or accrued, for one (1) calendar year collected or to be collected from business done within the town, excepting there from income from business done wholly outside of the town on which a license tax is paid to some other municipality or a county and fully reported to the town. Gross income for brokers or agents means gross commissions received or retained, unless otherwise specified. Gross

*__Editor's note__—Ord. No. 09-0662, adopted April 14, 2009, amended Art. I in its entirety to read as herein set out. Former Art. I, §§ 4-1—4-20.2, pertained to similar subject matter, and derived from Ords. No. 04-0525, adopted May 25, 2004, 04-0537, adopted Aug. 24, 2004 and 05-0573, adopted Sept. 27, 2005.

unlawful for any such person to fail or refuse to make available the necessary books and records. In the event an audit or inspection reveals that false information has been filed by the licensee, the costs of the audit shall be added to the correct license fee and late penalties in addition to other penalties provided herein. each day of failure to pay the proper amount of license fee shall constitute a separate offense.

(b) The license official shall make systematic inspections and random audits of all businesses within the town to insure compliance with the article. Records of inspections and audits shall not be deemed public records, and the license official shall not release the amount of license taxes paid or the reported gross income of any person by name without written permission of the licensee, provided that statistics compiled by classifications may be made public.

(c) A licensee who does not keep the books and records of the business upon the premises whereat the business of the licensee is conducted within the town, or whose books and records are otherwise located outside the town, shall make the books and records of the business available to the license official for the purpose of examination and audit; and the licensee shall be responsible for physically delivering such books and records to the license official upon written notice for such delivery, such notice to specify the time, date and place within the town, to which such books and records are to be delivered.
(Ord. No. 09-0662, 4-14-09)

Sec. 4-11. Assessments, payment under protest, appeal.

(a) When any person shall have failed to obtain a business license or to furnish the information required by this article, the license official shall proceed to examine such records of the business, public records, statistical samples, or other available records and information as may be deemed appropriate to assess a license fee and penalties as provided herein.

(b) A notice of assessment shall be served by certified mail. An application for adjustment of the assessment may be made to the license official within five (5) days after the notice is mailed or the assessment will become final. The license official shall establish by regulation the procedure for hearing an application for adjustment of assessment and issuing a notice of final assessment.

(c) A final assessment may be appealed to the board of fee appeals constituted hereunder only by payment in full of the assessment under protest within five (5) days and the filing of written notice of appeal within ten (10) days after payment pursuant to the provisions of this article relating to appeals to the board of fee appeals.
(Ord. No. 04-0525, 5-25-04; Ord. No. 09-0662, 4-14-09)

Sec. 4-12. Delinquent license fees, partial payment, failure to obtain a license, enforcement.

(a) For nonpayment of all or any part of the correct license fee, the license official shall levy and collect a late penalty of five (5) percent of the unpaid fee for each month or portion thereof after the due date until paid, provided, however, that the late penalty to be collected for any

one (1) year's delinquent fee shall not exceed thirty (30) percent of the fee due for that license year. If any license fee shall remain unpaid for sixty (60) days after its due date, the license official shall immediately notify the town's attorney of the delinquent business license payers as being in violation of this article, and the town's attorney may commence such legal action as he deems appropriate. Penalties imposed pursuant to this section shall not be waived for any reason.

(b) Partial payment may be accepted by the license official to toll imposition of penalties on the portion paid; provided, however, no business license shall be issued or renewed until the full amount of the tax due, with penalties, has been paid.

(c) Unpaid license fees, penalties and costs chargeable to a delinquent license payer shall constitute a lien against the property of the delinquent license payer, shall be recorded as such in the public records of Horry County, and may enforced through foreclosure.

(d) The license official shall levy and collect an additional five (5) percent penalty or twenty-five dollars ($25.00), whichever is greater for businesses that begin operating within the municipality without being properly licensed by the town.

(e) The town attorney may use the South Carolina Setoff Debt Collection Act, S.C. Code, § 12-56-10 et seq. (as amended) as a method to collect unpaid license fees, penalties, and costs chargeable to a delinquent license payer, and the town shall in such case be a "claimant agency" as that statute defines the same.
(Ord. No. 04-0525, 5-25-04; Ord. No. 09-0662, 4-14-09)

Sec. 4-13. Notices.

The license official may, but shall not be required to, mail written notices, in the form of a renewal application or other format as the license official deems appropriate, that license fees are due, but if notices are not mailed, there shall be published a notice of the due date in a newspaper of general circulation within the town three (3) times prior to the due date in each year. Failure to receive notice shall not constitute a defense to prosecution for failure to pay the tax due or grounds for waiver of penalties.
(Ord. No. 09-0662, 4-14-09)

Sec. 4-14. Denial of license.

The license official shall deny a license to an applicant when the application is incomplete, contains a misrepresentation, false or misleading statement, is unsigned; or the applicant evades, suppresses or refuses to furnish the license official information material to the proper issuance of the license; or the activity for which the license is sought is unlawful or, constitutes a public nuisance; or the applicant fails to first comply with any provision of this article, or other ordinance regulating the business, the business property, or the business location. A decision of the license official shall be subject to appeal before the board of fee appeals as herein provided. Denial shall be written with reasons stated.
(Ord. No. 09-0662, 4-14-09)

Sec. 4-15. Suspension or revocation of license.

When the license official determines that:

(1) A license has been mistakenly or improperly issued or issued contrary to law; or

(2) A licensee has breached any condition upon which the license was issued or has failed to comply with the provisions of this article; or

(3) A licensee has obtained a license through a fraud, misrepresentation, a false or misleading statement, evasion or suppression of a material fact in the license application; or

(4) A licensee has been convicted of an offense under a law or ordinance regulating business, a crime involving moral turpitude, or an unlawful sale of merchandise or prohibited goods; or

(5) A licensee has engaged in an unlawful activity or nuisance related to the business; or

(6) A licensee has failed or refused to comply with any provisions of this article or other ordinance regulating the business, the business property or the business location; then

The license official shall give written notice to the licensee of the person in control of the business within the town by personal service or certified mail that the license is suspended pending a hearing before the board of fee appeals for the purpose of determining whether the license should be revoked. The notice shall state the time and place at which the hearing is to be held, which shall be at a meeting of the board of fee appeals within thirty (30) days from the date of service of the notice, unless continued by agreement. The notice shall contain a brief statement of the reasons for suspension and proposed revocation and a copy of the applicable provisions of this article.
(Ord. No. 04-0525, 5-25-04; Ord. No. 09-0662, 4-14-09)

Sec. 4-16. Appeals to board of fee appeals.

(a) A board of fee appeals shall be constituted to hear and determine appeals from the license official, but shall not have jurisdiction to alter, amend or suspend the rates imposed by the town council for the issuance of business licenses. The board shall consist of a chairman and two (2) other persons, and shall meet as required. All appointed members of the board shall be residents of the town. The town's treasurer shall serve an ex officio member. No appointed member of the board shall be an employee of the town or a member of the town council, and all members shall serve at the pleasure of the town council for not more than two (2) consecutive terms, each of four (4) years. There shall be no payment for service on the board, however the town administrator may reimburse actual expenses necessarily incurred by the members of the board.

(b) Any person aggrieved by a decision, final assessment, revocation, suspension, or a denial of a business license by the license official may appeal the decision to the board of fee appeals by written request stating the reasons thereof, filed with the license official within ten (10) days after the payment of the assessment under protest or notice of denial is received. Payment under protest shall be a condition precedent to appeal.

(c) An appeal or a hearing on revocation shall be held by the board of fee appeals within thirty (30) days after receipt of a request for appeal or service of notice of suspension at a meeting of which the applicant or licensee has been given written notice, unless continued by agreement. At such hearing all parties shall have the right to be represented by counsel, to present testimony and evidence and to cross-examine witnesses. The proceedings shall be recorded and transcribed at the expense of the party so requesting. The rules of evidence and procedure prescribed by state law shall govern the hearing. The board of fee appeals shall by majority vote of members present render a written decision based on findings of fact and application of the standards herein which shall be served upon all parties or their representatives and shall be final unless appealed to a court of competent jurisdiction within ten (10) days after service.

(d) Any appeal from the board of fee appeals shall lie to the circuit court for Horry County.

(e) No person shall be subject to prosecution for doing business without a license until the expiration of ten (10) days after notice of denial or revocation which is not appealed or until after final judgment of a circuit court upholding denial or revocation.
(Ord. No. 04-0525, 5-25-04; Ord. No. 09-0662, 4-14-09)

Sec. 4-17. Permission to use streets required.

It shall be unlawful for any person to construct, install, maintain, or operate in, on, above, or under any street or public place under control of the town any line, pipe, cable, pole, structure, or facility for utilities, communications, cablevision, or other purposes without a consent agreement or franchise agreement issued by the town council by ordinance which prescribes the term, fees, and conditions for use.
(Ord. No. 09-0662, 4-14-09)

Sec. 4-18. Consent, franchise, or business fee required.

The annual fee for use of streets or public places authorized by a consent agreement or franchise agreement shall be set by the ordinance approving the agreement and shall be consistent with limits set by state law. Existing franchise agreements shall continue in effect until expiration dates in the agreements. Franchise and consent fees shall not be in lieu of or be credited against business license fees unless specifically provided by the franchise or consent agreement.
(Ord. No. 04-0525, 5-25-04; Ord. No. 09-0662, 4-14-09)

Sec. 4-19. Confidentiality.

Except in accordance with proper judicial order or as otherwise provided by law, it shall be unlawful for any official or employee to divulge or make known in any manner the amount of income or any particulars set forth or disclosed in any report or return required under this article. Nothing in this section shall be construed to prohibit the publication of statistics so

reconsider revert.

9-18 mtg.

Ordinance No. 09- 0662
First Reading: 03/24/09
Second Reading: 04/14/09

Doug — 1st Mtg.

SEC. 4-16 . APPEALS TO BOARD OF FEE APPEALS.

(a) A board of fee appeals shall be constituted to hear and determine appeals from the license official, but shall not have jurisdiction to alter, amend or suspend the rates imposed by the Town Council for the issuance of business licenses. The board shall consist of a chairman and two other persons, and shall meet as required. All appointed members of the board shall be residents of the Town. The Town's treasurer shall serve an ex officio member. No appointed member of the board shall be an employee of the Town or a member of the Town Council, and all members shall serve at the pleasure of the Town Council for not more than two consecutive terms, each of four (4) years. There shall be no payment for service on the board, however the Town Administrator may reimburse actual expenses necessarily incurred by the members of the board.

(b) Any person aggrieved by a decision, final assessment, revocation, suspension, or a denial of a business license by the license official may appeal the decision to the board of fee appeals by written request stating the reasons thereof, filed with the license official within ten (10) days after the payment of the assessment under protest or notice of denial is received. Payment under protest shall be a condition precedent to appeal.

(c) An appeal or a hearing on revocation shall be held by the board of fee appeals within thirty (30) days after receipt of a request for appeal or service of notice of suspension at a meeting of which the applicant or licensee has been given written notice, unless continued by agreement. At such hearing all parties shall have the right to be represented by counsel, to present testimony and evidence and to cross-examine witnesses. The proceedings shall be recorded and transcribed at the expense of the party so requesting. The rules of evidence and procedure prescribed by state law shall govern the hearing. The board of fee appeals shall by majority vote of members present render a written decision based on findings of fact and application of the standards herein which shall be served upon all parties or their representatives and shall be final unless appealed to a court of competent jurisdiction within ten (10) days after service.

(d) Any appeal from the board of fee appeals shall lie to the Circuit Court for Horry County.

(e) No person shall be subject to prosecution for doing business without a license until the expiration of ten (10) days after notice of denial or revocation which is not appealed or until after final judgment of a circuit court upholding denial or revocation.

(Ord. No. 04-0525, 5-25-04; Ord. No. 09-____; ___-___-2009)

Sec. 4-17. PERMISSION TO USE STREETS REQUIRED.

It shall be unlawful for any person to construct, install, maintain, or operate in, on, above, or under any street or public place under control of the town any line, pipe, cable, pole, structure, or facility for utilities, communications, cablevision, or other purposes without a consent agreement or franchise agreement issued by the town council by ordinance which prescribes the term, fees, and conditions for use.

