



**SURFSIDE BEACH TOWN COUNCIL
SPECIAL COUNCIL MEETING MINUTES
JANUARY 22, 2013♦ 10:00 A.M.
SURFSIDE BEACH FIRE STATION CONFERENCE ROOM**

1. CALL TO ORDER.

Mayor Samples called the meeting to order at 10:00 a.m. Mayor Samples, Mayor Pro Tempore Mabry, and Councilmembers Dodge, Kohlmann, Smith and Stevens were in attendance. Councilmember Johnson was absent. A quorum was present. Others present: Keep Surfside Beach Beautiful Committee Members: Abrams, and Sattelmeyer. Parking Committee Members: Kohlmann; Maruca; Goff, Dodge, and Saunders. Town Administrator Fellner, Planning Director Morris and Town Clerk Herrmann.

2. PUBLIC COMMENTS – AGENDA ITEMS

"Harry Kohlmann, 16th Avenue, South Ocean Boulevard. I'm also the chairman of the parking committee. Just want to state for the record that the parking committee, first of all, didn't want any parking on Ocean Boulevard to begin with, and if we had it only on the west side, and if you had parking, we wanted parking meters. Having said that, a, we only wanted 30 parking meters. We felt that we didn't want to make it any more cluttered on the Ocean Boulevard had too many cars on there and 136 meters is way too much. On a compromise, possibly 40 or 50. Our thinking was that too many people park on Ocean Boulevard and they would start using the parking lots. The one on 16th Avenue North and 13th Avenue South, and this way we, we'd only have about 30 or 40 cars parked on Ocean Boulevard. Thank you."

"Gene Maruca, 116 7th Ave. South. I'm also on the parking committee. This council selected this committee to do a job. That job was done. The results were presented to council. A, without the committee's knowledge, the number was (**) of meters was blown way out of proportion and also the location of the meters. Wouldn't it make sense to show the committee that you selected exactly what they, what they have in mind as to where those meters are gonna be located, because I'm sure the committee chairman selected and presented to you where they were most needed. Also, in the art of compromise, I understand 136. The committee says 30. Why can't we settle basically on 60, half, basically half of the 136, double what the committee asked for, and getting 20 on the north end, 20 on the south end, and 20 in the middle. That should at least satisfy the committee and also give us the opportunity to see how many we actually need. We may not need 136. We may not need 60. But, to put them all up there at one time, I, I, I don't see the good in that. Thank you."

3. BUSINESS.

A. Lanier Parking Solutions Contract.

Ms. Fellner explained that she had received permission from Town Council to negotiate a contact with Lanier Parking Solutions within the parameters discussed at the special meeting held on December 14th. Those negotiations are complete and a copy of the proposed contract was provided to Council, along with statements of projected revenue and expenses by areas, and a capital equipment purchase breakdown for the current parking operation, and also for Ocean Boulevard. With regard to the location on Ocean Boulevard, originally the parking committee had identified 170 parking spaces. After Mr. Adair inspected the proposed parking areas, a decision was made to increase the spaces from 19-feet to 22-feet, and that only 136 spaces were appropriate. Landscaping areas to prohibit illegal parking is financially feasible. In order to execute the contract, Council was asked to

(1) Approve the removal of the no parking signs currently along Ocean Boulevard in the areas identified by the parking committee, which was shared with Council two weeks ago, and Council to approve the numbers used in the contract exhibits.

56
57 (2) The dates of operation. The past two years operations were from March 1 through October
58 30. She recommended using those same dates, or reducing them just slightly, i.e. March 15 to October
59 15, for the 2013 calendar year to obtain benchmark data for analysis, even though the parking committee
60 recommended reducing enforcement dates. The new equipment will provide data that could be used for
61 proper analysis, including where parking is used, the day, time of day, and revenue amounts. Once the
62 data is obtained that information could be given to the parking committee to make a meaningful, fact-
63 based recommendation to Town Council.

