



**SURFSIDE BEACH TOWN COUNCIL MEETING MINUTES
EXECUTIVE SESSION SEPTEMBER 8, 2015 ♦ 6:00 P.M.
REGULAR MEETING SEPTEMBER 8, 2015 ♦ 6:30 P.M.
TOWN COUNCIL CHAMBERS**

Executive Session – 6:00 p.m. Mayor Samples called Town Council to order at 5:55 p.m. on Tuesday, September 8, 2015 for the purpose of entering executive session pursuant to Freedom of Information Act (FOIA) §30-4-70(a)(1) to discuss employment, appointment, compensation, promotion, demotion, discipline, or release of an employee and pursuant to FOIA §30-4-70(a)(2) to discuss proposed contractual arrangements regarding proposed sale or purchase of property. Mr. Johnson moved to enter executive session at 5:55 p.m. Ms. Mabry seconded. All voted in favor. MOTION CARRIED. Mayor Samples said that no action was taken during executive session. Any motions or directives to the town administrator will be presented during the business portion of the regular meeting. Executive session was declared closed by Mayor Samples at 6:33 to convene the regular meeting.

Town Council Meeting – 6:30 p.m.

1. CALL TO ORDER. Mayor Samples called the regular meeting to order at 6:33 p.m. Mayor Samples, Mayor Pro Tempore Pellegrino, and Councilmembers Childs, Johnson, Mabry, Magliette, and Stevens were in attendance. A quorum was present. Others present: Administrator Fellner and Town Clerk Herrmann.

2. INVOCATION AND PLEDGE OF ALLEGIANCE.

A. Invocation: Reverend Ron Greiser from Church of the Resurrection gave the invocation.

B. Pledge of Allegiance: Mayor Samples lead the Pledge.

3. AGENDA APPROVAL. Mr. Pellegrino moved to adopt the agenda with an amendment to move Item 8 Discussion before Item 6 Communication. Ms. Mabry seconded. Mr. Magliette moved to amend the agenda to allow Mr. Steve Shore to make a presentation from the Senior Citizens Advisory Committee during Item 6 Communications. Mr. Stevens seconded. All voted in favor to amend. MOTION TO AMEND CARRIED. All voted in favor of primary motion as amended. PRIMARY MOTION CARRIED AS AMENDED. Mayor Samples said for the record, "What we're gonna do, is after public comments Item Number 5, we're gonna cover the Item Number 8, the Town Council Discussion Items of which there are at least four items to discuss. Alright, having said that we'll move forward, I need a motion to approve the minutes of August 10th."

4. MINUTES APPROVAL. Regular Meeting August 10, 2015. Mr. Childs moved to adopt the August 10, 2015 regular meeting minutes as presented. Mr. Stevens seconded. All voted in favor. MOTION CARRIED.

5. PUBLIC COMMENTS – Agenda Items Only. (3-minutes per speaker)

Mr. Ron Crouch, 11th Avenue North, wanted to comment on the proposed ban on drilling. He said a less modest person than him would say that they could not have written [the resolution] better themselves. He really studied the resolution and it was about as complete and comprehensive and says as much as he could possibly say, if he had 30 minutes instead of three. He would appreciate watching this go through the public comments, your vote, hopefully unanimously, and then your signatures be put on [the resolution.]

Ms. Patricia Magliette, Harbor Lights Drive, said regarding the ban on offshore drilling, our town is a little gem. It is known for its hospitality, tourism, and along the coastal region for fishing. Any little mishap from offshore drilling could ruin everything. When everyone here is elected, they are elected because they promise to do what is best for our wonderful town. What we do here tonight also has an

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57 impact on everyone north and south of us, because coastal things can spread. Ms. Magliette said she
58 had prayed and would ask them to do what was right for our town and for everybody else. She asked
59 how you could possibly ask for a re-election bid, if you are not gonna protect our coastline. How could
60 you have possibly gotten in and knowing that we trust you and not really care about what happens to our
61 coastline. She put this out to everyone. Please, we need to take care of this wonderful world that we live
62 in. We need to be very careful, and please, we need to consider the ban on offshore drilling.
63

64 Mr. John Scanlon, Parsons Way, Surfside Beach, asked rhetorically how many of them would bet
65 \$10,000 to win one dollar. He thought that was the question before us, because we listened to Peg
66 Howell, who is an expert. She knows the odds and risks, and that spill will not be if, but when. He asked
67 as council approached the vote how many would bet \$10,000. Putting at risk the livelihood of this
68 beautiful coast, tourism, the home values that all of us have here, because of the risk of an oil spill off our
69 coast. He asked council to think that over and asked for their support for the town.
70

71 Ms. JoLou Bohart, 11th Avenue Northwest, said we may think that we own the ocean out to 30-
72 feet or 300-feet or whatever, but we don't. The ocean belongs to all; the whole world. The animals that
73 live in the ocean are the ones who should be deciding this. Of course, they can't, but you cannot take
74 part of an ocean and do something with it that might endanger it. One drop of oil in the ocean will never
75 go away.
76

77 Ms. Joyce O'Brien, Myrtle Drive, said our name is Surfside Beach. Take the beach away, what
78 do we have? Who is gonna come to Surfside? That's what they come for. It is common sense that it is
79 the beach the tourists come for. If the beach is not here, it would affect everything. It would affect our
80 tourism, small businesses, home values, and everything else. There is a reason the other towns were
81 turning offshore drilling down, so she asked that council use common sense and let their hearts be their
82 guide and think of the whole community; the name Surfside Beach. She said regarding golf carts that the
83 council please not punish the whole golf cart community for the actions of a few. There are residents that
84 have been here for many years that obeyed the laws and asked council not to "jump the gun" to make
85 laws without considering the fact that there are just a few people that break the law.
86

87 Ms. Judy Kidd, 11th Avenue North, said regarding offshore drilling that [the resolution] reads that
88 council is proposing to oppose and she fully supports that. She asked that councilmembers vote with
89 their minds, not their hearts, because logical people would not vote for it in the first place, if you know
90 anything about geology. Regarding the ordinance on landscaping and tree protection she said she came
91 from a family of farmers. She found it very difficult to understand why we had to re-plow the same ground
92 over and over. We finally got a tree ordinance that has some teeth to it. What was the point of having a
93 tree ordinance, if there was no teeth? Then it was a mere suggestion that you obey the law. So, she
94 thought if it did not suit everyone to obey the law, then maybe they need to find another place to go.
95 Regarding golf carts, she thought the golf cart ordinance needed to be strengthened. She read the law in
96 the State of South Carolina, and what you've done it taken that law and merely applied a fine to it. So,
97 that is another way that you are enforcing the law, and making it to a point where everyone may follow the
98 law. There will not be anymore "oops, I'm sorry," because the parents of children who are driving without
99 a license need to know that it is against the law. She would like to see that ordinance passed.
100

101 Mr. Rob Belanger, 16th Avenue North, said he totally supported the ban, but it did not mean
102 anything, because three miles out they can do anything they want and we could not stop them. That was
103 Federal property; we can oppose it, but we can't stop them.
104

105 Ms. Mariella Monte, Brick Drive, Longs, had the same thoughts as Mr. Belanger, and said what
106 we do here will not have any real bearing. But, what we have to consider is that if enough of these
107 beaches get together and they all follow suit, and they all stand up against offshore drilling, she thought
108 they would have something. She understood 22 communities have opposed offshore drilling. She said
109 let us add our names to that list and let us hope that the list keeps growing. There is big money to be
110 made, but this is our home, our children's and their children's. The Indians were here before and they
111 thought seven generations ahead; what we do today will impact seven generations. That is the kind of
112 thought we need to have. She hoped that council would vote against destroying our coast. She was