(Ord. No. 04-0525, 5-25-04)

regulation the procedure for hearing an application for adjustment of assessment and issuing a notice of final assessment.

(c) A final assessment may be appealed to the ~~town council~~ **board of fee appeals constituted hereunder** only by payment in full of the assessment under protest within five (5) days and the filing of written notice of appeal within ten (10) days after payment pursuant to the provisions of this article relating to appeals to ~~town council~~ **the board of fee appeals**.

(Ord. No. 04-0525, 5-25-04; Ord. No. 09-____; ___-___-2009)

SEC. 4-12. DELINQUENT LICENSE FEES, PARTIAL PAYMENT, FAILURE TO OBTAIN A LICENSE, ENFORCEMENT.

(a) For nonpayment of all or any part of the correct license fee, the ~~L~~license ~~Inspector~~ **official** shall levy and collect a late penalty of five (5) percent of the unpaid fee for each month or portion thereof after the due date until paid, **provided, however, that the late penalty to be collected for any one year's delinquent fee shall not exceed thirty (30%) percent of the fee due for that license year.** If any license fee shall remain unpaid for sixty (60) days after its due date, the license ~~inspector~~ **official** shall immediately ~~bring~~ **notify the town's attorney of** the delinquent business license payers ~~before the municipal court judge for~~ **as being in** violation of this article**, and the town's attorney may commence such legal action as he deems appropriate**. ~~The delinquent payers are subject to the fines outlined in this article, in addition to the license fees and penalties and court costs.~~ Penalties imposed pursuant to this section shall not be waived~~, by the license inspector or town council official~~ for any reason.

(b) Partial payment may be accepted by the license ~~inspector~~ **official** to toll imposition of penalties on the portion paid; provided, however, no business license shall be issued or renewed until the full amount of the tax due, with penalties, has been paid.

(c) Unpaid license fees, penalties and costs chargeable to a delinquent license payer shall constitute a lien against the property of the delinquent license payer, shall be recorded as such in the public records of Horry County, and may enforced through foreclosure.

(d) The license official shall levy and collect an additional five (5) percent penalty or $25.00, whichever is greater for businesses that begin operating within the municipality without being properly licensed by the Town.

(e) The town attorney may use the South Carolina Setoff Debt Collection Act, S.C. Code Ann. § 12-56-10 *et seq.* (as amended) as a method to collect unpaid license fees, penalties, and costs chargeable to a delinquent license payer, and the Town shall in such case be a "claimant agency" as that statute defines the same.

(Ord. 04-0525; 5-25-04; Ord. No. 09-____; ___-___-2009)

complaints all of the time but does not log them in and added that perhaps the police department may have record of these. Mayor Deaton stated that this is a question that the Administrator is not prepared for and asked to move on to other questions. Mr. Childs thanked Mr. Martin for requesting this ordinance. **All voted in favor. MOTION CARRIED.**

B. ***First Reading: #09-0665 Authorize Town Administrator to Execute License Agreement for Operation of Kiosk/Sales Booths at Pier***

This item was removed from the agenda.

C. ***Second Reading: #09-0662 Business License Ordinance***

Mr. Booth reported that this is second reading of this ordinance. Mr. Truett made a motion to approve second reading. Mr. Martin seconded the motion. Mr. Booth confirmed that the fees did not increase. **All voted in favor. MOTION CARRIED.**

D. ***Decision Paper: Choose Fire Station Contractor***

Mr. Booth stated that council was given a decision paper with the three lowest bids adding that architect DP3 had qualified all three contractors. Mashburn came in at the lowest with $1,951,269.00. Mr. Samples made a motion to approve the recommendation including alternatives of Mashburn. Mr. Martin seconded the motion. **All voted in favor. MOTION CARRIED.** Mr. Samples asked for confirmation that the town has the money for the firestation. Mr. Booth stated that the town would have more money if the Governor would give it. It was confirmed that Mr. Booth was still pursuing additional funding from the government and that he would be attending a stimulus class on Friday.

E. ***Decision Paper: Choose Fireworks Company for July 4th***

Mr. Booth stated that the town had gone out for bid. Melrose is the company that came in the lowest and is being recommended and that Mr. Blair will assist with the music for the event. Mr. Truett made a motion to approve Melrose PyroTechnics Inc. as the company to do the fireworks show for the town. Mr. Johnson seconded the motion. Mr. Samples stated that since the town budgeted $25,000 for the fireworks display he would like to see a really large show and since the price came in at $20,000 asked what council thought of adding to the show. Mr. Johnson asked if there was a minimum liability insurance requirement and Mr. Booth stated he thought it was one million. Mr. Johnson stated that the two proposals given, one had a 5 million liability and the other had 10 million. It was confirmed that the show would last approximately 25 minutes and after some discussion council agreed that this might be sufficient. Mr. Childs asked if the town was going to encourage people to come to the town's fireworks show instead of lighting their own. Mr. Booth stated that the town would be advertising to bring people in and perhaps the following year the town would consider banning individuals to light fireworks on the beach. Mr. Martin stated that he would like to consider banning the fireworks this year. Mayor Deaton stated that this could be a discussion item at a future meeting. Mr. Martin requested that this be discussed at a future meeting. There was some discussion regarding contributions from franchises. **All voted in favor. MOTION CARRIED.**

C. Administrator's Report

Mr. Booth reported on the pay stations. Mr. Booth stated that the town is adding additional signs to the parking lot since this is all new to the community they need to be made more aware of the paid parking and pay stations. There are many signs posted but people need to be further educated on the pay stations. Mr. Childs stated that he spoke to Mr. Booth about Myrtle Beach and where they have the pay stations they have a green dot painted on the back of each parking space that reads "pay" with a white arrow pointing in the direction of the pay stations adding that he is sure Myrtle Beach has gone through what Surfside is currently going through and more than likely worked out the "kinks". Mr. Childs added that people just do not read signs; there are so many sometimes that they "become a blank". Mr. Booth stated that pay stations are becoming more popular and once people get used to them they should work better.

Mr. Booth reported that the selling of topsoil is going well. The town has already sold approximately 40 loads of it and they still have much more to deliver. Mr. Booth reported that it is very good soil.

Mr. Samples confirmed the price of soil which is $40 and that it was a break-even price with Mr. Booth. Mr. Booth stated that it pays for the overtime for staff and pays for the truck. The town makes a little profit on out of town soil purchases.

7. BUSINESS

A. ***First Reading: #09-0662 Business License Ordinance***

Mr. Booth stated that this ordinance does not increase the rates. There were many errors in the ordinance with one being technical and having to do with the NAICS code. The town was following the FIC codes and should be following the NAICS codes. This came about due to a lawsuit. There was some ambiguity that needed to be addressed and added that has been reviewed by the attorney. Mr. Truett made a motion to approve 1st reading as presented. Ms. Blair seconded the motion. Mr. Samples stated that in the past the town council has served as the appeals board and asked why the town is now setting up another board. Mr. Smith stated that it is the separation of powers issue with those who pass and those who render judgment. The terms of serving were addressed and it was confirmed that it would be changed to a 4-year term from a 2 year term. **All voted in favor. MOTION CARRIED.**

B. ***First Reading: #09-0663 Authorize Town Administrator to Execute a Quit Claim Deed for Real Property-Expansion of Library***

Mr. Booth stated that the town would like to give the current parking lot over to the county for their maintenance and for the possibility of some extension. It is a limited amount of area that is being conveyed to the county. It was confirmed that it would also include a small portion of land to the south. Mr. Samples made a motion to approve the staff recommendation. Mr. Johnson seconded the motion. Mr. Johnson asked for Mr. Booth to explain what is involved to the public. Mr. Booth stated that if this land is not used as a library it is reverted back to the town. Attorney Durant is working on this adding that the rest of the library land was conveyed the same way. Mr. Booth confirmed that the deeding of the property does not include any of the

ISSUE PAPER FOR COUNCIL CONSIDERATION

Meeting Date: March 24, 2009	Prepared by: Kim Hursey
Agenda Item: 7A	Date: March 17, 2009
Subject: To amend Chapter 4 concerning Business Licenses	

Background:

The Town's business license ordinance is amended as needed and usually in accordance with changes in the model ordinance as recommended by the Municipal Association of South Carolina. The last changes made to the Town's code were in 2004 but rates have not changed since adopted in 1994, nor have any changes been made to rates at this time. The changes presented will clarify definitions, eliminate ambiguity and duplication, and strengthen enforcement.

The primary changes to the Town's ordinance on business licensing are summarized as follows:

- Definitions added or amended: Board of Fee Appeals, Business, License Official, and Place of Business.
- License Fee: amended to clarify that a separate license is required for each place of business and each classification of business conducted from the same location.
- Inserted the rate class indexes previously omitted and correctly identified the U.S. Office of Management and Budget Standard Industrial Classification Manuals and Codes ("SIC Codes") as the Town's source for rate classification. Removed all reference to the NAICS codes.
- Added a penalty for failure to obtain a license and strengthened collection and enforcement procedures.
- Added a Board of Fee Appeals whose duties are to hear and determine appeals from the license official but cannot alter, amend or suspend the rates imposed by the Town.
- Clarified the procedure for out of town contractors and established a one-time license for out of town contractors.
- Eliminated all duplicated language in the code, eliminated specific lists of trades requiring or not requiring state licensing and replaced with applicable state and town code references.
- Special Events: amended to clarify license requirements for officially recognized Town events.

Recommendation:
The following departments and staff have reviewed and recommend approval as presented to the business license ordinance; Finance department; Business License staff, Planning, Building, and Zoning department in addition the Town's attorney reviewed and drafted the ordinance as presented.

Action:
Approve first reading of Ordinance # 09-0662 as presented.

Submitted by

_____
Treasurer

Reviewed by

_____
Town Attorney

Ordinance 12-0724
First Reading: 07/24/2012
Second Reading: _____

STATE OF SOUTH CAROLINA	)	**AN ORDINANCE OF THE TOWN OF SURFSIDE BEACH**
	)	
COUNTY OF HORRY	)	**TO REPEAL AND REPLACE**
	)	
TOWN OF SURFSIDE BEACH	)	**§2-113, DUTIES OF THE TOWN ADMINISTRATOR**

WHEREAS, the Mayor and Town Council of the Town of Surfside Beach, in council duly assembled desire to clarify and establish appropriate duties for the town administrator under the town's council form of government; and

WHEREAS, pursuant to South Carolina Code SECTION 5-11-40(a) and (b), Town Council has authority to employ an administrator who shall be subject to the direction and supervision of Town Council;

NOW, THEREFORE, Section 2-113 Duties is hereby repealed in its entirety and is shall henceforth state as follows:

Sec. 2-113. Duties.

~~The town administrator shall be chief administrative officer of the town government. He shall be responsible to the town council for proper administration of the policies and affairs of the town and to that end shall have power and authority and be required to:~~

~~(1) Direct, supervise and coordinate administrative activities and operations of all town departments;~~

~~(2) Ensure that all laws and ordinances are enforced;~~

~~(3) Appoint and remove department heads for cause with approval of town council;~~

~~(4) Appoint and remove other town employees for cause, after consulting employee's department head;~~

~~(5) Administer personnel policies, classification, compensation and evaluation of all town employees;~~

~~(6) Prepare the budget annually, submit it to the town council and be responsible for its administration after adoption;~~

~~(7) Prepare and submit to the town council at the end of each fiscal year a complete annual report on the finances and administrative activities of the town for the preceding year and make such other financial or administrative reports from time to time as may be required by the town council;~~

~~(8) Administer policies governing purchasing;~~

~~(9) Keep the town council informed of the financial condition and future need of the town and make recommendations as may seem to him desirable;~~

~~(10) Provide the town council with information and guidance in matters of policy determination;~~

~~(11) Perform such other duties as may be required of him by the town council.~~

Sec. 2-113. Duties of the Town Administrator.

(a) The town administrator is responsible for keeping the town council fully informed to support town councilmembers fulfillment of their fiduciary responsibilities and to better represent the citizens;

(b) The town administrator shall be responsible for the overall administration of the town;

(c) Town council shall employ a town administrator to administer the affairs of the town and implement the policies of the town council;

(d) The term of employment of the town administrator shall be at the pleasure of the town council and he shall be entitled to such compensation for his services as the town council may determine.