64
65 (3) Lanier Parking Solutions contract approval. This meeting was called, because time is of the
66 essence. Lanier must order the equipment by close of business today to have delivery in time for
67 installation and use in March. If not, it may take an additional four to six weeks.

68
69 Ms. Kohlmann asked what an IPS is as mentioned in the contract. Ms. Fellner said that is the
70 term for the "latest and greatest" parking meter. Lanier is willing to pilot 30 of those meters here at no
71 cost to the town. That is why the number changed to 80 meters needed. Ms. Kohlmann asked if there
72 was extra cost for the meters. Ms. Fellner said no; the 30 meters would be on loan to the town. Ms.
73 Kohlmann said there are 36 meters and 46 meters on the parking lots at 16th Avenue North and 13th
74 Avenue South, but at locations that have significantly lower amounts of parking spaces there are pay
75 stations. She asked what the rationale was for that. Ms. Fellner said Lanier, the parking expert, made
76 that assessment. Lanier evaluated current revenue numbers, which unfortunately, is not broken out by
77 location, except for the pier. Meters and pay stations could be moved, because they are bolted to a
78 concrete base. Ms. Kohlmann said the digital pay station cost when first presented was \$11,000; now it
79 is \$13,500, which is a significant increase. Ms. Fellner said she questioned that, and was told that the
80 manufacturer's cost had increased that much in one year, because different features were added. The
81 town could buy older model equipment, but that would keep the town in the same position. Ms.
82 Kohlmann said the hand held coin counting and sorting hand held unit was quoted at \$700 and is now
83 \$2,203.

84
85 Mayor Samples was glad Ms. Kohlmann noted the price discrepancies. He said that is typical
86 occurrence when distinguishing between a sales job and a contract negotiation; it is not unusual.
87 Anytime somebody comes to sell something, "it's all rosy." Now, a contract negotiation has been
88 presented that has actual costs, which are much higher than the original proposal. But, that is not out of
89 the ordinary.

90
91 Ms. Kohlmann said she wanted to insure that everyone noted the differences and had the same
92 information upon which to make a decision.

93
94 Mayor Samples understood and appreciated the comments so there would be no surprises.

95
96 Ms. Fellner said the numbers were compared line-by-line. Every single difference was noted
97 from the original contract to the current one.

98
99 Ms. Kohlmann said the difference is approximately \$60,000.

100
101 Ms. Fellner said it depended on revenue. Including Ocean Boulevard, which was not in the first
102 proposal, increases equipment cost and revenue receipt; she estimated for the first year that
103 expenditures would be \$359,158.92.

104
105 Mayor Samples said based on his calculations, the worst case scenario including \$500 over
106 budget per month would be approximately \$105,000 net. Ms. Fellner said Lanier projects revenue of
107 \$257,264.48, subtracting Ocean Boulevard would project revenue of \$117,264.48. Mayor Samples said
108 that sounded close. Ms. Fellner said the figures are very conservative; she anticipates revenue of
109 \$140,000 in year two, with no capital expenditure. Revenue could be much higher. Mayor Samples said
110 Lanier's estimates are based on the existing schedule, March through October. Ms. Fellner said they are

1 except for the projections for Ocean Boulevard, which are based on June, July, and August. There is no
2 history on Ocean Boulevard, and Lanier wanted the projections to be very conservative. Mayor Samples
113 asked if there were expenses included based on Ocean Boulevard. Ms. Fellner said yes, with regard to
114 collections and a person, but the town already has that person and a golf cart. Mayor Samples asked
115 about maintenance. Ms. Fellner said there is a first year warranty, and most maintenance is done during
116 the off season.
117