113 awakened by what happened in 2010 when the deep water Horizon [oil rig] exploded. Ms. Monte said
114 two million gallons of [crude oil] were sprayed on the gulf. The media did not talk about it. She now is an
115 anti-BP activist since that explosion, and is well aware of how sick the gulf is right now. Animals are
116 dying; people are sick and dying. Please consider that when you vote tonight. Yes, it doesn't have a
117 huge bearing, but a lot of these votes will have a lot to say to the Federal Government. The coast is ours.
118

119 Ms. Jennifer Cribb, 14th Avenue South, said she resides in this great town with smart people in it
120 and running the town, she thought, and after tonight she would know for sure. Obviously, she was
121 speaking about the resolution to oppose seismic testing and offshore drilling. She is a local real estate
122 broker and an appointed volunteer on the Keep Surfside Beach Beautiful Committee, and works on some
123 subcommittees for that committee. She loves this town and everybody in it, even if she didn't always get
124 along with everybody. She thought we all want the same thing in the end. We want a great town; we
125 have it, let's keep it. She thought the speech she gave the last time this was on the agenda was torn up,
126 because she was so frustrated after that meeting. Our coast is so precious to everyone, not just Surfside
127 Beach. We have to protect the delicate eco-system that we have on the entire eastern seaboard; the
128 marine life; our beach; you have to protect it at all costs. She knew that allowing offshore drilling and
129 seismic testing would affect real estate values. It did not take a lot to affect real estate values. The area
130 just went through seven years of craziness. Now everybody is buying real estate and she surely did not
131 want to buy real estate where oil was everywhere or there was potential for a spill. Many people feel that
132 way, including all of her clients with whom she discussed this matter. We really need to focus on
133 alternative energy. That is what the future is. It is not in oil. It is in wind, solar, and wave energy. She
134 knew some of that sounded alien, but all you have to do is Google it to learn about those resources. It
135 was exciting, and those power sources were already out there in many places. A little bit more focus on
136 that would be great and she hoped that the town would actually pass a resolution against seismic testing
137 and offshore drilling tonight.
138

139 **8. TOWN COUNCIL DISCUSSION** (This agenda item moved before Item 6 per approved
140 motion, see Item 3.)
141

142 **A. Proposed Resolution to Oppose Offshore Drilling, Mayor Pro Tempore Pellegrino.** Mr.
143 Pellegrino thanked everyone for attending. He asked for this to be brought back to council, because
144 there has been more discussion on a larger scale than our community. There were a couple of people
145 that mentioned that the town would not make the decision. That is correct, the Federal Government
146 would make the decision along with state recommendations. The town's tool is to pass a resolution
147 opposing the seismic testing and offshore drilling. The oil companies can pay off politicians in
148 Washington, but we are the ones who vote. If there are enough people who vote against it, that is about
149 the only thing that could change a politicians mind. That is the tool we need to use and that was why it
150 was brought back on the agenda. Hopefully, there would be a consensus to bring the resolution back for
151 adoption.
152

153 Mayor Samples asked if there was consensus to bring the resolution as written for adoption at the
154 meeting. **COUNCIL CONCURRED. (Applause!)** Mayor Samples explained for those who were
155 unfamiliar with the council form of government, councilmembers would present items for discussion first,
156 and then if the majority agreed to move forward, the item would be added to the next business meeting
157 agenda for action. That kept Town Council from moving "railroads" through town quickly, and the people
158 were aware of the issues. Council took the town's business very seriously. Even when we disagree, we
159 still help each other. As someone said earlier, we all have the best intentions for the Town of Surfside
160 Beach. We were lucky enough to decide to live here, and when we're gone, we hope that others feel the
161 same way. Mr. Belanger said from the audience that everyone contact their representatives and
162 congressmen to ask them to oppose seismic testing and offshore drilling.
163

164 **B. Town of Surfside Beach Business Survey, Councilmember Magliette.** Mr. Magliette said
165 the goal was to find ways to help co-promote town businesses to make them more visible to day trippers,
166 overnight guests, and local businesses [sic.] He asked everyone to patronize local businesses. A survey
167 was done of 52 businesses, and 2,100 tour maps and guides were distributed. Questions and responses
168 were:

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- 169
170 • Display the tour guide and map? 100-percent Yes
171 • Want your brochure or business card distributed at the Town
172 Hall Information Center 100-percent Yes
173 • Continue to display the tour guide and map 100-percent Yes
174 • Participate in Town of Surfside Beach phone application (app)
175 promoting local businesses 100-percent Yes
176 • I have no issues with the Town of Surfside Beach 80-percent Yes
177

178 Mr. Magliette believed the 80-percent finding no issues with the town was good, because people
179 can always find fault. He said council had already approved \$1,500 to publish the local tour guides and
180 maps. Some of the following recommendations were already underway, but he summarized them for the
181 public:
182

- 183 • Create and distribute a local tour guide and map to local businesses
184 • Purchase brochure rack for the Information Center to display local businesses brochures and
185 business cards
186 • Purchase clear plastic holds with the Town Seal to display brochures at local business locations
187 • Co-promote/market events with local businesses
188 • Include the local tour guide and map in the fall and spring issues of the town newsletter
189 • Utilize local businesses for all town events and festivals
190 • Create an independent local business association
191

192 Mr. Magliette said Ms. Ellis does a very good job inviting local businesses to participate in several
193 events throughout the year. The add-on cost for the brochure to be sent with the newsletter would be a
194 couple of cents. The newsletter is sent to about 3,100 residents and that would be a perfect way to
195 introduce residents to the local businesses, which hopefully would encourage them to shop locally. The
196 suggestion to create an independent local business association would be taken up by business owners;
197 not the town.
198

199 Ms. Mabry thanked Mr. Magliette for the thorough report. She appreciated everything that he
200 does. She said this would be a wonderful presentation at the vision meeting, because then they could
201 discuss funding, how far you want to go, and what you would like to do. She asked Mr. Magliette if he
202 objected to deferring until the vision meeting. It is just six weeks away. Mr. Magliette thought that would
203 be wonderful. It is the proper place to discuss it. Mr. Childs agreed with Ms. Mabry and Mr. Magliette to
204 move this to the vision meeting.
205

206 Mr. Stevens said this was a great step for the town to go after and support all businesses in the
207 town. The fact is that business revenue from all types of businesses makes up almost around 80- to 90-
208 percent of all our revenue. As long as we continue working towards making the business community
209 better and businesses wanting to come into town, he thought that was a positive thing. He definitely
210 wanted to discuss this in detail at the vision meeting.
211

212 Mayor Samples knew the phone app was discussed as part of the town website upgrade. He
213 asked Ms. Fellner if there was any progress. Ms. Fellner said that was coming to the vision meeting. She
214 already has a comp on the app. Mayor Samples said that is where the world is. He agreed and thanked
215 Mr. Magliette for his hard work.
216

217 **C. Ordinance #15-0799 Landscaping & Tree Protection, Councilmember Stevens.** Mr.
218 Stevens said when this ordinance was voted on back in April one of the things he thought the ordinance
219 was for was to protect the trees like Live Oaks, Birch, and so on. He shared photos with councilmembers,
220 copies of which are on file, and said it seemed the ordinance went further than we thought it was gonna
221 go. It actually penalizes people for cutting diseased and dead trees, and even for cutting shrubs. This
222 was brought up because a citizen was fined \$4,500 for cutting a *myrica certifier*, which is a Wax Myrtle,
223 that was laying in Dogwood Lake. One of the trees was completely rotted at the base. He was trying to

