TOWN OF SURFSIDE BEACH
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PUBLIC NOTICES

TOWN COUNCIL WORKSHOP, Tuesday, December 4th, 2012 at 10 a.m. at the Theatre Grand, 301 Highway 17 South, Surfside Beach to hear a presentation by Lanier Parking regarding the logistical and financial aspects of outsourcing the parking function.

The December Town Council Meeting will be held on MONDAY, DECEMBER 10th, 2012 at 6:30 p.m. at The Theatre Grand, 301 Highway 17 South, Surfside Beach.

TOWN COUNCIL REGULAR MEETING
COUNCIL CHAMBERS
TUESDAY, NOVEMBER 27, 2012 ◆ 6:30 P.M.

AGENDA

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

2. **INVOCATION AND PLEDGE OF ALLEGIANCE** – Pastor Scott Wachter, Surfside United Methodist Church

3. **AGENDA APPROVAL**

4. **MINUTES APPROVAL** - Regular Meeting November 13, 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 #12-0727 to amend §9-16 Decals and Exemptions for Parking Decals, Councilmember Kohlmann
   - B. Second Reading Ordinance #12-0729 Add Chapter 17 Article IX Overlay District
   - C. Second Reading Ordinance #12-0733 to amend §2-61(b) Volunteer Advertising in Daily Newspaper and §2-61(j) Annual Committee Reports, Councilmember Dodge.
   - D. First Reading Ordinance #12-0732 to amend §9-7 No Parking Places, Councilmember Kohlmann
   - E. First Reading Ordinance #12-0735, to amend Business License Ordinance for the Collection of Insurance Broker's Tax, and Agreement with MASC for collection of Insurance Broker's Tax, Treasurer Hursey
   - F. Resolution #12-129 SCMIT Deductible for 2013, Treasurer Hursey
   - G. Decision Papers – Personnel Policy Manual Revisions, Administrator Fellner
     - i. to add Chapter 6, Section 612, Video or Audio Recording in the Workplace
     - ii. to amend Chapter 1, Section 108 Hiring Relatives
     - iii. to amend Chapter 6, Section 606 Anti-Harassment

7. **BUSINESS**, continued

   H. Committee Appointments (May be deferred until after Executive Session)
      i. Senior Citizens – Gerald L. Miller
      ii. Historical – Bob Lang, Jeffrey L. Lane, Randy Harrison
      iii. Parking - Tom Dodge
      iv. Recreation/Special Events – Debbie Bone

8. **DISCUSSION** – 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)(1) to discuss nominations for appointment to the Senior Citizens Committee, Historical Board, Parking Committee, and Recreation/Special Events Committee

12. **ADJOURNMENT**

Annual Christmas Tree Lighting

Town of Surfside Beach
Annual Christmas Tree Lighting Ceremony
Thursday, November 29th at 7:00 p.m.

Music provided by
Seaside Elementary Chorus
Steve Fairchild

Light refreshments will be served.

Everyone is invited to attend.

SURFSIDE BEACH TOWN COUNCIL
REGULAR COUNCIL MEETING MINUTES
NOVEMBER 13, 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 Johnson, Kohlmann, Smith, and Stevens were in attendance. Councilmember Dodge was out of town. A quorum was present. Staff present: Town Administrator Fellner; Fire Chief Packard; Planning Director Morris; Interim Police Chief Keziah, and Public Works Director Adair. Also present: Town Attorney Moss and Town Clerk Herrmann.

Mayor Samples thanked staff and those who attended the Veterans Day Service, especially Mr. Glen Curtis, who helped make it a special event. An infrastructure subcommittee meeting will be held on Wednesday, November 14th, at 6:00 p.m. The public was invited to attend. Mayor Samples wished everyone a Happy Thanksgiving.

2. **INVOCATION AND PLEDGE OF ALLEGIANCE.** Mayor Samples gave the invocation, and led the Pledge of Allegiance.

3. **AGENDA APPROVAL.** Mr. Smith moved to approve the agenda as presented. Mr. Stevens seconded. **All voted in favor. MOTION CARRIED.**

4. **MINUTES APPROVAL.**

Ms. Kohlmann moved to approve the October 23, 2012 regular meeting minutes with an amendment to remove the words "Poplar Drive," on line 408, and replacing them with "C-3." Ms. Mabry seconded. All voted in favor. **MOTION CARRIED.** Ms. Herrmann noted that Planning Director Morris was included in those present at the October 23rd regular meeting.

Ms. Mabry moved to approve the October 23, 2012 Public Hearing minutes as submitted. Mr. Stevens seconded. All voted in favor. **MOTION CARRIED.**

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

"John Ard, 612 Cypress Drive, Surfside. Mr. Mayor, Council, administrator, citizens, we have here tonight under the business section here number F down there, a decision paper, amend personnel policy manual to limit workplace audio and video recordings. I've done a lot of research on this. Is it legal to record in person conversations in South Carolina? Yes. Only one party's considered necessary for the recording of a wire or electronic or oral communication. South Carolina Code 1730, 17-30-20, 17-30-30; what this actually says is what they're trying to do is do away with like video recordings or anything like that in the workplace, any talking or anything like that, and they can also be to where it's a protection for you, and if you read up on the laws, and I don't have time to get into all of it, cause it's too in depth, but that is something right there that the town cannot do. They can't amend that ordinance. That comes under a federal and state ordinance. Under a federal or state ordinance all your municipalities, your towns, the county, everybody has to go by the federal or state, so I don't see where there's any question as to why there's any discussion at all on this. It's pretty simple. It's pretty cut and dry, and a what I would suggest is just what this thing says, you only have to have a one party consent. If you've got three people standing there in the conversation, you can ask yourself this questions, 'Do I consent to taping this conversation?' Answer: Yes. That gives you the right to tape that conversation. Now, also, the law further states that if anybody in a higher up position happens to get wind of this and goes to you and threatens you that if you let anybody hear that tape or that if you speak to certain people and all, you will be fired from your job. That is totally against the law. That can lead into a civil suit. Thank you."

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"Guy Lanham, 1020 Hickory Drive, and I want to talk about the ordinance for sanitary service charges, the increase you're trying to make. I'm not one of your regular complainers, but I couldn't let this one go. A few months ago you gave a, you gave up a profitable source of income to the town, that being the Caro, Caropines sanitary pick up. There was about $30,000 in profit with very little increase overhead and you had an ability to get out of it at any time or at least on a short period of time, if it became unprofitable. Well after that was passed, I emailed the mayor and the council. I tried to get a rationale for this decision, and I received only two replies from the people that supported it, and by the way, I appreciate those replies. One of them was basically because we wanted to. The other one alluded to a personnel problem. Now I retired from private industry, and I will assure you that if we had a profitable business such as the Caropines situation, and we had a personnel problem, we would've solved the personnel problem. You threw the baby out with the bathwater. Now you're asking for a 25-percent increase in the charges. Now the Caropines income may not have covered the total need for the increase, but it certainly would've made it considerably less. I personally think that you made a very misguided decision based on strictly on emotions, and I may be wrong, but that's the only thing I can come up with. Thank you."

6. **COMMUNICATIONS.**

A. Department Reports

i. Planning, Building, & Zoning. Ms. Morris presented the report, a copy of which is on file.

Mr. Smith said the River City sign still was not repaired. Ms. Morris said the process was started and she would follow up.

ii. Police. Chief Keziah presented the report, a copy of which is on file. The town contracted with Alpha Predator from Conway, and they are actively pursuing the coyotes.

Ms. Kohlmann welcomed interim chief Keziah and said the neighborhood watch program is great. It is an exciting time for the town's people to get more involved with the police department. She looked forward to seeing the program grow. She asked whether any women applied for police officer positions. Chief Keziah said a dispatch operator is being placed in a police officer position, but she cannot attend academy until the dispatch position is filled.

iii. Fire. Chief Packard presented the report, a copy of which is on file.

Mayor Samples asked what the elevation is for the emergency generator. Chief Packard said the breather is about 26-feet; however, as long as water does not enter the motor portion, a snorkel can be placed on top of the vent to gain an additional 5- or 6-feet of elevation so the generator would continue to operate.

C. Administrator's Report – Update on Current Events. Ms. Fellner presented the report, which is on file. She asked for council consensus for the following items:

- Award mold remediation bid to FSA in the amount of $28,125.48. **COUNCIL CONCURRED**
- Because mold remediation will begin on December 3rd, council was asked to approve holding the December council meeting on Monday, December 10th at The Theatre Grand. **COUNCIL CONCURRED**
- Pier winter hours beginning December 1 through February 13, 7 days/week, open 7:00 a.m. and close 3:30 p.m. After discussion **COUNCIL CONCURRED to establish pier hours of 7:00 a.m. to 7:00 p.m. beginning December 1 and ending February 13,** and if it is determined the pier is not being used after 5:00 p.m., the administrator will bring another recommendation.
- Authorize attorney to pursue new franchise agreement with Beach Services, Ltd.; proposed term is four years with a 3 year renew option; non-transferrable agreement. Recommendations from council should be submitted to the administrator for the attorney. Town council will approve final agreement. **COUNCIL CONCURRED**

There will be a Town Council workshop meeting on December 4th at 10:00 a.m. to hear a parking presentation by Lanier Parking Solutions.

Due to the high volume of responses for the police chief positions, a focus group consisting of Mayor Pro Tem Mabry, Councilmembers Kohlmann and Smith, and herself was formed to consider the applications. **COUNCIL CONCURRED**

The South Carolina Department of Transportation (DOT) revised its estimate for repaving US Highway 17 Business in the town's limits to $1.560 million. The town's 50-percent match will be $780,000. A letter was submitted to DOT on October 2nd to keep the town in consideration for the grant. Mayor Samples asked if any councilmember wished to express opposition. **COUNCIL CONCURRED** that the letter was proper and supports the initiative.

Additional information on pier signage will be presented at the December council meeting. Local vendors are being sought, because attempts to contact out of town vendors have been unsuccessful. Mayor Samples said it would be nice to have a town map at the pier that delineated amenities like the parks, library and lakes. There are many opportunities for directional signage, for example a sign on Highway 17 directing visitors to the pier and the library. He suggested involving the Keep Surfside Beach Beautiful and the Recreation/Special Events committees. Mr. Smith encouraged using a local vendor. Ms. Fellner said local vendors are encouraged to participate. Every local vendor qualified to do mold remediation was contacted, and the bid was awarded to FSA, a local company.

Mr. Moss explained that the articles of incorporation for the Surfside Youth Association were signed this afternoon and would be sent to the Secretary of State tomorrow. The tax identification number has already been received, and he hoped that by Friday the corporation would exist. A contract was drafted for the town to enter into with the association; comments were received from Ms. Fellner, and he is awaiting comments from Mr. Seman. The corporation directors are meeting tonight to discuss policies and regulations concerning coaches. He expected to receive that information soon. He expected that the corporation would be formed and ready to negotiate with council by the end of the week.

7. **BUSINESS.**

A. Second Reading Ordinance #12-0731 to amend FY2011-2012 Municipal Budget, Treasurer Hursey. Mayor Samples explained that the budget amendment was to adjust for the underground wiring project along Ocean Boulevard.

Mr. Smith moved to adopt second reading of Ordinance #12-0731. Ms. Mabry seconded.

Mr. Stevens asked when the underground wiring project would be completed. Mr. Adair said the works should be completed soon, but paving would not be completed until March when all the larger trucks would be finished using the roads.

All voted in favor. **MOTION CARRIED**

B. First Reading Ordinance #12-0727 to amend §9-16 Decals and Exemptions, Councilmember Kohlmann.

Ms. Kohlmann moved to amended the third line in the preamble first paragraph by adding "residents and" after "decals allowing." Mr. Stevens seconded. All voted in favor. **MOTION TO AMEND CARRIED.**

Mr. Stevens moved to adopt first reading of Ordinance #12-0727 as amended. Ms. Kohlmann seconded. Mayor Samples noted that the change was only to the preamble; not the terms of the ordinance. All voted in favor. **MOTION CARRIED.**

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C. First Reading Ordinance #12-0733 to amend §2-61(b) Volunteer Advertising in Daily Newspaper and §2-61(j) Annual Committee Reports, Councilmember Dodge.

Mr. Stevens moved to adopt first reading of Ordinance #12-0733 as presented. Mr. Johnson seconded. All voted in favor. **MOTION CARRIED.**

D. First Reading Ordinance 312-0734 to amend §7-12 Sanitation Service Charges, and to add §7-37(g) Electronic Waste Prohibition, Public Works Director Adair. Mr. Adair presented the decision paper that is on file.

Mr. Johnson moved to suspend rules to allow discussion. Ms. Mabry seconded. All voted in favor. **MOTION CARRIED.**

Ms. Kohlmann was concerned about the facts as they were presented. The facts state that there is no increase to summer rollout service, when in fact there is a 150-percent increase, because the summer rollout service was $20 and is proposed at $50. With 510 residents using the winter rollout service, that is an awful lot of money for services that they might not be using. The combined increases total over $108,000, which will be paid by the highest taxed owners in town. She did not believe winter rollout was comparable to summer rollout service demands. Those 510 residents are not here to speak for themselves and she believed this was an unfair increase. Mr. Adair offered two clarifications: First, the summer rollout was in the ordinance at $20 per month, but it really was $50. It was a typographical error that had probably been in there since 2004, but did not get noticed until now. The fee was $50 all along. Secondly, the mandatory winter rollout was not added; it was already mandatory in the code. Ms. Kohlmann asked how it could be exempted if it was mandatory. Mr. Adair said the only exemption was to year-round residents that could rollout their carts themselves. Ms. Kohlmann did not believe that was the way the ordinance was written. She would meet with Mr. Adair later.

Mayor Samples asked if the ordinance published online with respect to sanitation had an error, and a copy of the signed ordinance was produced that related to sanitation that was not incorporated online. Ms. Herrmann remembered the situation, but not the details. She explained that the online code publication is for information only; specific questions about the code should be addressed to staff. The original ordinance would need to be read to determine what council actually intended.

Mr. Johnson noticed the same discrepancies that Ms. Kohlmann did. He asked if the rollout service is already billed at $50 per month per cart. Mr. Adair said that was correct, and that amount had been in place for many years.

Mayor Samples noted Section 7-12, paragraph 4 cited "thirty dollars," but had "$31.75" in parenthesis, and asked Mr. Adair to correct that. Mr. Adair noted the typographical error.

Mr. Stevens concurred with Ms. Kohlmann and said this was confusing. He could not support the ordinance.

Mr. Smith asked how much new revenue would be generated for one year. Mr. Adair said about $60,000 using this analysis. Mr. Smith could not support the ordinance.

Ms. Mabry said this matter was brought before the finance subcommittee. She supported the ordinance 100-percent. The town must buy new equipment; gas prices have doubled in four years, salaries, and benefit costs have also risen. There are six huge trucks on the road. The town's sanitation fees have not increased in eight years. Every two years the town should replace heavy duty equipment to maintain a ten year life span. If the scheduled is kept, the town should not have to nickel and dime everyone. She did not believe the proposal was unfair, because the town still offers the most services in Horry County, and would still have the lowest rates even with the increase. She understood that some people believed that dropping Caropines service was a mistake, but in actuality the town was there three times weekly, because they received the same services as the town. She voted to eliminate that service because of the cost. This is a necessary change; there is no choice, because everything is costing more.

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Mayor Samples said sanitation is an enterprise fund that is supposed to be self-supporting. There are five garbage trucks and two boon trucks that are used to pick up yard waste. Everyone knows the town has the best service of anywhere, and it has to be paid for. Council can do just as it did during the previous administration; have trucks breaking down and calling Myrtle Beach to loan trucks. He did not believe that was good leadership. Mayor Samples believed the town should take care of itself. The fact of the matter is that trucks purchased today are not like old trucks; they have "whiz-bang regulated additions." The town has two mechanics now to take care of the equipment. Sanitation prices have not been increased since 2006. He suggested that everyone check the average price of fuel today compared to 2006.

Ms. Kohlmann did not oppose an increase, but she had questions about the presentation. She wanted the information presented "neatly and completely," so she and council could make an informed decision that they would not regret.

Mayor Samples said that is partly because staff is "cleaning up" an ordinance that was not being followed. The current ordinance states $20; he did not know when the price was adjusted to $50. The proposed charge of $50 is the amount currently being charged. The increase is from $15 to $18.75 for the best service that this town provides. He liked the fact that staff picked up garbage, but that is only his opinion.

Mr. Johnson moved to reconvene regular session. Ms. Mabry seconded. All voted in favor. **MOTION CARRIED.**

Mr. Smith moved to defer first reading of Ordinance #12-0734 to the first meeting in January. Mr. Stevens seconded.

Ms. Mabry reiterated her belief that council should act on this ordinance. The increases would not occur overnight. Everyone knows an increase needs to be made; the option is to cut services. That is the fact.

Mr. Stevens said he had not had a chance to study the details and wanted council to fully understand the ordinance before voting on it. He had many questions, and did not believe it was too long to defer the matter to the first meeting in January.

Mayor Samples said the meeting date is January 8th. He suggested that members with questions meet with staff.

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

E. Intergovernmental Agreement with Horry County – Senior Center, Town Administrator Fellner.

Ms. Fellner presented the proposed agreement that is perpetual, unless either party wishes to terminate, then a 90-day written notice is required. In paragraph 3, the town attorney added language stipulating that the town does not waive and expressly reserves it rights in the property, and a new paragraph 6 that stipulates amendment or modification of the agreement may only be accomplished through written agreement signed by both parties.

Mr. Smith moved to adopt the Intergovernmental Agreement with Horry County for the property at 10th Avenue North where the Senior Center is located. Mr. Stevens seconded. All voted in favor. **MOTION CARRIED.**

F. Decision Paper – Amend Personnel Policy Manual to Limit Workplace Audio and Video Recordings, Town Administrator Fellner. Ms. Fellner presented the decision paper that is on file.

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Mr. Moss said there are criminal statutes relating to evidentiary issues in law enforcement that allow recordings when one person has consented. However, in his opinion, he has found no authority for the assertion that either the federal government or the State of South Carolina has occupied this area of the law. He believed it was in council's authority to adopt the policy. It is a proven fact that these type recordings create lawsuits. He also believed allowing recordings created trust and moral problems within the staff, which would be an immeasurable cost; therefore, he was in favor of adopting the proposed or a similar policy to protect the town.

Ms. Kohlmann believed there were too many cases where employees felt threatened or harassed, and those employees should be allowed to make recordings. The State entitles a person to record as long as one party consents. The way it should protect the town is that a person should not be allowed to tape other's conversations, which is against federal and state law. She asked whether the policy would protect the employee or would it protect a violator, which would subject employees to harassment and end up in a "he said, she said" situation. Ms. Kohlmann believed staff should be instructed to "watch what you say to people and how you talk to people, and how you treat them," and asked if the town wanted staff that violated procedures that were in place, but there was no way to prove it. She could not support the amendment.

Ms. Mabry asked Mr. Moss if he knew whether having a recording guaranteed a win when someone sued. Mr. Moss said absolutely not. The town's labor firm recently had a case in Lancaster where police officers recorded in a secret manner. Those employees did not prevail, and were actually terminated. In that case, the court decided that the secret recording was considered harassment. So some towns and counties have considered this as part of their anti-harassment policy in their personnel manuals. He reiterated that there was nothing here to prevent the council from adopting the policy, if it deemed it appropriate. Ms. Mabry said she would be very uncomfortable knowing that everything she said could be recorded. There are times that a private conversation is warranted, and that will not occur if there is a possibility of recording. She did not believe many people would want to work in that environment. In today's technology smart world it is simple for someone to record a conversation and then edit it to make it say something completely different. She fully supported the proposed amendment.

Mr. Moss respected Ms. Mabry's comments, but believed Ms. Kohlmann's comments had some merit. The draft policy does allow the administrator to grant permission to record when an employee feels threatened or harassed.

Mr. Stevens believed the last line, "violation of this policy will result in immediate termination," was an intimidation factor to any woman who works in town. Anyone that is sexually harassed has a right to protect themselves from sexual or any other type harassment. He believed policy would violate the 1964 Civil Rights Act.

Ms. Mabry reiterated that there were procedures in place to protect the employees. Mr. Moss just explained that the town administrator could authorize recordings when necessary. Women in the workforce today are very strong and do not take harassment lightly. She believed they would follow procedures appropriately and in her opinion the policy had language that would protect all the employees.

Ms. Kohlmann believed the discussion was drifting from the policy, but she was shocked to hear the comments about harassment. There are very strong women that do get harassed, and she believed it was council's duty to protect those people, saying, "it's the law, it's the law, it's the law." She could not understand how this would work, because she could not record two people having a conversation, but if someone was having a conversation with her...the information would only be reported if it was inappropriate, so she asked what was really being done with the proposed policy. In her opinion, it would protect the violator. This obviously was presented for a reason, everyone knows that. Why protect the violator? This did not apply just to women; men are also uncomfortable in workplaces. People are not walking into each other's offices videotaping or recording conversations. She reiterated that staff should act appropriately, treat people with respect, or they should not be working here. (Applause)

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Mr. Smith was not comfortable with the policy recommendation. He asked Ms. Fellner how she would determine when to grant authority to record. Ms. Fellner said she would call the attorney first, because the attorney has a legal background and could separate facts from emotions. Decisions would be made on a case-by-case basis, because of mitigating factors. Mr. Smith said that was his issue; many times management does not agree with the employee that there is an issue. However, the employee feels strongly that it is an issue. He asked Ms. Fellner if she or whomever might be in the position would be amenable to not being not quite as restrictive in that case. Ms. Fellner said that was why she believed the attorney should be contacted. The attorney could help determine whether the situation warranted recording and help avoid personalities impacting the decision. Mr. Smith asked Mr. Moss if the specific language could be added to make the policy more explicit that an employee could seek authorization to record if he feels like he is being harassed. He believed that was the issue; harassment and the employee feeling like he has support of management to do a recording to get evidence. Mr. Moss said it would be simple to add a provision that would provide that the employee could seek permission in the case of an alleged allegation of harassment. The town actually has a harassment policy as part of the personnel manual, which could certainly be referenced and allow the employee to obtain permission from the administrator. If the allegation is against the administrator, permission might be granted by the mayor. It would not be difficult to draft. Mr. Smith believed it would be nice to include those statements in the policy. They should be plainly stated so anyone that feels they are being harassed would know the procedures to get administrative help.

Mr. Johnson asked why this policy was being presented to council. Ms. Fellner said there was an incident involving this, which would not be appropriate to discuss in public. Mr. Johnson did not feel comfortable making a decision until he had more information and some tweaking of the policy.

Mayor Samples said clearly the policy was not to protect people whom were acting inappropriately. Trust in the workplace is a real issue. He did not want to see people running around with tape recorders or other devices taping people. Everyone talks differently during casual conversations. He did not want to protect anyone that was acting inappropriately, but at the same time, he believed the town needs a policy, because people will tape people for a lot of different reasons. During the past, he has worked in places where good people lost jobs who were taped saying something they should not have said. He believed Mr. Smith's recommendation was very logical, and thought it would be worthwhile to have the policy crafted that provides an avenue for someone who feels wronged. He reiterated that he did not support the wholesale use of recording devises in the workplace.

Mayor Samples asked each member whether they opposed any policy. Ms. Kohlmann opposed; Mr. Stevens opposed; Ms. Mabry supported and liked Mr. Smith's suggestions; Mr. Smith supported once there is a clear path for an employee to record if he is being harassed; Mr. Johnson supported, and Mayor Samples supported. Mayor Samples asked that the policy be revised and brought back for further consideration.

8. **DISCUSSION** – Any matters of concern or information to be discussed by Town Council.