118 Mr. Smith asked what type signage would be placed to advise people to park in metered spaces.
119 Ms. Fellner said signs would state something like parking in metered areas only. Mr. Adair is researching
120 options. She and Mr. Adair could begin managing parking by installing landscaping where parking is not
121 allowed, and that would reduce signage significantly. Work could begin during this budget year and be
122 completed in the upcoming budget year. Using landscaping would reduce the need for signage
123 significantly. She believed that tourists would understand they could only park in metered spaces. Mr.
124 Smith asked whether cameras would be used in parking enforcement efforts. Ms. Fellner said Lanier
125 staff is trained to handle irate customers, and they did not believe surveillance cameras were necessary.
126 Mr. Smith asked who would enforce the 10-foot and 30-foot rule. Ms. Fellner said Lanier would police the
127 parking meters. If the town installs signage and landscaping correctly, it should eliminate that problem,
128 because none of the spaces identified are within 10-feet of a driveway. Mr. Smith asked if our police
129 officers would have to monitor that rule. Ms. Fellner said Lanier could be asked to perform that duty and
130 there would not be an additional fee at least for this summer.
131

132 Mayor Samples asked whether Ms. Fellner meant fee or additional cost to the town. Ms. Fellner
133 said Lanier makes 6.5-percent, and also receives part of the ticket fines. Mayor Samples asked if that
134 was also 6.5-percent. Ms. Fellner said all funds are included for the calculation. Mayor Samples was not
135 concerned about the fixed fee, which is based on revenue received. His question was if additional
136 enforcement responsibilities were asked of Lanier staff, if there would be additional costs to the town.
137 Ms. Fellner said there would be two people are on duty; one driving the town-owned golf cart, and the
3 other on a bicycle. The individual on the bicycle would issue tickets. The individual on the golf cart would
139 make change and collect money. Mayor Samples said the workload would dramatically increase in the
140 season.
141

142 Ms. Dodge asked if the individuals would be town employees. Ms. Fellner said they would be
143 Lanier employees. Ms. Dodge said that was good; that is exactly what she wanted to see, because, in
144 her opinion, the town has not done due diligence in the past.
145

146 Ms. Mabry said she had asked for a discussion about signage on Ocean Boulevard for the
147 regular meeting scheduled tonight. She asked if the town would install meters without proper signage.
148 Ms. Fellner said no. Ms. Mabry wanted to make sure that everybody understood there were no options,
149 and if they choose to park illegally, they will be ticketed. She did not believe tickets were visitor-friendly;
150 however, if someone chooses to ignore the signage, they need to be ticketed. Ms. Mabry reiterated that
151 signage should be installed at the same time meters are installed. Ms. Fellner said the first season,
152 especially at the beginning, would require some additional signage, because the landscaping will not be
153 completed. As landscaping is completed, the signage would be removed. Ms. Mabry said her biggest
154 concern was that open spaces would be clearly marked making it clear that no parking was allowed.
155

156 Ms. Kohlmann asked if Lanier employees were cross-trained so they could perform either
157 function. Ms. Fellner said they would be located at Floral Lake Clubhouse. Her understanding was that
158 the Lanier employees had specific functions; some of them are cross-trained, depending on the employee
159 and training schedules. Lanier is anxious to begin. Lanier employees do a great job acting as
160 ambassadors. She personally received a ticket in Myrtle Beach a few years ago, and the ambassador
161 handled it so well, she almost wanted to smile when she got the ticket. They are very efficient and very
162 good. Ms. Kohlmann asked for clarification whether Lanier staff would monitor the 10-foot/30-foot rule at
163 no additional cost to the town. Ms. Fellner said yes, for this season the town could ask Lanier to perform
164 that function.
165

166 Mr. Smith suggested waiting to see how the season progresses. Ms. Fellner said that was
167 council's decision.

168
169 Ms. Kohlmann asked whether the town should take advantage of a free service.

170
171 Mr. Smith did not want tickets issued without the public receiving education.