(e) The town administrator shall be the chief administrative officer and head of the general government branch of the town government. The town administrator shall be responsible to the town council for the proper maintenance of all affairs of the town. All town department directors shall report to the town administrator. The town administrator shall prepare the budget annually, submit to the town council and be responsible for its administration as adopted by town council. The town administrator shall assume such other responsibilities as the town council may, from time to time, assign.

(f) The town administrator shall perform duties in accordance with the provision of the town personnel manual. The town administrator shall further deal with employees pursuant to the town personnel manual, which said personnel manual shall not be construed to constitute a contract of employment for any employee.

BE IT ORDERED AND ORDAINED by the Mayor and Council of the Town of Surfside Beach, South Carolina, in assembly and by the authority thereof this ___ day of _____, 2012.

_____
Douglas F. Samples, Mayor

_____
Mary Beth Mabry, Mayor Pro Tempore

_____
Ann Dodge, Town Council

_____
Mark L. Johnson, Town Council

_____
Roderick E. Smith, Town Council

_____
Randle M. Stevens, Town Council

_____
Vacant Seat

Attest:

_____
Debra E. Herrmann, CMC, Town Clerk

Draft

Debra Herrmann

From: Doug Samples [dougsamples@yahoo.com]
Sent: Monday, July 16, 2012 5:29 PM
To: Debra Herrmann
Cc: Mark Johnson; ann and tom dodge; Rod Smith; randle stevens; marybethmabry@gmail.com
Subject: Town Administrator Ordinance 1st Reading
Attachments: TOWN ADMINISTRATOR (REV).rtf

Debra - Please add this as Item 7E.

1st reading. per Mayor.

Town of Surfside Beach ordinance which can simply be done by "repeal and replace":

Sec. 2-113. Duties.

(a) The Town Administrator is responsible for keeping the Town Council fully informed to support Town Council members fulfillment of their fiduciary responsibilities and to better represent the citizens;

(b) The Town Administrator shall be responsible for the overall administration of the Town.

(c) Council shall employ an Administrator to administer the affairs of the Town and implement the policies of the Town Council.

(d) The term of employment of the Administrator shall be at the pleasure of the Council and he shall be entitled to such compensation for his services as the Council may determine.

(e) The Administrator shall be the chief administrative officer and head of the general government branch of the town government. The Administrator shall be responsible to the Town Council for the proper maintenance of all affairs of the Town. All Town department heads shall report to the Administrator. The Administrator shall prepare the budget annually, submit it to the Town Council and be responsible for its administration as adopted by Town Council. The Administrator shall assume such other responsibilities as Council may, from time to time, assign.

(f) The Administrator shall perform duties in accordance with the provisions of the Town personnel manual. The Administrator shall further deal with employees pursuant to the Town personnel manual, which shall not be construed to constitute a contract of employment for any employee.

State of South Carolina)
County of Horry)
Town of Surfside Beach)

Resolution #12-118

To Create SURFSIDE BEACH BUSINESS COMMITTEE

WHEREAS, the Town of Surfside Beach Town Council in chambers duly assembled in a regularly scheduled meeting held on the 24th day of July 2012; and

WHEREAS, successful businesses are essential to the long term health of the Town of Surfside Beach and Town Council desires to improve communication and implement necessary regulations consistent with the business community's interests, and also cultivate a business friendly environment to help new and existing businesses succeed and prosper within the Town of Surfside Beach.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Surfside Beach Town Council does hereby establish the *ad hoc* Surfside Beach Business committee for the purposes herein stated, and that appointments shall be made by Town Council and the committee shall operate pursuant to Town Code with a goal of developing and recommending to Town Council strategies and policies to be implemented that will promote a successful business community within the Town of Surfside Beach; and

BE IT FURTHER RESOLVED, that this committee shall review applicable ordinances, and make appropriate recommendations to Town Council; this committee shall continue to promote the Family Beach atmosphere for town businesses, promote improvement and overall appearance of town businesses; and

BE IT FURTHER RESOLVED, that said committee shall consist of seven (7) members comprised of a majority of current or former resident business owners and a minority of non-resident business owners, who shall be in good standing with all town ordinances representing retail, service, hospitality, and/or trades; and one non-voting councilmember whom shall serve in an advisory capacity.

BE IS SO RESOLVED, this 24th day of July 2012.

_____
Douglas F. Samples, Mayor

_____
Mary M. Mabry, Mayor Pro Tempore

_____
Ann Dodge, Town Council

_____
Mark L. Johnson, Town Council

_____
Roderick E. Smith, Town Council

_____
Randle M. Stevens, Town Council

_____
Vacant Seat

Attest:

_____
Debra E. Herrmann, CMC
Town Clerk

Draft

State of South Carolina)
County of Horry)
Town of Surfside Beach)

Resolution of the

Accommodations Tax Advisory Committee

Funding Request

WHEREAS, the Accommodations Tax Advisory Committee met on July 16, 2012; and

WHEREAS, the Accommodations Tax Advisory Committee after due deliberation approved by motion a recommendation to the Town Council of the Town of Surfside Beach, a funding request for Five Thousand and No/100 ($5,000.00) Dollars to the Guy Daniels Foundation for the purpose advertising and promoting the upcoming Guy Daniels Memorial Surf-Off; and

WHEREAS, the Guy Daniels Foundation agreed to prominently display the town's name and logo in its advertising for said event; and

WHEREAS, the Accommodations Tax Fund has a balance of approximately $6,500 that is undesignated from which this request could be funded,

NOW, THEREFORE, BE IT RESOLVED ,that the Accommodations Tax Committee for the Town of Surfside Beach in consideration of the stated considerations, hereby recommends to the Town Council of the Town of Surfside Beach to approve the funding of Five Thousand and no/100 ($5,000.00) Dollars to the Guy Daniels Foundation to use for advertising the event.

BE IT SO RESOLVED.

Signed, sealed and adopted this 16th day of July, 2012.

s/
Randy Harrison, Chairman

Attest:

s/
Debra E. Herrmann, CMC, Town Clerk

Memorandum

To: Town Council
From: Debra E. Herrmann, CMC, Town Clerk
Date: July 19, 2012
Re: Renewal Appointments – Associate Judge/Clerk of Court and Associate Judge/Assistant Clerk of Court

Rules for municipal courts have changed during the past several years. Judge Wentz brought to the attention of Mayor Samples that South Carolina Court Administration requires:

> Section 14-25-15(A) Each municipal Judge must be appointed by the council to serve for a term set by the council of not less than two years, but not more than four years and until his successor is appointed and qualified. His compensation must be fixed by the council.
>
> Section 14-25-15(B) The council shall notify South Carolina Court Administration of any persons appointed or reappointed as municipal judges.

Rule 509 in the **Certification of Magistrates and Municipal Judges** states in paragraph (b)

> For purposes of this Rule, ministerial magistrates and municipal ministerial recorders are considered magistrates and municipal judges, and are subject to certification and recertification requirements.

Based on these statutes and rules, Town Council is respectfully requested to approve by motion that Associate Judge/Clerk of Court Wentz, and Associate Judge/Assistant Clerk of Court Riley both be reappointed for four (4) years terms.

The reappointment does not constitute an employment contract, nor does the appointment imply any guarantee of employment (much like the town clerk appointment.) It simply keeps the town in compliance with the current statutes regarding municipal courts.

Return to General Table of Contents

B.
The South Carolina Magistrate and Municipal Judge

1. Appointment

a. Magistrate

Article V, § 26, S.C. Const. provides that the Governor, with the advice and consent of the Senate, shall appoint a number of magistrates within each county.

S.C. Code Ann. § 22-1-10 provides that magistrates hold their office for ". . . the term of four years and until their successors are appointed and qualified."

b. Municipal Judge

S.C. Code Ann. § 14-25-15(A) of the Code provides that "Each municipal judge must be appointed by the council to serve for a term set by the council of not less than two years but not more than four years and until his successor is appointed and qualified." This applies to all municipal judges appointed on or after May 24, 2004.

2. Qualifications

a. Magistrate

A magistrate must be a qualified elector in the county in which he is to serve, and not over the age of 72. (S.C. Const., Article XVII, Section 1). A magistrate must be a citizen of the United States, a state resident for at least five years, and at least 21 years old. In addition, a newly appointed magistrate must have received a four-year baccalaureate degree. S.C. Code Ann. § 22-1-10 (B) S.C. Code Ann. § 22-1-10 (C) requires that all newly appointed magistrates complete a training program and pass a certification examination within one year after taking office. A newly appointed magistrate who is not an attorney licensed in this State may not preside over a trial until a certificate is filed with the Clerk of the Supreme Court stating that the magistrate has observed ten trials. While a newly appointed non-lawyer magistrate may not preside over a trial until the observation requirement has been completed, that magistrate may issue warrants and conduct bond hearings prior to completing the observation requirement. S.C. Code Ann. § 22-1-16 (B) provides "The required trial experiences must include the following:

> (1) four criminal cases in a magistrates court, two of which must be in a magistrates court where he will not preside;
> (2) four civil cases in a magistrates court, two of which must be in a magistrates court where he will not preside;

(3) one criminal jury trial in circuit court; and
(4) one civil jury trial in circuit court."

All magistrates must pass a recertification examination within eight years after passing the initial examination, and at least once every eight years thereafter. Pursuant to Rule 509, SCACR, the Board of Magistrate and Municipal Judges Certification is empowered to make rules and regulations for conducting the required training program curriculum and examinations.

b. Municipal Judge

Municipal judges are required to complete a training program and pass a certification examination. Each municipal judge is appointed by the municipal governing body to serve for a term set by the council of not less than two years but not more than four years and until his successor is appointed and qualified. Section 14-25-15 (A). Compensation is fixed by the council. All municipal judges must complete a training program or pass certification examinations, or both, within one year of taking office, and a recertification examination every eight years thereafter. The examination is offered at least three times each year. Members of the South Carolina Bar are exempt from the examination; however, they are required to attend the orientation program.

A magistrate or municipal judge need not be an attorney or have any prior legal expertise. A municipal judge need not be a resident of the municipality in which he is to serve. (S.C. Code Ann. § 14-25-25).

3. Vacancies

a. Magistrates

Vacancies are filled by the Governor with the advice and consent of the Senate. (S.C. Code Ann. § 22-1-10). If the Senate is not in session, the Governor may make a recess appointment. (S.C. Code Ann. § 1-3-210). The office is filled for the remaining portion of the unexpired term. Should the Senate fail to consent to a recess appointment at the next legislative session, the office would once again become vacant. (1964-65 Opinions of the Attorney General, No. 1931, p. 230.)

An eligibility examination to test basic skills will be administered to anyone seeking an initial appointment as a magistrate. The results of the eligibility examinations must be used by a senatorial delegation to assist in its selection of nominees to recommend to the Governor. No person is eligible to be appointed as a magistrate unless he receives a passing score on the eligibility examination. The results of the eligibility examinations are valid for six months before and six months after the time the appointment is to be made. S.C. Code Ann. § 22-2-5(A). The eligibility examination is administered by the South Carolina Technical Education System.

RULE 509
CERTIFICATION OF MAGISTRATES AND MUNICIPAL JUDGES

(a) Board of Magistrate and Municipal Judge Certification.

(1) Membership and Terms of Office. The Board of Magistrate and Municipal Judge Certification ("Board") shall consist of nine (9) members. The Board members shall be appointed by the Supreme Court for three (3) year terms and shall be eligible for reappointment. In case of a vacancy on the Board, the Supreme Court shall appoint a member to serve the remainder of the unexpired term. The Supreme Court shall appoint a chairperson of the Board from among the Board's membership. The Director of South Carolina Court Administration ("Director") shall serve as secretary of the Board *ex officio.*

(2) Duties. It shall be the duty of the Board to determine whether magistrates and municipal judges in South Carolina possess the necessary legal knowledge for appointment and reappointment, pursuant to the provisions of S.C. Code Ann. §§ 22-1-10 and 14-25-15. Subject to the approval of the Supreme Court, the Board is empowered to make rules and regulations for conducting the required training program curriculum and examinations, including a list of the subjects upon which applicants may be tested. Thirty (30) days notice must be given of any changes to the rules and regulations.