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224 fix his land up. Mr. Stevens said the resident removed vines and weeds that were choking a Live Oak
225 tree and fertilized it so it is coming back. But, a Wax Myrtle, Wikipedia says it's a small tree or a large
226 shrub. He was concerned that a \$4,500 fine was charged, when the trees would more than likely have to
227 be removed anyway at a later date. His understanding was that the citizen was planning to make
228 improvements to the shoreline that would require the trees to be removed. Mr. Stevens said the February
229 19, 2015 planning commission minutes show the discussion was basically about protecting trees like Live
230 Oaks, Birch, and all that. A Wax Myrtle was not mentioned as a protected tree in the ordinance,
231 especially one laying in the lake. He thought "we" might have gone a little too far. In fact, when the
232 Mayor voted on this, he said he was a little bit concerned about this particular ordinance. Mr. Stevens
233 said he voted for the ordinance, because he wants to protect Live Oaks and all the protected trees. But,
234 he did not want to penalize tax paying citizens thousands of dollars for cutting a shrub that was laying in
235 the lake. Mr. Stevens made several other comments regarding the condition of the cut trees and how
236 citizens should not be penalized for trying to improve their property. He said, "I just can't abide with a law
237 that just tramples over a citizen's rights." Mr. Stevens believed the ordinance should be amended to
238 handle shrubs. Nobody should pay \$500 for cutting a shrub. The citizen was told to plead guilty and go
239 before the board of zoning appeals, but the citizen requested a jury trial, which is his constitutional right.
240 Mr. Stevens said the town needed to learn that citizens have Constitutional rights. We have already been
241 abusing businesses and citizens and this happens too often. He reiterated his position that he supported
242 protecting Live Oaks, but being fined for cutting shrubs was "Gestapo."
243

244 Ms. Mabry asked "Don't you love it when you get one side of the story?" She said the other side
245 of the story was that this citizen cut these shrubs on a Sunday. The majority of the fines were given
246 because they did not get a permit. Knowing that they had to have a permit; they just refused to get one.
247 A summons was given that does allow you to ask for a jury trial. But the ordinance that we have, if you
248 do not agree with it, you do go planning zoning of appeals [sic.] They will either side with the town or they
249 won't. The shrubs had limbs over 4-inches in diameter. That is our ordinance. It is not a tiny amount.
250 It's sounding like we just cut little things like that. Each limb was over 4-inches in diameter. He knew he
251 needed a permit; he knew that there was a 4-inch diameter rule; ignored it. The police went out and gave
252 a ticket. That is what we do, whether we like it or not that is the way it works. The reason we do this is
253 because our trees are literally holding the earth together here. One medium tree can retain 2,380 gallons
254 of water a year. That keeps the erosion from going into our lakes making them ineffective. This is
255 important. These trees being here are not because they're pretty. It's not because they don't have real
256 meaning. They literally help keep our land together. Let me make sure you understand, cutting trees on
257 public property is against the law. Everybody in this room and up here knows that. I can't go do into any
258 park anywhere and cut down trees. All you have to do, if you know you need a permit, they will come out,
259 assess it. Now, just to give you some facts and figures to let you know how one-sided this is, since this
260 ordinance was passed 57 permits to remove trees were given; 21 were deemed dead, dying, and were
261 approved by staff to have them removed. Only four arborist's letters were required, because if there was
262 a doubt that the tree was alive, they would make you get an arborist's or engineer's letter. One was
263 considered hazardous; staff was able to determine that it needed to come down. Two permits to cut
264 limbs were approved by staff, and 27 approved protected and non-protected trees were allowed to be
265 removed. Six fines were let for violating the ordinance. Now that we've seen the other side of the coin,
266 all we ask is that you get a permit; have somebody go out. Clearly, over half of these staff said go ahead
267 and take them down. You didn't have a problem. We asked four people to get an arborist and if they say
268 the need to come down, then they have to come down, and 27 were allowed to come down. Because
269 one person decides the law does not apply to them, we're gonna redo an ordinance that protects the
270 citizens of Surfside Beach. That's wrong on every level. There's no way you're gonna make it right,
271 because every time we take down trees, you're gonna pay the price due to erosion, and the lakes not
272 being efficient. The law that we had before was truly merely a suggestion. You could go down and take
273 a 200-year old Live Oak down. You know what your penalty was? Two Hundred Dollars, and you never
274 had to get a permit! (*Speakers emphasis.*) Why in the world would you go to the hassle of even buying or
275 getting a permit, you weren't gonna be fined for it. We would have contractors clear whole lots off, come
276 into the office and say, 'How much do I owe you? I took down 7 trees.' Times that by \$200 and that's
277 what you got. Now these big fines, these are the code enforcement fines of \$1,200. When you go before
278 the judge on that one, like today one did, the fine was divided in half; sometimes it will be \$300. They
279 rarely make you pay the whole thing. Unfortunately, that money actually goes to the State of South

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280 Carolina. Ms. Mabry said we don't want to fine anybody. We just want you to go by the law. We want to
281 protect the whole town. Is it good for you to have to pay because somebody else doesn't want to follow
282 the law? I would have to say no. It is not good for you to have to pay and that's what's gonna happen.
283 So, we're on total opposite agreement [sic.] This is a good tree ordinance. It was a long time coming.
284 Planning and Zoning and this Town Council asked for this ordinance so that we can protect our
285 resources. We don't change ordinances, she hoped, up here because somebody chooses not to follow
286 the law.

287
288 Mr. Johnson said the information received in the packet did not have any explanatory information
289 other than the fact that a councilmember wanted to bring this ordinance back for discussion. The key
290 word here, he thought, was "shrub." Looking at the pictures provided, maybe 30- or 40-years ago this
291 was a shrub. It was not a shrub. He offered to show the pictures to the public after the meeting, which
292 clearly showed the cut limbs were not shrubs. He agreed with Ms. Mabry, the Planning & Zoning
293 Commission worked diligently to recommend an ordinance that actually had some teeth in it, because for
294 so many years it was tweaked and tweaked and people got around it. Now that we have an ordinance
295 that everyone has to adhere to and it has some teeth in it, I want to leave it alone. I think it's very, very
296 inappropriate to make any changes.

297
298 Mr. Pellegrino voted yes for the ordinance, and he still agrees with the ordinance. Just looking at
299 the facts of the ordinance, like Mr. Johnson said, I didn't have many details coming in, but Ms. Fellner can
300 check on the fine part, but it says zoning permit is required to the following activities: removal of any tree
301 4-inches or greater in diameter, so obviously they were guilty of that. The table on page two, Protected,
302 Specimen, and Landmark Trees, the Wax Myrtle is not on that list. So he didn't know if that was an
303 additional fine or not. It shouldn't be according to the ordinance. Realistically, the only thing they did
304 wrong was they didn't get a permit. Ms. Fellner said one detail that was left out was the property was a
305 wetland. Mr. Pellegrino said in Surfside Beach we have all these beautiful oak trees that were being
306 mowed down. That was why we acted and broadened the ordinance and voted it in. We still have an
307 issue where they are in the building footprint, but that is allowed in the ordinance. He liked the ordinance
308 and did not think it should change.

309
310 Mr. Childs said the tree ordinance was worked on for six years that he knew of. Planning and
311 Zoning members must dream about this, because it constantly comes up. Every time we think we've
312 settled it, it comes back up again. Mr. Childs said we have worked hard to get this ordinance the way it
313 is. I agree with Mr. Johnson, Mr. Pellegrino and Ms. Mabry. We worked hard on this ordinance. Just
314 leave it alone; we can't possibly go through this thing again and improve on it.