There was no discussion.

9. **PUBLIC COMMENTS.**

"Glen Curtis, 257 Palladium, just southwest of this building. First of all, I'd like to say Ms. Ellis and her crew does a fantastic job every time we have something out on the streets. She brings in tourism. Thank her! The second thing, you a, got people with businesses cleaning up in front of their places; it's starting to look good, and excuse me, Mr. Adair got the contractor that put in sidewalks in front of our own sidewalks on Surfside Drive, and repaired them. We're showing that Surfside, our community, is doing the same as we asked, and I think that's great. The third thing, I had a problem in the workplace. I went to the district operator when I was coming in and I asked is there any trucks down, any backhoes from the night before so I could repair them. And he says, we got a few trucks down and I want everything back right away. So I says I'm gone do the best I can. Went down to the troubleshooters and I told them and I asked those guys what can I do, and they told me to get (**) trucks so they can get some

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lights back. The troubleshooter foreman called down there and he, and one of the guys got on the phone and kidding around, because the foreman said, hey, ask Curtis to get all them trucks back quick. We want them out there. He says hey, I got something to tell you. Curtis is a Vietnam Vet. He's crazy and he'll pull you right through this phone and choke you to death. Alright now, nothing was said. Two weeks later, all of sudden I got called down by my foreman to the other section where the big garage was, and he says do me a favor, wait in my office. I go in and all of sudden security is in there. Guy asks me, he says did you ever tell anybody you're gonna choke them to death or anything like that? I said no, what the (**) you talking about? He says well, we got some complaints there was a note slipped under your foreman's door one night, and it said that you threatened people. I says I never threatened nobody. I said you're out of your mind. So then a day later, somebody says hey, did you pull anybody through the phone yet? I'm looking at them; I said that's where I heard it, and I went to the guy that said it and I said get your (**) up there and talk to security now, because they were gonna suspend me, they were gonna fire me with 35-years and so he said well I'm not going up there. So I went up to security and I says this is the guy, this is his name. He said you have no rights. You can't prove nothing. For the last two years I worked, I was on eggshells, because they was gonna go after me, because I didn't have any proof and my rights were being taken away. Think about these things as you give your thoughts to what was being said before, okay? The other thing is I had mentioned a bunch of meetings before this, Carol and I were going home at night after shopping. Going down where Jamin' Leather was down on 8th Avenue there was no street light all the way to Sandy Lane. It is completely dark. When you get to the stop sign, if you look to the right, maybe four lights down there is a light, but if you make a left to go to the next stop sign, there is no light. Sometimes during the summer the water park has a big light on, but it is very rare. The other night when we came home, there was kids playing in the parking lot of the old Jamin' Leather there, pitch black, and as I made my turn to the left, with no lighting, a kid came out, almost nailed him. Please think about putting a light some place in that area or before somebody does kill somebody. Thank you very much."

"I had to get up. I know I'm not supposed to get up anymore, but, Harry Kohlmann, 1610-B South Ocean Boulevard. I have to speak about this cause I've seen it happen and I don't like it, and that's sexual harassment. When I was a sergeant at a very big precinct, we had a very pretty police officer who was very friendly with everybody. Not in a sexual way, but she was outgoing, and we had a lieutenant who would systematically harass her sexually. Well, she didn't get it on a tape recorder. She should've, but she didn't. He would do it when it was unexpected and it was terrible. It caused her a lot of pain and agony, and hostile. How can you come in to work every day when you know that this person was gonna harass you? Bother you. And when she told me, we went to the commanding officer and we hoped he would do the right thing. You know what he said to her? Why don't you two just get together and kiss and make up? It was a he said, she said incident. Nobody's gonna tape anybody unless they're a kook all the time. They will do it if they're getting harassed or if they feel like they need to do it. What if this woman that's getting sexually harassed doesn't trust your administrator, and she doesn't tape, and she keeps getting harassed, or if she does, she does tape and it makes a great case and you, you fire this monster. She gets fired too, because it's in your book saying you need permission. I don't understand why you're so afraid of taping bad guys, of taping predators. We're not talking about off the key conversations between people, we're talking about sys...when a person decides to start taping somebody, it's because they've gone to their breaking point. I don't know. I really, I just can't, I can't understand why you want to protect bad people. We're not talking about off key remarks every once in a while, and if someone does that, they're not gonna get fired for doing it. They might get punished a little bit, reprimanded. But we're talking about a systematically harassing somebody and you're worry about a lawsuit, because that person was doing the wrong thing getting rid of the bad people. Thank you."

"John Ard, 612 Cypress Drive, Surfside. I'd like to say, Mr. Curtis, I share a lot of your sentiment exactly. I also am a Vietnam Veteran. I have been through a lot of what Mr. Curtis has been through. Put up with a lot of the same bull. The facts be known, I have PTSD *(post traumatic stress disorder)* to a very high degree. I've been accused of being crazy, being insane, and everything else in the workplace. You go to your boss with something and the first thing they do is laugh you out the dern room. They don't care whether you prove it or not. You walk around that job, just like he said, on eggshells. Just like a lot of what he said. But for some of these women that have to put up the harassment they have to put up with and they're scared to go to the boss about or whoever it may be, is a very pathetic situation. I cannot

see a woman nowhere in this room that can say they're gone stand there and put up with sexual harassment and lose their job because they went to a higher authority with it and the next thing you know they get fired. Why; because, they don't have no evidence. You got you a foreman over here harassing this person over here. He's the foreman. He's gonna have the last word. He ain't gonna have nothing but a swift kick in the (**) and out the (**) door. I advise y'all to really think about this. The ones of you that were against it. I don't think you quite know where things stand at with it. I understand some of your points exactly, but I think you better go home tonight and when you lay your head on that pillow, you ask yourself, did I make the right decision on what I had to say in that meeting tonight. How many people maybe have I costed their jobs of trying to defend their self. Can you live with that? Can anybody up there live with that? I don't think so, and I don't think you want a see it happen. As far as a tape recorder or something like that in the workplace, state and federal both says you can have it, and here we have a council here that says we don't know. Thank you very much."

10. **COUNCIL COMMENTS.**

Mr. Johnson, "Thank you, Mr. Mayor. Just a couple of brief comments; thanks everyone for coming out. We really do appreciate you. As far as the sanitation increase goes, I understand that it's a necessary evil. You know, we, we have a great service. But, I just want to remind everyone that I was the only councilmember that voted against getting rid of the Caropines service, because it was a money maker. Thank you; have a good evening."

Mr. Smith, "No comments."

Ms. Mabry, "A yes, first of all, thank everybody for coming out, and the, if you missed the Veterans Day service, try to make it next year. It was absolutely wonderful. I think it was as nice as I've ever seen it. And, I am gonna comment just one brief comment on the, the tape recording. I know very well, and I, and what happens to women in the workplace. But I also know that the times are changing and we are gonna put in there something to protect all of our employees. There's always a chain of command. We want to make sure that they go through that and they get the protection they need. But I'm never gonna support that anybody can tape you at any time making any off the cuff, because remember these tape recordings you can delete part, and the parts that you don't like, and you can make a comment sound just about any way you want to. So, I, I just, I want you to know now, cause I always like people to know exactly where I stand, I'll never support being able to video tape and record at will."

Mr. Stevens, "Thank you, Mayor Samples, and a just a comment on a couple of things. Mr. Latham, we appreciate your comments earlier in the public comments at the start of the meeting. They say hind sight is 20/20, and perhaps we did make a bad decision on Caropines. It was a, was a positive cash flow there. That being said, we did what we did, and I believe, if I'm not mistaken, Councilman Smith voted against it too. In reference to the tape this is a law that is, you know, I, I don't think we've ever had any incidents of taping in Surfside until just recently. It's never happened before, and I do have some firsthand knowledge on it, and I feel like the reason these folks taped this stuff is they were being, they felt threatened, and I will support women to be able to record something, if they are, in fact, being abused. I stand with that. It's part of the Civil Rights; it's part of state law; it's part of federal law; it's part of the whistleblowers act. I don't think we should subject a person who is a victim to being prosecuted by being terminated, and that's exactly what they're doing (**) the victim and they're being prosecuted by being terminated because of trying to protect themselves. Thank you."

Ms. Kohlmann, "You all know I worked with men in the NYPD *(New York Police Department)* and a, subjected to a lot of things, but I think I dealt pretty well with it. However, there were some workers of mine that didn't and I watched them suffer, and it's not a pleasant thing to watch, and a, it never was good for them, because they just didn't tape or, you know, like my husband had mentioned, they're told to just kiss and make up, or whatever the case may be, and I understand and respect everybody's opinion up here about it, but you have to remember, I'm not, I am not supporting walking around tape recording when people are having conversations. Again, it would be when somebody felt they couldn't go anywhere else, and what if I worked in the town, and I, Ms. Fellner and I didn't get along, or she didn't like me, or didn't believe me, then where does the person go? There is really, if you look in the personnel

manual, there's really not a lot there, so maybe we need to review that and say you need to have a safety for these people, because I will not support that people cannot protect themselves. It is our responsibility and our duty to protect you all, and our employees, and if it's come up now, it's gonna come up again, so I think it needs to be addressed. It needs to be looked at, and we have to protect people, and this is not taking away people's rights. It's not creating a hostile work environment by tape recording. The hostile work environment is created when people make other people feel they need to tape record it, and if something is tape recorded and it shows, in fact, it's hostile…I just don't see what the issue is with that, but with that said, I would like to say everybody have a very happy Thanksgiving."

Mayor Samples, "Thank you, and I know tonight it was accidental, but on a couple of occasions, I think the language, maybe we let our emotions get a little bit ahead of us, and that sort of thing. I know the clerk doesn't like to, to a…" Ms. Herrmann, "Blame me." *(Laughter)* Mayor Samples, "I will, I am; I'm sharing the blame." Ms. Herrmann, "Do you want me to say it?" Mayor Samples, "Yeah." Ms. Herrmann, "Please don't use ugly words when you make comments." Mayor Samples, "Yeah, yeah, that's all, and, and I know it was accidental and, and that sort of thing, but we, we do record the minutes and, and, and that sort of thing. I, too, wish everybody a happy, happy Thanksgiving."

11. **EXECUTIVE SESSION.**

Pursuant to FOIA §30-4-70(a)(1) to discuss restructuring.

Mr. Smith moved to enter executive session at 8:37 p.m. Ms. Mabry seconded. All voted in favor. **MOTION CARRIED.**

Mr. Smith moved to reconvene regular session at 9:12 p.m. Mr. Johnson seconded. All voted in favor. **MOTION CARRIED.**

Mayor Samples stated that no action was taken during executive session.

12. **ADJOURNMENT.**

Mr. Smith moved to adjourn the meeting at 9:12 p.m. Mr. Johnson seconded. All voted in favor. **MOTION CARRIED.**

Respectfully submitted,

Debra E. Herrmann, CMC, Town Clerk

Approved: November 27, 2012

Douglas F. Samples, Mayor

Mary Beth Mabry, Mayor Pro Tempore

Ann Dodge, Town Council

Mark L. Johnson, Town Council

Elizabeth A. Kohlmann, Town Council

Roderick E. Smith, Town Council

Randle M. Stevens, Town Council

Clerk's Note: This document constitutes minutes of the meeting, which was audio taped. This meeting was transcribed by Town Clerk Herrmann. In accordance with FOIA, meeting notice and the agenda were distributed to local media and interested parties. A complete list is on file in the clerk's office. The agenda was posted on bulletin boards outside Council Chambers and in the Town Hall reception area. Meeting notice was also posted on the Town marquee. When (**) is used a section of the transcription is inaudible. Public Comments and Council Comments are transcribed verbatim without grammar corrections. When used given names are replaced with surnames.

Draft

Business License:

- October 2012 Activity ***(22) New Accounts***: New business In-Town (4); New business Out-of-Town (3); New Rentals (8); New Contractors (7); Additional business inquiries (5)
- Business License revenue for October 2012 is $6,136 which is down from prior year's $7,788.
- YTD both business license and building permit revenues are down compared to prior year, this is mainly attributable to prior year new home construction.

Taxes:

Current real estate, personal property and vehicle tax payments received from Horry County for October 2012 were $212,717, for comparison last year we received $31,927. The taxes have not been recorded due to the timing of this report, an update will be provided at the next meeting.

Hospitality & Local Accommodations Taxes:

Hospitality and Local Accommodations taxes received in the month of October were $60,841 and $15,567 respectively, which were down slightly from prior year. YTD collections are relatively flat to last year.

Enterprise Funds:

In October 2012, the Sanitation Fund collected approximately $81,000 in service charges, which is in line to last year. In October, the Pier Enterprise fund collected $14,511 in revenue, which is slightly lower than the $15,746 received in the prior year.

FY 2011-2012 Audit:

The auditor's will present the CAFR or Comprehensive Annual Financial Report, at the first regularly scheduled meeting of Town Council in December. The Town's auditor's Harper, Poston, & Moree, CPAs, are available for any questions.

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
October 31, 2012

Ideal Remaining %: *67%*

General Fund	October 2012	YTD FY 12-13	FY 12-13 Budget	Over (Under) Budget	October 2011	YTD FY 11-12
Property Taxes						
Current Property Taxes	$ -	$ 42,706	$ 2,150,000	$ (2,107,294)	$ 26,652	$ 86,282
Motor Carrier Taxes	-	2,098	4,000	(1,902)	65	2,000
Penalties & Prior Year Taxes	-	15,162	30,000	(14,838)	1,360	8,235
	$ -	**$ 59,966**	**$ 2,184,000**	**$ (2,124,034)**	**$ 28,077**	**$ 96,517**
**** Property Taxes have not been entered***						
Licenses and Permits						
Business Licenses - Local	$ 6,136	$ 21,458	$ 675,000	$ (653,542)	$ 7,788	$ 35,511
Business Licenses - MASC	-	117,016	715,000	(597,984)	-	3,475
Animal Licenses	160	830	3,000	(2,170)	150	810
Building Permits	14,138	37,249	100,000	(62,751)	3,981	61,539
	$ 20,434	**$ 176,553**	**$ 1,493,000**	**$ (1,316,447)**	**$ 11,919**	**$ 101,335**
Franchise Fees						
Santee Cooper (Bi-Annual)	$ -	$ -	$ 265,000	$ (265,000)	$ -	$ -
GSW&SA (Monthly Installments)	16,620	66,480	195,000	(128,520)	16,620	66,480
TimeWarner (Quarterly)	32,211	32,211	115,000	(82,789)	30,721	30,721
HTC	189	189	-	189	67	67
SCANA (Annual)	-	-	9,600	(9,600)	-	-
	$ 49,020	**$ 98,880**	**$ 584,600**	**$ (485,720)**	**$ 47,408**	**$ 97,268**
Fines and Forfeits						
Police Fines *Est. not reconciled	$ 7,100	$ 39,981	$ 130,000	$ (90,019)	$ 15,499	$ 49,947
Victims Assistance *Est.	1,300	8,322	20,000	(11,678)	3,019	10,017
Parking Fines-Current	1,836	11,068	45,000	(33,932)	6,516	28,172
Parking Fines-Prior	300	450	-	450	-	-
	$ 10,536	**$ 59,821**	**$ 195,000**	**$ (135,179)**	**$ 25,034**	**$ 88,136**

Town of Surfside Beach
Finance Department Report
October 31, 2012

Ideal Remaining %: *67%*

General Fund	October 2012	YTD FY 12-13	FY12-13 Budget	Over (Under) Budget	October 2011	YTD FY 11-12
Interest	**$ -**	**$ 1,218**	**$ 10,000**	**$ (8,782)**	**$ 529**	**$ 2,173**
Interest has not been booked						
Intergovernmental Revenues						
Aid - Local Government Fund	$ 29,462	$ 29,462	$ 65,000	$ (35,538)	$ 17,419	$ 17,419
Alcohol Permits	2,700	2,700	41,500	(38,800)	5,899	5,899
Homestead Exemption	-	-	40,000	(40,000)	-	-
Merchants Inventory	2,780	2,780	11,120	(8,340)	2,780	2,780
Government Grants	-	-	7,500	(7,500)	-	1,368
H.C. Recreation Dept.	-	-	16,600	(16,600)	-	-
H.C. Road Maintenance	32,079	32,079	100,000	(67,921)	34,808	34,808
	$ 67,021	**$ 67,021**	**$ 281,720**	**$ (214,699)**	**$ 60,906**	**$ 62,274**
Recreation Revenue						
Recreation Registration Fees	$ -	$ 1,540	$ 22,300	$ (20,760)	$ 450	$ 3,500
Recreation Sponsorships	-	-	4,000	(4,000)	-	-
Other Recreation Revenues	840	9,633	25,200	(15,567)	2,804	12,445
	$ 840	**$ 11,173**	**$ 51,500**	**$ (40,327)**	**$ 3,254**	**$ 15,945**
Other Revenue						
Miscellaneous Revenues	4,444	8,139	25,000	(16,861)	3,937	8,474
	$ 4,444	**$ 8,139**	**$ 25,000**	**$ (16,861)**	**$ 3,937**	**$ 8,474**
Other Financing Sources						
Sanitation Fund	$ -	$ 17,511	$ 54,625	$ (37,114)	$ -	$ 9,455
Accommodations Tax Fund	36,537	36,537	46,250	(9,713)	37,638	37,638
Interest Revenue Pier Enterprise	-	18,335	18,335	-	-	22,037
Pier Enterprise	-	14,055	30,477	(16,422)	-	4,056
Trans from Hospitality	-	110,470	441,880	(331,410)	-	25,000
Local Accommodations Tax Fund	-	68,501	140,000	(71,499)	-	65,248
Sale of Fixed Assets/Insurance Procee	-	-	-	-	17,764	17,764
Franchisee Reimbursement	8,112	8,112	266,000	(257,888)	-	-
	$ 44,649	**$ 273,521**	**$ 997,567**	**$ (724,046)**	**$ 55,402**	**$ 181,198**
Total Revenue & Other Financing Sources	**$ 196,944**	**$ 756,292**	**$ 5,822,387**	**$ (5,066,095)**	**$ 236,466**	**$ 653,320**

YTD Remaining %: ***87.0%***

Town of Surfside Beach
Finance Department Report
October 31, 2012

Ideal Remaining %: *67%*

Capital Projects Fund	October 2012	YTD FY 12-13	FY12-13 Budget	Over (Under) Budget	October 2011	YTD FY 11-12
Revenue						
Property Taxes	$ -	$ 7,590	$ 268,750	$ (261,160)	$ 3,850	$ 12,466
Interest	-	246	-	246	74	470
Misc/Reimbursement	-	-	-	-	-	-
Total Revenue	$ -	$ 7,836	$ 268,750	$ (260,914)	$ 3,924	$ 12,936
**** Property Taxes have not been entered***						
			YTD Remaining %:	***97.1%***		
Expenditures						
Lakes - Maint. & Enhancements	1,650	7,651	20,500	(12,849)	1,195	6,350
Water Quality/NPDES	2,107	26,735	32,875	(6,140)	2,094	47,075
Storm water Improvements	-	-	-	-	12,230	12,230
Total Expenditures	$ 3,757	$ 34,386	$ 53,375	$ (18,989)	$ 15,519	$ 65,655
			YTD Remaining %:	***35.6%***		
Net Revenue over/(under)	**$ (3,757)**	**$ (26,550)**	**$ 215,375**		**$ (11,595)**	**$ (52,719)**

Town of Surfside Beach
General Fund
Summary Financial Information
Period Ending 10/31/12

Ideal Remaining %: *67%*

Revenues	October 2012	YTD FY 2012-13	FY 12-13 Budget	Over/(Under) Budget	October 2011	YTD FY 2011-12
Property Taxes	$ -	$ 59,966	$ 2,184,000	(2,124,034)	$ 28,077	$ 96,517
Licenses & Permits	20,434	176,553	1,493,000	(1,316,447)	11,919	101,335
Franchise Fees	49,020	98,880	584,600	(485,720)	47,408	97,268
Fines	10,536	59,821	195,000	(135,179)	25,034	88,136
Interest	-	1,218	10,000	(8,782)	529	2,173
Intergovernmental	67,021	67,021	281,720	(214,699)	60,906	62,274
Recreation Revenue	840	11,173	51,500	(40,327)	3,254	15,945
Other Revenue	4,444	8,139	25,000	(16,861)	3,937	8,474
Other Financing Sources	44,649	273,521	997,567	(724,046)	55,402	181,198
Total Revenue	$ 196,944	$ 756,292	$ 5,822,387	(5,066,095)	$ 236,466	$ 653,320

*** Property Taxes have not been recorded**

YTD Remaining %: ***87.0%***

Ideal Remaining %: *67%*

Expenditures

Salaries & Benefits						
Salaries	$ 194,278	$ 767,911	$ 2,760,899	(1,992,988)	$ 205,298	$ 757,103
Benefits	72,560	297,651	1,088,280	(790,629)	76,400	296,818
Total Salaries & Benefits	$ 266,838	$ 1,065,562	$ 3,849,179	(2,783,617)	$ 281,698	$ 1,053,921

YTD Remaining %: ***72.3%***

Town of Surfside Beach
General Fund
Summary Financial Information
Period Ending 10/31/12

Ideal Remaining %: *67%*

Operating Expenditures						
Administration	$ 9,955	$ 35,097	$ 132,634	(97,537)	$ 12,079	$ 34,067
Finance	6,598	37,274	70,992	(33,718)	11,680	41,550
Court	1,863	9,513	36,675	(27,162)	2,118	8,871
Facilities	1,472	10,841	27,791	(16,950)	1,128	6,191
Police	21,653	83,848	265,426	(181,578)	26,998	102,396
Fire	5,550	34,718	124,715	(89,997)	7,567	26,602
Building & Zoning	4,934	25,058	72,631	(47,573)	19,260	40,917
Grounds	6,434	17,279	65,679	(48,400)	3,707	16,507
Public Works	17,357	71,891	462,830	(390,939)	22,804	70,240
* Underground wiring project						
Fleet Maintenance	2,576	16,169	29,539	(13,370)	3,538	11,981
Recreation & Special Events	22,601	38,203	124,761	(86,558)	14,892	47,389
Non Departmental	8,952	32,275	98,305	(66,030)	7,023	29,551
Total Operating Expenditures	$ 109,945	$ 412,166	$ 1,511,978	(1,099,812)	$ 132,794	$ 436,262
			YTD Remaining %:	***72.7%***		
Net Revenue/(Expenditures) Before Debt & Capital Expenditures	**$ (179,839)**	**$ (721,436)**	**$ 461,230**		**$ (178,026)**	**$ (836,863)**
Capital Building	$ -	$ -	$ 6,500	(6,500)	$ -	$ -
Debt Service	500	6,725	518,543	(511,818)	500	12,725
Total Expenditures	$ 377,283	$ 1,484,453	$ 5,886,200	(4,401,747)	$ 414,992	$ 1,502,908
Net Operating	**$ (180,339)**	**$ (728,161)**	**$ (63,813)**		**$ (178,526)**	**$ (849,588)**
Capital Replacement (Equipment)	$ (23,546)	$ (75,822)	$ (79,000)	$ (3,178)	$ (1,971)	$ (42,673)
Capital Improvements (Paving/Sidewalks)	-	-	-	-	-	(1,119)
Transfer to Hospitality - Parking fines	-	(10,108)	(45,000)	(34,892)	(6,516)	(28,225)
Net Revenue over/(under) Expenditures	**$ (203,885)**	**$ (814,091)**	**$ (187,813)**		**$ (187,013)**	**$ (921,605)**