172
173 Mayor Samples said there is an advantage the way the contract is written to have Lanier include
174 as much coverage as possible without additional cost. Next year Lanier will negotiate costs for additional
175 services. Ms. Fellner believed that Lanier would submit service costs annually. Mayor Samples said the
176 initial budget is very important. The initial expense agreed to by the town establishes the base line by
177 which the town does have leverage for future negotiations. He referred to page 9, section 7.4 in the
178 contract and read

179
180 The initial approved budget is attached hereto as Exhibit 2. After the first
181 parking season, a budget shall be submitted annually by January 15 of each
182 year, and approved in writing by the town's administrator within 30 calendar
183 days after receipt. If the parties are unable to agree on an approved budget
184 for any upcoming year, and under the time frames discussed above, then the
185 prior year's approved budget shall prevail until the parties agree to the
186 upcoming year's approved budget.

187
188 Ms. Fellner said Mayor Samples was absolutely correct, and that was an excellent point.

189
190 Mr. Smith asked who would distribute the town parking stickers. Ms. Fellner said that at least for
191 this year town staff should, because of the confusion about area addresses. Lanier could probably do so
192 in the future. The town receptionists distribute the parking decals, so there is no additional expense to
193 perform the function.

194
195 Ms. Mabry pointed out that most of the \$350,000 in the line item was being used to purchase the
196 upgraded parking meters and pay stations, which needed to be replaced whether the Lanier contract was
197 accepted or not. Her point was to make sure everyone understood the fund balance needed to be
198 replenished so monies would be available the next time upgrades are needed. The dollar amounts being
199 discussed were gross amounts and she believed it could be misleading. Ms. Fellner said it was the same
200 principle as saving for a car; the town will begin accruing money and earmark it for a 5- to 7-year pay
201 station replacement plan and anywhere from 7- to 10-year replacement for parking meters. She agreed
202 that it should be implemented immediately. Ms. Mabry believed the budget should show net, because
203 gross amounts tended to make everyone think "you're rolling in money," when in fact, the net would be a
204 different story.

205
206 Mayor Samples asked Town Council to address the three items specifically.

207
208 (1) Approve the removal of the no parking signs currently along Ocean Boulevard in the areas
209 identified by the parking committee.

210
211 Mr. Smith moved to authorize the town administrator to remove the identified no parking signs on
212 Ocean Boulevard that are not necessary. Ms. Dodge seconded. All members voted in favor. **MOTION**
213 **CARRIED.**

214
215 (2) The dates of operation. Town administrator recommends current times, March 1 through
216 October 31 for the upcoming season, and Town Council evaluating future seasons. Parking committee
217 chairman Kohlmann said the parking committee recommends March 15 to September 15.

218

19 Mayor Samples asked if Lanier would have to be contacted if the parking committee's
20 recommendation was adopted. Ms. Fellner said the agreement would have to be renegotiated because it
221 was based on the current season dates.
222

223 Mr. Smith moved that the dates for operating parking meters and pay stations be the current
224 scheduled of March 1st through October 31st. Ms. Mabry seconded.
225

226 Ms. Kohlmann asked if there was any data for usage for the season, and suggested using April 1
227 to September 31 as a compromise, saying "I know you hate that word, but that's what we do."
228 compromise was "what we do."
229

230 Mayor Samples called point of order saying "I certainly don't hate the word compromise. I believe
231 that, in fact, that is the business of politicians to achieve workable, realistic solutions, which really means
232 everybody has to compromise." and he did not believe Town Council was compromising. He believed, in
233 fact, that it was the business of politicians to achieve workable, realistic solutions, which really means that
234 everybody has to compromise.
235

236 Ms. Kohlmann responded, "Absolutely." Amended by approved motion 02/26/2013
237

 CMC
Town Clerk

238 Mr. Smith said if the season didn't extend from March through October, the town would lose
239 \$30,000 revenue.
240

241 Mayor Samples said that was 10-percent of the revenue based on Lanier's projections.
242

243 Mr. Smith believed the current season dates should be used, because it would maximize
244 revenue.
245

246 Ms. Mabry suggested trying for one year, which would give sufficient data to make a better
247 informed decision.
248