(b) Application for Certification or Recertification Examination. Members in good standing of the South Carolina Bar are exempt from certification and recertification examinations requirements. For purposes of this Rule, ministerial magistrates and municipal ministerial recorders are considered magistrates and municipal judges, and are subject to certification and recertification requirements. Examinations for certification or recertification of non-lawyer magistrates and municipal judges shall be conducted at least three times each year at such times as the Board shall specify. Any person desiring to take the Examination shall file an application with the Director on a form prescribed by the Board. Applications shall be accepted up to the first day of the month in which the examination is given. Only active magistrates and municipal judges may apply for examination.

An application will not be considered filed until it is fully completed and received by the Director.

(c) Review of Examination Results. The Certification and Recertification Examinations shall consist of such sections as may be specified by the Board. The Board shall certify whether an applicant passed or failed for each section of the examination to the Director who shall promptly then notify the applicants. An applicant must pass each section of the examination but need not pass every section of the examination during the same trimester. Once the applicant passes a particular section, he or she shall not be retested on that section again for purposes of the immediate certification or recertification being sought.

An applicant who fails to pass any section of the Certification Examination may, within fifteen (15) days after notification of the failure, request in writing the Director's permission to inspect that section of the examination, the model answers, and the applicant's answers. Within ten (10) days of receipt of the request, the Director shall notify the applicant of the date and time

when the inspection will be permitted and where it will occur. The inspection must take place within thirty (30) days of the Director's receipt of the request.

After reviewing the examination papers, an applicant who feels an error has been made in grading an answer may petition the Supreme Court to have the answer regraded. The original and seven (7) copies of the petition, accompanied by a filing fee of twenty-five ($25.00) dollars, must be filed with the Supreme Court within ten (10) days of the applicant's review of the examination and must enumerate the alleged errors in grading. No briefing or argument is permitted. The only identifying mark to be placed on the petition is an identification number assigned to the applicant by the Board. Neither the applicant nor any agent of the applicant shall contact any member of the Board or any justice of the Supreme Court regarding the questions on any section of the Certification Examination, grading, procedures, or an applicant's answers.

(d) Re-examination. Any applicant who has failed to pass any section of the examination may apply to be re-examined on those sections as often as the examinations are offered. The application shall be made on a form furnished by the Director. The time limits applicable to filing initial applications shall be applicable to applications for re-examination.

(e) Confidentiality. The files and records maintained by the Board relating to applications, examinations, and re-examinations shall be confidential and shall not be disclosed except as necessary for the Board to carry out its responsibilities. The Board may disclose the names of those persons who have successfully completed the certification process. The Supreme Court may authorize the release of confidential information to other persons or agencies.

(f) Failure to Obtain Certification or Recertification. If a magistrate fails to obtain certification or recertification within the time period prescribed by § 22-1-10, the Board shall send a written notice to the Governor that the magistrate has failed to timely obtain certification or recertification, that the magistrate's office is vacant and that the Governor should appoint a successor. A copy of the notification shall be sent to the magistrate.

If a municipal judge fails to obtain certification or recertification within the time prescribed by § 14-25-15, the Board shall send a written notice to the City Council that the municipal judge has failed to timely obtain certification or recertification, that the municipal judge's office is vacant, and that the Council should appoint a successor. A copy of the notification shall be sent to the municipal judge.

Valerie Wentz

From: McCurdy, Robert L. — phone # 803-734-1838 if you need to verify appointment requirements
Sent: Friday, February 15, 2008 10:46 AM
To: 'Valerie Wentz'
Subject: RE: Judges School for March 17-28th 2008

I have attached the statute that sets out the appointment process for municipal judges. As you can see, appointment must be made by city Council for a term of not less than two nor more than four years. You then send notice of appointment to this office. We'll take it from there, as far as orientation and testing.

SECTION 14-25-15. Appointment of municipal judge; training program, certification examination and continuing education requirements. [SC ST SEC 14-25-15]

(A) Each municipal judge must be appointed by the council to serve for a term set by the council of not less than two years but not more than four years and until his successor is appointed and qualified. His compensation must be fixed by the council.

(B) The council shall notify South Carolina Court Administration of any persons appointed or reappointed as municipal judges.

(C) Before entering upon the discharge of the duties of his office, each judge shall take and subscribe the oath of office prescribed by Article VI, Section 5 of the South Carolina Constitution.

(D) Notwithstanding any other provision of law relating to the terms and qualifications of municipal judges:

(1) All municipal judges shall complete a training program or pass certification or recertification examinations, or both, pursuant to standards established by the Supreme Court of South Carolina. The examination must be offered at least three times each year. The Chief Justice of the Supreme Court shall establish guidelines for exempting municipal judges from taking an examination based upon experience or education factors.

(a) Municipal judges appointed for the first time on or after the effective date of this act shall complete the training program and pass the certification examination within one year after taking office, or before April 30, 2001, whichever is later.

(b) Municipal judges serving in the counties of Abbeville, Allendale, Bamberg, Beaufort, Calhoun, Cherokee, Chesterfield, Clarendon, Colleton, Dillon, Edgefield, Florence, Greenville, Hampton, Jasper, Lancaster, Lee, Marion, McCormick, Oconee, Pickens, Saluda, Sumter, and Williamsburg, as of the effective date of this section, shall pass a certification examination before April 30, 2001.

(c) Municipal judges serving in the counties of Aiken, Anderson, Barnwell, Berkeley, Charleston, Chester, Darlington, Dorchester, Fairfield, Georgetown, Greenwood, Horry, Kershaw, Laurens, Lexington, Marlboro, Newberry, Orangeburg, Richland, Spartanburg, Union, and York, as of the effective date of this section, shall pass a certification examination before April 30, 2002.

(d) Every municipal judge shall pass a recertification examination within eight years after passing the initial certification examination and at least once every eight years thereafter.

(2) If any municipal judge does not comply with these training or examination requirements, his office is declared vacant on the date the time expires or when he is notified, as provided in subsection (E), whichever is

earlier.

(E) Upon written notification of the Supreme Court or its designee to the affected municipal judge and the council of the failure of the municipal judge to complete the training program or pass the certification examination required pursuant to subsection (D), the municipal judge's office is declared vacant, the municipal judge does not hold over, and the council shall appoint a successor, as provided in Section 14-25-25; however, the council shall not reappoint the current municipal judge who failed to complete the training program or pass the certification examination required pursuant to subsection (D) to a new term or to fill the vacancy in the existing term.

(F) No municipal judge who is admitted to practice in the courts of this State shall practice law in the municipal court for which he is appointed.

(G) All municipal judges shall attend annually the number of approved continuing education hours in criminal law and subject areas related to municipal judges' duties which are required by the Supreme Court of South Carolina. The Chief Justice of the Supreme Court shall establish guidelines for exempting municipal judges from the continuing education hours required by this section based upon experience or education factors.

From: Valerie Wentz [mailto:Court@surfsidebeach.org]
Sent: Friday, February 15, 2008 9:39 AM
To: McCurdy, Robert L.
Subject: Judges School for March 17-28th 2008

Mr. Mccurdy, I spoke w/Terry Leverette by e-mail last week inquiring about the Judges School in March. I have hired a girl in my office and am interested in sending her to Judges school in order for her to become a Ministerial Recorder. I talked briefly w/Myrtle Beach on what is needed for that to be possible, they advised that there was paper work that needed to be filled out and that our Council would need to appoint her and then that information sent to you. Can you advise me on what I would need to do or what papers I would need to get. If I am not able to send her in March than I would certainly want to send her to the next available school. I am the Associate Judge here in Surfside Beach and currently the only one in the office until this girls starts. I would appreciate if you could advise me on what I would need to do. Thank You, Judge Valerie Wentz

From the Bench Book

g. The Municipal Courts

The council of each municipality may establish, by ordinance, a municipal court to hear and determine all cases within its jurisdiction. Such courts are part of the unified judicial system. It should be noted, however, that a municipality may, upon prior agreement with county governing body, prosecute its cases in magistrate court, in lieu of establishing its own municipal court. In addition, the council may establish, by ordinance, a municipal court, and contract with the county governing authority for the services of a magistrate to serve as its municipal judge. The Chief Justice, pursuant to his/her powers as administrative head of the unified judicial system, would, in turn, delegate authority to the Chief Summary Court Judge of the county to assign a specific magistrate as municipal judge.

Municipal courts have jurisdiction over cases arising under ordinances of the municipality, and over all offenses which are subject to a fine not exceeding $500.00 or imprisonment not exceeding 30 days, or both, and which occur within the municipality. In addition, S.C. Code Ann. § 22-3-545 provides that municipal courts may hear cases transferred from general sessions, the penalty for which does not exceed one year imprisonment or a fine of $5,000, or both, upon petition by the solicitor and agreement by the defendant. The powers and duties of a municipal judge are the same as those of a magistrate, with regard to criminal matters; however, municipal courts have no civil jurisdiction. The term of a municipal judge is set by the council of the municipality, but cannot exceed four years. Municipal Judges appointed on or after May 24, 2004, must be appointed for a set term of not less than two years but not more than four years. Section 14-25-15(A) states, "Each municipal judge must be appointed by the council to serve for a term set by the council of not less than two years but not more than four years and until his successor is appointed and qualified. His compensation must be fixed by the council." Approximately 200 municipalities in South Carolina have chosen to create municipal courts.

All municipal judges are required to complete a training program or pass certification or recertification examinations, or both, within one year of taking office. See S.C. Code Ann. § 14-25-15 and Rule 509, SCACR. The examination will be offered three times each year. Members of the South Carolina Bar are exempt from the examination; however, they are required to attend the orientation program.

Each municipal judge must pass a recertification examination within eight years after passing the initial certification examination and at least once every eight years thereafter.

You may contact Robert McCurdy @
rmccurdy@sccourts.org

MAYOR
Roy Hyman, Jr.
ADMINISTRATOR
Edwin Booth
CLERK
Sharon Pinnell

TOWN OF SURFSIDE BEACH
Administrative Offices

TOWN COUNCIL
Rebecca J. Hiatt
Joseph P. Martin
William M. McKown
Douglas F. Samples
James S. Truett
Judith K. Tuttle

March 4, 2008

Mr. Robert McCurdy
Court Administration
1315 Sumter Street, Suite 200
Columbia, SC 29201

VIA FAX: (803) 734-1355

Dear Mr. McCurdy:

This letter is to verify that Valerie Riley has been appointed Ministerial Recorder for the Town of Surfside Beach with the term of two years from February 29, 2008 to March 1, 2010.

Very truly yours,

Ed Booth
Town Administrator
Surfside Beach

2007 Riley - 2/08 to m/10
2008 Wentz 5/
hired 5/07

4 years appt.
on agenda.