Town of Surfside Beach
October 31, 2012
Special Revenue Funds

Accommodations Taxes

Ideal Remaining %: *67%*

	Oct 2012	YTD 2012-2013	FY 12-13 Budget	Over (Under) Budget	Oct 2011	YTD 2011-2012
Revenues:						
Accommodations Tax	$ 255,745	$ 255,745	$ 450,000	$ (194,255)	$ 277,756	$ 277,756
Special Events/Donations	-	-	-	-	-	2,521
Interest Income	-	10	-	10	29	132
Total Revenues	$ 255,745	$ 255,755	$ 450,000	$ (194,245)	$ 277,785	$ 280,409
			YTD Remaining %:	***43.2%***		
Expenses:						
Police	$ 14,966	$ 29,650	$ 90,730	$ (61,080)	$ 2,128	$ 25,434
Grounds	350	2,584	12,413	(9,829)	164	5,171
Public Works/Sanitation	2,266	10,231	75,125	(64,894)	1,474	75,063
Special Events	1,894	22,485	72,871	(50,386)	148	23,747
Grants & Materials & Supplies	-	5,000	10,500	(5,500)	-	5,000
Fireworks Display	-	25,000	25,000	-	-	25,000
Advertising & Promotion	-	-	12,020	(12,020)	1,600	1,600
Advertising - MB Chamber (30%)	-	-	127,500	(127,500)	75,827	75,827
Transfer to Gen Fund (5%)	36,537	36,537	46,250	(9,713)	37,638	37,638
Total Expenses	$ 56,013	$ 131,487	$ 472,409	$ (340,922)	$ 118,979	$ 274,480
			YTD Remaining %:	***72.2%***		
Net Revenue(Expense)	**$ 199,732**	**$ 124,268**	**$ (22,409)**		**$ 158,806**	**$ 5,929**

Local Accommodations Taxes

	Oct 2012	YTD 2012-2013	FY 12-13 Budget	Over (Under) Budget	Oct 2011	YTD 2011-2012
Revenues:						
Local Accommodations Tax	$ 15,567	$ 84,068	$ 140,000	$ (55,932)	$ 21,865	$ 86,814
Interest Income	-	40	-	40	66	192
Total Revenues	$ 15,567	$ 84,108	$ 140,000	$ (55,892)	$ 21,931	$ 87,006
Expenses:						
Transfer to General Fund	$ -	$ 68,501	$ 140,000	(71,499)	$ -	$ 65,248
Net Revenue(Expense)	**$ 15,567**	**$ 15,607**	**$ -**		**$ 21,931**	**$ 21,758**

Town of Surfside Beach
October 31, 2012
Special Revenue Funds

Hospitality Taxes

Ideal Remaining %: *67%*

	Oct 2012	YTD 2012-2013	FY 12-13 Budget	Over (Under) Budget	Oct 2011	YTD 2011-2012
Revenues:						
Hospitality Fees	$ 60,841	$ 317,225	$ 625,000	$ (307,775)	$ 72,417	$ 313,406
Meter Revenue & Parking decals	6,594	66,860	125,000	(58,140)	4,287	64,054
Logo/Promotion Sales/Misc	402	2,164	-	2,164	1,716	1,775
Other Revenue (Grants/Donations)	-	300	-	300	-	-
Interest Income	-	637	-	637	210	1,143
Transfer from G.F. Parking fines	-	10,108	45,000	(34,892)	6,516	28,225
Total Revenues	$ 67,837	$ 397,294	$ 795,000	$ (397,706)	$ 85,146	$ 408,603
			YTD Remaining %:	***50.0%***		
Expenses:						
Admin - Parking	$ -	$ -	$ -	$ -	$ 831	$ 2,866
Police - Community Services	19,629	41,805	119,555	(77,750)	2,950	41,466
Police - Meters	2,864	26,971	99,159	(72,188)	4,470	24,157
Fire	-	-	16,380	(16,380)	23,913	25,220
Grounds	2,525	6,693	22,500	(15,807)	23,441	44,676
Recreation	1,417	6,542	28,600	(22,058)	1,286	20,639
Huckabee Building Improvements	-	-	75,000	(75,000)	-	4,142
Land Purchase	-	-	-	-	-	90,000
Transfer to General Fund	-	110,470	441,880	(331,410)	-	25,000
Total Expenses	$ 26,435	$ 192,481	$ 803,074	(610,593)	$ 56,891	$ 278,166
			YTD Remaining %:	***76.0%***		
Net Revenue(Expense)	**$ 41,402**	**$ 204,813**	**$ (8,074)**		**$ 28,255**	**$ 130,437**

Town of Surfside Beach
October 31, 2012
Enterprise Funds

Sanitation Fund

Ideal Remaining %: *67%*

	Oct 2012	YTD 2012-2013	FY 12-13 Budget	Over (Under) Budget	Oct 2011	YTD 2011-2012
Revenue:						
Sanitation Fees	$ 81,000	$ 431,232	$ 1,064,135	$ (632,903)	$ 80,797	$ 395,973
Grants, Gain/(Loss) on sale of F/A	-	1,631	-	1,631	1,504	(6,726)
Interest Income	-	510	1,500	(990)	205	1,123
Total Revenues	$ 81,000	$ 433,373	$ 1,065,635	$ (632,262)	$ 82,506	$ 390,370
** Current Month Revenue Estimated*						
			YTD Remaining %:	***59.3%***		
Expenses:						
Salaries & Operating Expenses	$ 78,804	$ 300,269	$ 944,812	$ (644,543)	$ 72,158	$ 296,936
Depreciation Expense	-	-	125,000	(125,000)	-	-
Transfer General Fund (5%)	-	17,511	54,625	(37,114)	-	9,455
Total Expenses	$ 78,804	$ 317,780	$ 1,124,437	$ (806,657)	$ 72,158	$ 306,391
			YTD Remaining %:	***71.7%***		
Net Operating	$ 2,196	$ 115,593	$ (58,802)		$ 10,348	$ 83,979

Pier Enterprise Fund

Ideal Remaining %: *67%*

	Oct 2012	YTD 2012-2013	FY 12-13 Budget	Over (Under) Budget	Oct 2011	YTD 2011-2012
Revenue:						
Income Rents/Leases	$ -	$ 42,268	$ 74,773	$ (32,505)	$ -	$ 30,000
Other Income-Admissions	3,015	27,597	50,000	(22,403)	2,529	26,956
Other Income-Fishing	8,773	59,811	100,000	(40,189)	8,468	55,863
Meter Income	2,723	25,160	80,000	(54,840)	4,670	37,757
Interest Income	-	222	-	222	79	353
Total Revenues	$ 14,511	$ 155,058	$ 304,773	$ (149,715)	$ 15,746	$ 150,929
			YTD Remaining %:	***49.1%***		
Expenses:						
Salaries & Operating Expenses	$ 3,608	$ 5,308	$ 20,256	$ (14,948)	$ 416	$ 13,774
Depreciation Expense	-	-	66,125	(66,125)	-	-
Interest Expense (Loan)	-	18,335	18,335	-	-	22,037
Transfer General Fund (10%)	-	14,055	30,477	(16,422)	-	4,056
Total Expenses	$ 3,608	$ 37,698	$ 135,193	$ (97,495)	$ 416	$ 39,867
			YTD Remaining %:	***72.1%***		
Advance due G F - Principal	-	-	163,000		-	-

*** Re-Payment was deferred for 2 years, FY12-13 will have a payment, FY11-12 does not have a payment.**

Net Operating	$ 10,903	$ 117,360	$ 6,580		$ 15,330	$ 111,062

RECREATION DEPARTMENT
NOVEMBER 2012
MONTHLY REPORT

SPECIAL EVENTS

The 5K Race in memory of Nathan Black was cancelled due to Hurricane Sandy and severe weather. Plans are being made to conduct this event next year.

Veterans Day Service was held at the Veterans Memorial at the Passive Park on Sunday, November 11th at 2:00 p.m. Approximately 130 people attended. Speaker was Evans Kayser with American Legion Post 178. The American Legion post also provided the Honor Guard this year. Chandler McCune sang the National Anthem and God Bless America and did an excellent job.

The new route for the Christmas parade this year will be as follows:

Line-up will be conducted on Melody Lane. Parade route will begin on Ocean Boulevard at Melody and proceed north on Ocean Blvd. to Surfside Drive. Parade will turn left onto Surfside Drive and proceed west until Poplar Drive. Parade will turn left on Poplar Drive and disband in Grand Theatre parking lot. The reviewing stand and refreshments will be on Surfside Drive in front of the library.

The employee Christmas luncheon will be held on Friday, December 14th at the Dick M. Johnson Civic Center from 12:00 p.m. to 1:00 p.m.

UPCOMING EVENTS

1. **TREE LIGHTING** – Thursday, November 29th – 7:00 p.m. – front lawn of Town Hall – music provided by Seaside Elementary Chorus and Steve Fairchild – light refreshments will be served

2. **CHRISTMAS PARADE** – Saturday, December 8th – 2:00 p.m. – Ocean Blvd/Surfside Drive

3. **BREAKFAST WITH SANTA** – Saturday, December 15th – 9:00 a.m. to 10:30 a.m. – Golden Egg Restaurant – ages 10 & under – pre-registration is required.

PUBLIC WORKS MONTHLY REPORT
October 16th – November 20, 2012

SANITATION DIVISION (FTEs – 9)

Residential Service – Seven carts were delivered; four to accounts once the certificates of occupancy had been issued and three per owner requests. Two carts were repaired, seven carts were replaced, and four carts were removed from locations. Sanitation supervisor responded to six calls regarding ordinance enforcement; fifteen calls regarding late put outs and/or questions about bulk/yard debris pick up, four calls involving billing issues, eight miscellaneous calls and/or questions and three complaints.

Commercial Service – Service routes continue to be updated based on business needs. Four businesses have reduced service days. Three accounts required four (4) extra pick-up services due to overflow. Two accounts have discontinued service due to businesses closing. Supervisor explained commercial collection schedules to one new business owner. Crew responded to one call regarding ordinance enforcement, two complaints and answered three miscellaneous calls.

Recycling News – Sixteen carts have been delivered to town residents upon request. Two carts were replaced. Supervisor responded to seven miscellaneous calls with questions about recycling. Additional 65G and 95G recycle carts have been delivered. Crews have swapped out 120 of the smaller recycle carts for the 65G carts at rental properties along North and South Ocean Boulevard.

E-Waste –Creative Recycling Systems removed 4242 pounds of electronic waste from the Public Works drop-off site. A second pick-up is forthcoming to remove the remaining items Creative Recycling could not fit on the first pick-up.

Scrap Metals – The town received a payment of $372.80 from Allen's Scrap Metals for materials collected in October.

Crews assisted with the Veterans' Day Service on November 11th and the Turkey Trot on November 22nd.

In October we collected 346.30 tons of solid waste, 31.93 tons of mixed debris, 102.68 tons of yard debris, and 34.09 tons of recyclables.

STREETS & DRAINAGE DIVISION (FTEs –8)

The Beach – Crews continue to complete beach raking and grooming, as well as swash outlets being dug out to ensure proper water flow at least once per week. Beach trash and recycle cans are being checked and serviced as needed.

Adopt-A-Highway – From July through October crews collected 38 bags of litter from Highway 17 Business. That is equivalent to 570 pounds of debris!

On-going/Special Projects:

- Sections of town streets, both north and south, were resurfaced by Boggs Paving.
- Repairs were made to the sidewalks along Surfside Drive.
- Additional new blue street name signs are being installed as time permits.
- Crews are edging Highway 17 Business and the Frontage Road.
- Street sweeping is being done on Mondays and Fridays, weather and time permitting.
- Crews assisted with the Veterans' Day Service on November 11th and the Turkey Trot on November 22nd.
- Crews continue to perform maintenance and clean-up of drainage ditches and catch basins throughout town.
- 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.

- Five reports were sent to Santee Cooper identifying street lights that were not functioning properly. A street light has been installed on 8th Avenue South Extension.
- From October 16th through November 19th Public Works assistant answered 306 incoming calls. 187 of those calls dealt with sanitation questions/concerns/complaints; 3 calls were from vendors providing product information and/or quotes; 12 calls dealt with street/drainage issues, streetlights, and questions about driveway inspections and dirt delivery; 27 calls dealt with parks/grounds issues; 41 were internal calls dealing with department and/or personnel issues and/or questions; 19 calls were received for the Public Works Director; 17 calls dealt with miscellaneous questions, wrong departments and/or telemarketers.

GROUNDS DIVISION (FTEs-4)

- Crews assisted with the Veterans Day Memorial service held on Sunday, November 11th.
- Crews installed a water fountain at Passive Park.
- Christmas decorations are being installed throughout town in preparation for the Tree Lighting and Christmas Parade.
- Crews continue to spruce up Town properties and parks, as well as weeding and trimming.

FLEET MAINTENANCE DIVISION (FTE-2)

From October 16th through November 19th our mechanics completed fifty-nine repairs on Town vehicles and equipment. Seven vehicles had flats repaired and three vehicles had tires replaced. 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 thirty-one Town vehicles and/or equipment.

FACILITIES (FTE-2)

- Renovations have been made to the lab and interrogation rooms at the Police Department.
- The bid for mold remediation & restoration of the Town Court building has been awarded to FSA. Crew is busy moving Court to its temporary location at Floral Clubhouse as well as preparing the court building for the work scheduled to begin the first week in December.

PUBLIC WORKS – CURRENT EVENTS

Off-season projects are in full swing at Public Works!

Administrator's Report 11/27/12

I just have a few quick updates and announcements for tonight …

1. The contractor has confirmed a start date of Monday, December 3rd to begin the mold remediation.
    a. Just a reminder that our two court employees will be conducting business from the Floral Clubhouse during this time.
    b. Another reminder that the special meeting on December 4th at 10 AM and our next regularly scheduled council meeting on Monday, December 10th will both be held at the Grand Theatre.

2. Signage
    a. A focus group comprised of one or two representatives from the Keep Surfside Beach Beautiful Committee, the Events and Rec Committee and the Parking Committee has been formed.
    b. Possibilities with HGTC are being explored and the group will be meeting with representatives on November 30th for a presentation of their capabilities.
    c. In addition, on December 7th, two of the larger local sign companies will be meeting with the group to present some ideas and answer questions.
    d. Both meetings will be held in the 2nd floor training room at the fire house

3. The pier pile wrap project has begun and divers were in the water yesterday. Cape Romain anticipates a 4 to 6 week completion date depending on the weather. The process involves cleaning the piles, priming them, installing the wrap and banding them at specified intervals.

4. I met with Beach Services last week to discuss some needed changes to the franchise agreement and forwarded those changes on to Battle and Vaught. At this point it is in attorney review. I anticipate having the agreement to the council for review sometime next week.

5. The amendment to the permit for the ADA pier expansion is still at OCRM in Charleston under review. Earthworks has indicated to us that they could have the bid specifications completed by the end of this week. I will, of course, forward a copy to council as soon as it is available.

6. The Youth Association just received their articles of incorporation back from the Secretary of State. Since this effectively means their corporation has been established, I will be emailing council a revised version of the bylaws early next week for your review.

7. Also, to date, the contractor has had no success in capturing the coyotes.

8. Lastly, I don't like to use the "emergency clause" for procurement items but the air handler and heat pump serving the council chambers has become seriously compromised.

The system is over 11 years old and should be replaced when we do the remediation. The cost for the duct work, branch runs and a 5 ton split unit, installed with 10 years warranty on the parts and 1 year labor is estimated to be $13,092.17. The work would be performed by Thomas who did an excellent job when they replaced our units in Town Hall a couple of years ago. Staff also called Carolina Cool who the town uses occasionally but their units were more costly and their parts were only guaranteed for 5 years. I would bid this if there were time but we only found out last week that the problem existed. Since we did have a council meeting prior to the purchase date I felt it would be appropriate to report this in public to the council prior to the purchase rather than after the fact. The applicable ordinance is:

Sec. 2-210. - Bidding exceptions

The administrator may waive procurement requirements under the condition that prior to the next council meeting the administrator has informed council in writing of the terms of such waiver.

(c) *Emergency situations.* In the case of emergency purchases when the interruption of a project due to need of an item or service will directly affect the efficient and orderly completion of the project, when the use of normal purchasing procedures will cause an excessive delay in obtaining the needed part of service, and when the use of normal purchasing procedures will jeopardize the health or safety of Surfside Beach residents. The administrator shall review and authorize the use of emergency purchases and award the contract.

Ordinance No. 12-0727
First Reading: 11/13/2012
Second Reading: 11/27/2012

STATE OF SOUTH CAROLINA)	**AN ORDINANCE OF THE TOWN OF SURFSIDE BEACH TO AMEND SECTION 9-16 DECALS AND EXEMPTIONS FOR PARKING DECALS RELATING TO NONRESIDENT RESIDENTIAL PROPERTY OWNERS, AND COMMERCIAL BUSINESSES GOLF CART OPERATION**
COUNTY OF HORRY)	
TOWN OF SURFSIDE BEACH)	

WHEREAS, the Mayor and Town Council of the Town of Surfside Beach, in council duly assembled desire to establish a policy relating to the issuance of parking decals allowing **resident and** **(added by approved motion 11/13/2012)** nonresident residential property owners to park their vehicles and golf carts in metered spaces when available without charge; and

WHEREAS, the Mayor and Town Council desire to establish that commercially owned golf carts rented for profit shall be identified as such by decals and operators there of shall be required to park in metered spaces and make appropriate payment

NOW, THEREFORE, Section 9-16, Decals and Exemptions of the Code of Ordinances of the Town of Surfside Beach, South Carolina, is hereby amended to read as follows:

Sec. 9-16. – Decals and exemptions

(a) *Resident and Nonresident Residential Property Owner Parking Decals.* Decals issued for full time resident and non-resident residential property owner vehicles ~~not~~ including golf carts. All persons residing or owning residential property within the corporate limits of the town shall be entitled to one (1) free decal per vehicle, to be issued by the town, upon verification of current vehicle registration or verification of proof of residential property ownership. Such decal will be placed on the vehicle pursuant to instructions given by town hall staff when obtaining the decal. The decal shall be valid for the calendar year in which issued. Said decal will show: (1) decal number issued, and (2) year for which decal is valid. Such decal shall allow a resident and residential property owner to park free of charge in metered or pay station areas when space is available.

(b) ~~Decal issued for non-resident residential owner vehicles not including golf carts. All non-resident residential property owners within the corporate limits are entitled to purchase one (1) decal per vehicle for the sum of forty dollar ($40.00) each, upon verification of proof of property ownership. Such decal will be placed on the vehicle pursuant to instructions given by town hall staff when obtaining the decal. The decal shall be valid for the calendar year in which issued. Said decal will show (1) decal number issued, and (2) year for which decal is valid. Such decal shall allow a non-resident property owner to park free of charge in metered or pay station areas when space is available.~~

Draft

(b) ***Golf Cart Registration Required.*** Registration decals shall be issued for golf carts. All persons and businesses owning golf carts within the corporate limits of town, including those entities which may lease, lend, borrow, or purchase golf carts for the purpose of renting to the public, shall register golf carts with the town police department. Proof of ownership and liability insurance is required.

(i) Residents and nonresident residential property owners shall pay a fee of two dollars ($2.00) per golf cart. Decals shall be distinguished by blue lettering on white background. Decals shall allow residents and nonresident property owners to park in golf cart parking, and "permit only" parking areas and in metered spaces without charge when space is available.

(ii) Commercially owned golf carts shall be charged a fee of five dollars ($5.00) for each golf cart. Decals shall be distinguished by white lettering on a red background. The registration decal shall state "Pay Parking Only," meaning that operators of commercial golf carts must park in metered spaces and pay applicable fees for parking.

This paragraph separated as stated above for clarity. ~~This fee will include a decal, blue lettering on white background for residents and non-resident residential property owners and white lettering on red background for commercially owned, that is valid for two (2) years from the date of issue and will be placed on the golf cart by police staff. The registration decal affixed to commercially owned golf carts shall be clearly marked "Pay Parking Only" for the purposes of parking at municipally-owned pay parking lots and will not allow these golf carts to park for free in golf cart only designated parking areas. Such decal shall allow registered golf carts to park free in golf cart only designated parking areas.~~

Decals shall be placed by police staff in such a manner that will enable the registration decal to be clearly visible to the operator of the golf cart ***while being operated***. The issued decal will show: (1) registration number; (2) years for which decal is valid, and (3) all applicable ~~G~~golf cart rules.

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 Beth Mabry, Mayor Pro Tempore

_____
Ann Dodge, Town Council

_____
Mark L. Johnson, Town Council

_____
Elizabeth A. Kohlmann, Town Council

_____
Roderick E. Smith, Town Council

_____
Randle M. Stevens, Town Council

Attest:

_____
Debra E. Herrmann, CMC, Town Clerk

Draft

ISSUE PAPER FOR TOWN COUNCIL CONSIDERATION

Meeting Date: November 27, 2012 **Prepared by**: Sabrina Morris

Ordinance #: 12-0729 **Date Prepared:** November 20, 2012

Subject: Proposed Ordinance to amend Chapter 17 by adding Article IX § 17-900 thru 17-920 to allow for the establishment of the Design Overlay District

BACKGROUND:

The creation of the Design Overlay District would Promote Community Pride and protect property values by having design standards that have a positive impact on the town's appearance; encourage economic development by providing a more visually inviting atmosphere to attract commerce for existing and potential businesses; promote "Quality" over "Quantity". Quality development will come if guidelines are in place. These developments will be built to stay and promote what we see as a growing economy.

A Public Hearing and workshop was held at the October 23, 2012 Council meeting and the Town Council went through each section of the ordinance and made amendments as a whole. Staff has also met with the Business Committee and individual council members and members of the general public to explain and receive comments. I have attached the proposed ordinance to the Issue Paper with the revisions being in red. The gists of the changes are as follows:

- The C3 zoning district has been removed
- Change of tenant requirements have been removed
- Clear direction has been included as to when and what each trigger will require.
- Existing metal buildings have been removed from the requirements of Section 17-908 (Architectural Design Standards) and will be allowed to remain as is as long as they are in good condition and free of damage and/or visible defects
- The requirements of Section 17-911 has been removed from the areas within the C2 zoning district on the North side of 3rd Avenue South from Poplar Drive to Floral Drive to the South side of 1st Avenue North from Poplar Drive to Floral Drive.
- Definitions have been added
- Clear direction has been included as to when certain standards apply to new construction only
- Roofing colors and the requirement to use flat paint on exteriors have been removed.
- Retention/detention ponds have been included in the landscaping calculation up to 5% of the total area.
- Visual clearance requirements have been added

RECOMMENDATION

The Planning Commission voted unanimously to recommend the Design Overlay District. The Beautification Committee has reviewed the ordinance and has also recommended the document. At the request of Council, the Business Committee reviewed the proposed changes and approved the document.

ATTACHMENTS:

Proposed text amendment – Design Overlay District
Map outlining the proposed Design Overlay District boundaries
Resolution from the Planning Commission recommending the Ordinance

ARTICLE IX. DESIGN OVERLAY DISTRICT

SECTION 17-900. PURPOSE AND INTENT

(a) The purpose of Article IX is to create a Design Overlay District containing standards that supplement the basic zoning requirements of the town's commercial districts.
(b) Design Overlay standards are intended to benefit the entire community by promoting attractive, harmonious, well-designed commercial areas. These standards govern landscaping, signage, color schemes and architectural details within the overlay area. Application of these standards to future development or redevelopment is expected to result in multiple benefits:

- Protection of property values by positive impact on the town's appearance.
- Encouragement of economic development by providing a more visually inviting atmosphere to attract commerce for existing and potential businesses.
- Establishment of unique character to the town's commercial areas while respecting surrounding uses

SECTION 17-901. DESIGN OVERLAY DISTRICT ESTABLISHED

This District shall include:

- All parcels either partially or completely within the C1and C2 zoned area of the town, excluding parcels that front on Sandy Lane.
- Parcels located on Sandy Lane but combined with parcels fronting on Hwy 17 or frontage Road must comply.
- Properties that are rezoned to C1 or C2 after adoption of this ordinance.