249 Mr. Stevens said the parking committee recommended April 1st to September 1st, and Ms. Fellner
250 recommended April 15th to September 31st [sic.] Ms. Fellner said she recommends any dates from the
251 current season dates, and if council desire, would compromise to a shorter season. However, she
252 believed that the town needed the shoulder months to be able to obtain accurate data for comparison, so
253 that council may then make an informed decision. Mr. Stevens asked if the current dates are March 1st to
254 October 31st. Ms. Fellner said yes, and said she was asking that for at least this first year that Town
255 Council use the same season dates, and then the season dates would be presented to council in the
256 future for reconsideration.
257

258 Mayor Samples said the town is at the point where it would be beneficial to move forward with the
259 contract. Anything that would eliminate or change the substance of the contract would give Lanier cause
260 to submit a claim against the contract. Ms. Fellner said it would have to be renegotiated. Mayor Samples
261 said that would put the town in an unnecessary position. He appreciated the efforts of the parking
262 committee, and believed that everyone understood the rationale and the point the administrator made that
263 good data is not available. The proposed dates would allow collection of good data, and allow the town to
264 proceed without incurring additional risk with the contract.
265

266 All members voted in favor. **MOTION CARRIED.**
267

268 (3) Lanier Parking Solutions contract approval.
269

270 Mr. Smith moved to authorize the town administrator to sign the Lanier Solutions Parking
271 Contract as presented. Ms. Mabry seconded.
272

273 Ms. Dodge agreed with contracting with Lanier for the first year, adding that we would be “flying
274 by the seat of our pants.” At the end of that year, the town would have data to be considered and that
275 could be worked with.

276
277 Mr. Stevens asked for a *point of clarification*, and asked if the motion just adopted was for one
278 year.

279
280 Mayor Samples said it was. Council reserves the right to revisit the parking season. He offered
281 the follow for clarification:

282
283 (a) The contract is for 5-years with an option at the town's sole discretion to extend for 2-years
284

285 (b) Page 11 of the contract refers to an “executive director,” the town has an administrator. Ms.
286 Fellner said that was corrected. Ocean Boulevard is referred to as Ocean Drive on the next to the last
287 page, but to her knowledge there are no other corrections.

288
289 (c) Page 23, collection of monies, number (e), specifically applies to debit cards. Council wants
290 to insure that the town is buying upgraded meters, in terms of credit card capability, and that the budget
291 reflects the upgraded capability and the use of smart phones. Ms. Fellner believed that page 23 referred
292 to town staff having ability to collect meters. She believes Lanier should have full responsibility for
293 collection. She would speak with Ms. Loomis again, but did not believe that was the meaning. Mayor
294 Samples said credit cards and smart phones technology were essential.

295
296 Ms. Kohlmann said there was a separate section identifying equipment. Ms. Fellner said she
297 would verify with Lanier to make certain that is the case.

298
299 Mr. Stevens said that was one advantage of using Lanier.

300
301 Mayor Samples was not questioning the benefit, only that the town is assured that the cost for the
302 most modern equipment is covered in the proposal and that the town will receive what it anticipates.
303 When the first station was installed, there was a problem, because it would not accept dollar bills.

304
305 Ms. Fellner pointed out number 4(e) on page 23 saying that at some point Town Council would
306 need to decide whether it wished to implement a merchant validation program. She believed the proposal
307 made sense and thought the businesses would participate.

308
309 Mayor Samples referred to page 22, 1(a), and asked if parking regulation was on only the
310 metered spaces in 35 most all of the R-3 and C-3 districts. Ms. Fellner said that was right, and noted the
311 contract states “and other parking controls.” Mayor Samples asked if Lanier would only enforce parking
312 meters. Ms. Fellner said if that was what council wanted. The town can direct Lanier to do either;
313 however, Mr. Smith previously said he did not want Lanier doing anything else now. Mayor Samples
314 asked if council concurred.

315
316 Ms. Kohlmann believed if there was a no parking sign posted and it was violated, it would be an
317 embarrassment to the town to not ticket the offender. She didn't mean to say “hunt people down without
318 the signs, but if the signs are posted, the signs should be enforced.”