315
316 Mayor Samples voted against the ordinance when it came forward. Part of the reason was that
317 while there were many, many positive aspects to the ordinance, when we have an obviously diseased or
318 damaged tree nobody should be required to bring an arborist out. We may not require that an arborist or
319 professional engineer or other profession stated in the ordinance inspect the tree. Maybe that was the
320 rule today. He said as a matter of policy it is incumbent upon building and zoning, and the administrator
321 knows this, it is not news to her, that staff needs to be responsive to the citizens in this town who are
322 trying to follow the rules and who come in to apply for a permit, and then it was weeks later when the
323 Mayor has to be brought in on something that should be simple. To Mr. Stevens's credit, he was present
324 one Friday afternoon a couple of weeks ago when we had a tree situation. We were talking with the
325 building inspector who at that time understood that they did not have the authority to approve taking down
326 a tree. As you know, we have a small building and zoning department. They have a lot of jobs that they
327 are responsible for. Mayor Samples said his concern was about customer service and what may be
328 perceived as a low priority by staff just doesn't get attention. That was unsatisfactory, because the
329 people who work for this town are paid by the people who live in this town. Mayor Samples said to the
330 citizen taking down that dead tree [it is important.] The administrator knows, because she helped on the
331 last call. It was obvious to him by driving by that the tree was dead. There never should have been any
332 reason that that permit was not issued, but it wasn't. Things fall through the cracks, and Mayor Samples
333 knew that he was not the only one sitting on the dais who has concerns about customer service. People
334 want to follow the rule, but they also want you to help them understand how to accomplish what they want
335 done. They're not government bureaucrats, like him. He and Mr. Pellegrino have talked about training or

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336 something in particular; not for everybody. When you go into town hall, the people at the front desk are
337 as nice as they can be. When you call planning, building and zoning, the lady is as nice as can be. I
338 know they have a lot to do. They need to show empathy; they need to treat people like they want to be
339 treated. Mayor Samples was not saying to say "yes," but understand what the homeowner wants so they
340 might be able to use their expertise to help them. That's the kind of people we want working in the Town
341 of Surfside Beach. He was not for changing the ordinance, although he voted against it. It passed 6:1. It
342 is what is.
343

344 Mr. Magliette agreed with Mayor Samples; customer service was the most important thing. We
345 need to make sure that we give good customer service; give good direction to people when they come in
346 and ask how applications were done. They need to be guided through; some of it was very confusing. It
347 might take explanations several times, but it was necessary. The other comment was that he had a
348 similar problem. A resident contacted him about a dead tree, yet they still had to have an arborist inspect
349 it. That made no sense to him, because the tree was dead. It was the middle of summer and there were
350 no leaves on it, so therefore you would think the tree was dead. It was like a Monty Python skit and he
351 understood the homeowner's frustration. He thought they had to think about customer service. If this
352 was a bump in the road, maybe it needed to be tweaked. If staff could be a little bit more emphatic
353 towards their need, explain it better, and the homeowner was better able to articulate what he wanted to
354 get done, he thought this type problem could be minimized.
355

356 Mr. Stevens made a correction saying the fact of the matter was there were a bunch of limbs less
357 than 4-inches in size. He knew; he went there and measured them. There were some around 4-inches;
358 some were a little bit over 4-inches. The citizen that did this was trying to abide by the law and improve
359 his property. He didn't take a tape measure out there; I'm sorry. That's one of the things that happen.
360 He cut diseased trees. Now, there is a conflict in the town ordinances:
361

362 Section 7-41. Every person shall keep his property clean and free of unsightly material
363 such as rubbish, debris and downed trees. Dead and diseased trees or trees leaning by
364 being partially damaged or uprooted which may endanger or cause actual injury or
365 impairment to any person or adjacent property shall also be removed. The existence of
366 such unsightly, unhealthy or harmful conditions shall be deemed a nuisance.
367

368 Mr. Stevens said we have one ordinance that says you're penalized if you cut your tree. We have
369 another ordinance that says the tree is a nuisance and you'll be fined if you don't clean it up. Mayor
370 Samples asked if this was the ordinance he brought up. Mr. Stevens said no, but there was a conflict
371 between the two ordinances.
372

373 Mayor Samples asked Mr. Stevens if he didn't deny that the citizens cut some limbs that were 4-
374 inches. Mr. Stevens said there were some, but there were a whole bunch of them that were less than 4-
375 inches and the tree was still a shrub anyway you look at it, and it was not a protected specimen. Mayor
376 Samples asked if this would be litigated; adjudicated. Mr. Stevens said it was a court case right now. Ms.
377 Fellner said the fine can go through the court, but rest has to go to the Board of Zoning Appeals. Mayor
378 Samples said there are processes in place; he assumed the individual was advised to follow the process.
379

380 Ms. Mabry called planning and zoning, because she certainly would not have known the facts and
381 figures. Number 1, you do have to remove dead, dying trees. We ask you to do that, and we do ask you
382 to get a permit before you do it. That's the new ordinance. Everybody knew it. He came in and admitted
383 he knew he needed a permit, and he knew the trees were over 4-inches. He didn't get a summons or a
384 fine for every limb he cut. He only got the ones that were over 4-inches. So, he could have cut 150. She
385 didn't know. Ms. Mabry said she stood behind the ordinance and was glad we have a consensus not to
386 bring it back. The law is for the protection of the town; the community as a whole. She was glad we have
387 it.
388

389 Mr. Stevens believed Town Council was sitting on very thin ice and we would be tying ourselves
390 up in litigation. He expected it, and that's what is gonna happen. He thinks this ordinance will be
391 challenged in court.

392
393 Mayor Samples said this was America; that was all he said to say about that. He said Mr. Childs
394 was right. Council had over many, many years worked on this ordinance. He appreciated all the
395 comments; was said earlier, we're all seeking to do the right things.

396
397 **D. Proposed Ordinance to Define Quorum and amend applicable code sections,**
398 **Administrator Fellner.** Ms. Fellner presented the discussion paper and proposed ordinance, copies of
399 which are on file. She explained that the town attorney Mike Battle recommended that council define
400 quorum relating to Town Council, statutory boards, and *ad hoc* committees in the Town Code and also to
401 amend any related sections to eliminate disputes about establishing a quorum so that town business
402 could be conducted. Mayor Samples asked if the intent was to base quorum on the number of seats, for
403 instance, if the committee had seven members with two vacancies. Ms. Fellner said yes, a quorum would
404 be four for a committee of seven members, regardless of how many were appointed. **Town Council**
405 **CONCURRED to bring the proposed ordinance to the next meeting for action.**

406
407 **E. Any matters of concern or information to be discussed by Town Council.** There were no
408 other matters to be discussed.

409
410 **6. COMMUNICATIONS**

411
412 **A. Proclamations.**

413
414 **i. #15-100 Constitution Week.** Mayor Samples presented the proclamation, a copy of which is
415 on file, to Ms. Jean Courtney, First Vice Regent of the Theodosia Burr Chapter of the Daughters of the
416 American Revolution. Ms. Courtney invited everyone to attend the Constitution Week Ceremony on
417 Saturday, September 12 at the First Presbyterian Church on Grissom Parkway at 10:00 a.m.

418
419 **ii. #15-101 South Strand Garden Club.** Mayor Samples presented the proclamation to Ms.
420 Louisa Woods, who accepted on behalf of the South Strand Garden Club. Ms. Wood said Mayor
421 Samples would be attending the meeting on Monday, September 14th to present the proclamation to Mrs.
422 Rosemary Purcell, the club's founder. Everyone was invited to join the club. The meetings are held at
423 Surfside Methodist Church at 13th Avenue North. Mr. Childs visited with Mrs. Purcell yesterday and
424 delivered a copy of the proclamation to her. She was unable to attend this evening.