SECTION 17-902. DESIGN OVERLAY DISTRICT STANDARDS ARE MINIMUM STANDARDS

(a) Everything within the Design Overlay District shall also meet all underlying zoning district requirements set forth in Chapter 17.
(b) Provisions of this ordinance shall be held to be the minimum requirements adopted.
(c) If requirements set forth herein are in conflict with the requirements of any other lawfully adopted rule, regulation or ordinance, the most restrictive, or that imposing the higher standard shall govern.

SECTION 17-903. APPLICABILITY

The requirements of this ordinance shall apply in any of the following circumstances:

(a) New Construction
(b) Addition or enlargement of an existing building, including combining existing units when removing load bearing walls.
(c) Change of use, ~~change of tenant~~, or change of ownership.
(d) Redevelopment of parking lots, including resurfacing shall cause landscaping and parking areas to be brought into compliance.
(e) When dwellings are converting into a commercial business property.
When renovations to an existing building exceed twenty percent (20%) of the appraised value of the building as indicated in the Horry County tax records or a current certified appraisal of the structure before the start of renovations the entire property shall be brought into compliance.
(f) When a single building or 50% of the total square footage of a strip center has been vacant (not open to public) for over 180 days, or for one year in the case of seasonal uses.

(g) The requirements of Section17-908 shall not apply to existing metal buildings (as built). Existing metal buildings shall be maintained in good condition and free of damage and/or visible defects. Existing facades shall be maintained or improved.

(h) The requirements of Section17-911 shall not apply to areas within the C2 zoning on the North side of 3rd Avenue South from Poplar Drive to Floral Drive to the South side of 1st Ave. North from Poplar Drive to Floral Drive.

(i) Accessory structures used in conjunction with businesses shall also meet these requirements.

SECTION 17-904. DEFINITIONS

Unless otherwise stated, the following words shall, for the purpose of this chapter, have the meanings indicated in this section. Words used in the present tense include the future. The singular number includes the plural and the plural the singular. The word "shall" is mandatory and the word "may" is permissive. Words or phrases not specifically defined herein shall have their customary dictionary meanings.

Change of Ownership - a transfer from one person or entity to another at a point of sale. This definition is not intended for ownership that has been inherited or handed down from generation to generation within the same family.

Development Director - The Director of the Town of Surfside Beach Planning, Building and Zoning Department, and/or his designee, shall serve as development administrator.

Gable roof - A two-sided sloped roof

GABLE ROOF

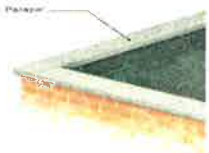
Hipped roof - a type of roof where all sides slope downwards to the walls, usually with a fairly gentle slope.

HIP ROOF

Mansard roof - A four-sided roof having a double slope on all sides, with the lower slope much steeper than the upper.

MANSARD ROOF

Parapet- A low protective wall along the roof edge of a structure



Resurfacing of Parking lot – Grinding or milling off selected areas of old asphalt; patching or resealing; repairing any pot holes or badly deteriorated areas.

Unadorned - not painted or covered by some acceptable material to increase its beauty or distinction.

SECTION 17-905. ISSUANCE OF PERMITS/CERTIFICATE OF OCCUPANCY

(a) Development Director shall review each application for a zoning or building permit to determine if it adheres to these criteria.
(b) No zoning or building permit will be issued unless these requirements have been addressed to the satisfaction of the Development Director.
(c) No Certificate of Occupancy will be issued until the requirements of this Article have been met.

SECTION 17-906. DESIGN STANDARDS

In addition to meeting the underlying zoning district requirements, any projects in the Design Overlay District which are approved by the Development Director shall meet the following design standards:

(a) Site Design Standards
(b) Architectural Design Standards
(c) Sign Design Standards
(d) Color Scheme Standards
(e) Landscaping Design Standards
    1. Landscaping requirements for perimeter parking areas
    2. Perimeters adjacent to public rights of way
    3. Perimeters not adjacent to public rights of way
    4. Interior Parking area requirements
    5. Landscape requirements for signs
    6. Landscape buffer requirements
(f) Parking Area

SECTION 17-907. SITE DESIGN STANDARDS

- Plant materials for required landscaping shall be selected and placed with regards to the estimated mature height and width of such materials.
- Site lighting shall be from a concealed light source fixture and shall not interfere with the vision of vehicle traffic. All exterior lighting shall be arranged and installed so that the direct or reflected illumination does not impede on surrounding properties.
- Lighting shall enhance the overall aesthetics of the site.
- Lighting source (light bulbs) shall not be visible. They shall be shielded to reflect down onto the ground and not onto the street or neighboring property.
- Lighting fixtures shall be limited to 21 feet in height.
- All lighting sources shall be white or off-white in color.
- New construction of utility or service lines must be underground. Exposed wires, pipes or conduits are not acceptable.
- Chain link fencing shall not be placed in the front yard of property. If chain link fencing will be utilized, it shall be black plastic coated galvanized chain link fencing with landscaping on the side and rear of property. Fencing of any kind proposed within the Design Overlay District must be approved prior to installation. Wood palisade or lattice is preferred fencing materials.

SECTIONS 17-908 ARCHITECTURAL DESIGN STANDARDS

The intent of the Architectural Design Standards is to assure respect for the character, integrity, and quality of the built and natural environments of the Town; it is not intended to stifle innovative architecture.

- All buildings shall be oriented towards the street, and each building shall have a clearly defined primary entrance that shall front the street.

- The architectural detail, design and finishes (signage, canopies, railings etc.) shall be architecturally appropriate and compatible with one another.

- The scale of buildings and accessory structures (including canopies) shall be small in scale and utilize traditional building forms of wood siding and contrasting trim; Canopies designed as domineering or overpowering architectural features shall not be permitted.

- Porticos with vertical post or columns of traditional design shall be incorporated into designs where practical.

- All structures within a commercial proposed development in the district shall utilize a uniform traditional architectural theme. (including gasoline canopies and accessory buildings).

- Building designs shall not utilize long monotonous façade design, including but not limited to those characterized by unrelieved repetition of shape or form, or by unbroken extension of line. All sides of any newly constructed building or addition shall have the same attention to detail and appearance. Windows, shutters and other details should be added to siding to break up façade.

- The side and rear elevations of a newly constructed building or addition shall be visibly attractive if the sides and/or rear elevations are visible from a street or right of way. Rooflines and architectural details shall present a consistency in quality design.

- Siding materials for newly constructed buildings and additions shall be wood clapboard, concrete fiberglass composition (hardi-plank) or other synthetic products which show a wood grain closely resembling wood siding, or board and batten, wood shingles or shakes, brick, stucco, tabby, or synthetic stucco with light texture. Only materials listed shall be specified in design submissions. No other materials will be accepted.

- No portion of any newly constructed building or addition shall be constructed of unadorned concrete masonry units or corrugated metal, corrugated fiberglass, sheet metal, exposed metal, and/or manufactured panelized metal wall systems shall be visible in any manner from adjoining developed properties, from existing right of way, or from adjoining properties which are eligible for future development.

- All roofs on newly constructed buildings shall be hipped or gabled and have a minimum of 6/12 pitch. Mansard roofs shall not be permitted.

- The use of a parapet or a flat roof is acceptable for existing buildings only.

- Roofing material shall be wood shingles or shakes, slate shingles, copper, architectural grade asphalt or fiberglass shingles, galvanized standing seam or v-crimp metal, painted corrugated metal, concrete composition shingles, other standard roofing material applications like built up tar and gravel if not exposed to view from Hwy. 17 or adjoining streets. Only materials listed shall be specified in design submissions. No other materials will be accepted.

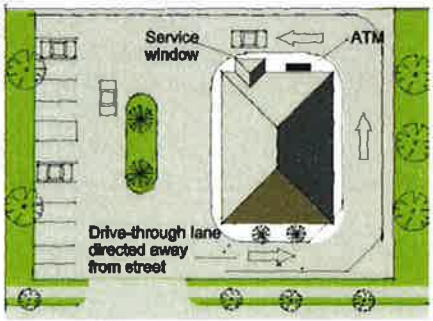
- Decorative wall-mounted lighting along the sides and front of a building is encouraged to provide a sense of security for pedestrians. This lighting shall compliment the architectural style of the building.

- Mechanical equipment whether ground level, raised or on roof-top if visible from any street or right of way shall be shielded and screened from public view through the use of a parapet wall or other decorative feature. The public view includes front facades, and side and rear facades visible from public right(s) of way and adjacent properties.

- Awnings, when utilized, may project a maximum of 6 feet out from the main façade into the public right of way or private property, with a minimum clearance height of 71/2 to 8 feet.

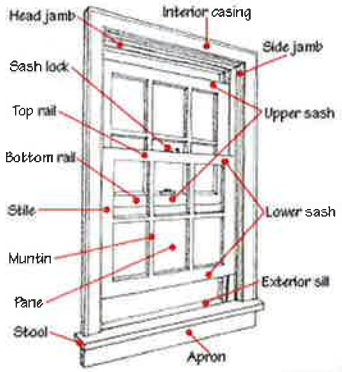
- Shutters, when utilized, shall be either louvered, paneled, or board and batten. They shall be hung or hinged from window sides or jambs, or from window top or heads (Bermuda shutters).

- All order boxes, menu stands, pick-up windows, service/teller windows, and required vehicle queuing associated with drive thru services shall be located to the side or rear of the buildings. For the purpose of this section, the side or rear shall mean the area behind a projected line running parallel from the front (street facing) side(s) of the structure to the side property line. This concept is depicted in the graphic below:



- Highly tinted or mirrored glass shall not be permitted.

- Large expanses of glass shall be avoided, or divided into smaller lights through the use of mullions or muntins. Undivided glass panes shall not exceed nine (9) square feet in size. This size format may be used in multiple, tandem panes to create larger glass proportions for storefront systems. The larger the glass pane, the larger the mullions or muntins used shall be.



- True divided light or simulated divided light windows of wood, vinyl clad wood, metal, or metal-clad, painted to contrast with building color shall be used.

- Service, loading and solid waste receptacles or dumpster locations shall be designed to minimize the impacts on the pedestrian areas and customer parking areas and shall be located in the rear or side yard. No such facility shall be located in the front yard. Dumpsters shall be surrounded on at least 3 sides by a wall or solid fence. Such enclosures shall be designed compatible with the primary structure onsite by using compatible materials with the primary structure. This requirement does not apply to moby roll carts.

SECTION 17-909. SIGN DESIGN STANDARDS

The intent of the Sign Design Standards is to assure each is compatible with materials and the architectural style of the business which it advertises. The following applies to any new signage, additional signage or any sign changes within the design overlay district.

- Signage shall be designed, constructed and installed by a licensed sign company.

- All proposed signage shall be indicated on the architectural elevation plan and include location and dimensions to scale.

- Freestanding signs and wall signs shall compliment the architectural style of the building and shall be designed as an architectural element of the building.

- Materials, colors, and lighting of signs shall be compatible with the materials used in the construction of the building.

- Wall signs shall be proportionately sized with other architectural features of the building and fit within the confines of the architectural details of the building as to not obscure or detract from those details. Business signs erected upon or above a roof or parapet of a building shall not be permitted within the Design Overlay District.

SECTION 17-910. COLOR SCHEME STANDARDS

The intent of the Color Scheme Design Standards is to assure respect for the character, integrity, quality of design and unite designs within the Town.

- Required Color Palette: Paint colors for exterior finishes shall be selected from the color range chart as approved by the Town Council and maintained at the Planning, Building and Zoning Department. These are the only colors allowed.
- Color Palette: The color palette is typical of coastal environment colors which generally include earth tones. Colors such as black, dark blue, grays and other dark colors can be used to accent only.

- Windows and doors shall be finished in white or earth tone colors. Trim, shutters and awnings shall be white, or a contrasting value of the cladding color as shown on the approved color chart.

- Color combinations of paints and stains shall be complimentary. In general no more than three different colors per building shall be permitted. One for base color, one trim color, and one accent color. Primary colors, fluorescent, psychedelic, and phosphorescent are not permitted in the design overlay district. Color combinations shall apply not only to new construction, additions and/ or renovations, but also when repainting the building at any time.

- ~~Roofing colors shall be black, dark blue, grays or other dark value colors~~.

- ~~In all instances, flat paint only shall be used for siding finishes. Semi-gloss or flat paint shall be used for trim, windows and doors~~.

SECTION 17-911. LANDSCAPING DESIGN STANDARDS

The purpose of the Landscape design standards is to reduce the visibility of paved areas from adjacent properties and streets, moderate climatic effects, minimize noise and glare, and enhance public safety by defining spaces to influence traffic movement. Landscaping will reduce the amount of stormwater runoff and provide transition between properties.

Each newly developed commercial property shall allocate a minimum of twenty percent (20%) of its total area to landscaping which may include existing or transplanted trees, shrubs, and groundcover. Paved areas, gravel areas and landscaping rocks shall not be calculated as part of the minimum twenty (20%) percent. Retention/detention ponds may be included up to five percent (5%) of the total area. Retention/detention ponds shall be maintained to be aesthetically pleasing and promote the overall landscaping design.

Landscape requirements shall supersede parking requirements for the commercial districts.

New Projects: All new buildings, structures and parking areas shall comply with the minimum landscape requirements set forth herein.

Existing Properties: Under the following circumstances, existing properties will be required to meet the landscaping requirements of the Design Overlay District as closely as possible:

(a) Addition or enlargement of an existing building, including combining existing units when removing load bearing walls
(b) Change of use, ~~change of tenant~~, or change of ownership.
(c) Redevelopment of parking lots, including resurfacing shall cause landscaping and parking areas to be brought into compliance.
(d) When dwellings are converting into a commercial business property.
(e) When renovations to an existing building exceed twenty percent (20%) of the appraised value

of the building as indicated in the Horry County tax records or a current certified appraisal of the structure before the start of renovations the entire property shall be brought into compliance.

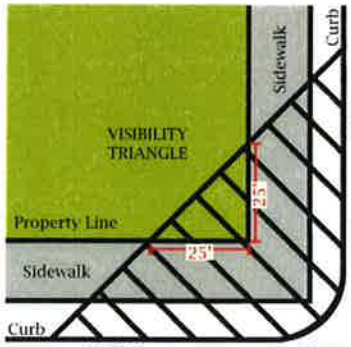
(f)When a single building or 50% of the total square footage of a strip center has been vacant (not open to public) for over 180 days, or for one year in the case of seasonal uses.

Accessory structures used in conjunction with businesses shall also meet these requirements.

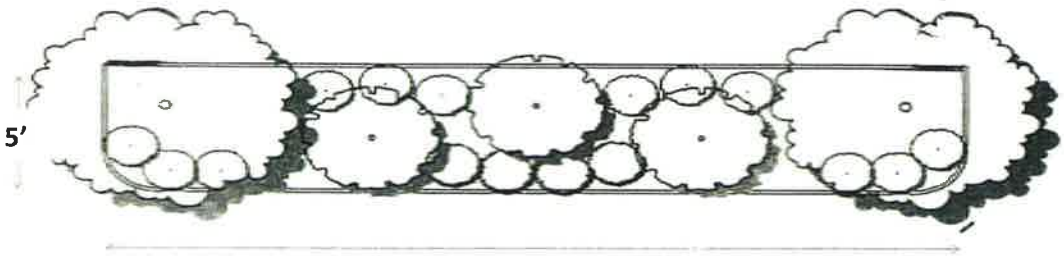
Existing properties having pavement and/ or concrete where landscape buffers are required shall be required to remove the existing pavement/concrete in order to meet the buffer requirements herein.

Landscaping buffer requirements for perimeter parking areas Arrangement of trees and shrubs in groupings is encouraged to ensure visibility and to allow for creativity. Equal spacing of plant materials shall not be required.

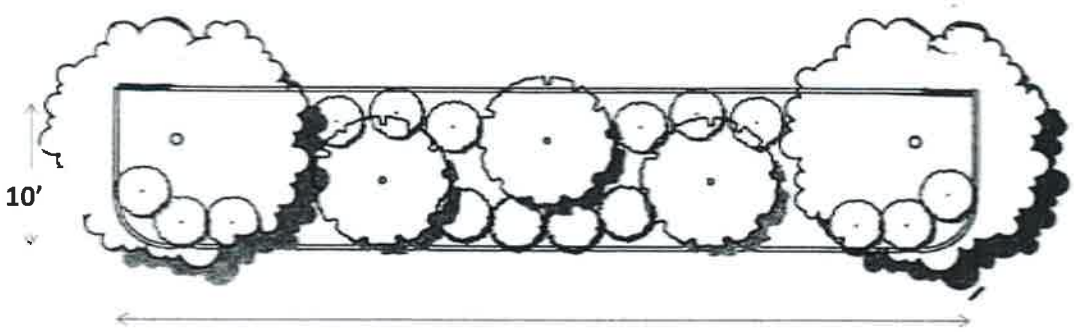
Perimeters adjacent to Public Right of Way: A visual clearance area between the height of two and one half (2 ½) feet and ten (10) feet shall be maintained on the corners of all property adjacent to the intersection of two streets or a driveway providing access to a public or private street within twenty five (25) feet of the intersections of the right of way of streets or of streets and driveways. (see diagram below)



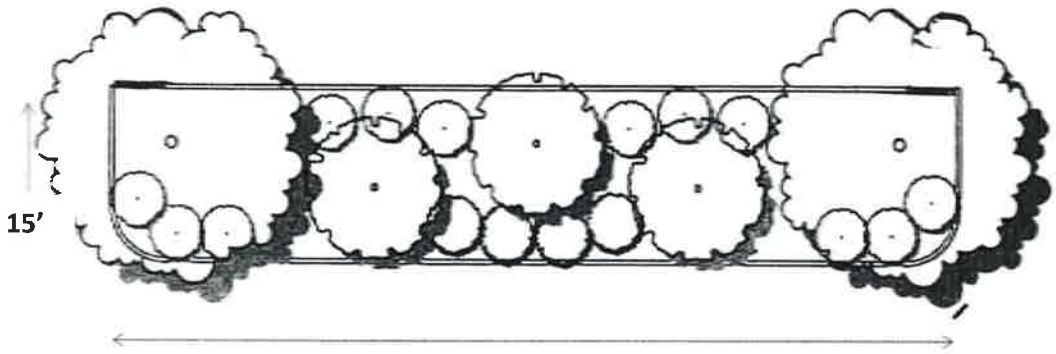
Perimeters adjacent to Public Right of Way
Parking areas that do not exceed 5,000 sq. ft. in area shall be required to have a minimum landscape buffer of 5 feet in width and shall contain a minimum of 1 shade or ornamental tree and 10 shrubs with appropriate ground cover for every 30 linear feet or fraction thereof of street frontage.



Parking areas that exceed 5000 sq. ft. but do not exceed 20,000 sq. ft. in area shall be required to have a minimum landscape buffer of 10 feet in width and shall contain and shall contain a minimum of 1 shade or ornamental tree and 10 shrubs with appropriate ground cover for every 30 linear feet or fraction thereof of street frontage.



Parking areas that exceed 20,000 sq. ft. in area shall be required to have a minimum landscape buffer of 15 feet in width and shall contain and shall contain a minimum of 2 shade or ornamental trees and 15 shrubs with appropriate ground cover for every 30 linear feet or fraction thereof of street frontage.



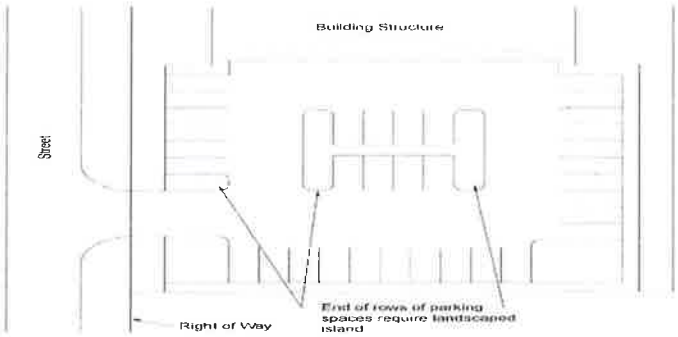
Perimeters buffers not adjacent to public right of way shall be required to have a minimum landscape buffer of 5 feet in width and shall contain a minimum of 1 shade or ornamental tree and 10 shrubs with appropriate ground cover for every 30 linear feet or fraction thereof of perimeter.

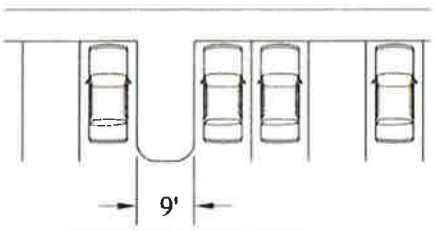
Interior Parking buffer area requirements
Landscaping provided around the perimeter of the building and interior parking areas enhance the appearance and customer attraction of commercial businesses.

A three foot (3') landscaping buffer with 6 shrubs for every 30 linear feet of building or fraction thereof shall be required between buildings and parking lots as well as end caps and landscape islands. Trees and shrubs located within the interior areas of the parking lot provide shade and heat abatement, and help break up the visual impact of the large areas of pavement.

End caps and Landscape islands shall not be less than 9x18 feet and shall include at least 1 shade or ornamental tree and 5 shrubs.

- End caps—parking aisle end caps shall be required and utilized as landscape islands.
- A maximum of 12 consecutive parking spaces in a row shall be permitted without a landscape island.





MINIMUM REQUIRED WIDTH
FOR ISLAND PARALLEL TO SPACES

Landscape requirements for signs A landscape border a minimum of 5 feet in depth and a minimum width equal to the greatest width of the sign shall be required for all freestanding signs. The landscape border shall contain 5 shrubs for every 10 linear feet with appropriate ground cover. No portion of the sign shall project beyond the landscape border.

Landscape buffer requirements Existing trees, regardless of size may be counted towards requirements for shade trees or ornamental trees provided such trees are in good health, and located in the approximate area as required.

Shade trees: Must be indigenous to the area and reach a mature height in excess of 40 feet and shall be a minimum of 3 inches in caliper dbh and 10 to 12 feet in height at the time of installation.

Ornamental trees: trees that have a particular ornamental characteristic and tend to have a mature height of less than that of a shade tree. Ornamental trees shall be a minimum of 1.5 inches in caliper dbh and six to eight feet in height at the time of installation.

Shrubs: Shall be a minimum of 3 gallon in size and 1.5 feet in height at the time of installation.

Groundcover: Shall consist of grass, sod, ivy, bedding plants, wood chips, bark, mulch, straw and similar materials. In no case shall stone, pebbles, sand or rocks be used for groundcover.

No structures (except public utilities) shall be permitted within the required landscape buffer. Ingress and egress shall be permitted.

The owner, occupant, tenant or agent shall be jointly and severally responsible for the maintenance of all landscaping. Landscaping shall be maintained in good condition as to present a healthy, neat, and orderly appearance. Proper maintenance shall include watering, weeding, mowing, mulching, fertilizing, and pruning. Any dead, dying or damaged landscaping material shall be promptly replaced with materials of an approved size and type.

SECTION 17-912. PARKING AREA DESIGN STANDARDS

Parking areas shall be paved with materials which are appropriate to the comprehensive design scheme of the project and to the intensity of use to which parking areas will be subject. Pervious concrete is encourage to allow water from precipitation and other sources to pass directly through, thereby reducing the runoff from a site and allowing groundwater recharge.