319
320 Mayor Samples believed there was agreement that the ordinances should be enforced. The
321 question was by whom. He asked again if there was general agreement of council that Lanier should
322 enforce the ordinance including issuing tickets.

323
324 Mr. Smith said Lanier should enforce the 10-foot/30-foot rule beginning June 1st, but not during
325 the shoulder season.

326

327 Mr. Stevens said the council keeps speaking about compromise, but asked whether the terms
328 were in the contract.

329
330 Mr. Smith said it was not in the contract. That would be an agreement outside the contract and
331 would change the scope of work.

332
333 Ms. Mabry said signs would be posted, and landscaping would be placed to prevent cars from
334 parking, and meters will be installed. The day the meters go up, there is no parking without paying, in her
335 opinion. She said if she chose to park where a sign clearly stated no parking, then she should go home
336 with a ticket that day. She would like Lanier staff to enforce meters and pay stations this year, and let
337 town police officers enforce other parking matters; regardless of who enforces, parking issues need to be
338 enforced.

339
340 Ms. Kohlmann said there is no ticket breakdown in the police report, but the officers are honest
341 about parking issues not being a priority, because the numbers of incidents increases greatly during the
342 summer months. She believes this is an opportunity to use Lanier staff for parking enforcement and
343 allowing the town's police officers to handle other matters. Ms. Fellner believed she was correct and said
344 the police chief previously reported to Town Council that he supported using Lanier for parking
345 enforcement, because there was not enough time, and he didn't feel parking enforcement could be
346 handled effectively by the police force.

347
348 Mr. Stevens concurred with Ms. Kohlmann's comments, because in the summer month is when
349 there are more tourists in town, and higher crime incidents. He supported allowing Lanier handling
350 parking enforcement. He said any person that parks in the wrong place should get a ticket.

351
352 Ms. Dodge absolutely agreed that Lanier should handle parking enforcement, because the town
353 has not done it well within the town, and she wanted the program to work.

354
355 Mayor Samples believed there was consensus to allow Lanier to enforce parking matters, and
356 called for a motion as to whether Lanier would handle parking enforcement during the first year of the
357 contract.

358
359 Ms. Fellner explained that the contract includes from the dune line to Dogwood Drive, but there
360 are not too many metered parking spaces up the roads. Parking enforcement would be in the metered
361 parking areas, which is what she requested, and Lanier has no problems with that scope.

362
363 Ms. Kohlmann moved to have Lanier enforce metered and non-metered areas in the area as
364 instructed by the town administrator. Ms. Dodge Seconded. All voted in favor. **MOTION CARRIED.**

365
366 Mr. Smith referred to page 22 where it states "and towing," and asked whether towing would be
367 used. Ms. Fellner said towing is rarely done, but when someone parks in a private driveway or private
368 parking area the vehicles are towed.

369
370 Mr. Smith asked Ms. Fellner if there were any other changes she would recommend before
371 approving the contract. Ms. Fellner said she contacted Lanier about four times with questions, and she
372 had no other changes that have not been incorporated.

373
374 All members voted in favor. **MOTION CARRIED.**

375
376 Mayor Samples said that as elected officials, councilmembers had a responsibility to listen to their
377 constituents and to hear them out, but councilmembers also have a responsibility that while listening to
378 constituents, to insure that town staff is also well represented. The town has the best staff in leadership
379 positions that it has ever had. While it is very important to listen to constituents on issues, he hoped that
380 everybody appreciated the hard work, patience, and effort that the directors put in. He said, "It's not easy
381 when you are really doing your job; it's always easier to say sure, we'll go along with you." In this

382 particular instance, he wanted to say more specifically that he thinks Ms. Morris does an outstanding job,
383 and the town is very, very lucky to have her working for it. He appreciated the fact that this council took a
384 major step after much deliberation, consideration, and compromise to adopt the overlay district. There
385 will naturally be concerns, "but the sky isn't falling, and the world isn't going to end. The overlay will not
386 put people out of business."