NSC ESA
341 Sparrow Dr.
Surfside Beach, SC 29575
July 17, 2012

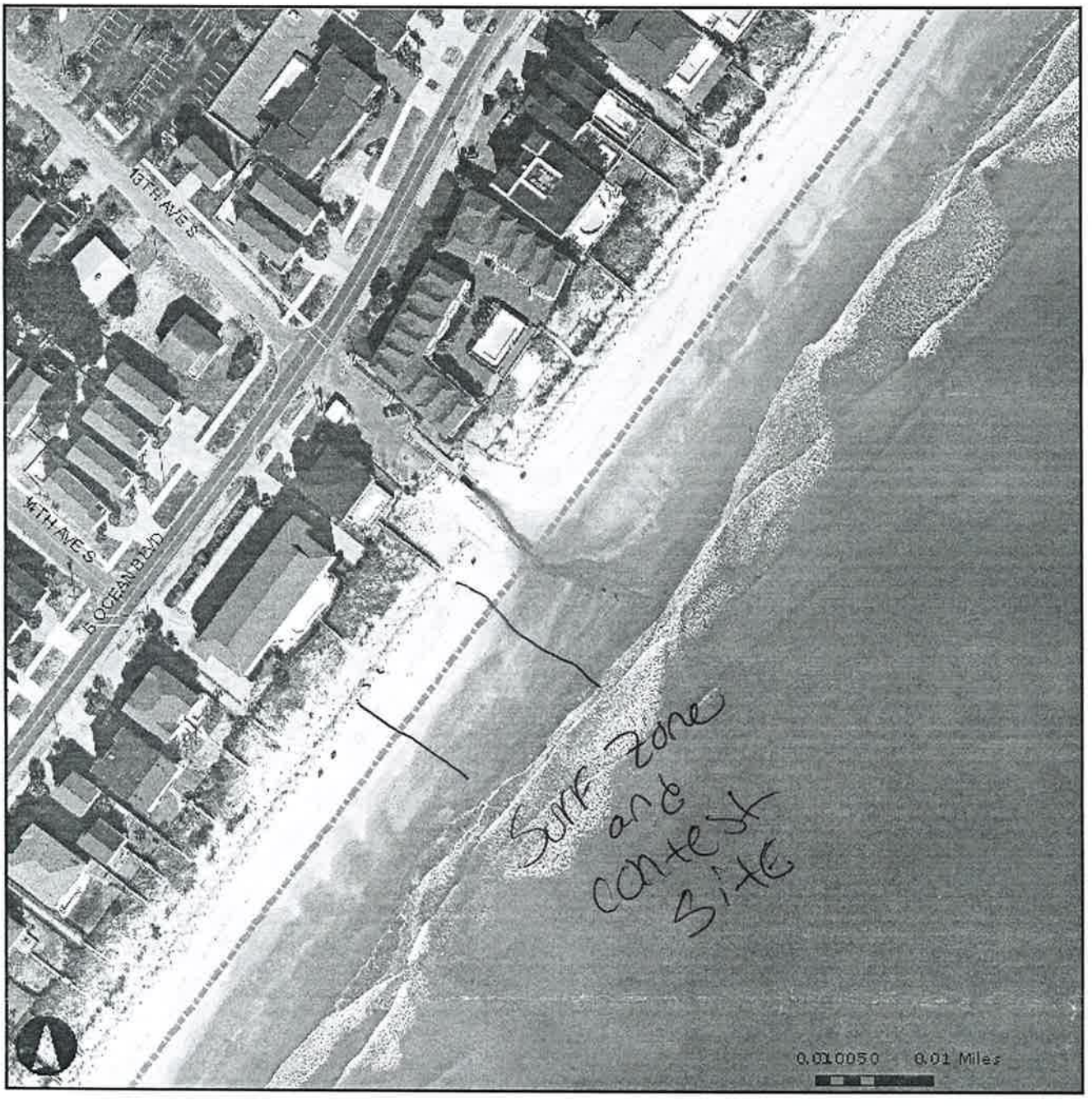
City of Surfside Beach
City Council

Dear City Council or to who this may Concern:

We are requesting to hold a surf contest on the weekend of July 28-29 at 13th Ave S. We are a Non Profit Organization that Holds surf contest up and down the East Coast called the Eastern Surfing Association we are the Northern South Carolina District of the Association witch our districts hold surf contest from the North/South Carolina border to Pawley's Island we have insurance to run surf contest in the city's of Surfside Beach, Myrtle Beach, North Myrtle Beach, Pawley's Island, and Horry County. We have attached a site map of where we are requesting to have it at. We are residents of Surfside Beach and we would really love to hold the Surf Contest in Surfside Beach!
If you have any questions or need and more information feel free to contact us at 843-742-4296 or email us at contest@northernsouthcarolinaesadistrict.org
Sincerely,

Lee McDade
District Co-Director
843-742-4296
NSC ESA!
Email- leemcdade@northernsouthcarolinaesadistrict.org

Surfside Beach



Highways

Limited Access Highways

Highways

Major Roads

Roads

Parcels

TMS Numbers

Spoilage

County Boundary

2010_Color_Horry

Red: Band_1

Green: Band_2

Blue: Band_3

Matthew

Discussion – Historical Board
Mayor Pro Tempore Mabry

-Purpose: gather and preserve town history
- -stories from long-time, and pre-incorporation residents
- -photographs
- -memorabilia

-propose 5 members

-50th Anniversary is approaching

I know that 100 years from now this history will be a real value to the town, long after all of us are gone. We do have a rich history and I, for one, would love to see it preserved. The board is simple; compiling historical information is easy for people that are passionate about the town.

People with a love of history always relish in the story behind the story. I believe with our 50th Anniversary coming upon us, this would be a perfect time to establish an historical board. During the celebration year's events, it would be great if story times could be scheduled at the passive park, during the Family Festival, or other venues for the members to share what they've learned and to invite the public to share their stories, residents and visitors alike, which could be documented as they are told.

We have lost and will continue to lose many of the people that lived here before the town was incorporated, and with their passing, the history of our town. I would like for their stories to be preserved for future generations.

Thank you for considering a Historical Board for Surfside Beach.

Debra Herrmann

Discussion
Historical Board

From: Mary Beth Mabry [marybethmabry@gmail.com]
Sent: Wednesday, July 11, 2012 8:42 AM
To: Debra Herrmann

Doug, as we are making sure the boards and committees are filled I would like to see this one board get special attention. This is an Historical Board. This should be about 5 people that are willing to gather and preserve the history of Surfside Beach through stories, photos, and information for the town to have and preserve. I know that 100 years from now this history will be a real value to the town, long after we are gone. We do have a rich history and I for one would love to see it preserved. This board is simple, nothing that the people that are passionate about the town could not do and would be able to do on their own. People with a love of history always relish in the story behind the story. I believe with our 50th coming up on us this would be a perfect time. During our celebration they could even have an oppurtunity to share their findings. We have lost and will continue to lose many of the people that have lived here before the town was incorporated. I would like for their stores to be told. Thank you for considering this.

--
Mary Beth Mabry-Realtor
Keller Williams Realty
Google Voice 843-638-3121*
Mobile 843.455.9729
Fax 843-235-4853
marybethmabry@kw.com
marybethmabry@gmail.com
www.marybethmabry.com

Discussion – Golf Cart Rules and Regulations

Mayor Pro Tem Mabry & Chief Frederick

The town defers to state code regarding golf cart operations. The state defines golf carts as vehicles, and they should be treated as such.

Suggest that Town Code address golf carts and include the following:

- Require a sticker or placard for rental/commercial carts clearly detailing
    - parking regulations
    - state laws pertaining to golf cart operations, specifically
        - only licensed drivers operate
        - only during daylight hours
        - xx miles from primary residence (changes in October)

- Fines up to $262.50 for violations.

-Placard to be affixed to "scorecard" area on steering column or other flat surface in full view of the driver, but where it does not hinder driver's visibility

Debra Herrmann Discussion

From: Mary Beth Mabry [marybethmabry@gmail.com]
Sent: Wednesday, July 11, 2012 7:06 PM
To: Debra Herrmann

Debra, I did get some information for the discussion paper regarding the golf cart rules and regs.
Here are some points:
The addition of a sticker or placard required for rental/commercial carts clearly detailing the parking regulation and state laws that pertain to golf cart operation. this would be affixed to flat "scorecard area or other flat area not to hinder the drivers visibility. addresses primary issue in regard to underage and after-hours operation. This would be to make visitors aware of laws regarding golf cart rules and regs. Mainly addressing underage, licence drivers, driving after dark. the fine would be up to $262.50. Because we really do not have any ordinance regarding golf cart rules and reg it maybe a good idea to include the state code stating the rules. I do not want to make this to much but very well understood and defined. What are your thoughts. mb I got the white paper from Mike and this is his thoughts. I would like to place this on the next agenda. mb
--
Mary Beth Mabry-Realtor
Keller Williams Realty
Google Voice 843-638-3121*
Mobile 843.455.9729
Fax 843-235-4853
marybethmabry@kw.com
marybethmabry@gmail.com
www.marybethmabry.com

X prepare discussion bullet point
email to MB & Mike

SURFSIDE BEACH PIER ACCESSIBILITY IMPROVEMENTS
SIDE ELEVATION

EARTHWORKS
planning and design consultants
11655 HIGHWAY 707 MURRELLS INLET, SC
PHONE: 843-6517900 FAX: 843-651-7903

SURFSIDE BEACH
SOUTH CAROLINA

SURFSIDE BEACH PIER ACCESSIBILITY IMPROVEMENTS
FRONT ELEVATION

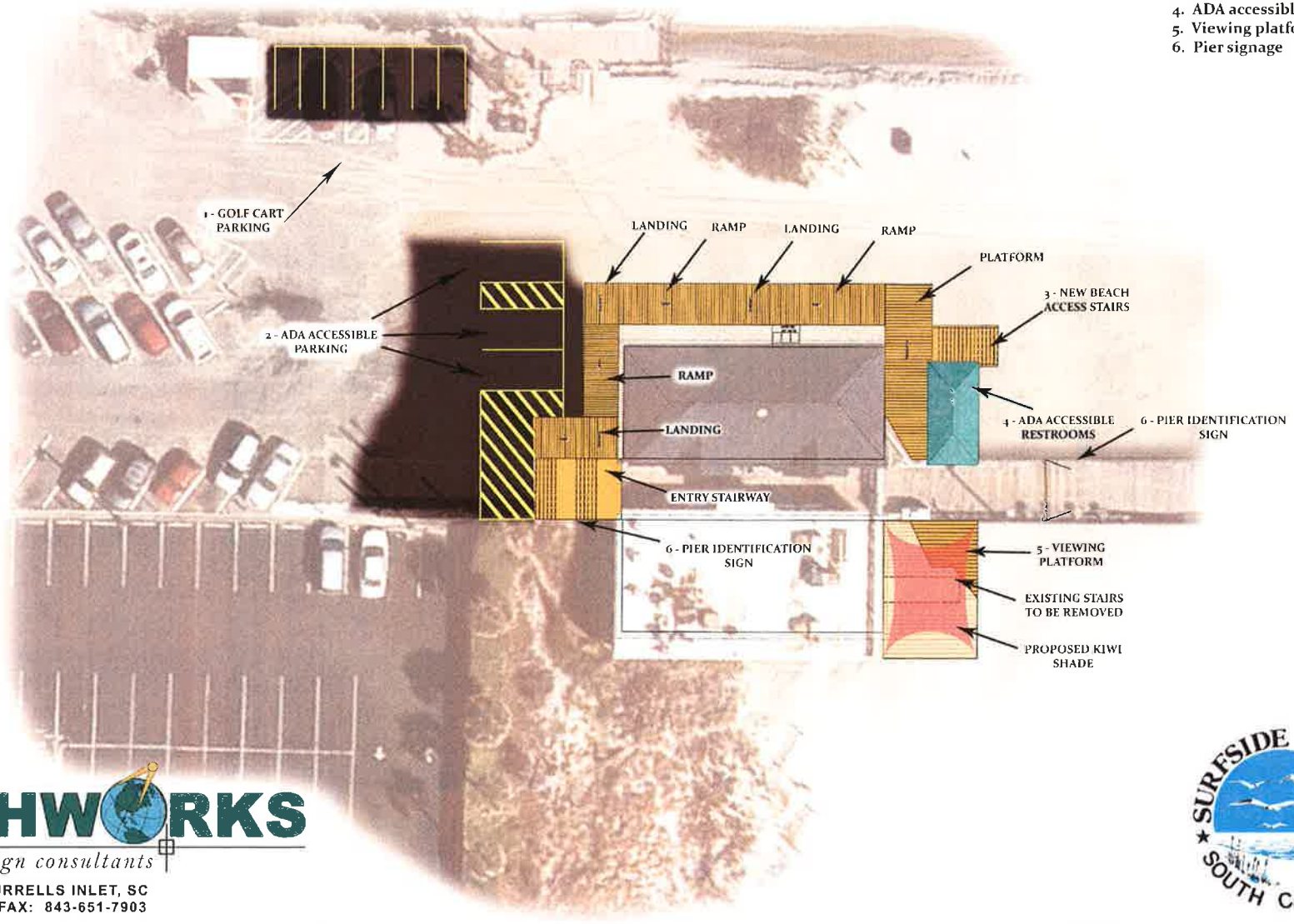
EARTHWORKS
planning and design consultants
11655 HIGHWAY 707 MURRELLS INLET, SC
PHONE: 843-6517900 FAX: 843-651-7903