SECTION 17-913 APPEALS/VARIANCES

Any person aggrieved by the Development Directors action or decision, or seeking relief from a requirement of the design overlay district shall make a formal request to the Board of Zoning Appeals.

SECTION 17-914 – SECTION 17-920 RESERVED

DRAFT

RESOLUTION OF THE SURFSIDE BEACH PLANNING COMMISSION RECOMMENDING THE AMENDMENT OF CHAPTER 17 TO ADD ARTICLE IX, §17-900 – 17-920 OF THE TOWNS CODE OF ORDINANCE TO ESTABLISH THE DESIGN OVERLAY DISTRICT

WHEREAS, the General Assembly of South Carolina enacted in 1994 an amendment to the Code of Laws of South Carolina by adding Chapter 29 to Title 6, "South Carolina Local Government Comprehensive Planning Enabling Act of 1994" ['the State Code']; and

WHEREAS, the State Code and Chapter 17 of the Surfside Beach Code of Ordinances ['zoning ordinance'] provides a mechanism for the review and amendment of the town's zoning ordinance; and

WHEREAS, the Surfside Beach Planning Commission ['the commission'] has identified the sections of the code listed above as an amendment that needs to be made for the betterment of the town; and

WHEREAS, the commission initiated the amendment process and has held a public hearing on the proposed amendment as required by Section 17-202 of the zoning ordinance; and

WHEREAS, a copy of proposed amendment is attached hereto and incorporated herein with a map outlining the Design Overlay boundaries; and

WHEREAS, the commission has prepared a report pursuant to Section 17-202 of the zoning ordinance in support of the amendment, a copy of which is attached hereto and incorporated herein;

NOW THEREFORE, THE SURFSIDE BEACH PLANNING COMMISSION, BY A VOTE OF 6 TO 0, RECOMMENDS AMENDING CHAPTER 17 TO ADD ARTICLE IX, § 17-900 – 17-920 OF THE TOWNS CODE OF ORDINANCE TO ESTABLISH THE DESIGN OVERLAY DISTRICT WITH MAP OUTLINING THE DESIGN OVERLAY BOUNDARIES.

THIS RESOLUTION AND ALL REFERENCED ATTACHMENTS ENTERED INTO THE RECORD OF THE PLANNING COMMISSION ON OCTOBER 2, 2012.

Mikey Pruitt

Mikey Pruitt, Chairman

THE PLANNING COMMISSION
SUPPORTING AMENDMENT TO CHAPTER 17
BY ADDING ARTICLE IX, SECTIONS 17-900 –17-920 OF
THE TOWNS CODE OF ORDINANCES

Background: Section 17-202(A) of the Town of Surfside Beach Code of Ordinance allows for amendments to the ordinance.

Section 17-202(a) *Authority to amend ordinance.* When the public necessity, convenience, general welfare, or good zoning practice justify such action, and after the required review and report by the planning commission, the Surfside Beach Town Council may, from time to time, amend, supplement, or change by ordinance, the boundaries of the zoning districts or the regulations herein established.

The Planning Commission and subsequently Town Council were presented with a proposed amendment to Chapter 17, adding Article IX, § 17-900 – 17-920 to establish the Design Overlay District, and map of the Design Overlay Boundaries.

The Planning Commission recommends the amendment with the intent that it benefits the entire community by promoting attractive, harmonious, well designed commercial areas within the town.

Factors Considered: Currently there are no mechanisms in place to regulate architectural styles, landscaping or signage details other than size and setbacks within the town. Establishing standards and guidelines would protect property values by positive impact on the town's appearance; encourage economic development by providing more visually inviting atmosphere to attract commerce; and establish a unique character to the town's commercial areas while respecting surrounding uses.

Analysis: Upon review of the proposed Design Overlay District, the commission believes the proposed ordinance would have positive effects on the future development of the town.

END OF REPORT

Ordinance No. 12-0729
First Reading: 10/09/2012
Second Reading: 11/27/2012

STATE OF SOUTH CAROLINA	)	AN ORDINANCE OF THE TOWN OF SURFSIDE BEACH
	)	TO AMEND CHAPTER 17 OF THE TOWN'S CODE OF
COUNTY OF HORRY	)	ORDINANCES TO ADD ARTICLE IX §17-900 THRU 17-920
	)	TO ESTABLISH A DESIGN OVERLAY DISTRICT
TOWN OF SURFSIDE BEACH	)	

WHEREAS, the Mayor and Town Council of the Town of Surfside Beach, in council duly assembled adopted Chapter 17 to include § 17-202(a) which allows for the amendment of the ordinance when the public necessity, convenience, general welfare, or good zoning practices justify such action; and

WHEREAS, the Surfside Beach Planning Commission has adopted its resolution captioned "Resolution of the Surfside Beach Planning Commission recommending the amendment of Chapter 17 to add Article IX, § 17-900 – 17-920 of the towns Code of Ordinance to establish the Design Overlay District; and

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

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS that Chapter 17 of the Town's Code of Ordinances be amended to add Article IX, §17-900 – 17-920 to read:

SECTION 17-900. PURPOSE AND INTENT

(a) The purpose of Article IX is to create a Design Overlay District containing standards that supplement the basic zoning requirements of the town's commercial districts.
(b) Design Overlay standards are intended to benefit the entire community by promoting attractive, harmonious, well-designed commercial areas. These standards govern landscaping, signage, color schemes and architectural details within the overlay area. Application of these sta ndards to future development or redevelopment is expected to result in multiple benefits:

- Protection of property values by positive impact on the town's appearance.
- Encouragement of economic development by providing a more visually inviting atmosphere to attract commerce for existing and potential businesses.
- Establishment of unique character to the town's commercial areas while respecting surrounding uses

SECTION 17-901. DESIGN OVERLAY DISTRICT ESTABLISHED

This District shall include:

- All parcels either partially or completely within the C1and C2 zoned area of the town, excluding parcels that front on Sandy Lane.
- Parcels located on Sandy Lane but combined with parcels fronting on Hwy 17 or frontage Road must comply.
- Properties that are rezoned to C1 or C2 after adoption of this ordinance.

SECTION 17-902. DESIGN OVERLAY DISTRICT STANDARDS ARE MINIMUM STANDARDS

(a) Everything within the Design Overlay District shall also meet all underlying zoning district requirements set forth in Chapter 17.
(b) Provisions of this ordinance shall be held to be the minimum requirements adopted.
(c) If requirements set forth herein are in conflict with the requirements of any other lawfully adopted rule, regulation or ordinance, the most restrictive, or that imposing the higher standard shall govern.

SECTION 17-903. APPLICABILITY

The requirements of this ordinance shall apply in any of the following circumstances:

(a) New Construction
(b) Addition or enlargement of an existing building, including combining existing units when removing load bearing walls.
(c) Change of use or change of ownership.
(d) Redevelopment of parking lots, including resurfacing shall cause landscaping and parking areas to be brought into compliance.
(e) When dwellings are converting into a commercial business property.
When renovations to an existing building exceed twenty percent (20%) of the appraised value of the building as indicated in the Horry County tax records or a current certified appraisal of the structure before the start of renovations the entire property shall be brought into compliance.
(f) When a single building or 50% of the total square footage of a strip center has been vacant (not open to public) for over 180 days, or for one year in the case of seasonal uses.
(g) The requirements of Section17-908 shall not apply to existing metal buildings (as built). Existing metal buildings shall be maintained in good condition and free of damage and/or visible defects. Existing facades shall be maintained or improved.
(h) The requirements of Section17-911 shall not apply to areas within the C2 zoning on the North side of 3rd Avenue South from Poplar Drive to Floral Drive to the South side of 1st Ave. North from Poplar Drive to Floral Drive.
(i) Accessory structures used in conjunction with businesses shall also meet these requirements.

SECTION 17-904. DEFINITIONS

Unless otherwise stated, the following words shall, for the purpose of this chapter, have the meanings indicated in this section. Words used in the present tense include the future. The singular number includes the plural and the plural the singular. The word "shall" is mandatory and the word "may" is permissive. Words or phrases not specifically defined herein shall have their customary dictionary meanings.

Change of Ownership - a transfer from one person or entity to another at a point of sale. This definition is not intended for ownership that has been inherited or handed down from generation to generation within the same family.

Development Director - The Director of the Town of Surfside Beach Planning, Building and Zoning Department, and/or his designee, shall serve as development administrator.

Gable roof - A two-sided sloped roof

GABLE ROOF

Hipped roof - a type of roof where all sides slope downwards to the walls, usually with a fairly gentle slope.

HIP ROOF

Mansard roof - A four-sided roof having a double slope on all sides, with the lower slope much steeper than the upper.

MANSARD ROOF

Parapet- A low protective wall along the roof edge of a structure

Resurfacing of Parking lot – Grinding or milling off selected areas of old asphalt; patching or resealing; repairing any pot holes or badly deteriorated areas.

Unadorned - not painted or covered by some acceptable material to increase its beauty or distinction.

SECTION 17-905. ISSUANCE OF PERMITS/CERTIFICATE OF OCCUPANCY

(a) Development Director shall review each application for a zoning or building permit to determine if it adheres to these criteria.
(b) No zoning or building permit will be issued unless these requirements have been addressed to the satisfaction of the Development Director.
(c) No Certificate of Occupancy will be issued until the requirements of this Article have been met.

SECTION 17-906. DESIGN STANDARDS

In addition to meeting the underlying zoning district requirements, any projects in the Design Overlay District which are approved by the Development Director shall meet the following design standards:

(a) Site Design Standards
(b) Architectural Design Standards
(c) Sign Design Standards
(d) Color Scheme Standards
(e) Landscaping Design Standards
    1. Landscaping requirements for perimeter parking areas
    2. Perimeters adjacent to public rights of way
    3. Perimeters not adjacent to public rights of way
    4. Interior Parking area requirements
    5. Landscape requirements for signs
    6. Landscape buffer requirements
(f) Parking Area

SECTION 17-907. SITE DESIGN STANDARDS

- Plant materials for required landscaping shall be selected and placed with regards to the estimated mature height and width of such materials.
- Site lighting shall be from a concealed light source fixture and shall not interfere with the vision of vehicle traffic. All exterior lighting shall be arranged and installed so that the direct or reflected illumination does not impede on surrounding properties.
- Lighting shall enhance the overall aesthetics of the site.
- Lighting source (light bulbs) shall not be visible. They shall be shielded to reflect down onto the ground and not onto the street or neighboring property.
- Lighting fixtures shall be limited to 21 feet in height.
- All lighting sources shall be white or off-white in color.
- New construction of utility or service lines must be underground. Exposed wires, pipes or conduits are not acceptable.
- Chain link fencing shall not be placed in the front yard of property. If chain link fencing will be utilized, it shall be black plastic coated galvanized chain link fencing with landscaping on the side and rear of property. Fencing of any kind proposed within the Design Overlay District must be approved prior to installation. Wood palisade or lattice is preferred fencing materials.

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- Porticos with vertical post or columns of traditional design shall be incorporated into designs where practical.

- All structures within a commercial proposed development in the district shall utilize a uniform traditional architectural theme. (including gasoline canopies and accessory buildings).

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- The side and rear elevations of a newly constructed building or addition shall be visibly attractive if the sides and/or rear elevations are visible from a street or right of way. Rooflines and architectural details shall present a consistency in quality design.

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- The use of a parapet or a flat roof is acceptable for existing buildings only.

- Roofing material shall be wood shingles or shakes, slate shingles, copper, architectural grade asphalt or fiberglass shingles, galvanized standing seam or v-crimp metal, painted corrugated metal, concrete composition shingles, other standard roofing material applications like built up tar and gravel if not exposed to view from Hwy. 17 or adjoining streets. Only materials listed shall be specified in design submissions. No other materials will be accepted.

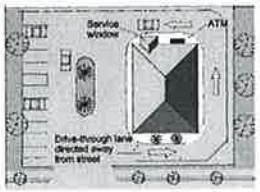
- Decorative wall-mounted lighting along the sides and front of a building is encouraged to provide a sense of security for pedestrians. This lighting shall compliment the architectural style of the building.

- Mechanical equipment whether ground level, raised or on roof-top if visible from any street or right of way shall be shielded and screened from public view through the use of a parapet wall or other decorative feature. The public view includes front facades, and side and rear facades visible from public right(s) of way and adjacent properties.

- Awnings, when utilized, may project a maximum of 6 feet out from the main façade into the public right of way or private property, with a minimum clearance height of 71/2 to 8 feet.

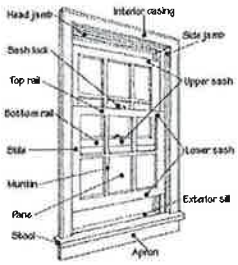
- Shutters, when utilized, shall be either louvered, paneled, or board and batten. They shall be hung or hinged from window sides or jambs, or from window top or heads (Bermuda shutters).

- All order boxes, menu stands, pick-up windows, service/teller windows, and required vehicle queuing associated with drive thru services shall be located to the side or rear of the buildings. For the purpose of this section, the side or rear shall mean the area behind a projected line running parallel from the front (street facing) side(s) of the structure to the side property line. This concept is depicted in the graphic below:



- Highly tinted or mirrored glass shall not be permitted.

- Large expanses of glass shall be avoided, or divided into smaller lights through the use of mullions or muntins. Undivided glass panes shall not exceed nine (9) square feet in size. This size format may be used in multiple, tandem panes to create larger glass proportions for storefront systems. The larger the glass pane, the larger the mullions or muntins used shall be.



- True divided light or simulated divided light windows of wood, vinyl clad wood, metal, or metal-clad, painted to contrast with building color shall be used.

- Service, loading and solid waste receptacles or dumpster locations shall be designed to minimize the impacts on the pedestrian areas and customer parking areas and shall be located in the rear or side yard. No such facility shall be located in the front yard. Dumpsters shall be surrounded on at least 3 sides by a wall or solid fence. Such enclosures shall be designed compatible with the primary structure onsite by using compatible materials with the primary structure. This requirement does not apply to moby roll carts.

SECTION 17-909. SIGN DESIGN STANDARDS

The intent of the Sign Design Standards is to assure each is compatible with materials and the architectural style of the business which it advertises. The following applies to any new signage, additional signage or any sign changes within the design overlay district.

- Signage shall be designed, constructed and installed by a licensed sign company.

- All proposed signage shall be indicated on the architectural elevation plan and include location and dimensions to scale.

- Freestanding signs and wall signs shall compliment the architectural style of the building and shall be designed as an architectural element of the building.

- Materials, colors, and lighting of signs shall be compatible with the materials used in the construction of the building.

- Wall signs shall be proportionately sized with other architectural features of the building and fit within the confines of the architectural details of the building as to not obscure or detract from those details. Business signs erected upon or above a roof or parapet of a building shall not be permitted within the Design Overlay District.

SECTION 17-910. COLOR SCHEME STANDARDS

The intent of the Color Scheme Design Standards is to assure respect for the character, integrity, quality of design and unite designs within the Town.

- Required Color Palette: Paint colors for exterior finishes shall be selected from the color range chart as approved by the Town Council and maintained at the Planning, Building and Zoning Department. These are the only colors allowed.
- Color Palette: The color palette is typical of coastal environment colors which generally include earth tones. Colors such as black, dark blue, grays and other dark colors can be used to accent only.

- Windows and doors shall be finished in white or earth tone colors. Trim, shutters and awnings shall be white, or a contrasting value of the cladding color as shown on the approved color chart.

- Color combinations of paints and stains shall be complimentary. In general no more than three different colors per building shall be permitted. One for base color, one trim color, and one accent color. Primary colors, fluorescent, psychedelic, and phosphorescent are not permitted in the design overlay district. Color combinations shall apply not only to new construction, additions and/ or renovations, but also when repainting the building at any time.

SECTION 17-911. LANDSCAPING DESIGN STANDARDS

The purpose of the Landscape design standards is to reduce the visibility of paved areas from adjacent properties and streets, moderate climatic effects, minimize noise and glare, and enhance public safety by defining spaces to influence traffic movement. Landscaping will reduce the amount of stormwater runoff and provide transition between properties.

Each newly developed commercial property shall allocate a minimum of twenty percent (20%) of its total area to landscaping which may include existing or transplanted trees, shrubs, and groundcover. Paved areas, gravel areas and landscaping rocks shall not be calculated as part of the minimum twenty (20%) percent. Retention/detention ponds may be included up to five percent (5%) of the total area. Retention/detention ponds shall be maintained to be aesthetically pleasing and promote the overall landscaping design.

Landscape requirements shall supersede parking requirements for the commercial districts.

New Projects: All new buildings, structures and parking areas shall comply with the minimum landscape requirements set forth herein.

Existing Properties: Under the following circumstances, existing properties will be required to meet the landscaping requirements of the Design Overlay District as closely as possible:

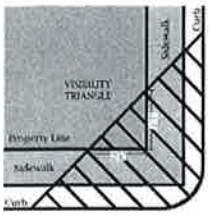
(a) Addition or enlargement of an existing building, including combining existing units when removing load bearing walls
(b) Change of use or change of ownership.
(c) Redevelopment of parking lots, including resurfacing shall cause landscaping and parking areas to be brought into compliance.
(d) When dwellings are converting into a commercial business property.
(e) When renovations to an existing building exceed twenty percent (20%) of the appraised value of the building as indicated in the Horry County tax records or a current certified appraisal of the structure before the start of renovations the entire property shall be brought into compliance.
(f) When a single building or 50% of the total square footage of a strip center has been vacant (not open to public) for over 180 days, or for one year in the case of seasonal uses.

Accessory structures used in conjunction with businesses shall also meet these requirements.

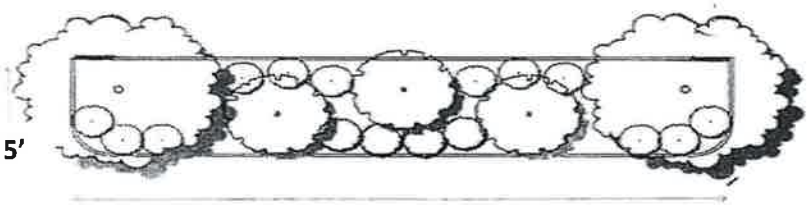
Existing properties having pavement and/ or concrete where landscape buffers are required shall be required to remove the existing pavement/concrete in order to meet the buffer requirements herein.

Landscaping buffer requirements for perimeter parking areas Arrangement of trees and shrubs in groupings is encouraged to ensure visibility and to allow for creativity. Equal spacing of plant materials shall not be required.

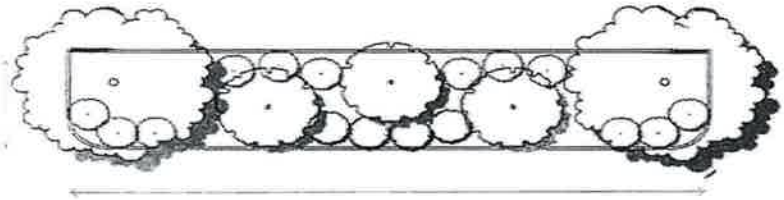
Perimeters adjacent to Public Right of Way: A visual clearance area between the height of two and one half (2 ½) feet and ten (10) feet shall be maintained on the corners of all property adjacent to the intersection of two streets or a driveway providing access to a public or private street within twenty five (25) feet of the intersections of the right of way of streets or of streets and driveways. (see diagram below)



Perimeters adjacent to Public Right of Way
Parking areas that do not exceed 5,000 sq. ft. in area shall be required to have a minimum landscape buffer of 5 feet in width and shall contain a minimum of 1 shade or ornamental tree and 10 shrubs with appropriate ground cover for every 30 linear feet or fraction thereof of street frontage.



Parking areas that exceed 5000 sq. ft. but do not exceed 20,000 sq. ft. in area shall be required to have a minimum landscape buffer of 10 feet in width and shall contain and shall contain a minimum of 1 shade or ornamental tree and 10 shrubs with appropriate ground cover for every 30 linear feet or fraction thereof of street frontage.



Parking areas that exceed 20,000 sq. ft. in area shall be required to have a minimum landscape buffer of 15 feet in width and shall contain and shall contain a minimum of 2 shade or ornamental trees and 15 shrubs with appropriate ground cover for every 30 linear feet or fraction thereof of street frontage.

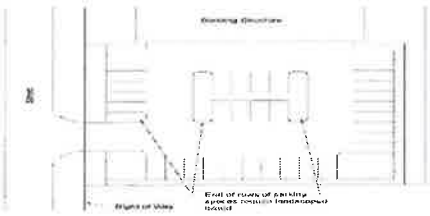
Perimeters buffers not adjacent to public right of way shall be required to have a minimum landscape buffer of 5 feet in width and shall contain a minimum of 1 shade or ornamental tree and 10 shrubs with appropriate ground cover for every 30 linear feet or fraction thereof of perimeter.

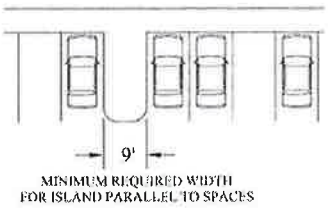
Interior Parking buffer area requirements
Landscaping provided around the perimeter of the building and interior parking areas enhance the appearance and customer attraction of commercial businesses.

A three foot (3') landscaping buffer with 6 shrubs for every 30 linear feet of building or fraction thereof shall be required between buildings and parking lots as well as end caps and landscape islands. Trees and shrubs located within the interior areas of the parking lot provide shade and heat abatement, and help break up the visual impact of the large areas of pavement.

End caps and Landscape islands shall not be less than 9x18 feet and shall include at least 1 shade or ornamental tree and 5 shrubs.

- End caps—parking aisle end caps shall be required and utilized as landscape islands.
- A maximum of 12 consecutive parking spaces in a row shall be permitted without a landscape island.





Landscape requirements for signs
A landscape border a minimum of 5 feet in depth and a minimum width equal to the greatest width of the sign shall be required for all freestanding signs. The landscape border shall contain 5 shrubs for every 10 linear feet with appropriate ground cover. No portion of the sign shall project beyond the landscape border.

Landscape buffer requirements
Existing trees, regardless of size may be counted towards requirements for shade trees or ornamental trees provided such trees are in good health, and located in the approximate area as required.

Shade trees: Must be indigenous to the area and reach a mature height in excess of 40 feet and shall be a minimum of 3 inches in caliper dbh and 10 to 12 feet in height at the time of installation.

Ornamental trees: trees that have a particular ornamental characteristic and tend to have a mature height of less than that of a shade tree. Ornamental trees shall be a minimum of 1.5 inches in caliper dbh and six to eight feet in height at the time of installation.

Shrubs: Shall be a minimum of 3 gallon in size and 1.5 feet in height at the time of installation.

Groundcover: Shall consist of grass, sod, ivy, bedding plants, wood chips, bark, mulch, straw and similar materials. In no case shall stone, pebbles, sand or rocks be used for groundcover.

No structures (except public utilities) shall be permitted within the required landscape buffer. Ingress and egress shall be permitted.

The owner, occupant, tenant or agent shall be jointly and severally responsible for the maintenance of all landscaping. Landscaping shall be maintained in good condition as to present a healthy, neat, and orderly appearance. Proper maintenance shall include watering, weeding, mowing, mulching, fertilizing, and pruning. Any dead, dying or damaged landscaping material shall be promptly replaced with materials of an approved size and type.

SECTION 17-912. PARKING AREA DESIGN STANDARDS

Parking areas shall be paved with materials which are appropriate to the comprehensive design scheme of the project and to the intensity of use to which parking areas will be subject. Pervious concrete is encourage to allow water from precipitation and other sources to pass directly through, thereby reducing the runoff from a site and allowing groundwater recharge.