387
388 B. Discussion: Add 60-day implementation window to Ordinance #12-0729, Overlay District.
389

390 Mr. Smith was concerned that existing buildings that changed their renters needed to come into
391 compliance with the landscaping areas and suggested that a temporary window be allowed so that they
392 could get the electric power turned on and move in while they are implementing the landscaping required.
393

394 Mr. Stevens moved to suspend the rules to allow Ms. Morris answer questions. Ms. Mabry
395 second. All voted in favor. **MOTION CARRIED.**
396

397 Mr. Stevens asked for an explanation of exactly what transpires and how much time is allowed
398 under current conditions if a business was opened that had to comply with a landscaping or façade
399 overlay.
400

401 Ms. Morris said there are two scenarios. The first is an existing business that has to be brought
402 up to code: the application is reviewed; a permit will not be issued until questions are addressed to the
403 satisfaction of the department, and then a permit is issued to perform the work. This in no way prohibits
404 the business from opening. The permit is issued to perform the work, which states the permit becomes
405 null and void if work or construction authorized does not commence within six months, or if construction or
406 work is suspended or abandoned for a period of six months at any time afterwards. So basically, once
407 the permit is issued, the inspector performs an onsite inspection to insure the building is safe; a sticker is
408 placed on the building that they can open. The tenant/owner knows they have six months to start and
409 comply with the overlay requirements.
410

411 Mr. Stevens asked if they have actually six months to get the overlay done. Ms. Morris said yes.
412

413 Ms. Mabry asked if it was six months from the start date. Ms. Morris said the permit is good for
414 one year; the work must be started within six months and finished within a year. This is for existing
415 businesses only.
416

417 Mr. Smith asked for a description of an existing business. Ms. Morris said it is an existing building
418 that someone wants to occupy. It is not new construction. Mr. Smith asked if this applied when an
419 existing building that was vacant had a new tenant. Ms. Morris said yes, the new tenant would apply for a
420 business license, and meet with the building department. The overlay requirements would be explained.
421 A plan would be submitted, a permit issued, the property inspected for safety, sticker is placed on the
422 building and the new tenant can open right away. Work to comply with the overlay must start within six
423 months and be completed within one year. Mr. Smith asked if the business could operate during the six
424 months, even though work had not started on the overlay requirements. Ms. Morris said absolutely;
425 according to the current ordinance that is correct. Mr. Smith said 60-days was unnecessary, because
426 they are allowed six months. Ms. Morris said she had absolutely no problem with a 60-day requirement.
427

428 Ms. Morris said new construction requires full compliance before opening.
429

430 Mr. Stevens asked what recourse the town has if work is not started within six months. Ms.
431 Morris said the permit is void and the business can be shut down.
432

433 Ms. Kohlmann asked what the second scenario is. Ms. Morris said the second regards new
434 construction where everything must be complete before a certificate of occupancy is issued. Ms.
435 Kohlmann asked if six months was standard with overlays. Ms. Morris said generally a business is not
436 allowed to open, or a shorter completion time is given. Ms. Kohlmann believed six months was generous.

437
438 Ms. Dodge believed Ms. Morris had given the overdraft guidelines had been given a lot of thought
439 and it was fair.
440

441 Mayor Samples thought it was too weak. Ms. Morris agreed. Mayor Samples said the process
442 described applies to any building permit. Ms. Morris said that was correct. Mayor Samples said a
443 building permit is good for six months. In his opinion, it is the owner's responsibility to comply with the
444 overlay district. The tenants are just occupants, and come and go. He asked if the permit required the
445 building owner to distinguish between the owner and tenant. Ms. Morris said the owner actually has to
446 sign the permit. Mayor Samples believed the town had been overly generous, because of the nature of
447 the seasonal businesses in town. Seasonal tenants could easily hold off making improvements for six
448 months while they are open, and then close for six months.
449