425
426 **Senior Citizens Advisory Committee Report, Mr. Steve Shore.** (Added to agenda by
427 approved motion, see Item 3 above.) Mr. Shore presented a draft flyer for the upcoming Surfside Beach
428 Senior Fair, a copy of which is on file. The fair will be held at the Dick M. Johnson Civic Center on
429 October 30 from 10:00 a.m. to 3:00 p.m. The Senior Citizens Committee members will be at the Family
430 Festival on October 3rd to share the flyers and to answer questions. The fair is to provide a venue for a
431 minimum of 25 vendors to share information to improve and maintain health and wellness of our senior
432 citizens. He said you would be amazed at how little our seniors know about available services and
433 activities. The committee members were proud to serve and help inform the seniors. Mayor Samples
434 said the committee's work was appreciated, and there was a wide range of services that seniors needed
435 to know how to connect with them. Mr. Magliette thanked Mr. Shore and the entire committee for serving
436 the town and its senior citizens. He hoped the fair would become an annual event, because it would
437 create a one-stop shopping venue for the seniors with everything from help with hearing aids to the
438 Council on Aging. God bless you for all you do.

439
440 Mr. Stevens thanked Mr. Shore for the work being done by the Senior Citizens Committee. He
441 also thanked Mr. Magliette for suggesting the committee and encouraging him to start the committee. He
442 thought the committee had been great and really progressed since it was started in August 2012. He
443 would soon be a senior citizens and was glad they were serving. He thought it was one of the best things
444 done for seniors in the town.

445
446 Mayor Samples said the Family Festival on October 3rd is a great family outing.
447

448 **B. Administrator's Report.** Ms. Fellner reported:
449

450 District 106 Representative Swearing In. Representative-Elect Russel Fry has asked to be sworn
451 in here in chambers on Saturday, September 19th, at 4:00 p.m. South Carolina Speaker of the House Jay
452 Lucas is scheduled to administer the oath of office. Everyone is invited to attend. A press release will be
453 sent tomorrow.
454

455 Human Resource (HR) Audit. The first HR was completed. A report was received that included
456 the things that were being done well, and pointing out some opportunities for improvement. All areas of
457 concern are being address and changes made in accordance with the audit recommendations. The
458 predominate issues they found involved records forms and files that predated council's agreement to fund
459 the HR function. Kudos go to coordinator Messall for all her hard work and attention to detail. They
460 thought she was doing wonderfully.
461

462 PBZ R3 Bedroom Survey & Landfill Hours. Staff is over half done cataloging the information
463 regarding the number of bedrooms per house in the R3 district. Once this project is complete, and we
464 have a definitive answer regarding the landfill Saturday hours, a recommendation will be made to council.
465 She expects that to be presented at the visioning meeting. Mr. Bessant will bring the hours up at the next
466 Solid Waste Authority board meeting, which is scheduled in late September. He plans to meet with other
467 major haulers to determine if 6:00 p.m. is a possibility. Currently, they have been receptive to extending
468 their Saturday hours to 4:00 or 4:30 p.m. Council will be kept apprised. At the July 31st special meeting,
469 she had reported that the anticipated cost for the three weeks of extra rollout was \$5,500. The actual
470 cost was \$6,090. The amounts were very close.
471

472 DHEC Grant for Beach Recycling Containers. The town received a Department of Health and
473 Environmental Control grant to purchase three more dual beach recycling containers with signage and
474 education to go along with them. The total amount will be approximately \$7,700. Thank you was
475 expressed to Mr. Adair for following through on this grant.
476

477 Employee Health Fair. October 16th from 7:00 a.m. to 10:30 a.m. is the annual health fair. The
478 fair is opened to the public from 8:30 a.m. to 10:30 a.m. The cost for an entire blood panel is only \$70 for
479 women and \$85 for men. Flu shots will be offered for a nominal fee. They are trying to arrange for the
480 preordering of the pneumonia and shingles vaccines. There will a number of free tests conducted onsite
481 and a lot of free medical information will be disseminated. Ms. Ellis will announce additional details
482 regarding the event at the next meeting. She encouraged residents to attend the event.
483

484 Surf Contest. Eternal Wave Surf Shop is hosting a surfing competition for approximately 100
485 surfers of all ages on Saturday, September 12th, from 8:00 a.m. until 6:00 p.m. at 13th Avenue South. All
486 proceeds from the event will go to St. James High School Athletics Department. They will be selling items
487 like koozies (foam drink holders) and shirts to raise money. Lunch will be catered by the Pickled
488 Cucumber. There will be a couple of tents for judges, contest directors, etc. A liability insurance
489 certificate naming the town as an additional insured was issued through the Eastern Surfing Association.
490

491 Mayor Samples asked if parking was going to be an issue. Ms. Fellner said the organizers did
492 not ask for any parking concessions.
493

494 Consensus Items. There were no consensus items.
495

496 Responses to Public Comments from the August 10th meeting. (August 25th meeting was
497 cancelled.)
498

499 *Comments:* Numerous recommendations were made about whether or not, and if yes, then
500 when, to hold a Memorial Day Golf Cart parade.

501 *Response:* Currently, the plan for the event is Sunday, May 29th, not on Monday. The festivities
502 for Sunday will include:
503

- 504
- Blessing of the Beach at the pier beginning at 7:00 a.m. and ending at 8:00 a.m.
 - Memorial Golf Cart Day Parade at 1:00 p.m. Participants will line up on Ocean Boulevard at 16th and 17th Avenues North and drive the length of Ocean Boulevard to Melody Lane where they will disband.
 - Sunday Serenades will take place from 2:00 p.m. to 4:00 p.m. at the Passive Park at the gazebo.
 - Memorial Day Cookout at the pier from 4:00 p.m. to 8:00 p.m. on Surfside Drive near the Yaupon parking lot.
- 505
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512 *Comments:* Numerous comments were made about golf cart problems. One resident said that
513 you need a driver's license to operate a golf cart, so no kids should be driving.

514 *Response:* Clearly, that is why we are having second reading of Ordinance #15-0808 tonight that
515 adds a penalty section to existing State Code so that our officers can enforce the existing golf cart
516 regulations.

517
518 *Comment:* A resident said the golf cart ordinance was great, but it needed to be enforced. He
519 suggested was to have golf cart rental companies hand out the rules when the golf carts were rented.

520 *Response:* After discussion with the police chief, we have decided to implement this. The police
521 department will be responsible for making copies available to all golf cart rental dealers that do business
522 within our municipality.

523
524 *Comment:* A resident said that limousine size golf carts are parking in narrow accesses and
525 blocking entry or exit traffic.

526 *Response:* This was discussed with the police chief, the public works director, and Lanier
527 Parking staff. All believe that while this is sometimes an issue, it is not a problem to the extent yet that we
528 need to populate ordinance.

529
530 *Comment:* A resident asked what happened to the Memorial Day Classic Car Show.

531 *Response:* The car show was moved to September so it would not coincide with the Memorial
532 Day BikeFest. It is scheduled for Saturday, September 26th this year.

533
534 *Comment:* A resident felt that the Keep Surfside Beach Beautiful Committee does great work and
535 the town needs to involve them more in resolving town issues like control of beach Vitex.

536 *Response:* The town is always delighted to have the committee make suggestions based on the
537 scope of its charge and expertise.

538
539 *Comment:* A resident said Highway 17 Business is dangerous to cross. The town needs to take
540 action to put a light at 10th Avenue South.