SURFSIDE BEACH
SOUTH CAROLINA

SURFSIDE BEACH PIER ACCESSIBILITY IMPROVEMENTS
PLAN VIEW

OPTIONS

1. Golf cart parking
2. ADA accessible parking
3. New beach access stairs
4. ADA accessible restrooms
5. Viewing platform
6. Pier signage



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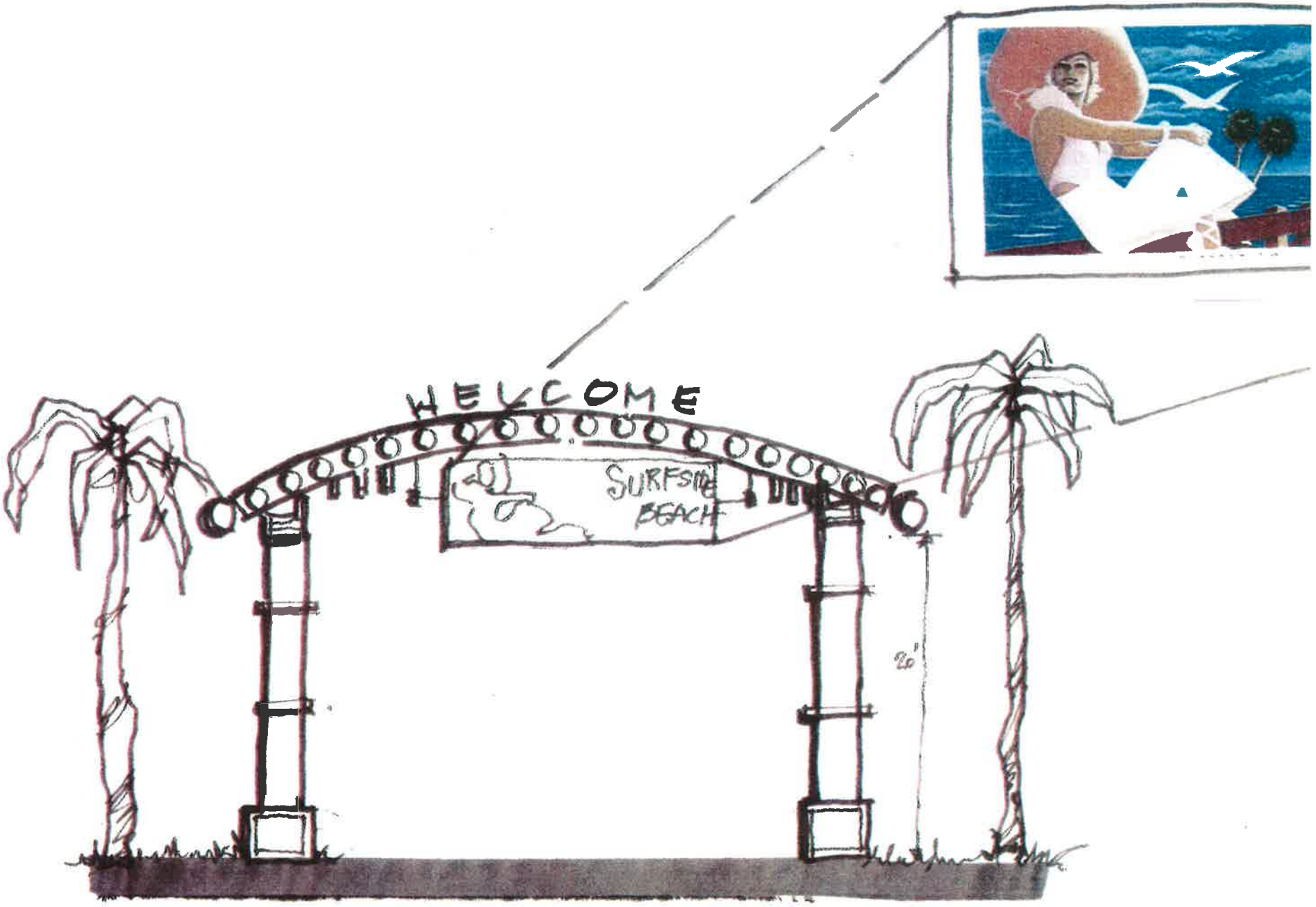
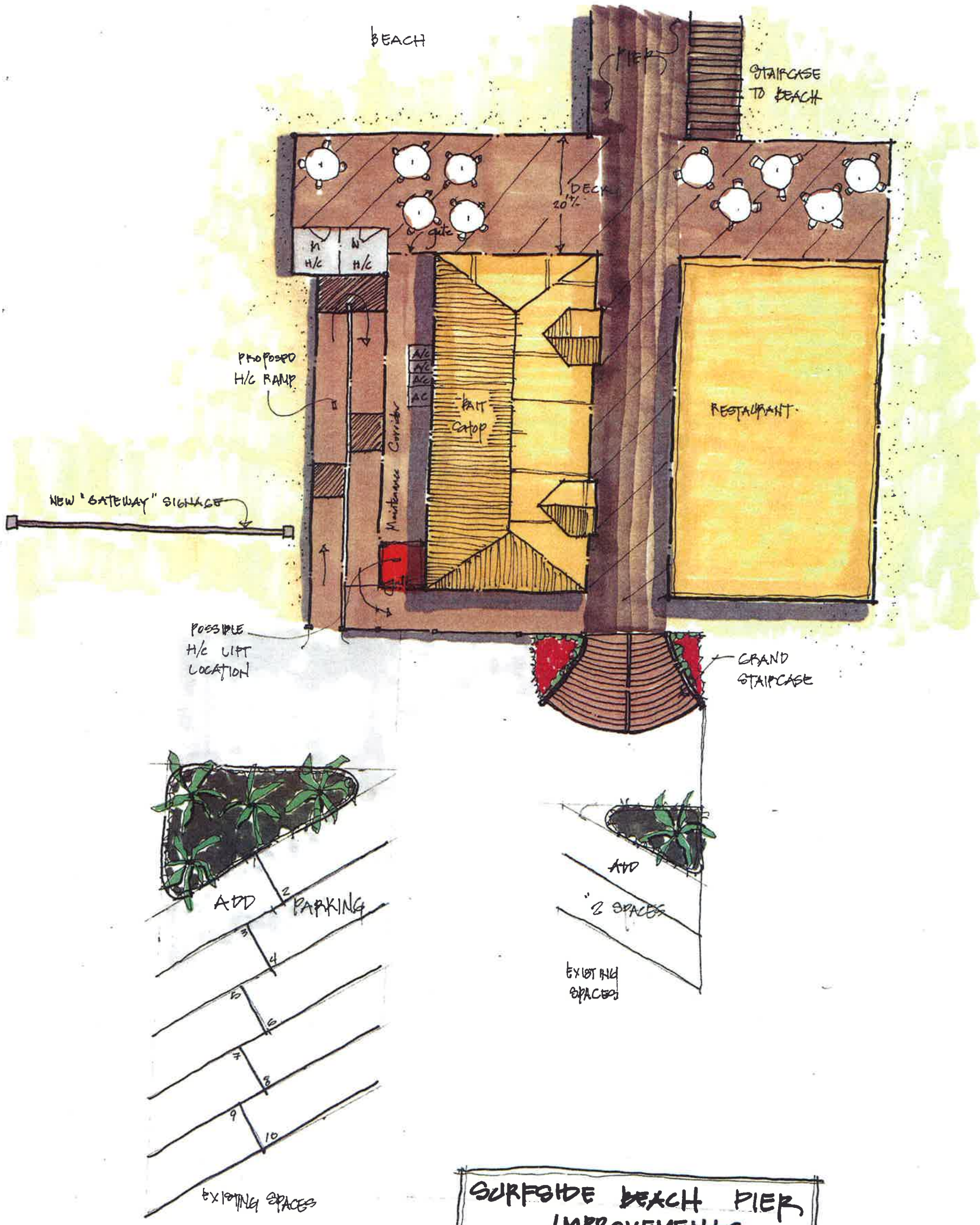
planning and design consultants
11655 HIGHWAY 707 MURRELLS INLET, SC
PHONE: 843-6517900 FAX: 843-651-7903

SURFSIDE BEACH ★ SOUTH CAROLINA ★



PROPOSED GATEWAY SIGNAGE
H.T.S

DDC Engineers.


BEACH
PIER
STAIRCASE TO BEACH
DECK
20'+/-
gate
M H/C
W H/C
PROPOSED H/C RAMP
A/C
A/C
A/C
AC
Maintenance Corridor
BAIT Catop
RESTAURANT
NEW "GATEWAY" SIGNAGE
gate
POSSIBLE H/C LIFT LOCATION
GRAND STAIRCASE
ADD PARKING
1
2
3
4
5
6
7
8
9
10
EXISTING SPACES
ADD
2 SPACES
EXISTING SPACES
SURFSIDE BEACH PIER IMPROVEMENTS
1" = 10'

Debbie Ellis

From: Will Rabon [Will@rabonconstruction.com]
Sent: Tuesday, July 17, 2012 4:47 PM
To: 'Mary Lynn Stalnaker'; 'Chris Sullivan - '; 'Clayton, Timothy A (Claim)'; 'Dan Flood - PT'; 'Dennis Seman'; 'Hal Lewis'; 'Jeff McKinney'; 'Joey Summers'; 'Mark Bartholomey'; 'Monty Parker - Minors'; 'Rabon, Christopher C'; 'Ron Hawkins'; 'Shane Stewart'; stephen.esposito@ymail.com; tmorse@gardencityrealty.com; 'Beth Jordan CP'; 'Blair James TB'; 'Brian Simpson CP'; 'Daniel Catcher CP'; 'Daniel Olszewski KP'; 'Harry Altman KP'; 'Jeff Martin CP'; 'John Rowe TB'; 'Lisa Davis'; 'Marshall Hursey CP KP'; 'Scott Barton KP'; 'Steve Vitello TB'; 'Tony Hoffman TB'; 'Zeb Davis CP'
Cc: 'Debbie Ellis'; 'Micki Fellner'
Subject: RE: Surfside Beach Booster Club next meeting Monday July 23rd 6:00 PM Council chambers

Thanks for the lead in Mary Lynn,

Thank you all in advance for reading this letter carefully as it contains some time sensitive deadlines for upcoming elections for the Board Members, please read on.

I agree we had a great meeting and I hope I can speak for all involved that we all are optimistic that this new direction definitely seems to have unlimited potential all based on the community involvement which is where we all come in.

The Mayor and staff were pretty clear in that this new committee (Booster Club aka Board of Directors) is going to pretty much control and run the day to day operations of the 4 baseball fields and youth sports in The Town of Surfside Beach.

To accomplish this we discussed creating a 7 member board of directors. Please scroll down to the bottom of this email for bullet points on how to throw your hat in the ring if you wish to serve as well as how to vote in person and by proxy.

We also discussed creating a few sub-committees to serve along-side the board of directors to head up issues such as

1. Concessions
2. Sponsors and fund raising
3. Grounds and maintenance
4. May be others as this evolves.

The town says the sooner the better, as they plan to have fall baseball sign ups real soon, and hope to work beside the board for fall ball so by spring ball we will be pretty much self-sufficient.

It was decided to be eligible to be on the inaugural board of directors you have to have been a head coach this past season so if you wish to serve on this committee and or vote for the nominees here are the instructions to do so.

- Volunteers and Bios will be accepted sent to beth.jordan@firstcitizensonline.com up until Friday at 5PM.
- Beth will compile them and send them back out by Saturday at 12 Noon
- To vote in person, simply come to the next meeting Monday July 23rd 6:00 PM at council chambers
- To vote absentee by proxy, send by email to beth.jordan@firstcitizensonline.com by Monday at 12 Noon so she can print and bring to the meeting.
- One vote per head coach.
- All elected board members will be subject to an updated background check.

Please keep in mind that this concept is new to all so many questions will be answered in the near future as we seat our new board of directors and they vote on the many issues we have on the table.

Any questions please direct them to me and I will do my best to help.
will@RABONCONSTRUCTION.com

FYI

Thanks so much in advance for all your help.