SECTION 17-913 APPEALS/VARIANCES

Any person aggrieved by the Development Directors action or decision, or seeking relief from a requirement of the design overlay district shall make a formal request to the Board of Zoning Appeals.

SECTION 17-914 – SECTION 17-920 RESERVED

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 November 2012.

_____
Douglas F. Samples, Mayor

_____
Mary Beth Mabry, Mayor Pro Tempore

_____
Ann Dodge, Town Council

_____
Mark L. Johnson, Town Council

_____
Elizabeth A. Kohlmann, Town Council

_____
Roderick E. Smith, Town Council

_____
Randle M. Stevens, Town Council

Attest:

_____
Debra E. Herrmann, CMC, Town Clerk

Creek Shrimp
DCL017

Island Life
DCL021

Summer House
DCL025

Shoreline
DCL029

Stained Boards
DCL018

Beach Dune
DCL022

Beach Flower
DCL026

Weathered Mist
DCL030

Sullivan's Island
DCL019

Palmetto
DCL023

Noon Sky
DCL027

Evening Sea
DCL031

Reed
DCL020

Sunny Day
DCL024

New Blade
DCL028

Summer Linen
DCL032

Clapboard
DCL033

Cornsilk
DCL037

Dried Hydrangea
DCL041

Gracious Entry
DCL045

Creek Run
DCL034

Grocery Store Red
DCL038

Alhambra Blue
DCL042

Tin Roof
DCL046

Chainstitch
DCL035

Pitt Street
DCL039

Village Porch
DCL043

Cainhoy Clay
DCL047

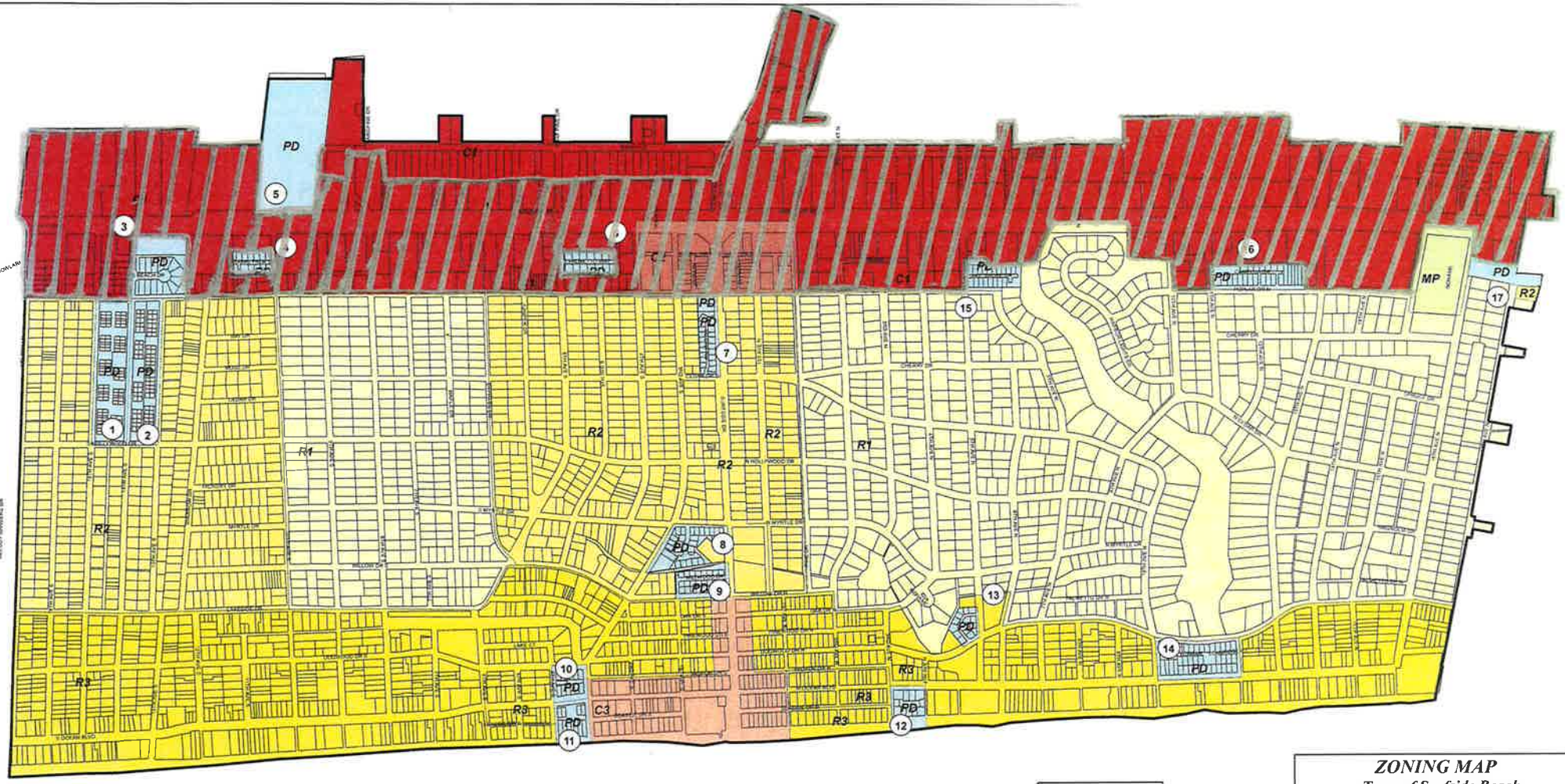
Mount Pleasant Sage
DCL036

Chapel of Ease
DCL040

Coffered Green
DCL044

Weathered Red
DCL048

Colors may vary slightly in actual use due to area, sheen, surface, application or lighting



Legend

Planned Developments

- 1 Ocean Pines I
- 2 Ocean Pines II
- 3 14th Avenue South Beach
- 4 Palmetto Cove
- 5 Wild Water & Wheels
- 6 The Palms
- 7 Ocean Breeze
- 8 Ocean Oaks West
- 9 Ocean Oaks at Surfside Beach
- 10 Parlatino
- 11 Paradise III
- 12 Paradise II
- 13 Myrtle Oaks
- 14 Sea Bridge
- 15 Lakeview at Surfside
- 16 Camellia Park
- 17 Lakewood

overlay

ZONING MAP

Town of Surfside Beach

Map Exhibit LU-2

Legend

- R1 - Low Density
- R2 - Medium Density
- R3 - High Density and Accommodations
- C1 - Highway Commercial
- C2 - Central Business
- C3 - Amusement Commercial
- MU - Mixed Use
- PD - Planned Development
- MP - Manufactured Home Park

WRCOG

9-12

Ordinance No. 12-0733
First Reading: 11/13/2012
Second Reading: 11/27/2012

STATE OF SOUTH CAROLINA) **)** **COUNTY OF HORRY)** **)** **TOWN OF SURFSIDE BEACH)**	**AN ORDINANCE OF THE TOWN OF SURFSIDE BEACH TO AMEND ARTICLE III BOARDS, COMMITTEES, COMMISSIONS, §2-61(b) TO DELETE DAILY NEWSPAPER ADVERTISING, AND §2-61(j) TO DELETE ANNUAL REPORTS FROM CONTINUING BOARDS, COMMISSIONS AND COMMITTEES**

WHEREAS, the Mayor and Town Council of the Town of Surfside Beach, in council duly assembled desire to amend Chapter 2, Article III Boards, Committees and Commissions, Paragraphs (b) and (j); and

WHEREAS, the Mayor and Town Council have determined that advertising in a daily newspaper has not proven to be beneficial in notifying the public of openings on boards, commissions, and committees; and

WHEREAS, the Mayor and Town Council have determined that all continuing and *ad hoc* boards, commissions and committees meeting minutes are published on the town website making them available for reading at any time, which eliminates the need for annual reports.

NOW, THEREFORE, Section 2-61(b) and Section 2-16(j) of the Code of Ordinances of the Town of Surfside Beach, South Carolina, are hereby amended to read:

Section 2-61(b). All regular boards, commissions and committees and special committees including ad hoc committees shall be appointed by the town council. Upcoming vacancies on any board, commission, or committee shall be publicly advertised and include contact information for interested volunteers on the town website ~~and in a local daily newspaper of general circulation in the town and/or local news website at least thirty~~ **on town bulletin boards, and on the town's social media at least** (30) days prior to appointment of new members. Councilmembers shall have the opportunity to nominate candidates for any current or upcoming vacancy on any board, commission or committee. Subject to the Freedom of Information Act, SC Code 1976, §30-4-70(a)(1) town council may adjourn to executive session to discuss the nominees. Appointment shall be made in the public meeting by duly adopted motion.

Section 2-61(j) ~~All continuing boards, commissions and committees of town government with the exception of ad hoc committees shall present to the town council in January of each year a written annual report of activities along with recommendations for improvements or changes desired All reports and recommendations.~~ **Minutes for all continuing and *ad hoc* boards, commissions and committees shall be published on the town website. Any board, commission or committee shall submit its recommendations for improvements or desired changes** ~~shall be submitted~~ to the town administrator so that necessary recommendations may be prepared ~~concerning implementation by~~ **for consideration by** town council. Ad hoc committees shall present meeting minutes transcribed by an appointed secretary soon after each meeting

to the town clerk ~~to prepare for presentation to town council~~ **for publication on the town website.** ~~Town Council may also require ad hoc committees to submit reports.~~ **Town Council may, at its pleasure, require reports to be made at council meetings by any board, commission or committee.**

All other portions of Section 2-61 shall remain in full force and effect and are unchanged.

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 Beth Mabry, Mayor Pro Tempore

_____
Ann Dodge, Town Council

_____
Mark L. Johnson, Town Council

_____
Elizabeth A. Kohlmann, Town Council

_____
Roderick E. Smith, Town Council

_____
Randle M. Stevens, Town Council

Attest:

_____
Debra E. Herrmann, CMC, Town Clerk

Draft

Ordinance No. 12-0732
First Reading: 11/27/2012
Second Reading: _____

STATE OF SOUTH CAROLINA)	**AN ORDINANCE OF THE TOWN OF SURFSIDE BEACH**
)	
COUNTY OF HORRY)	**TO AMEND SECTION 9-7, NO PARKING SPACES**
)	
TOWN OF SURFSIDE BEACH)	

(submitted by Councilmember Kohlmann):

WHEREAS, the Mayor and Town Council of the Town of Surfside Beach, in council duly assembled desire to amend Section 9-7, No Parking Places; and

WHEREAS, the Parking Committee made a recommendation to Town Council at its October 9th regular meeting to prohibit parking 10-feet from driveways, and 30-feet from street ends; and

WHEREAS, Motion made by Councilmember Kohlmann, seconded by Councilmember Stevens and was duly adopted by Town Council at the said October 9th regular meeting to add a business item to the next meeting agenda, a parking prohibition 10-feet from a driveway and 30-feet from an intersection along Ocean Boulevard;

NOW, THEREFORE, Section 9-7 No Parking Places of the Code of Ordinances of the Town of Surfside Beach, South Carolina, is hereby amended to read as follows:

Sec. 9-7 – No parking places.

It shall be unlawful at any time for a person to any vehicle or trailer to stop, stand, or park in any of the following places, except when necessary to avoid conflict with other traffic, or in compliance with the direction of a police officer or traffic control device:

1) At any place where official signs prohibit parking.
2) On any sidewalk.
3) Within thirty (30) feet of any intersection not otherwise designated for parking.
4) ~~At any place where a vehicle would block the use of a driveway or parking lot.~~ Amend to read – Within ten (10) feet of any beach access, driveway and entrance or exit to any parking lot.
5) On any private property without consent of the owner.
6) Within fifteen (15) feet of a fire hydrant.

The provisions of this section shall apply to all off-street parking facilities owned or operated by the town.

SEVERABILITY. If any provision, clause, sentence, or paragraph of this ordinance or the application thereof to any person or circumstances shall be held

Draft

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 Beth Mabry, Mayor Pro Tempore

_____
Ann Dodge, Town Council

_____
Mark L. Johnson, Town Council

_____
Elizabeth A. Kohlmann, Town Council

_____
Roderick E. Smith, Town Council

_____
Randle M. Stevens, Town Council

Attest:

_____
Debra E. Herrmann, CMC, Town Clerk

Draft

Issue Paper for Council Consideration

Meeting Date: November 27, 2012	Prepared by: Sharon Leahey
Agenda Item:	Date: November 20, 2012
Subject: To repeal and replace in its entirety **Chapter 4 - BUSINESS LICENSES, PERMITS AND REGULATIONS** ARTICLE IV. - INSURANCE COMPANIES AND BROKERS	

Background:

As a result of legislation passed in the 2012 session of the South Carolina General Assembly, all cities must immediately amend their business license ordinance for insurance companies and non-admitted insurance brokers. Cities must also renew their agreement with the Municipal Association of South Carolina to collect these taxes on their behalf. The new law requires the South Carolina Department of Insurance to collect the brokers' premium tax and deposit all revenue collected into a special fund. The law also authorizes the Municipal Association of South Carolina to serve as the municipal agent to receive the funds from the Department of Insurance and to distribute the funds to municipalities.

Recommendation:

The Municipal Association of South Carolina has sent to each jurisdiction both the amendment and the agreement, with the request that it be adopted exactly as written.

They have requested the completed documents be received no later than December 12, 2012.

Action: Approve first reading of Ordinance # 12-0735 as presented.

Ordinance No. 12-0735
First Reading: 11/27/2012
Second Reading: _____

STATE OF SOUTH CAROLINA)	**AN ORDINANCE OF THE TOWN OF SURFSIDE BEACH**
)	**TO REPEAL AND REPLACE IN THEIR ENTIRETY CHAPTER**
COUNTY OF HORRY)	**4 – BUSINESS LICENSES, PERMITS, AND REGULATIONS**
)	**ARTICLE IV. INSURANCE COMPANINES AMD BROKERS**
TOWN OF SURFSIDE BEACH)	Companies

WHEREAS, the Mayor and Town Council of the Town of Surfside Beach, in council duly assembled on the 27th day of November 2012; and

WHEREAS, the South Carolina General Assembly, in order to ensure consistency with the federal Non-admitted and Reinsurance Reform Act of 2010 ("NRRA"), ratified an act (Rat# 283) on June 28, 2012, amending S.C. Code §§ 38-7-16 and 38-45-10 through 38-45-195; and

WHEREAS, the act establishes a blended broker's premium tax rate of 6 percent comprised of a 4 percent state broker's premium tax and a 2 percent municipal broker's premium tax; and

WHEREAS, the act states a municipality may not impose on brokers of non-admitted insurance in South Carolina an additional license fee or tax based upon a percentage of premiums; and

WHEREAS, the act authorizes the Municipal Association of South Carolina to act as the municipal agent for purposes of distributing to municipalities the municipal broker's tax collected by the South Carolina Department of Insurance; and

WHEREAS, it is necessary to amend the Business License Ordinance to conform to the State law as amended;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Surfside Beach that the Business License Ordinance is repealed and replaced for insurance companies as follows:

SECTION 1.

SIC CODE or	NAICS CODE	
63	5241	Insurance Companies: Except as to fire insurance, "gross premiums" means gross premiums written for policies for property or a risk located within the municipality. In addition, "gross premiums" shall include premiums written for policies that are sold, solicited, negotiated, taken, transmitted, received, delivered, applied for, produced or serviced by (1) the insurance company's office located in the municipality, (2) the insurance company's employee conducting business within the municipality, or (3) the office of the insurance company's licensed or appointed producer (agent) conducting business within the municipality, regardless of where the property or risk is located, provided no tax has

been paid to another municipality in which the property or risk is located based on the same premium.

Solicitation for insurance, receiving or transmitting an application or policy, examination of a risk, collection or transmitting of a premium, adjusting a claim, delivering a benefit, or doing any act in connection with a policy or claim shall constitute conducting business within the municipality, regardless of whether or not an office is maintained in the municipality.

As to fire insurance, "gross premiums" means gross premiums (1) collected in the municipality, and/or (2) realized from risks located within the limits of the municipality.

Gross premiums shall include all business conducted in the prior calendar year.

Gross premiums shall include new and renewal business without deductions for any dividend, credit, return premiums or deposit.

Declining rates shall not apply.

631-632	52411	Life, Health and Accident	0.75% of Gross Premiums
633-635	524126	Fire and Casualty	2% of Gross Premiums
636	524127	Title Insurance	2% of Gross Premiums

SECTION 2.

Notwithstanding any other provisions of this ordinance, license taxes for insurance companies shall be payable on or before May 31 in each year without penalty. The penalty for delinquent payments shall be 5% of the tax due per month, or portion thereof, after the due date until paid.

SECTION 3.

Any exemptions in the business license ordinance for income from business in interstate commerce are hereby repealed. Gross income from interstate commerce shall be included in the gross income for every business subject to a business license tax.

SECTION 4.

Pursuant to S.C. Code Ann. §§ 38-45-10 and 38-45-60, the Municipal Association of South Carolina is designated the municipal agent for purposes of administration of the municipal broker's premium tax. The agreement with the Association for administration and collection of current and delinquent license taxes from insurance companies as authorized by S.C. Code § 5-7-300 and administration of the municipal broker's premium tax in the form attached hereto is approved, and the Mayor is authorized to execute it.

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 Beth Mabry, Mayor Pro Tempore

_____
Ann Dodge, Town Council

_____
Mark L. Johnson, Town Council

_____
Elizabeth A. Kohlmann, Town Council

_____
Roderick E. Smith, Town Council

_____
Randle M. Stevens, Town Council

Attest:

_____
Debra E. Herrmann, CMC, Town Clerk

Draft

AGREEMENT

For Collection Of All Business License Taxes From Insurance Companies and Administration as Municipal Agent of Municipal Brokers Premium Tax

WHEREAS, the MUNICIPAL ASSOCIATION OF SOUTH CAROLINA (hereinafter "the Association") has developed a program for statewide collection of all current and delinquent business license taxes due from insurance companies licensed in this state; and

WHEREAS, participating municipalities have adopted uniform rates and delinquent penalties for insurance companies and a uniform due date of May 31 for such license taxes; and

WHEREAS, municipalities are authorized to contract for assistance in collection of business license taxes pursuant to S.C. Code Ann. § 5-7-300; and

WHEREAS, the Association's collection of business license taxes from brokers for non-admitted surplus lines insurers is now governed by S.C. Code Ann. § 38-45-10, et seq., which is incorporated herein by reference; now therefore,

WITNESSETH

THIS AGREEMENT is made between the MUNICIPAL ASSOCIATION OF SOUTH CAROLINA and the TOWN OF SURFSIDE BEACH.

It is agreed between the parties as follows:

I. BUSINESS LICENSE TAXES FROM INSURANCE COMPANIES

1. The Association will make the necessary investigations, develop a database for the Municipality, establish procedures for determining the amount of business license taxes due, communicate with insurance companies subject to the taxes, and collect all current and delinquent business license taxes due from insurers on an annual basis.

2. The Association will bear all expenses incurred in connection with the services rendered.

3. The Association will deposit all funds received in an appropriate account for which accurate records will be maintained. Taxes collected for the municipality, less the service charge herein agreed to, will be disbursed to the Municipality as collections permit.

4. The Association is hereby designated as the exclusive agent of the Municipality for assessment and collection of the said business license taxes and penalties utilizing all

procedures and actions authorized by ordinance or State law, and such procedures and actions may be invoked in the name of the Municipality without further approval by the Municipality.

5. The Association will notify all insurance companies licensed in the State of this agreement and the requirement that all business license taxes be paid to the Association.

6. The Municipality acknowledges that it is an essential element of the programs for all such taxes to be paid to the Association, and no such taxes will be accepted, waived or compromised by the Municipality directly from or with an insurer. All communications from insurance companies will be sent to the Association. Payments accepted by the Municipality will be included in the computation of compensation to the Association.

7. The Municipality agrees that the Association shall retain 4 percent of all funds collected for the Municipality pursuant to this agreement, together with any interest earned on funds held on deposit prior to disbursement, as compensation for the services rendered.

II. Municipal Brokers Premium Tax

1. On behalf of its municipalities, the Association will communicate with brokers for non-admitted insurance companies subject to the tax in S.C. Code Ann. § 38-45-10, et seq. and will communicate with the South Carolina Department of Insurance on all issues related to the taxes due from brokers per S.C. Code Ann. § 38-45-10, et seq.

2. The Association will bear all expenses incurred in connection with the services rendered.

3. Per S.C. Code Ann. § 38-45-10 and ordinance adopted by the Municipality, the Association is designated as the municipal agent to act on behalf of the municipality for the purposes set out in S.C. Code Ann. §38-45-10, et. seq.

4. S.C. Code Ann. § 38-45-10, et seq., governs the Association's receipt from the South Carolina Department of Insurance ("DOI") and distribution to the municipality of all municipal premium taxes from brokers for non-admitted surplus lines insurance. Upon receipt of the taxes from the DOI, the Association will deposit all funds received in an appropriate account for which accurate records will be maintained. Taxes will be disbursed to the municipality, less the service charge herein agreed to, as collections permit.

5. The Municipality agrees that the Association shall retain 4 percent of all funds collected or received by the Association for the Municipality pursuant to this agreement, together with any interest earned on funds held on deposit prior to disbursement, as compensation for the services rendered.

III. TERM AND LEGALITY

1. The Municipality represents that this agreement has been approved by ordinance duly adopted pursuant to S.C. Code Ann. § 5-7-300.

2. This Agreement is effective until December 31, 2022, and shall continue from year to year thereafter until terminated by either party upon 90 days notice in writing given prior to December 31.

MUNICIPAL ASSOCIATION OF SOUTH CAROLINA

By: _____
Miriam O. Hair
Executive Director

TOWN OF SURFSIDE BEACH

By: _____
Douglas F. Samples
Its Mayor

DATE: _____, 20__

AGREEMENT

For Collection Of All Business License Taxes From Insurance Companies and Administration as Municipal Agent of Municipal Brokers Premium Tax

WHEREAS, the MUNICIPAL ASSOCIATION OF SOUTH CAROLINA (hereinafter "the Association") has developed a program for statewide collection of all current and delinquent business license taxes due from insurance companies licensed in this state; and

WHEREAS, participating municipalities have adopted uniform rates and delinquent penalties for insurance companies and a uniform due date of May 31 for such license taxes; and

WHEREAS, municipalities are authorized to contract for assistance in collection of business license taxes pursuant to S.C. Code Ann. § 5-7-300; and

WHEREAS, the Association's collection of business license taxes from brokers for non-admitted surplus lines insurers is now governed by S.C. Code Ann. § 38-45-10, et seq., which is incorporated herein by reference; now therefore,

WITNESSETH

THIS AGREEMENT is made between the MUNICIPAL ASSOCIATION OF SOUTH CAROLINA and the City/Town of _____ (the Municipality).

It is agreed between the parties as follows:

I. BUSINESS LICENSE TAXES FROM INSURANCE COMPANIES

1. The Association will make the necessary investigations, develop a database for the Municipality, establish procedures for determining the amount of business license taxes due, communicate with insurance companies subject to the taxes, and collect all current and delinquent business license taxes due from insurers on an annual basis.

2. The Association will bear all expenses incurred in connection with the services rendered.

3. The Association will deposit all funds received in an appropriate account for which accurate records will be maintained. Taxes collected for the municipality, less the service charge herein agreed to, will be disbursed to the Municipality as collections permit.

4. The Association is hereby designated as the exclusive agent of the Municipality for assessment and collection of the said business license taxes and penalties utilizing all

procedures and actions authorized by ordinance or State law, and such procedures and actions may be invoked in the name of the Municipality without further approval by the Municipality.