541 *Response:* Grand Strand Area Transportation Study (GSATS) money was programmed for this
542 intersection for over seven years. The engineering is currently scheduled for 2016, with construction to
543 begin in the late fall of 2017.

544
545 Ms. Fellner said there were no other comments made that required follow up.

546
547 **7. BUSINESS**

548
549 **A. Second Reading Ordinance #15-0808 to establish Golf Cart Permit and Operations.** Ms.
550 Fellner presented the decision paper and ordinance, copies of which are on file. Mr. Stevens moved to
551 adopt second reading of Ordinance #15-0808 as presented. Mr. Childs seconded.

552
553 Mr. Stevens moved to amend the ordinance to have Section (i) state: Any company within the
554 town's corporate limits that rents golf carts is hereby required to provide a copy of this ordinance to its
555 customers that rent golf carts *and have the customer sign a form that he or she has seen that copy.*

556 **Amendment failed for lack of a second.**

557
558 All voted in favor. **MOTION CARRIED.** Mayor Samples said the ordinance was adopted and the
559 Town Code now has a penalty clause associated with violations involving the operation of golf carts.

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B. Recommendation from Economic Development, Planning & Marketing Focus Group re: Urban Land Institute (ULI) Contract, Administrator Fellner. Ms. Fellner presented the contract and decision paper, copies of which are on file. She placed this discussion under business, because the Technical Assistance Program (TAP) was not a line item under the \$25,000 budgeted designated for this group. Consequently, the expenditure requires council approval. Mr. Magliette moved to approve \$12,000 to contract with the ULI for its Technical Assistance Program. Mr. Pellegrino seconded.

Ms. Mabry said this was a perfect opportunity to bring this to the visioning meeting. We need to talk in depth about finances and exactly what this is going to do. She was not prepared to let \$12,000 without much more information.

Mr. Pellegrino said this was discussed a while back and we had consensus to spend \$10,000. This is just \$2,000 more dollars. This is necessary; we need to do this. ULI is an organization that has worked with many coastal tourist towns, and came up with many innovative ways to improve business districts, and improve the flow of customers to the local businesses. This is a drop in the bucket. There are many other companies that would charge \$50- or \$60-thousand for this. Council agreed to budget \$25,000 for this. He did not understand what the hold-up was. There was no use to wait. We had an initial meeting with ULI. They can have everything, except the final report, prepared for the visioning meeting so we have that information to discuss. Then, we can use that data to decide how to approach the next budget.

Mr. Johnson had reviewed the information and said he had some concerns. At this point he was not willing to spend \$12,000 on this contract.

Mr. Magliette said the questions and issues to be addressed by the TAP were focused on where the town would be in 10-years and also what we can do to help grow our revenue base, and help our local businesses. That was critical, because where is the visioning plan. We don't have one. He did not understand why this seed money could not be spent to try to help the businesses. The town should partner with local businesses in doing redevelopment. The questions to be addressed are so timely, because we never had a plan. ULI has been very successful helping the City of Myrtle Beach and the City of Beaufort. He said if council did not like this, then give him an alternate.

Mr. Stevens said it seemed every time we want to do something to improve the business community, we get drug down. We've had opportunities pass us up in the past. We had a time where we could've gotten \$600,000 ahead with the pier restaurant. We let it go by. There were other opportunities with businesses, and we let them go by. This is an opportunity for the Town of Surfside Beach to build its business community. Mr. David Sebok of the Myrtle Beach Downtown Redevelopment Corporation and Mr. Brad Dean of the Chamber of Commerce highly recommended ULI. They've done a great job in Myrtle Beach and other places. Unless you have a viable alternative, which I haven't seen anybody come up with to help the businesses other than to put undue regulations on them, then come up with something. This is an opportunity for the town to move ahead and show the business community that we are doing something to benefit them and try to make positives moves for business. The fact is, they contribute 90-percent of our revenue. Property taxes don't pay very much, but the revenue from franchise fees, hospitality fees, accommodations taxes; all the businesses in this town, business property tax pay a lot of our bills. We've got a lot of vacant buildings sitting up and down Highway 17. It's time that we step up to the pumps. This is no money at all. We spent over \$60,000 on a parking study. Mayor Samples said it was \$48,000. Mr. Stevens said it ended up being over \$60,000. We spend all kinds of money and we have not done anything for the businesses. Either we want to help businesses or we don't. Until somebody can come up with something better...I haven't heard anybody come up and say come up with a plan. They haven't done it. Where's the plan?

Mr. Childs agreed with Mr. Johnson. He believed what we were moving towards was creating a chamber of commerce of our own. He would like to see the businesses get more involved in promoting their businesses. He agreed with Ms. Mabry and thought this should be brought back to the visioning meeting.

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Mayor Samples said we were not talking about being anti-business or pro-business. We're discussing a specific proposal from the Urban Land Institute for \$12,000. Part of the package that was provided to the members included two ULI deliverables. One for the City of Myrtle Beach and one for the City of Mount Pleasant. He heard somebody state, or he misunderstood it, 'the City of Myrtle Beach look at all the great things they have done.' Mayor Samples said that the study was done November 12th and 13th, 2014. We are in early September. He must confess that he thinks the ULI gathered all the items that the city was already working on, including the boardwalk and the sky wheel, and talked to people. They gave their customer back what it was that they heard about. The Mt. Pleasant study reminded him of \$50,000 that Town Council spent back in 2007 or 2006 for the Burkhold Management Study, which he voted against then. The Mt. Pleasant recommendations are things like you need to overcome a lack of trust; you have to figure out the issues that are going to come up between residents and tourists. Mayor Samples said he was going to speak very plainly. He has a very simple vision. He always has had a simple vision, especially since taking the mayor's seat. He liked the town the way it is. We don't hurt business in this town. He asked Mr. Stevens if he could be specific as to those regulations and ordinances that we have established which impede business to please forward them to all councilmembers. He has said since 2002, that town government needs to focus on making sure that beach is first class. That's why people come to this town. It's for the beach. I know most people agree with me. That's why they moved here; they love the beach. Do we need to make some improvements on the infrastructure on Highway 17 to help business? Absolutely; absolutely! (*Speakers emphasis.*) There is no question about it, if we modernize Highway 17 Business then you will see the private sector modernize through their own private investment. But to follow the path of Myrtle Beach, in his book, was a reason to say no in and of itself. He moved to Surfside Beach. He didn't move to Myrtle Beach or North Myrtle Beach. If y'all think and believe that you want to turn the two square mile town into some kind of boom town for the tourists over and above the summer we had this year, I don't support it. I'll bet you that the people that reside in this town won't support it either. You're gonna hear from businesses, and don't misunderstand him, he was not criticizing the businesses. They always want higher profit. Mayor Samples said he gets that. It's the nature of system, but do you know what we do in this town? We provide the best fire protection; the best police protection; we keep our streets clean; we have the best sanitation services of anywhere. Going back to the \$48,000 parking study, you know why much of it was not implemented? The final recommendation was to build a parking garage at Yaupon parking lot. Maybe he spoke out of school, but as soon as that came up, Mayor Samples said and he believes it to this day that the residents do not want a parking garage down there. They like the pier and the fact that beach is not overburdened by high density. It was not up to town government to make sure everybody was profitable. Guess what, in the real world that was not the way it works. Mayor Samples said he was against throwing \$12,000 away for what he thought a smart high school student could write. He read every word of the ULI reports and said they were inadequate, in his opinion.