William E. Rabon
Rabon Construction
611 Sandy Lane
Surfside Beach SC 29575
Office 843-232-1220
Cell 843-241-8540
Fax 843-232-8124
Please check out our website www.RABONCONSTRUCTION.COM

From: Mary Lynn Stalnaker [mailto:mstalnaker@surfsidebeach.org]
Sent: Tuesday, July 17, 2012 8:18 AM
To: Chris Sullivan - ; Clayton, Timothy A (Claim); Dan Flood - PT; Dennis Seman; Hal Lewis; Jeff McKinney; Joey Summers; Mark Bartholomey; Monty Parker - Minors; Rabon, Christopher C; Ron Hawkins; Shane Stewart; stephen.esposito@ymail.com; tmorse@gardencityrealty.com; Will Rabon; 'Beth Jordan CP'; 'Blair James TB'; 'Brian Simpson CP'; 'Daniel Catcher CP'; 'Daniel Olszewski KP'; 'Harry Altman KP'; 'Jeff Martin CP'; 'John Rowe TB'; Lisa Davis; 'Marshall Hursey CP KP'; 'Scott Barton KP'; 'Steve Vitello TB'; 'Tony Hoffman TB'; 'Zeb Davis CP'
Cc: 'Debbie Ellis'; 'Micki Fellner'
Subject: Surfside Beach Booster Club

Thank you to the coaches that attended the Recreation Dept. meeting in Council Chambers last night. For those of you that were unable to attend, it was very productive and positive. I encourage you to become informed and involved by participating in the birth of this Booster Club. Information will be forthcoming regarding the next meeting which will be held next Monday night, July 23, 2012.

Mary Lynn Stalnaker
Athletics Coordinator
Town of Surfside Beach
843-839-8332
843-222-2653 cell

BOARDS, COMMISSION, AND COMMITTEES -- 07/10/2012

Member Name	Phone	US Mail Address	E-Mail	Term Begin	Term End	Calendar
Accommodation Tax Advisory Committee		*Created by Resolution 06/19/1984*				
Carolyn Harbin	458-8341	322 S. Willow Drive	Carolyn@surfsidebeachrealtor.com	04/14/09	04/14/13	✓
Randy Harrison (Chairman) (Lodging)	238.5464	17-B Hwy 17 So, SB 29575	randy@harrisonrealtyco.com	02/22/11	02/22/15	✓
Cecil Chandler (Culture/Arts)	843.742.9802	611-A Surfside Drive 238-1318 h	cchandler@WPDE.com	09/09/08	09/09/12	✓
Phil Murdock	655.4600	1413 S. Ocean Blvd	pmurdock@scaliserealty.com	04/26/11	04/26/15	✓
Bruxanne Hein (Vice Chairman)	333.2034	526 17th Avenue North	bruxanne@yahoo.com	09/09/08	09/09/12	✓
Tony Daniell (hand del address 823 2nd Ave No.)	714.374.4424	POB 14283 29587	tdtdaniell@mindspring.com	04/26/11	04/26/15	✓
E. J. Servant III (Lodging)	238.4900	213 S Ocean Blvd, SB 29575 (x8900)	mil@surfsiderealty.com	02/22/11	02/22/15	✓
Construction Board of Adjustments & Appeals	Ord. 08-0640	Currently no members – 5 member board	Members must have exp in trades			
Board of Fee Appeals – adpt 04/14/09		Never had any members.	NEVER had a fee appeal.			
Board of Zoning Appeals						
Holly Watson	238-5513	319 N. Oak Drive, SB 29575	ripper135@gmail.com	10/14/08	10/14/12	✓
Ron Ott (Chairman)	446-3929	722 7th Ave N., SB 29575	boscobear@sc.rr.com	02/23/10	02/23/14	✓
Guy Lanham	238.0410	1020 Hickory Drive	guylanham@aol.com	09/09/08	09/09/12	✓
Ralph Magliette	843.839.2863	104 Harbor Lights Drive	magliet@aol.com	07/10/12	07/10/016	✓
Darrell Willm (Vice Chair)	238.5221	1113 Cedar Drive N., SB 29575	dcwaloha@aol.com	07/22/08	07/22/12	✓
Dan Sine	843.455.6319	418 S Poplar Drive 29575	dansine@sc.rr.com	08/09/11	08/09/15	✓
Blake Davis	843.450.3331	724-B Cypress Drive 29575	realtorblake@gmail.com	10/11/11	10/11/15	✓
Election Commission – ***State Law Requires***	**6-year terms**					
Peggy Inman	232.1880	621 8th Avenue S	maxpeg1@sc.rr.com	12/08/09	12/08/13	✓
Judy Engelhard	843.424.8758	3156th Avenue S 29575	judyengelhard@gmail.com	07/10/12	07/10/16	✓
Judy Tuttle	238.0251	515 13th Avenue North 29575	judytuttle21@yahoo.com	10/11/11	10/11/17	✓
Grand Strand Water & Sewer Advisory Board						
Denise Brown-Richardson	843.997.0750	1022 Bay Drive	bizservice@live.com	07/01/12	06/30/14	✓
Planning & Zoning Commission						
Carrie Johnson	843.357.9404	617 9th Avenue South	cj_ins@sccoast.net	07/10/12	07/10/16	✓
Betty Lowery	340-4876	619 4th Avenue, North	blowery@sc.rr.com	03/22/11	03/22/15	✓
Marty Rhoades	421-8599	1018 Cedar Drive S	rhoadesrunner@hotmail.com	05/11/10	05/11/14	✓
Sandra Elliott	843.712.2207	611 5th Avenue N	jselliott@sc.rr.com	07/10/12	07/10/16	✓
Mikey Pruitt (Chair)	655.1434	116 S. Yaupon Drive	mikey@pruittelectric.com	05/11/10	05/11/14	✓
Mary Ellen Abrams	238.8862	311 13th Avenue North	Mabrams001@sc.rr.com	05/11/10	05/11/14	✓
Shane Watson	843.333.0346	621 Pine Drive	sawatson23@gmail.com	07/10/12	07/10/16	✓

Pursuant to #11-0698 Members may serve on multiple boards, commissions, and/or committees and may serve multiple terms.

FYI

BOARDS, COMMISSION, AND COMMITTEES -- 07/10/2012

Member Name	Phone	Mail Address and Email Address	E-Mail	Term Begin	Term End	Calendar
Stormwater Committee						
Ken Harbin	458.8340	322 S. Willow Drive	ken@surfsidebeachrealtor.com	11/27/07	11/27/11	✓
Dan Sine (Vice Chair- 2011 & 2012)	843.455.6319	418 S. Poplar Drive	dansine@sc.rr.com	11/27/07	11/27/11	✓
P.L. Mabry	712.2157	517 15th Ave N	Pl1mabry@gmail.com	11/27/07	11/27/11	✓
Melodye Lane-Laveglia	238.8901	1510 Cedar Dr N	Melodye@Melodye.com	06/09/09	06/09/13	✓
Ken Harth (Chairman – 2012)	232.0820	1416 Spruce Drive	kah2n1@sc.rr.com	08/10/10	08/10/14	✓
Carolyn Ross	803.238.8050	615 3rd Ave S	Cjrt63@yahoo.com	03/22/11	03/22/15	✓
Harry Kohlmann	843.750.0554	1610 S Ocean Blvd	HK2624@aol.com	03/22/11	03/22/15	✓
Keep Surfside Beach Beautiful		*Created by Resolution 12-116, 06/22/12*				
Dora Eaddy	843.238.5783	628 Surfside Drive	None	07/10/12	07/10/16	✓
Mary Ann Hunt	843.238.1704	516 Cypress Drive	None	07/10/12	07/10/16	✓
Mary Ellen Abrams	843.238.8862	311 13th Ave N	mabrams001@sc.rr.com	07/10/12	07/10/16	✓
Al Stein	843.477.8434	410 Cherry Drive	surfsidebeachbum@yahoo.com	07/10/12	07/10/16	✓
Etta Stein	843.687.3274	410 Cherry Drive	surfsidebeachbum@yahoo.com	07/10/12	07/10/16	✓
Shelby Smith	843.602.3118	911 Cedar Drive North	shelbybsmith@hotmail.com	07/10/12	07/10/16	✓
Jim Toney	843.251.3690	?	jim@homeaccents2.com	07/10/12	07/10/16	✓
Nancy Weber	843.839.9088	?	nancyjweber@gmail.com	07/10/12	07/10/16	✓
Lynda Peckham	?	?	genepellicci@yahoo.com	07/10/12	07/10/16	✓
Peggy Sattelmeyer	843.333.3862	519 13th Ave N	peggy.sattelmeyer@gmail.com	07/10/12	07/10/16	✓
Al Lauer	843.213.1885	124 Harbor Lights Drive	speddaddy@aol.com	07/10/12	07/10/16	✓
Terri Lauer	843.213.1885	124 Harbor Lights Drive	speddaddy@aol.com	07/10/12	07/10/16	✓
Ron Gaskins	843.241.3038	315 13th Avenue N	rgaskins3@sc.rr.com	07/10/12	07/10/16	✓
Sara Saunders	843.238.1821	313 6th Ave S	rsaunders7@sc.rr.com	07/10/12	07/10/16	✓
Recreation/Special Events		*Created by Resolution 12-117 06/22/12*		07/10/12	07/10/16	✓
Dan Flood	?	?	?	07/10/12	07/10/16	✓
Gene Maruca	?	116 7th Ave S	gmaruca@aol.com	07/10/12	07/10/16	✓
Anita Crone	843.650.7363	213 15th Ave S, Apt. B 29575	aecrone134@gmail.com	07/10/12	07/10/16	✓
Lynn Parker	864.933.5232	123 Harbor Lights Drive	lynne@pendletongraphics.com	07/10/12	07/10/16	✓
Betty Holston	843.913.5057	521 9th Ave S	bholston@plantationresort.com	07/10/12	07/10/16	✓
Ron Meadows	843.238.8862	615 6th Ave N	ronmeadows13@yahoo.com	07/10/12	07/10/16	✓
Glen Curtis (error Mr. Curtis notified)				07/10/12	07/10/16	✓

Pursuant to #11-0698 Members may serve on multiple boards, commissions, and/or committees and may serve multiple terms.

TOWN OF SURFSIDE BEACH
115 US Highway 17 North, Surfside Beach, SC 29575
Web: www.surfsidebeach.org
☏ (843) 913-6111 🖷 (843) 238-5432

PUBLIC NOTICE: Town Council will hold a workshop at 6:00 p.m. on Tuesday, July 24th, 2012 to discuss Resolution #118 to Establish Surfside Beach Business Committee

TOWN COUNCIL REGULAR MEETING
COUNCIL CHAMBERS
TUESDAY, JULY 24, 2012 ◆ 6:30 P.M.

A G E N D A

1. **CALL TO ORDER** – Mayor Douglas F. Samples

2. **INVOCATION AND PLEDGE OF ALLEGIANCE**
   Rev. Ronald Greiser, Episcopal Church of the Resurrection

3. **AGENDA APPROVAL**

4. **MINUTES APPROVAL**
   A. Regular Meeting, July 10, 2012 printed
   B. Workshop, July 10, 2012 printed

Randy 283 6190

5. **PUBLIC COMMENTS** – 3-minutes per speaker

6. **COMMUNICATIONS**
   A. Employee recognitions?
   B. Department Reports
      i. Finance
      ii. Recreation
      iii. Public Works
   C. Administrator's Report – Update on Current Events

7. **BUSINESS**
   A. Second Reading Ordinance #12-0721 §17-726 Protected/Specimen Tree Removal Printed
   B. First Reading Ordinance #12-0722 §12-29(b) Outdoor Café Permit Fees
   C. First Reading Ordinance #12-0723 §4-2, Repeal Board of Fee Appeals and §4-11 Amend to direct Appeals to Town Council
   D. §2-133 Town Administrator Duties First Reading 12-0724
   E. Resolution #12-118 – to Establish Surfside Beach Business Committee printed
   F. Renewal Appointments – Associate Judge/Clerk of Court and Associate Judge/Assistant Clerk of Court

A-tty Recommendation

G. Council Organizational Committee, Mayor Samples
H. Northern South Carolina Eastern Surfing Association District, Lee McDade, District Co-Director

8. **DISCUSSION** –
A. Historical Committee, Mayor Pro Tem Mabry
B. Golf Cart Rules and Regulations, Mayor Pro Tem Mabry
C. Any matters of concern or information to be discussed by Town Council.