5. The Association will notify all insurance companies licensed in the State of this agreement and the requirement that all business license taxes be paid to the Association.

6. The Municipality acknowledges that it is an essential element of the programs for all such taxes to be paid to the Association, and no such taxes will be accepted, waived or compromised by the Municipality directly from or with an insurer. All communications from insurance companies will be sent to the Association. Payments accepted by the Municipality will be included in the computation of compensation to the Association.

7. The Municipality agrees that the Association shall retain 4 percent of all funds collected for the Municipality pursuant to this agreement, together with any interest earned on funds held on deposit prior to disbursement, as compensation for the services rendered.

II. Municipal Brokers Premium Tax

1. On behalf of its municipalities, the Association will communicate with brokers for non-admitted insurance companies subject to the tax in S.C. Code Ann. § 38-45-10, et seq. and will communicate with the South Carolina Department of Insurance on all issues related to the taxes due from brokers per S.C. Code Ann. § 38-45-10, et seq.

2. The Association will bear all expenses incurred in connection with the services rendered.

3. Per S.C. Code Ann. § 38-45-10 and ordinance adopted by the Municipality, the Association is designated as the municipal agent to act on behalf of the municipality for the purposes set out in S.C. Code Ann. §38-45-10, et. seq.

4. S.C. Code Ann. § 38-45-10, et seq., governs the Association's receipt from the South Carolina Department of Insurance ("DOI") and distribution to the municipality of all municipal premium taxes from brokers for non-admitted surplus lines insurance. Upon receipt of the taxes from the DOI, the Association will deposit all funds received in an appropriate account for which accurate records will be maintained. Taxes will be disbursed to the municipality, less the service charge herein agreed to, as collections permit.

5. The Municipality agrees that the Association shall retain 4 percent of all funds collected or received by the Association for the Municipality pursuant to this agreement, together with any interest earned on funds held on deposit prior to disbursement, as compensation for the services rendered.

Ordinance # 12-0735

AN ORDINANCE
Amending the Business License Ordinance
Provisions for Insurance Companies

WHEREAS, the South Carolina General Assembly, in order to ensure consistency with the federal Non-admitted and Reinsurance Reform Act of 2010 ("NRRA"), ratified an act (Rat# 283) on June 28, 2012, amending S.C. Code §§ 38-7-16 and 38-45-10 through 38-45-195; and

WHEREAS, the act establishes a blended broker's premium tax rate of 6 percent comprised of a 4 percent state broker's premium tax and a 2 percent municipal broker's premium tax; and

WHEREAS, the act states a municipality may not impose on brokers of non-admitted insurance in South Carolina an additional license fee or tax based upon a percentage of premiums; and

WHEREAS, the act authorizes the Municipal Association of South Carolina to act as the municipal agent for purposes of distributing to municipalities the municipal broker's tax collected by the South Carolina Department of Insurance; and

WHEREAS, it is necessary to amend the Business License Ordinance to conform to the State law as amended;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City/Town of _____, that the Business License Ordinance is amended by changing the provisions for insurance companies as follows:

SECTION 1.

SIC CODE or	NAICS CODE	
63	5241	Insurance Companies: Except as to fire insurance, "gross premiums" means gross premiums written for policies for property or a risk located within the municipality. In addition, "gross premiums" shall include premiums written for policies that are sold, solicited, negotiated, taken, transmitted, received, delivered, applied for, produced or serviced by (1) the insurance company's office located in the municipality, (2) the insurance company's employee conducting business within the municipality, or (3) the office of the insurance company's licensed or appointed producer (agent) conducting business within the municipality, regardless of where the property or risk is located, provided no tax has been paid to another municipality in which the property or risk is located based on the same premium.. Solicitation for insurance, receiving or transmitting an application or policy, examination of a risk, collection or transmitting of a premium, adjusting a claim, delivering a benefit, or doing any act in connection with a policy or claim shall constitute conducting business within the municipality, regardless of whether or not an office is maintained in the municipality. As to fire insurance, "gross premiums" means gross premiums (1) collected in the municipality, and/or (2) realized from risks located within the limits of the municipality.

Gross premiums shall include all business conducted in the prior calendar year.

Gross premiums shall include new and renewal business without deductions for any dividend, credit, return premiums or deposit.

Declining rates shall not apply.

631-632	52411	Life, Health and Accident	0.75% of Gross Premiums
633-635	524126	Fire and Casualty	2% of Gross Premiums
636	524127	Title Insurance	2% of Gross Premiums

SECTION 2.

Notwithstanding any other provisions of this ordinance, license taxes for insurance companies shall be payable on or before May 31 in each year without penalty. The penalty for delinquent payments shall be 5% of the tax due per month, or portion thereof, after the due date until paid.

SECTION 3.

Any exemptions in the business license ordinance for income from business in interstate commerce are hereby repealed. Gross income from interstate commerce shall be included in the gross income for every business subject to a business license tax.

SECTION 4.

Pursuant to S.C. Code Ann. §§ 38-45-10 and 38-45-60, the Municipal Association of South Carolina is designated the municipal agent for purposes of administration of the municipal broker's premium tax. The agreement with the Association for administration and collection of current and delinquent license taxes from insurance companies as authorized by S.C. Code § 5-7-300 and administration of the municipal broker's premium tax in the form attached hereto is approved, and the Mayor is authorized to execute it.

All ordinances in conflict with this ordinance are hereby repealed.

This ordinance shall be effective on the date of final reading.

_____
Mayor

ATTEST:

_____
Clerk

First reading: _____

Final reading: _____

MASC
Municipal Association of South Carolina℠
1411 Gervais Street, P.O. Box 12109
Columbia, SC 29211
tel: 803.799.9574
fax: 803.933.1299
www.masc.sc

Advocacy. Service. Innovation.

Date: September 25, 2012

To: Mayors, Managers, Administrators, Attorneys, Clerks and Insurance Tax Collection Program Primary Contacts

From: Miriam Hair, Executive Director MH

Re: Insurance and Brokers Tax Collection Programs – IMMEDIATE ACTION REQUIRED

As a result of legislation passed in the 2012 session of the South Carolina General Assembly, all cities must immediately amend their business license ordinance for insurance companies and non-admitted insurance brokers. Cities must also renew their agreement with the Municipal Association of South Carolina to collect these taxes on their behalf.

The state legislation was necessary and supported by cities and towns because of a recent change in federal law known as the "Dodd-Frank" Act. Within the Act is a provision, The Non-admitted and Reinsurance Reform Act of 2010, which states that the "placement of non-admitted insurance is subject to the statutory and regulatory requirements solely of the insured's home state. " It goes further to state only the "home state" may require the payment of premium tax for non-admitted insurance.

In response to this change in federal law, on June 29, 2012, Governor Nikki Haley signed into law legislation that designates a single tax rate of 6 percent for the broker's premium tax in South Carolina. The new state law fully complies with the new federal regulations while preserving the designation and collection of a 4 percent state tax and a 2 percent municipal broker's premium tax. The law further states that a municipality may not impose any additional license fee or tax based upon a percentage of premium.

The new law requires the South Carolina Department of Insurance to collect the brokers' premium tax and deposit all revenue collected into a special fund, separate and distinct from the General Assembly's general fund. The law also authorizes the Municipal Association of South Carolina to serve as the municipal agent to receive the funds from the Department of Insurance and distribute the funds to municipalities. The Department of Insurance is required to give the Association a full accounting, including, but not limited to, the name and address of the broker, amount collected from each broker, and information as to the location of the risk covered by the insurance.

In order to comply with the new state law, it is imperative your municipality adopt the enclosed ordinance and agreement exactly as written. It can be found on the Association's website (www.masc.sc – keyword: collections ordinance) in Word or PDF format. You may also call (803.933.1229) or email Myan Jencks (MJencks@masc.sc) to have it emailed directly to you.

The Association must have the original signed agreement and a certified copy of your amended ordinance by Wednesday, December 12, 2012. We will send you a copy of the final agreement with my signature for your file. If you require an original signed agreement for your files, provide two signed agreements to the Association.

Please let me bring to your attention that changes also appear in the amended ordinance with regard to the administration of the business license tax for insurance companies. The changes are only made to clarify the intent of your current ordinance. If you have any questions concerning the amended ordinance or agreement, please contact Gail Hampton, Collection Programs Manager, at 803.933.1213.

MOH/mw

Encl:as

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

Resolution #12-129

TO AUTHORIZE THE TOWN OF SURFSIDE BEACH TO ASSUME A CLAIM DEDUCTIBLE WITH THE SOUTH CAROLINA MUNICIPAL INSURANCE TRUST WORKERS' COMPENSATION FUND

WHEREAS, the Town of Surfside Beach Town Council in chambers duly assembled in a regularly scheduled meeting held on the 27th day of November 2012; and

WHEREAS, the Town of Surfside Beach is a member of the South Carolina Municipal Insurance Trust; and

WHEREAS, the Town Council of the Town of Surfside Beach believes it is in the Town's best interest to share in the risk of paying workers' compensation claims in exchange for a reduction in the premium cost of workers' compensation coverage.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of Surfside Beach hereby stipulates the following:

Section 1. The Town of Surfside Beach hereby agrees to assume a deductible as shown below for each and every workers' compensation claim which may be filed and for which there is an obligation to pay in accordance with the Workers' Compensation Statutes of the State of South Carolina.

Coverage Type	Amount of Deductible
Workers' Compensation	$-0- (Zero Dollars)

Section 2. Town Council further acknowledges responsibility for filing all claims with the Claims Administrator for the South Carolina Municipal Insurance Trust who will adjust the claim(s) on behalf of the Town and for paying all deductible invoices on a monthly basis as costs are incurred until such time as the maximum deductible amount is satisfied.

Section 3. Town Council further acknowledges that the deductible includes all claims cost, including but not limited to legal expenses, and is inclusive in the South Carolina Municipal Insurance Trust's Self-Insured Retention (SIR) for reinsurance purposes.

Section 4. Should the Town of Surfside Beach decide to discontinue its participation in the South Carolina Municipal Insurance Trust at some future date, Town Council acknowledges responsibility to pay its deductible for all claims arising out of the

period of time coverage was in effect until such time as its obligation to pay has been satisfied or the claim file is closed.

Section 5. This resolution shall become effective upon approval by Town Council, as attested below, and it is agreed that the deductible requested above shall become effective at the beginning of the South Carolina Municipal Insurance Trust's next plan year and shall remain in effect until a duly authorized change is made or the Town of Surfside Beach has discontinued its participation in the Trust.

BE IS SO RESOLVED, this 27th day of November 2012

Douglas F. Samples, Mayor

Mary M. Mabry, Mayor Pro Tempore

Ann Dodge, Town Council

Mark L. Johnson, Town Council

Elizabeth A. Kohlmann, Town Council

Roderick E. Smith, Town Council

Randle M. Stevens, Town Council

Attest:

Debra E. Herrmann, CMC
Town Clerk

Draft

Decision Paper

Written By: *Micki Fellner*

1. **SUBJECT:** Amend the personnel policy manual to limit workplace audio and video recordings

2. **PURPOSE:**
   The Town's Personnel Manual does not cover this topic and many municipalities are putting similar policies in place for their own protection and the protection of their employees' privacy.

3. **FACTS:**
   a. Digital technology has advanced and made audio and video recording easier affording almost everyone the capability to make workplace recordings.
   b. The town wishes to protect the privacy of its employees.
   c. In the past few years there have been a number of lawsuits involving workplace recordings and the town wishes to limit its financial exposure with regard to this.
   d. Our labor attorney has suggested that this is an important amendment to include in our personnel policy manual.
   e. Only town council has the right to approve amendments to the employee personnel manual. (Sec. 11-7b)

4. **IMPACT OF SUCCESS OR FAILURE:**
   a. If we do not include this in our personnel policy manual then audio and video recordings will be permissible in the workplace.
   b. If we do include this in our personnel policy manual then audio and video recordings will be limited in the workplace.

5. **RECOMMENDATION:**
   a. Amend the personnel policy manual to include Chapter 6, Section 612, page 6 – 8 to read as follows:

      VIDEO OR AUDIO RECORDING IN THE WORKPLACE
      Except as may be part of a law enforcement or code enforcement investigation, customary recordings for town council and other formal committee meetings, and court trials, or without the prior written authorization of the Town Administrator, it is a violation of the policy of the Town of Surfside Beach for any employee to video or audio record personal or telephonic conversations with a tape recorder or other recording device (including a cellular telephone) while on town property, riding in a town vehicle or otherwise during the performance of his or her duties while carrying out the business of the town. Violation of this policy will result in immediate termination.

      Should an employee feel compelled to make a workplace recording, it must be preapproved, in writing, by the Town Administrator. If it involves a complaint against the Town Administrator then the employee shall make a written report to the mayor who will engage the Town Attorney in the decision process from that point.

6. **RATIONALE FOR RECOMMENDATION:**
   This will satisfy the suggestion of our attorney, will protect the privacy of our employees and will reduce the financial exposure of the town.

Decision Paper

Written By: *Micki Fellner*

1. **SUBJECT:** Amend the personnel policy manual in Chapter 1, Section 108, Page 1-2, "Hiring Relatives" to reflect a less stringent stance on the hiring of relatives.

2. **PURPOSE:**
   To amend the personnel policy manual to reflect a less stringent stance on the hiring of relatives in accordance with the spirit of the existing town ordinance and to make the ordinance and personnel policy consistent.

3. **FACTS:**
   a. Existing ordinance, Section 11-5 – "Nepotism and favoritism policy" currently reads:
      (a) It is the policy of the town to restrict the hiring of family members in accordance with the Ethics Act, and to further restrict the hiring of relatives within the same office, program area, or the equivalent work unit. Accordingly, no reporting party (as such term is defined in this chapter) shall cause the employment, appointment, promotion, transfer or advancement of a family member to a position in which the reporting party supervises or manages. Reporting parties may also not participate directly or indirectly in any action relating to discipline of their family members.

      (b) No reporting party shall seek to engage in or maintain any personal relationship with another reporting party that may lead to an actual or perceived conflict of interest in the conduct of the business of the town, wherein the town administrator may reasonably determine that favoritism has occurred or is likely to occur. (Ord. No. 10-0688, § B, 9-14-10)

   b. The personnel manual in Chapter 1, Section 108, Page 1-2, "Hiring Relatives" currently reads:
      Persons in the same immediate family may not be employed by the Town of Surfside Beach. No person in the same immediate family of a Town appointed or elected official receiving a budgeted annual salary may be employed by the Town of Surfside Beach. Immediate family is defined as spouse, parent, child, grandparent, grandchild, brother or sister, parent-in-law, grandparent-in-law, brother-in-law and sister-in-law. The immediate family is considered to include step-parents, step-children, step-brothers, and step-sisters when the employee and the step-relative live together regularly in the same household. If employees become related by marriage and create a situation prohibited by this policy, one of the employees may be asked to resign. If the employees cannot choose which will resign, the employee having the lower budgeted annual compensation may be removed. No appointed or elected Town official may be asked to resign pursuant to this policy. Unrelated employees residing together or otherwise engaged in an apparently romantic relationship are treated as being within the immediate family of each other for the purposes of this policy. This policy is prospective only, and does not apply to any employee employed by the Town as of the effective date of this policy. However, this policy does apply to current employees that subsequently become related by marriage and create a situation prohibited by this policy.

   c. The personnel manual mandates that relatives (listed and defined above) are not eligible for hire even if they would not be in the same department or reporting chain.

d. The State of SC policy reads:
Under state personnel regulations immediate family shall not be employed concurrently within any one agency of State government 1) if such employment will result in an employee supervising a covered relative, or 2) if such employment would result in an employee occupying a position having influence over a covered relative's employment, promotion, salary administration or other related management or personnel matters. The provisions of this section are in addition to Section 8-13-700, 1976, South Carolina Code of Laws, which prohibits public employees from using their position to obtain an economic interest for a member of their immediate family. Where, in the discharge of their official responsibilities, actions or decisions by public employees would affect an economic interest of an immediate family member, then the employee should give notice to his/her immediate supervisor who will assign the matter to another person.

e. Myrtle Beach has adopted a similar policy "Nepotism: Employment of Relatives" which reads:
Two or more members of an immediate family shall not be employed in the same division, or where one occupies a position which has influence over another's employment, promotion, supervision, salary administration, and other related management or personnel administration. (This policy was effective upon adoption and is not retroactive.)

The immediate family shall include spouse, mother, father, sister, brother, son, daughter, mother-in-law, father-in-law, sister-in-law, brother-in-law, aunt, uncle, grandmother, grandfather, grandson, granddaughter, stepmother, stepfather, stepson, stepdaughter, stepsister and stepbrother, and first cousin.

4. **IMPACT OF SUCCESS OR FAILURE:**
   a. If we do not amend the personnel policy manual to reflect a less stringent stance on the hiring of relatives in accordance with the spirit of the existing town ordinance then it shall remain that no relatives of a current town employee may be considered eligible for employment.

   b. If we do amend the personnel policy manual to reflect a less stringent stance on the hiring of relatives in accordance with the spirit of the existing town ordinance, it would allow relatives, under certain prescribed conditions to be considered eligible for hire.

   c. If council does not desire to amend the policy then they need to amend the ordinance to include the same language used in the personnel manual, since ordinance overrides policy and the change in the personnel manual was never made to the ordinance.

5. **RECOMMENDATION:**
   a. Amend the personnel policy manual in Chapter 1, Section 108, Page 1-2, "Hiring Relatives" to read:
   ~~Persons in the same immediate family may not be employed by the Town of Surfside Beach. No person in the same immediate family of a Town appointed or elected~~

~~official receiving a budgeted annual salary may be employed by the Town of Surfside Beach.~~

Two or more members of an immediate family shall not be employed in the same division, or where one occupies a position which has influence over another's employment, promotion, supervision, financial compensation and other related management or personnel administration.

Immediate family is defined as spouse, parent, child, grandparent, grandchild, brother or sister, parent-in-law, grandparent-in-law, brother-in-law and sister-in-law. The immediate family is considered to include step-parents, step-children, step-brothers, and step-sisters when the employee and the step-relative live together regularly in the same household. If employees become related by marriage and create a situation prohibited by this policy, one of the employees may be asked to resign. If the employees cannot choose which will resign, the employee having the lower budgeted annual compensation may be removed. No appointed or elected Town official may be asked to resign pursuant to this policy. Unrelated employees residing together or otherwise engaged in an apparently romantic relationship are treated as being within the immediate family of each other for the purposes of this policy. This policy is prospective only, and does not apply to any employee employed by the Town as of the effective date of this policy. However, this policy does apply to current employees that subsequently become related by marriage and create a situation prohibited by this policy.

b. In no case shall any relatives of the Town Administrator (as defined in 5a) be employed by the Town and in no case shall any relatives of town councilmembers, ~~(as defined in 5a above) be employed as department heads.~~ by the town Smith

6. **RATIONALE FOR RECOMMENDATION:**
   a. Amending the personnel policy manual to reflect a less stringent stance on the hiring of relatives in accordance with the spirit of the existing town ordinance would:
      i. Bring the personnel manual in line with the spirit of the existing ordinance
      ii. Make the ordinance and the policy consistent
      iii. Allow staff to consider applicants, who have relatives employed in other departments, eligible for employment within the Town.

Decision Paper

Written By: *Micki Fellner*

1. **SUBJECT:** Amend the personnel policy manual in section Chapter 6, Section 606, Paragraph 3, Page 6-7, to exclude the Town Clerk as an authorized recipient of sexual harassment complaints from staff.

2. **PURPOSE:**
   To keep reporting procedures and chain of command simple and consistent for employees reporting serious workplace offenses.

3. **FACTS:**
   a. The Town Clerk is not within the Executive Branch of the government.
   b. Serious personnel issues such as sexual harassment should only be handled through the operational chain of command, by the Town Administrator or, should the complaint be against the Town Administrator, by the Mayor with the counsel of the Town's labor attorney.

4. **IMPACT OF SUCCESS OR FAILURE:**
   a. If we do not include this then the Town Clerk will remain included as an authorized recipient of sexual harassment complaints from staff.
   b. If we do include this the Town Clerk will be excluded as an authorized recipient of sexual harassment complaints from staff.

5. **RECOMMENDATION:**
   a. Amend the personnel policy manual to include Chapter 6, Section 606, Paragraph 3, Page 6-7 to read as follows:

      Disputes sometimes arise as to whether conduct was "welcome" or "unwelcome." Any conduct which would violate this policy will be considered a violation if anyone complains of it. Obviously, not all conduct which is prohibited by this policy constitutes a violation of the law. If you feel that this policy has been violated by anyone with whom you come in contact with on the job, regardless of whether it is by a fellow worker, a supervisor, or a member of the general public, you should report the incident(s). There are several ways that you can do this:

      - By reporting to your supervisor or to a higher level in your "chain of command." ~~Complaints against the Town Administrator should be made to the Mayor.~~
      - Report the incident(s) to the Town Administrator.
      - ~~Report to the Town clerk.~~
      - Complaints against the Town Administrator should be made to the Mayor who will engage the town's labor attorney.

6. **RATIONALE FOR RECOMMENDATION:**
   This will keep reporting procedures and chain of command simple and consistent for employees reporting serious workplace offenses.

Memorandum

To: Town Council
From: Debra E. Herrmann, CMC, Town Clerk
Date: November 20, 2012
Re: Committee Appointments

Advertising was published on October 12th for volunteers to serve on the senior citizens advisory committee, the historical board, and the parking committee.

Advertising was published on October 17th for volunteers to serve on the recreation/ special events committee.

Senior Citizens Advisory Committee

Gerald L. Miller

Historical Board

Bob Lang
Jeffrey L. Lane
Randy Harrison

Parking Committee

Thomas S. Dodge

Recreation/Special Events Committee

Debbie Bone

Nov 14 submission
for

Senior

Historical

Parking

10-12-11 S

PUBLIC NOTICE - VOLUNTEERS SOUGHT

The Town of Surfside Beach is seeking resident volunteers to serve on the following committees. There are no specific requirements to serve on any of these committees. Please submit your statement of interest on or before November 14th via email to dhermann@surfsidebeach.org, by fax 843.238.5432, or US Mail to 115 US Highway 17 North, Surfside Beach, SC 29575. For more information, please contact the town clerk at 843.913.6111.

Senior Citizens Advisory Committee. Four positions. The committee recommends programs & policies that promote senior citizen involvement and participation while promoting a senior citizen friendly atmosphere within the town.

Historical Board. Three director positions to oversee the collection and preservation of the town history through collection of records, documents, photographs, artifacts, memorabilia, and other means, and to promote and provide access to the town's history for current and future generations. The directors shall direct the affairs of the board by approval of the general membership, which shall be open to all citizens who share an interest in the mission of the board.

Parking Committee. One position. The committee is responsible for reviewing and making recommendations to town council for parking throughout the town.

Public Notice – VOLUNTEERS SOUGHT

The Town of Surfside Beach is seeking resident volunteers to serve on the following committees. There are no specific requirements to serve on any of these committees. Please submit your statement of interest on or before November 14th via email to dherrmann@surfsidebeach.org, by fax 843.238.5432, or US Mail to 115 US Highway 17 North, Surfside Beach, SC 29575. For more information, please contact the town clerk at 843.913.6111.

Senior Citizens Advisory Committee. Four positions. The committee recommends programs & policies that promote senior citizen involvement and participation while promoting a senior citizen friendly atmosphere within the town.

Historical Board. Three director positions to oversee the collection and preservation of the town history through collection of records, documents, photographs, artifacts, memorabilia, and other means, and to promote and provide access to the town's history for current and future generations. The directors shall direct the affairs of the board by approval of the general membership, which shall be open to all citizens who share an interest in the mission of the board.