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Mr. Magliette asked if there were any alternative plans. Mayor Samples said the town has adopted a Comprehensive Plan that was required by State Code rewritten every ten years and updated every five years. He was not criticizing individuals, but [disreputable companies.] Mr. Magliette said it was great that council could have this discussion. This was the way it was supposed to be. It was democracy in progress. He gets a little edgy, but dignity and respect, loving kindness; it was great when we could discuss things like this. It was wonderful to hear everyone's opinion; that was the way it should be. Mr. Magliette said when he attended his first budget workshop it was said to him that if the town did not find ways to raise revenue, then taxes would have to be raised. This plan or some other plan that helps businesses grow will expand the revenue base and generate more income for the town through hospitality taxes, etc. That was the driver for this group's recommendation, and why they were pushing for co-promotion and co-marketing. There are many empty stores on the west side of Highway 17 for various reasons. In his view, the town should either have a master plan or go back to the drawing board to get a ten year vision plan and take small steps to try to fix problems, because the only way to grow revenue is by having more businesses come to town; be profitable and generate those tax revenues. Mr. Magliette said he acted as scribe for the focus group and brought the ideas forward. They were only one small part of a package that was to have other components from the administrator, planning and zoning commission, and other stakeholders to formulate the final path. Mr. Magliette said people live here

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671 because they want quality services, but somewhere along the line, they have to figure out how to pay for
672 those service. If there is no money, you cut services or raise taxes.
673

674 Ms. Mabry said she had read the ULI information. She was actually the one that came up with
675 the need to have this committee. She believed strongly that we have three very passionate men that care
676 about seeing our town develop properly. Ms. Mabry said we do have a vision; we have the
677 Comprehensive Plan. It is a little bit of a misnomer to say that we don't. She was under the impression
678 that this report was going to come back and focus on how to promote the Town of Surfside Beach.
679 Although she believed we definitely want to promote businesses and we want them to do well, but she
680 believed that any town that was within itself successful will cause businesses to automatically come here.
681 The better we do, the better they do. She did not think that we were the Chamber and that we should put
682 all of our focus ... she hoped that everyone would take this the right way, but our job is not to promote
683 business; our job is to promote the Town of Surfside Beach. Business gets a secondary benefit of you
684 having a wonderful town. If you have a wonderful town where people visit, they visit the businesses.
685 They also concentrate a lot about summer tourism. We are hanging on by a thread in the summer time.
686 We can't afford to have more staff. We are busy, and this summer, if you don't believe we were busy,
687 well, I don't think we could have done much more. I was hoping that ULI would have concentrated more
688 on the offseason and the winter when we actually are pretty dead. When she read the report, she wasn't
689 happy. It didn't come out the way that she had envisioned. She said Mr. Magliette asked for an
690 alternative or what was on her mind when she read the ULI information. The things that struck her were
691 that they were trying to make us like Myrtle Beach. Get all the summer in. Well, we have all the summer
692 we can handle. We do need something for the shoulder season, and concentrating way too much, she
693 thought, on businesses and not enough on what we can do within our own town. Those were her
694 concerns and why she wanted this to go to the visioning meeting, so we could take this time and hammer
695 out what we were all looking for. The \$12,000 itself didn't bother her, but the report bothered her a great
696 deal. For that reason, she thought they were way off track and she could not support it.
697

698 Mr. Pellegrino said first of all, he thought it was being sensationalized that we want to be like
699 Myrtle Beach. We don't want to be like Myrtle Beach. He lives here with his four children, because he
700 didn't want to live in Myrtle Beach. He wanted somewhere that you could go take a walk and ride your
701 bike.
702

703 Mayor Samples said he supports business. He attended the business committee meeting this
704 afternoon. What they are looking for are small things that we can do now. They are not looking for some
705 grand plan that you're going to bring in some outside businesses that are going to impact their business.
706 His personal feeling was this is a residential community. He loves it. He did not want to see it change.
707 He said they would figure a way to pay for it. We always have. The town is 50-years old; it's not the first
708 time we raised taxes, and I guarantee you in the history of the town, it won't be the last time. The steps
709 we took, if we don't throw money away on \$12,000 items that won't have any new creative ideas that
710 hasn't been thought of.
711

712 Mr. Pellegrino said the Comprehensive Plan was a great campaign tool. He said the [ULI] report
713 had absolutely nothing to help grow business in it. It has a lot of generalizations and ideas, but that was
714 something he thought they need to work on. He thought the last visioning meeting was a step in the right
715 direction. He thought it all went back to Mr. Magliette's comments. We are in a revenue neutral
716 environment. The only revenue increase is when we have a good summer. Good summers come; bad
717 summers come, and there are some average summers in the middle. If we don't do something to
718 increase our revenues, then the only way to pay is through tax increases. Certainly, when we buy a new
719 fire engine in ten years it won't cost what we pay now. It will cost a lot more. Salaries for many of our
720 employees will be more than what they are now. Landfill charges, and everything else will be more.
721 Costs are going up. If revenue doesn't also go up, we will have a problem.
722

723 Mayor Samples said revenue would go up.
724

725 Mr. Stevens wanted to verify some things. He attended every meeting with the focus group.
726 When the initial meeting was held, they met with many of the players in the area. One of the things they

727 discussed was developing our shoulder seasons. Mr. Stevens said bringing more tourists year round
728 benefits us more. We can live on the 13-weeks out of the year, but that's only part of it. Because we're
729 such a unique destination, you can play golf in January and February while people are snowed in up
730 north. That's the whole main thing that we were trying to do; build the town of Surfside. He said for the
731 record, "The committee wanted this to say a family beach with family oriented businesses. This was our
732 main goal of Mr. Magliette, Mr. Pellegrino, and myself. We have always and never wanted to stray away
733 from the fact that this is Surfside Beach, the Family Beach." Mr. Stevens said that was the reason he
734 moved here.

735
736 Mayor Samples asked Mr. Stevens, if other than paying some outsiders to tell us we need to
737 extend our shoulder seasons, you need to call Golf America to see if you can work out a deal; we don't
738 need to hear that kind of help. He thought the fact of the matter was that one of the purchases recently
739 made was for some historic property. If it is handled correctly over the next several years, it offers an
740 opportunity to bring in other than the normal beach goers. He said don't misunderstand him, but open
741 your eyes and face the fact that this is a 2-square mile town and currently there is not a majority of
742 members who support annexation. We don't want to be bigger. For 50-years, after they did one big
743 annexation to bring in half the town and make themselves, we have survived because we take care of the
744 town. Our businesses know if they have a problem, the police and the fire departments will be there.

745
746 Mr. Johnson called for the vote. Mayor Pro Tempore Pellegrino, and Councilmembers Magliette
747 and Stevens voted in favor. Mayor Samples and Councilmembers Childs, Johnson, and Mabry voted
748 against. **MOTION FAILED.**

749
750 Mr. Magliette asked if the matter could be added to the vision meeting agenda as Ms. Mabry
751 suggested. Mayor Samples and other councilmembers agreed.

752
753 **C. Motions or directions to Town Administrator from Executive Session.** Mayor Samples
754 said there were no motions or directions for the town administrator.

755
756 **8. TOWN COUNCIL DISCUSSION.** See page 3; moved before Communications per approved
757 motion.