9. **PUBLIC COMMENTS** – 5-minutes per speaker

10. **COUNCIL COMMENTS**

11. **ADJOURNMENT**

11. Ex sessission
for pre
Engineering

Debra Herrmann

From: Debra Herrmann [dherrmann@surfsidebeach.org]
Sent: Thursday, July 19, 2012 10:47 AM
To: B. Dickerson; C. Perry; CFC News; Charles Perry; D. Bryant; Heather Gale; K. Knapek; Kelley, Amanda; M. Blair ; M. Miller; NMB Times; R. Blomquist; R. Green; S. Miles; Sun News Editors; Tom O'Dare; V. Spechko; WBTW; WMBF; WNMB; WPDE; WPDE News
Subject: 07/24/2012 Town Council Meeting Agenda and Supporting documents.

The July 24th meeting agenda and supporting documents are attached. The agenda and supporting documents are published at http://www.surfsidebeach.org/agenda-2012.html; a printed copy is available in the town clerk's office for public inspection prior to the meeting. Note: The finance report will be published later.

The public is invited to attend all meetings. Time is allotted at all regular meetings for public comments on agenda items and general comments.

This transmission is pursuant to the Freedom of Information Act §30-4-80.

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07242012_tc_ nda_7f_atax_g
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Debra Herrmann, CMC, Town Clerk
dherrmann@surfsidebeach.org - 843.913.6333
Facebook.com/SurfsideBeachTownClerk
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message	The July 24th meeting agenda and supporting documents are attached. The agenda and supporting documents are published at **http://www.surfsidebeach.org/agenda-2012.html**; a printed copy is available in the town clerk's office for public inspection prior to the meeting. Note: The finance report will be published later. The public is invited to attend all meetings. Time is allotted at all regular meetings for public comments on agenda items and general comments. This transmission is pursuant to the Freedom of Information Act §30-4-80.
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status	sent
userselection	
sent	2012-07-19 11:27:50
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template	0
processed	576
as text	564
as html	12

as pdf	0
as text and pdf	0
viewed	0
bounce count	0
send start	2012-07-19 10:42:11
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Debra Herrmann

From: Bill Taylor [btaylor@masc.sc]
Sent: Thursday, July 12, 2012 8:46 AM
To: 'Debra Herrmann'
Subject: RE: Council Subcommittees

Debra,

It's our contention that committee and subcommittee meetings are all considered public meetings and would be subject to the FOIA requirements. So, you would at last need to "notice" the meetings at least 24 hours in advance. If you prepare an agenda then the members would not be able to change the items on that agenda any less than 24 hours in advance of the actual meeting. Minutes should be taken and maintained for all of those meetings.

Also, at the bottom you will see a summary of a Supreme Court ruling in the *Quality Towing vs. City of Myrtle Beach* decision where even an advisory committee to the city manager was determined to be subject to the FOIA requirements.

Bill

FOIA for local officials

Municipalities are considered public bodies in South Carolina and are subject to the Freedom of Information Act. Section 30-4-10. This Act requires, among other things, that the public receive advanced notice of all meetings of public bodies, have open access to meetings, and have the ability to review and copy public documents unless specifically exempted by state law.

Failure to fully understand and comply with FOIA can result in negative publicity, loss of public trust and potential prosecution. Some of the most misunderstood sections of the FOIA for municipalities include proper notice of meetings, conduct of executive sessions, requirements for release of public information, and disclosure of information for final applicants for public jobs.

Public meetings

For the purpose of FOIA, a public meeting is defined as convening a quorum of any public body where business is discussed or conducted, regardless of whether votes will be taken. In addition to council meetings, work sessions or other less formal meetings, regardless of the name used to describe the gathering, are public meetings subject to the FOIA. Additionally, committees/commissions appointed by a municipal council are public bodies subject to open meeting and notice requirements. Section 30-4-60.

Municipalities must provide public notice for all meetings. Section 30-4-20. Annually, municipalities must publish a public notice listing its regularly scheduled meeting dates, times and locations. A written public notice consists of, but need not be limited to, posting a copy of the notice at the municipal office of the public body holding the meeting, or, if no such office exists, at the building where the meeting is to be held. Section 30-40-80(d)).

In addition, the municipality must provide notice of all rescheduled, special or called meetings. State law requires the municipality post the meeting notice a minimum of 24 hours before the meeting and to notify the press as well as anyone else requesting individual notice. Section 30-4-80. These requirements do not apply to emergency meetings.

Executive session

Minutes of all municipal meetings must be prepared and made available to the public. The only exception is the executive session portion of meetings which is exempted from the requirement to keep minutes. Section 30-4-90.

The FOIA recognizes the need for some sensitive information to remain confidential and exempt from disclosure. Section 30-4-70(a).

If a public body can go into a closed session, it first must vote, in public, on the question of going into executive session. If the vote is favorable, the presiding officer must announce the executive session's purpose. Section 30-4-70(a)(6).

Council cannot take any action in executive session except to adjourn or return to public session. Section 30-4-70(b).

The release of information related to to contractual, legal, and real estate negotiations may be withheld until the matter is resolved. At that time, the contract, legal papers or settlement become part of the public record.

Municipal councils may enter an executive or closed session to discuss matters exempted by state law. Section 30-4-70.

- the discussion of employment, appointment, compensation, promotion, demotion, discipline or release of an employee, or an appointment to a public body
- discussion of negotiations incident to proposed contractual arrangements, discussions of a proposed sale or purchase of property, receipt of legal advice, settlement of legal claims or discussions of the public agency's position in adversary situations
- discussion about development of security personnel or devices
- investigative proceedings or allegations of criminal misconduct
- discussion of matters concerning the proposed location, expansion or provision of services encouraging location or expansion of industries or other businesses in the area served by the public body

A municipal council desiring to go in to executive session must state on the meeting agenda and in the motion to enter executive session a detailed description of the subject matter to be discussed, the department or division involved, and the exemption in state law authorizing the executive session discussion. (Example: legal matter in police department related to pending lawsuit.)

No votes may be taken in executive session, except to adjourn. Additionally, discussion while in executive session must be limited to the subject matter announced in the motion to enter executive session.

Release of public information

Under FOIA any person request release of public information. Legal standing does not apply. As a general rule, public information should be promptly disclosed without a formal FOIA request. However, requiring a formal written request may be appropriate when sensitive information is involved.

All FOIA requests must be satisfied within 15 business days. If the research will take more time, a written response must be provided within the 15-day time limit stating why additional time is required and when the requested information will be provided.

Municipalities may charge actual costs related to the research, preparation and copying of the requested materials. Requests for materials exempted by the statute may be denied. Sensitive personal information may be redacted or removed from disclosure. Section 30-4-40.

Complying with FOIA is required by state law. Knowing the requirements of the law, properly applying these requirements, and promptly responding to requests for public information should be the objective of all municipalities.

Quality Towing Inc. v. City of Myrtle Beach

Quality Towing Inc.	vs.	City of Myrtle Beach
Number:	547 S.E.2d 862	
Year:	2001	
State:	South Carolina	
Court:	South Carolina Supreme Court	

This case established that committee's designed to advise public bodies on any subject relating to a public function are in fact performing a public function and are thus subject to the South Carolina Freedom of Information Act.

Quality Towing Inc. v. City of Myrtle Beach was a case before the South Carolina Supreme Court in 2001 concerning the applicability of open records laws to advisory committees.

Important precedents

This case established that committee's designed to advise public bodies on any subject relating to a public function are in fact performing a public function and are thus subject to the South Carolina Freedom of Information Act.[1]

Background

- On June 13, 1995, the City Council of Myrtle Beach enacted legislation which required the city manager to contract with a towing service in Myrtle Beach to provide towing services for public lots.
- Prior to this ordinance, the city had rotated between a list a qualified local wrecker services for their towing needs. Quality Towing was one of those services.
- The city manager formed a committee of government employees, but not council members, to evaluate and make recommendations on the bids submitted by the local towing companies. The committee was to evaluate the proposals on 6 criteria, including "price, equipment, facilities, reputation, ability to perform, and insurance."[1]
- 4 proposals were submitted and the committee, as required by law, decided to visit the facilities of only one of the towing companies, deeming the other bids non-responsive.
- The city manager overruled the committee's decision that Quality's bid was non-responsive and ordered

them to inspect their facility as well. They were scheduled to review their facilities on December 3.

- On October 12, prior to the review of Quality, the committee submitted its nomination for the other auto wrecker that they had already toured. The city manager decided to approve the action and on January 9 the city council approved the contract.
- Quality filed suit seeking to have the contract voided alleging that it violated Quality's property and equal protection rights, created an unlawful trust and that the committee had acted in violation of the Freedom of Information Act.
- On June 19, 1997 and August27, 1997 the court ruled in favor of the city on all counts except for the FOIA violation and questions relating to the validity of the bidding process.
- On May 17, 1999 the special referee appointed to decide the FOIA issue ruled in favor of the city.
- The decision of the special referee was appealed.

Ruling of the court

The trial court, through the special referee, ruled in favor of the city, declaring that the committee was not a public body subject to FOIA and that no improprieties occurred during the bidding process.

The Supreme Court overturned the special referee's decision with regard to the applicability of the FOIA law. The court determined that because the committee was set up with the sole purpose of advising the city manager and consequentially the city council, it was in fact an "advisory committee" of a public body and therefore subject to the law. The court directly stated, "We find a committee formed to give advice to a public body or official is performing a governmental function" and is thus subject to the law.[1] Further, you court held that the committee's function directly related to the expenditure of public funds which resulted in high degree of public interest in the goings on of the committee. The court went on to find a a violation of the open meetings law, namely, failing to announce a specific agenda item for executive session but rejected Quality's contention that the committee illegally arrived at a decision in executive session. The court also found that the city failed to develop and pass an adequate statute declaring that the towing business would become a franchise of the city, and thus the contract is void until that ordinance passes. Based on these decisions, the court reverse the decision of the trial court, ruling in favor of Quality and voiding the contract. The ciourt then remanded the decision of attorney fees and awards to trial court to determine if Quality was entitled. [1]

From: Debra Herrmann [mailto:dherrmann@surfsidebeach.org]
Sent: Thursday, July 12, 2012 8:23 AM
To: Bill Taylor
Subject: Council Subcommittees

Good morning, Bill.

You will probably be sorry I've figured out you are my contact person!!!

FOIA Section 30-1-20(d) defines a *Meeting* as the "convening of a quorum of the constituent membership of a public body…to discuss or act upon a matter…"

My question: Does an agenda and minutes have to be prepared for town council subcommittee meetings? Some people I've asked say yes, they are required regardless; others disagree.

The subcommittees consist of two members and the mayor. The council has specifically stated that the purpose of the subcommittees is to simply gather information for reporting back to council as a whole. No action will be taken nor directives given by the subcommittee.

HELP, Please!

Debra

Debra Herrmann, CMC, Town Clerk
dherrmann@surfsidebeach.org - 843.913.6333
Facebook.com/SurfsideBeachTownClerk
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ROXANE M. LYNN

July 23, 2012

To: Brian S. Kirk
Public Works Director
Town of Surfside Beach
and
Surfside Town Council

Dear Sirs:

I would like to thank you for giving Caropine residents' the opportunity to participate in the garbage, yard debris and especially the recycle program. It certainly is an eye-opening experience for those of us who never recycled. The $16.50 cost on the water bill is so helpful for those of us on fixed incomes and also the younger folks who are strapped for money.

Since receiving notification of the services being terminated, I can't help but wonder why. I thought it might be political. After talking to a few neighbors, I'm told Surfside town council never voted and or approved this wonderful service. If that is the case, please reconsider. There's plenty of time to rethink the situation. I can't think of anyone on council or anyone in Surfside who wants to send all the recyclables into the landfill.

Please keep an open mind and reconsider continuing this service to Caropines and give the council the opportunity to vote on this program. I have cut my trash by 2/3. As your letterhead states "Dedicated people providing quality and responsive service to our community". Please stand up for this statement.

Sincerely,

Roxane M. Lynn

Roxane M. Lynn

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