Parking Committee. One position. The committee is responsible for reviewing and making recommendations to town council for parking throughout the town.

Debra Herrmann

From: Jerry Miller [gmiller002@sc.rr.com]
Sent: Wednesday, October 24, 2012 11:42 AM
To: dherrmann@surfsidebeach.org
Subject: Senior Citizen's Advisory Committee

Good Afternoon,

I would like to serve on the senior committee. How do I get myself appointed to this? Can you submit my name?

Thanks

Gerald L. Miller
211 Hollywood Dr. North
Surfside Beach, SC 29575

Bob Lang
151 N Myrtle Drive
Surfside Beach, SC 29575
843.238.0890

Re: Historical Board

I would love to serve on the historical board.

I have lived in Surfside Beach 32-years and believe I can offer a lot towards developing and retrieving historical information.

Bob Lang

Debra Herrmann

From: Doug Samples [dougsamples@yahoo.com]
Sent: Saturday, November 03, 2012 9:03 AM
To: Lane, Jeffrey
Cc: dherrmann@surfsidebeach.org; dougsamples@surfsidebeach.org
Subject: Re: Historical Board

Jeff-

Thank you very much. Give my best to Linda and the family. Your help is greatly appreciated! Debra, Jeff lives at 717 3rd Ave North, 843 238 0275. Please add appointments to the next agenda.

Thank you,

Doug Samples

On Nov 2, 2012, at 11:58 AM, "Lane, Jeffrey" <jeffrey.lane@santeecooper.com> wrote:

> I would like to submit my statement of interest in serving on the Historical Board. I think to capture and preserve the history, events, and stories of Surfside Beach and its citizens is a great idea. I have a few ideas of my own and would welcome the opportunity to share them and serve on this board. Thanks.
>
> **Jeffrey L. Lane, R.F.**
> **Supervisor Right of Way Management**
> **Santee Cooper**
> **197 Dobros Rd**
> **Conway, SC 29526**
> **(843) 347-9194 ext. 7389**

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Debra Herrmann

From: Lane, Jeffrey [jeffrey.lane@santeecooper.com]
Sent: Friday, November 02, 2012 11:59 AM
To: dherrmann@surfsidebeach.org
Cc: dougsamples@surfsidebeach.org
Subject: Historical Board

I would like to submit my statement of interest in serving on the Historical Board. I think to capture and preserve the history, events, and stories of Surfside Beach and its citizens is a great idea. I have a few ideas of my own and would welcome the opportunity to share them and serve on this board. Thanks.

Jeffrey L. Lane, R.F.
Supervisor Right of Way Management
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Debra Herrmann

From: randy@remaxcoastalliving.com
Sent: Tuesday, November 06, 2012 11:37 AM
To: dherrmann@surfsidebeach.org
Subject: Serving

I would like to serve on Historical Cmte as Board member or as a member. Thank you.
Randy Harrison, Broker/Owner
RE/MAX Coastal Living
(843) 839-5464 Office
(843) 283-6190 Cell

Certified Distressed Property Expert (CDPE) - We can help!

Visit www.remaxcoastalliving.com to see ALL available listings on the Grand Strand.

Like us on Facebook: www.facebook.com/remaxcoastalliving

(Note: Mr. Harrison is not a town resident.)

TOM DODGE
1415 NORTH POPLAR DRIVE
SURFSIDE BEACH, SC 29575
843.828.0398 HOME

October 16, 2012

TO WHOM IT MAY CONCERN:

I am applying to serve on the parking committee.

Thomas S. Dodge

Rec/Spec Events

Nov 16th

301 Legals & Public Notices

PUBLIC NOTICE - VOLUNTEERS SOUGHT

The Town of Surfside Beach is seeking a volunteer to serve on the RECREATION and SPECIAL EVENTS COMMITTEE. Members of this committee make recommendations to town council for special events and recreation activities in the town. Submit your statement of interest on or before November 16th via email to dherrmann@surfsidebeach.org, by fax 843.238.5432, or US Mail to 115 US Highway 17 North, Surfside Beach, SC 29575. For more information, please contact the town clerk at 843.913.6111.

~~11-16-12 S~~ ba

0000233754-01

* 10-17-12 S

*Brenda wrote date submissions are due instead of publication date. DH

Public Notice – VOLUNTEERS SOUGHT

The Town of Surfside Beach is seeking a volunteer to serve on the RECREATION and SPECIAL EVENTS COMMITTEE. Members of this committee make recommendations to town council for special events and recreation activities in the town. Submit your statement of interest on or before November 16th via email to dherrmann@surfsidebeach.org, by fax 843.238.5432, or US Mail to 115 US Highway 17 North, Surfside Beach, SC 29575. For more information, please contact the town clerk at 843.913.6111.

Debra Herrmann

From: carolinasmerchantservices@gmail.com on behalf of Debbie [dgbcarolinas@gmail.com]
Sent: Friday, November 16, 2012 12:36 PM
To: dherrmann@surfsidebeach.org
Subject: recreation special events

Hello, my name is Debbie Bone and I would like to be considered for the recreation special events committee for Surfside Beach.

I can be reached at 843-947-0533 or 843-267-6711

Thank you

Debbie Bone

TOWN OF SURFSIDE BEACH'S

2012 Christmas Tree Lighting

Thursday, November 29th
7 p.m. at Town Hall

- Music by Seaside Elementary Chorus and Dena Joye
- Light refreshments, lighting of the tree and a visit from the man in the red suit!
- If you have any questions, contact Debbie Ellis at (843) 650-9548.

Surfside Beach, the Family Beach...
it's all RIGHT here!

Debra Herrmann

From: Micki Fellner [mfellner@surfsidebeach.org]
Sent: Friday, November 16, 2012 4:09 PM
To: 'Debra Herrmann'
Subject: RE: 11-27-2012 Agenda - Draft
Attachments: 11-27-2012 Agenda - Draft.doc

Debra – My changes are in yellow and deletions are in red

MICKI FELLNER
Town Administrator
mfellner@surfsidebeach.org
843.913.6111
http://www.surfsidebeach.org

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From: Debra Herrmann [mailto:dherrmann@surfsidebeach.org]
Sent: Friday, November 16, 2012 1:50 PM
To: The Hon. Ann Dodge ; The Hon. Beth Kohlmann; The Hon. Doug Samples; The Hon. Mark Johnson; The Hon. Mary Beth Mabry; The Hon. Randle M. Stevens; The Hon. Rod Smith
Cc: M. Fellner
Subject: 11-27-2012 Agenda - Draft

<<...>>

The draft agenda for the November 27th meeting is attached. Because of the Thanksgiving holidays next week, the agenda deadline is Tuesday, November 20th at 5:00 p.m.

Please advise of any changes or additions.

Enjoy your weekend!

Debra

Debra Herrmann, CMC, Town Clerk

dherrmann@surfsidebeach.org - 843.913.6333

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emailed to Council
11-16-2012 @ 1:50pm

REMINDER: The agenda deadline for the November 27th meeting is ***TUESDAY, November 20th at 5:00 p.m.*** due to the Thanksgiving holidays on Thursday and Friday, November 22nd and 23rd.

PUBLIC NOTICE: The December Town Council Meeting will be held on MONDAY, DECEMBER 10th, 2012 at 6:30 p.m. at The Theatre Grand, located at 301 Highway 17 South, Surfside Beach.

TOWN COUNCIL REGULAR MEETING
COUNCIL CHAMBERS
TUESDAY, NOVEMBER 27, 2012 ◆ 6:30 P.M.

AGENDA

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

2. **INVOCATION AND PLEDGE OF ALLEGIANCE** – Pastor Scott Wachter, Surfside United Methodist Church (confirmed – call to remind)

3. **AGENDA APPROVAL**

4. **MINUTES APPROVAL** - Regular Meeting November 13, 2012

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

6. **COMMUNICATIONS**
   - A. Employee Recognition - , __ Year Service Award
   - B. Department Reports
     - i. Finance
     - ii. Recreation
     - iii. Public Works
   - C. Administrator's Report – Update on Current Events

7. **BUSINESS**
   - A. Second Reading Ordinance #12-0727 to amend §9-16 Decals and Exemptions for Parking Decals, Councilmember Kohlmann
   - B. Second Reading Ordinance #12-0729 Add Chapter 17 Article IX Overlay District
   - C. First Reading Ordinance #12-0732 to amend §9-7 No Parking Places, Councilmember Kohlmann (per approved motion at 10/23/2012 meeting)
   - D. Second Reading Ordinance #12-0733 to amend §2-61(b) Volunteer Advertising in Daily Newspaper and §2-61(j) Annual Committee Reports, Councilmember Dodge.

✓ copied; pdf & final as applicable

D. E. Q ~~First Reading Ordinance #12-0734, to amend Chapter 7, Article II, Divisions 2 & 3, Sanitation Fees~~, et seq. ~~Public Works Director Adair~~ John January 8 Per motion

E. F. Resolution #12-129 SCMIT Deductible for 2013, Treasurer Hursey

F. MASC Contract for the Collection of Insurance Broker's Tax, Treasurer Hursey

G. G ~~NW Corner of Willow Drive South and 6th Ave South Pond, Public Works Director Adair~~ Per M Fellner

H. ~~SCMIT deductible for the next year, Treasurer Hursey~~ Per M Fellner

I. H Decision Paper – Amend Personnel Policy Manual to add Chapter 6, Section 612, Video or Audition Recording in the Workplace, Administrator Fellner

J. I Decision paper – Amend Personnel Policy Manual Chapter 1, Section 108 Hiring Relatives (Nepotism,) Administrator Fellner

K. J. Committee Appointments (May be deferred until after Executive Session)

i. Senior Citizens – Gerald L. Miller
ii. Historical – Bob Lang, Jeffrey L. Lane, Randy Harrison
iii. Parking - Tom Dodge
iv. Recreation/Special Events – Debbie Bone

Dec Paper Anti harassment Policy

8. **DISCUSSION** – 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)(1) to discuss nominations for appointment to the Senior Citizens Committee, Historical Board, Parking Committee, and Recreation/Special Events Committee

12. **ADJOURNMENT**

Reminders

Administration
~~→update golf cart laws by end of September (new SC laws to be added to website)~~
~~→Report on new parking meters; cannibalization use, costs, etc. (07/24/2012)~~ Per Micki

B&Z
→copy of draft land use element to town council when available 06/11/2012
→list of all addresses that change on the final zoning maps (05/10/2012)

Finance
~~→staff to evaluate health plan and make a recommendation at the end of current policy term (05/10/2012)~~
~~→recommendation to be presented to council to establish emergency funds (05/10/2012)~~ Per Micki
→breakdown of staff time and costs for town events (08/28/2012)

Planning Dept.
→identify issues and permitting fee relating to docks

Public Works
→Mr. Samples asked Mr. Adair for a list of the streets and estimated costs for the repairs that need to be done. (Budget Meeting 03/08/12)
~~→Staff to evaluate sanitation rates and bring a recommendation to town council for FY2013-2014~~ (05/10/2012) Per Micki
~~→Report from staff on average number of miles paved annually for the past three years using CTC funds~~ (05/10/2012)

Recreation
→~~research the cost of reusable banners that could be used to advertise special events~~ (05/10/2012) Per Micki
→evaluate staff time and town costs for Guy Daniels surf off (08/28/2012)

Draft

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

REMINDER: There will be a Council Workshop held on December 4, 2012 at 10 AM at the Theatre Grand with a presentation by Lanier Parking regarding the logistical and financial aspects of outsourcing the parking function.

PUBLIC NOTICE: The December Town Council Meeting will be held on MONDAY, DECEMBER 10th, 2012 at 6:30 p.m. at The Theatre Grand, located at 301 Highway 17 South, Surfside Beach.

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E. Resolution #12-129 SCMIT Deductible for 2013, Treasurer Hursey
F. MASC Contract for the Collection of Insurance Broker's Tax, Treasurer Hursey
G. NW Corner of Willow Drive South and 6th Ave South Pond, Public Works Director Adair
H. SCMIT deductible for the next year, Treasurer Hursey
I. Decision Paper – Amend Personnel Policy Manual to add Chapter 6, Section 612, Video or Audio Recording in the Workplace, Administrator Fellner
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Draft

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PUBLIC NOTICES

TOWN COUNCIL WORKSHOP, Tuesday, December 4th, 2012 at 10 a.m. at the Theatre Grand, 301 Highway 17 South, Surfside Beach to hear a presentation by Lanier Parking regarding the logistical and financial aspects of outsourcing the parking function.

The December Town Council Meeting will be held on MONDAY, DECEMBER 10th, 2012 at 6:30 p.m. at The Theatre Grand, 301 Highway 17 South, Surfside Beach.

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TUESDAY, NOVEMBER 27, 2012 ◆ 6:30 P.M.

AGENDA

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2. **INVOCATION AND PLEDGE OF ALLEGIANCE** – Pastor Scott Wachter, Surfside United Methodist Church (confirmed – call to remind) done 11-20 @ 10 am 4/m

3. **AGENDA APPROVAL**

4. **MINUTES APPROVAL** - Regular Meeting November 13, 2012 ✓

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

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     - done i. ✓ Finance
     - done ii. ✓ Recreation
     - done iii. ✓ Public Works
   - B. Administrator's Report – Update on Current Events

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   - C. ✓ Second Reading Ordinance #12-0733 to amend §2-61(b) Volunteer Advertising in Daily Newspaper and §2-61(j) Annual Committee Reports, Councilmember Dodge.
   - D. ✓ First Reading Ordinance #12-0732 to amend §9-7 No Parking Places, Councilmember Kohlmann
   - Kim ok E. ✓ First Reading Ordinance #12-0735, to amend Business License Ordinance for the Collection of Insurance Broker's Tax, Treasurer Hursey
   - F. ✓ ~~Resolution #12-12~~ SCMIT Deductible for 2013, Treasurer Hursey 12-12A ok
   - Kim G. ✓ ~~Agreement with MASC for collection of Insurance Broker's Tax, Treasurer Hursey~~
   - H. Decision Papers – Personnel Policy Manual Revisions, Administrator Fellner
     - ✓ i. to add Chapter 6, Section 612, Video or Audio Recording in the Workplace
     - ✓ ii. to amend Chapter 1, Section 108 Hiring Relatives (Nepotism)

7. **BUSINESS**, continued

H. Decision Papers – Personnel Policy Manual Revisions, Administrator Fellner *(continued)*
✓ iii. to amend Chapter 6, Section 606 Anti-Harassment

I. ✓ Committee Appointments (May be deferred until after Executive Session)
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12. **ADJOURNMENT**

Draft

Annual Christmas Tree Lighting

Town of Surfside Beach
Annual Christmas Tree Lighting Ceremony
Thursday, November 29th at 7:00 p.m.

Music provided by
Seaside Elementary Chorus
Steve Fairchild

Light refreshments will be served.

Everyone is invited to attend.

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subject	PUBLIC NOTICE - TOWN COUNCIL MEETING 11/27/2012
from field	Surfside Beach Info mailinglist@surfsidebeach.org
to field	
reply to	
message	The November 27, 2012 Town Council meeting agenda and supporting documents are attached, and are also 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. 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. ***Holiday Schedules*** Town Hall will be closed Thursday and Friday, November 22nd and 23rd to observe the Thanksgiving Holidays. ***Thanksgiving Holiday Sanitation Schedule*** Thursday, November 23 - NO SERVICE Friday, November 24 - Scheduled Commercial Collection and Town-wide recycle collection. No residential yard debris collection. For more information call 843.913.6361.
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modified	2012-11-21 11:31:31
embargo	2012-11-21 09:58:00
repearinterval	0
repeatuntil	2012-11-21 09:58:26
status	sent
userselection	
sent	2012-11-21 11:31:31
htmlformatted	1
sendformat	HTML
template	0

processed	560
as text	530
as html	30
as pdf	0
as text and pdf	0
viewed	0
bounce count	0
send start	2012-11-21 10:45:39
RSS template	
owner	3
Attachments for this message	
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Description:	
Filename:	11272012_tc_agenda_7b_12_0729_design_overlay.pdf
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Size:	81Kb
Mime Type:	application/pdf
Description:	
Filename:	11272012_tc_agenda_7d_12_0732_no_parking_places.pdf
Size:	59Kb
Mime Type:	application/pdf
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Filename:	11272012_tc_agenda_7e_12_0735_bus_lic_amendments.pdf
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Size:	93Kb
Mime Type:	application/pdf
Description:	
Filename:	11272012_tc_agenda_7gi_per_policy_recording.pdf
Size:	17Kb
Mime Type:	application/pdf
Description:	
Filename:	11272012_tc_agenda_7gii_per_policy_nepotism.pdf
Size:	25Kb
Mime Type:	application/pdf
Description:	
Filename:	11272012_tc_agenda_7giii_per_policy_harassment.pdf
Size:	20Kb
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PETITION TO SURFSIDE BEACH TOWN COUNCIL
October 2012

The undersigned respectfully request that Surfside Beach Town Council approve the proposed Design Overlay District Ordinance #12-0729. We view the design overlay as a benefit to the town.

Signature	Address
Sophia Funka	512 15th AVE. N. SURFSIDE S.C.
Gunter Tetsch	419 15th Ave North
[illegible]	414 15th Ave North
John Rogowski	412 15TH AVE N.
Mary Beth Mabry	517 15th Ave. North 843-638-3121
[illegible]	513 13TH AVE NORTH
ART DUNN	710 13th Av N
[illegible]	517 15th AVE North

S. Elliott

PETITION TO SURFSIDE BEACH TOWN COUNCIL
October 2012

The undersigned respectfully request that Surfside Beach Town Council approve the proposed Design Overlay District Ordinance #12-0729. We view the design overlay as a benefit to the town.

Signature	Address
Brett Goodyear	520 4th Ave N
Ann Westcott	413 Cedar Dr. N.
Sue L Sohn	716 5th Ave N
Deanna Jensen	721 5th Avenue N.
Larry Berry	714 5th Ave. North
Perry Jones	713 5th Ave North
Frances Jones	713 5th Ave North
Pat Means	712 11th Ave. North
Donald Eliason	718 5th Ave North
Wendell Shealy	721 5th Ave N
Heather Hertel	520 5th Ave N
Gary Hertel	520 5th Ave N
Rose M Hertel	520 5th Ave N
James Dove	518 4th N
Joyce O'Ryan	517 4th N
R. Heeda	213 Myrtle DR. N
Cynthia G. Young	411 North Oak Dr
Hilda E. Hill	411 North OAK DR.
Christ Bell	616 5th Ave N.
Alice Smith	657 5th Ave N.
Jack Jordan	411 N. Cherry Dr

PETITION TO SURFSIDE BEACH TOWN COUNCIL
October 2012

The undersigned respectfully request that Surfside Beach Town Council approve the proposed Design Overlay District Ordinance #12-0729. We view the design overlay as a benefit to the town.

Signature	Address
Frank Sechsler	659 4TH AVE S.
[illegible]	651 4TH AVE S.
[illegible]	613 5th Ave S.
[illegible]	613 5th Ave S.

Laver

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October 2012

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Signature	Address
Theresa Laver	124 Harbor Lights Dr. Surfside Beach SC
Al Laver	124 Harbor Lights Dr Surfside Beach SC
Ed Kelly	126 Harbor Lights Dr, Surfside Beach S.C
Shirley Ciszkowski	126 Harbor Lights DR. Surfside Beach SC
Sondra L. Backus	128 Harbor Lights Dr. Surfside Beach SC
Richard D Backus	128 Harbor Lights Dr. Surfside Beach S.C
Jerry B. [illegible]	130 HARBOR Lights Dr, Surfside Beach S.C.
Sandy Bank	130 Harbor Lights Dr. Surfside Beach, SC
Tina Patchett	129 Harbor Lights Dr. Surfside B., S.C.
David Patchett	129 HARBOR LIGHTS DR SURFSIDE BEACH S.C.
[illegible] Parker	123 Harbor Lights Dr Surfside Beach SC
Lynne Parker	123 Harbor Lights Dr. Surfside Beach
Larry Kimel	911 N. Poplar Dr. Surfside Beach SC
Diane Kimel	911 N. Poplar Dr.
Jeannette B Gottshall	913 N. Poplar Dr. SSB, SC
Charles G. Gottshall	913 N. Poplar Dr SSB, SC
Rosie Trent	915 N Poplar DR SB
Charles D Trent	915 N POPLAR DR. SB.
[illegible]	512 Lake Shore Dr.
Lisa M Havel	512 Lake Shore Dr.
Mary Ellen Abrams	311 13th Ave North

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Signature	Address
[illegible]	914 Poza Dr N
Denise Donley	122 Harbor Lights Drive
[illegible]	122 Harbor Lights Drive
[illegible]	118 Harbor Lights Dr
[illegible] Houston	118 Harbor Lights Dr.
[illegible] Houston	118 Harbor Lights Dr.
Kim Provenza	203 Chesterfield Ct.
John J. Provenza	
[illegible]	205 Chesterfield Ct
Robert M. Barrett	107 Harbor Lights Dr
Julie L Barrett	107 Harbor Lights Dr
Julie Lenard	109 Harbor Lights Drive
[illegible]	109 HARBOR LIGHTS DR
[illegible]	117 HARBOR LIGHTS DR
Maureen Johnson	120 Harbor Lights Dr
[illegible]	125 Harbor Lights Dr
[illegible]	125 Harbor Lights Dr

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Signature	Address
[signature] Terry A. Stamper	711 Willow Dr. Surfside Beach 29575
Fred L. Clary	415 Cypress Drive S.S.B.
Sara Saunders	313 6th Ave S
Ron Saunders	313 6th Ave. S.
Brian H Clary	413 Cypress Drive Surfside Beach SC
Carol Cook	313 7th Ave S
Lee Rollings	314 7th Ave South
John J O'Connor	1512 SPRUCE DR SURFSIDE SC 29575
Gordi Bowers	610 Lakeside Dr. Surfside
[signature] C. Engelhard	315 6th Ave S.
Judy B. Engelhard	315 6th Ave. S. SSB
Anny M. Williams	313 6th Ave. S. SSB
Van Barnett	310 D Lakeside Dr
Mike Barnett	310 D Lakeside Dr.
Ellen Seymour	422 3rd Ave S.
Dean Kiser	616 South Willow
Anita P. Kiser	616 South Willow
John Croft	316 7th Ave S
Julie Sample	714 N Hollywood Dr.

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PETITION TO SURFSIDE BEACH TOWN COUNCIL
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Signature	Address
Joshua McCarthy	622 Juniper Dr. Surfside Beach, SC 29575
Hilary McCarthy	622 Juniper Dr.
[illegible]	616 9th Ave. S. Surfside Beach
Grace Rodgers	616 9th Ave. S. Surfside Beach, SC 29575
Brad Cubbey	Hy 17 S Surfside SC 29575
William B Cox	1012 8th Ave. SW Surfside Beach 29575
Chandler Murphree	911 Cedar Dr. S. SSB
Anne P. Prosser	911 Cedar Dr. S. S.S.B.
Norma L Joyce	910 South Hollywood Dr. SSB
Linda W. Joyce	910 S. Hollywood Dr. SSB, SC 29575
[illegible]	Unit 301, The Courtyard, Surfside Beach, SC 29575
Lynn Medlin	Unit 107 The Courtyard Surfside 29575
[illegible]	332 [illegible]
[illegible]	332 Lakeside Dr
X Lee Pope	331 Lakeside Dr
Tracy S. Vaught	331 Lakeside Dr.
Starlet Palmer	723 7th Ave S.
[illegible]	310 7th AVE S.
Boyd Rabon	710 Lakeside S
Patricia Ridgeway	710 Lakeside Dr.
Phillip G. Ammons	713 S. Willow Drive