450 Mr. Stevens wanted information from the administrator about the time it took to complete the
451 recent extensive renovations in council chambers. Ms. Fellner said once we knew what had to be done; it
452 took a couple of months. Mr. Stevens asked if it was less than two months. Ms. Fellner said yes. Mr.
453 Stevens said would you say 45 days. Mayor Samples said that included the bid process, also. Mr.
454 Stevens said actual work time was probably less than 45 days. Ms. Fellner said close to it. Mr. Stevens
455 said his point was that the actual work took less than two months, so perhaps council should consider
456 adopting a 60-day period once businesses have opened to comply with an overlay requirement.
457

458 Ms. Morris said that Ms. Kohlmann had asked about times for other areas. She has research
459 from other cities and no other municipality allows a year. A separate permit can be designed for the
460 overlay that would stipulate the amount of time council desires. When a year is allowed, the property is
461 inspected at six months, and at the end of the year when it's checked again, the tenant is gone. Then the
462 process begins again when another tenant opens. Some local areas will not allow occupancy, even in
463 adjacent buildings, until the requirements are met. She did not believe the town wanted to be that strict,
464 but believed 60 days was sufficient and fair.
465

466 Mayor Samples agreed with Mr. Stevens, but did not want to impede business. On the other
467 hand, the purpose of the overlay district was to improve the overall look of the town to make it more
468 competitive in the area.
469

470 Mr. Stevens asked if councilmembers would concur to directing staff to propose a 60-day window
471 for businesses to comply with the overlay ordinance, with a legal opinion, which would make the
472 businesses meet the requirements, improve the business appearance and the town's appearance.
473

474 Mayor Samples said that Mr. Stevens recommends that direction be given to staff to evaluate
475 implementing a 60-day completion for the overlay requirements and obtaining a legal opinion that town
476 council could consider.
477

478 Mr. Smith wanted a discussion on the proposed changes prior to an ordinance being presented.
479

480 **COUNCIL CONCURRED.**
481

482 Mr. Smith believed Ms. Morris should study it and consider penalties, if the work is not done. He
483 believed penalties should be handled administratively, without legal suits.
484

485 Mayor Samples said the overlay is a 'one-time deal' for the property. Once it is improved, it
486 should be done.
487

488 Mr. Stevens believed every business stood on its own feet. In regard to the situation that brought
489 this forward, and he has been in construction and also done concrete work, he estimated it would take
490 two weeks to finish the job, even with slack workers.
491

492 Mr. Smith asked if the property owner had to request the permit. Ms. Morris said the property
493 owner must sign the permit, understanding they are responsible. The tenants generally have no authority
494 to customize trees or pavement.
495

496 Mayor Samples asked Ms. Morris to bring a recommendation for town council to discuss,
497 including a legal review so there is no exposure to the town.
498

499 **4. ADJOURNMENT.**

500 Mr. Smith moved to adjourn the meeting at 11:22 a.m. Ms. Mabry seconded. All voted in favor.
501 **MOTION CARRIED.**
502

503
504 Respectfully submitted,
505 
506 _____
507 Debra E. Herrmann, CMC, Town Clerk
508

509 Approved: February 26, 2013

510 
511 _____
512 Douglas F. Samples, Mayor
513

514 
515 _____
516 Mary M. Mabry, Mayor Pro Tempore
517

518 
519 _____
520 Ann Dodge, Town Council

521 
522 _____
523 Mark J. Johnson, Town Council

524 
525 _____
526 Elizabeth A. Kohlmann, Town Council

527 
528 _____
529 Roderick E. Smith, Town Council

530 _____
531 Randle M. Stevens, Town Council

532 Clerk's Note: This document constitutes minutes of the meeting, which was audio taped. This meeting was transcribed by Town Clerk Herrmann. In
533 accordance with FOIA, meeting notice and the agenda were distributed to local media and interested parties. The agenda was posted on bulletin
534 boards outside Council Chambers and in the Town Hall reception area. Meeting notice was also posted on the Town marquee. When (**) is used, a
535 section of the transcription is inaudible. Public Comments and Council Comments made during Special Meetings are edited.
536