758
759 **9. PUBLIC COMMENTS – General Comments.** (5-minutes per speaker)

760
761 Ms. Patricia Magliette, Harbor Lights Drive, said thank you to the councilmembers that looked into
762 the Urban Land Institute. It had not been looked into before. Whether it was a go or not, thank you very
763 much for bringing us all the facts to this meeting. As a taxpayer, she certainly did not want us to be
764 Myrtle Beach or Mount Pleasant. Litchfield is nice, but she didn't even want us to be Litchfield. She
765 heard that the Comprehensive Plan has been in town for 10-years, 2006. So far there is a stretch of
766 Business 17 where we can't keep businesses and it looks blighted, quite frankly. She didn't mean to
767 offend anybody, but if you drive up and down the street it looked like a failure. If this is the best we can
768 do with our Comprehensive Plan today, and it still looks like a failure...she couldn't see how new
769 businesses would be attracted the way it looks now. She begged the council to take the Comprehensive
770 Plan that they love show much and fly with. Make it work, because so far that plan hasn't really done
771 anything. We can't (***) on summertime business. We do have to make this a place where people want to
772 come and have a business all year round. Not a blighted area.

773
774 Mr. Rob Belanger, 16th Avenue North, asked if there was any rule against driving a golf cart at
775 night. Mayor Samples recognized Ms. Betty Lowery from the audience. Ms. Lowery said that low speed
776 vehicles may be driven at night, but they must be properly licensed with a tag from the Department of
777 Transportation and have lights, etc. just as a car. Ms. Lowery said golf carts may not be driven at night.
778 Mr. Belanger said July 4th had a million golf carts driving at night and there was no enforcement. Mayor
779 Samples said July 4th was an exceptional time in town; the goal on that day was to keep people from
780 crashing into each other. Mr. Belanger thought golf carts should be allowed to drive at night, and even to
781 council meetings. Mayor Samples suggested he attend the swearing-in ceremony for Representative Fry
782 and tell him; the State Legislature controls those rules. Mr. Belanger asked if the town has any control

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783 over the parking meter staff. We're missing out thousands of dollars a year, because they're not giving
784 tickets out to people blocking the sidewalk on Ocean Boulevard. Mayor Samples asked Mr. Belanger to
785 speak with the administrator after the meeting.

786
787 Ms. Wanda Spannuth, Harbor Lights Drive, said this was a timely comment from your
788 conversation this evening about customer service. I am the chair of the Senior Citizens Advisory
789 Committee. As such, I have had many contacts with Debbie Ellis. I just want to say to you that she is
790 exemplary. Most people on the committee don't have a lot of experience organizing a function. I have,
791 perhaps, driven her crazy with my questions, but never got any indication from her. She is fabulous and I
792 just wanted you to know that.

793
794 Ms. Ann Wescott, Cedar Drive North, agreed with Mayor Samples. This is a town that is a
795 residential area; it's never gonna be a commercial center. There's a reason Inlet Square Mall didn't make
796 it. It's in the wrong spot. It's too hard to get to. I don't go up to North Myrtle, Myrtle Beach shopping
797 unless I absolutely can't get it any place else. I came from New Jersey where there are stores all over the
798 place. You had to wait for three red lights to get through. I don't want that for us. I like it the way it is.

799
800 Ms. Betty Lowery, 4th Avenue North, took issue with some of the things that were said tonight.
801 She helped write the Comprehensive Plan, so that being said, she also apologized to one of her
802 neighbors for helping to write the tree ordinance. She taught 7th grade English for a number of years.
803 One of the units was on propaganda, which is how you sell things. You can take facts, and if you select
804 them carefully, you can prove anything. You can change the outcome of wars. Right now we're in the
805 silly season of elections. You will have people selecting facts; not all the facts, but just selecting facts to
806 prove that their candidate is an angel and anybody else is the devil. I heard these are the facts several
807 times. These are not all of the facts. You can't make an intelligent decision on part of the facts. Because
808 I helped write the tree ordinance, I'm probably a little more aware of some parts of it than others. The 4-
809 inch limb thing, that's the deal. If the guy said he knew what he was doing was wrong...he didn't want to
810 get a permit; he did it on a Sunday, what else? I mean, duh! (*Laughter.*) I don't get it. How can he
811 contest it? If you do it wrong and you know it's wrong, you pay the penalty. You accept the
812 consequences of your actions. That's the way it is. Customer service...I have been to the planning and
813 zoning office four, maybe five times in the last two weeks. Sabrina is never there. That's not a criticism.
814 Every time I go in there, she's out there doing a tree inspection. There was a stack of little yellow things
815 on that desk; the poor little guy was just covering the desk while Carolina was at lunch. He was so nice.
816 I've never had to ask for a permit to do anything. I don't understand stuff like that. That poor guy sat
817 there and explained the same thing over and over to me. It was so nice, but if there is so much going
818 through that office that it can't be done on a timely basis, or you have people coming in upset and you
819 have to be nice to all of them all the time, believe me that's not humanly possible. Especially not if
820 somebody says they want to shoot you, because of the tree ordinance. That's ridiculous. If you need
821 help in there, please do it. What a lot of people don't understand is a permit doesn't always cost money,
822 if the tree is dead, if the tree is diseased and needs to come out. A neighbor's tree was killed by
823 lightning; all he has to do is ask for a permit. Staff will go look at his tree and say he is right. Those
824 were the things that really bothered her. She thought planning and zoning did a great job considering the
825 volume that goes through that office. If there's too much volume, then they need some help; part time,
826 full time, they need help. They shouldn't be criticized for trying to do their best at what it is. Personally,
827 she thought Sabrina was a whirling dervish. She didn't know how she got anything done, but she seems
828 to get everything done. I am really impressed with her. There was a mention of conflicting ordinances.
829 She did not see a conflict. You have to clean it up; you need a permit to do it. Where's the conflict? She
830 didn't get it. If the cutting is being done in wetlands, then perhaps the friend needs to re-evaluate his
831 future work along the shoreline. That would concern me.

832
833 Ms. Judy Kidd, 11th Avenue North, said since 2000 she had dealt with many town building
834 officials. Ms. Morris has provided the most effective, ethical, and timely service. She exemplifies
835 customer service to me. I can't say that about any of her predecessors. Recently, I went to get a permit
836 to cut a Live Oak tree limb. I got same day service. I have no complaint. I have a concern about a
837 possible conflict of interest by one of you this evening. If you bring an ordinance, or bring something up

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838 to change the law that might promote a possible business interest as stated here this evening, such
839 individuals should ask to be recused, and they should not be bringing up changes to ordinances.

840
841 Mr. Lee Zulanch, Benjamin's Bakery & Café, said thank you because of all our years, several
842 decades of being in business in Surfside, this council offers more support for business than I've ever seen
843 before. I don't want to have to go over all the facts and figures that have been brought up, but obviously
844 business and business taxes is one of the reasons we enjoy such services that this town provides. My
845 only point that I'd like to make today is I don't want to see big budgets doing this, or that, or whatever.
846 I've had the privilege of working with Mr. Magliette and he's had some small things that would have a
847 great impact on our current businesses. Communications, self-identification, awareness to our local
848 citizens...I can cite you so many opportunities over the last year where people said 'Benjamin's! We
849 thought you closed 10-years ago.' I mean, they live around the corner. So, if we had a better method;
850 Ralph had some specific points about the maps and getting this information, etc. I say this very, very
851 much from my heart, because I'm not trying to get richer. I want the day that I come into my business and
852 somebody asks me a question and it's all about controlling expenses, it's never about how much money I
853 make in the summer. It's how to keep it from all ebbing away during the winter. When I go to answer that
854 question, I'm always step back and say will I still be in business this time next year. I see a lot of my co-
855 businesses that have the same problem. Can they exist, can they survive? What I'm asking from the
856 council is to please help us have some inexpensive tools like the laminated map, etc. that we can use to
857 help people who come here use other town services, and to let residents know they don't have to drive to
858 Myrtle Beach for many of these services that town businesses offer. I was a meeting today and someone
859 said they didn't know that Joe the Barber was there so they went another place for a haircut. I want to
860 say thank you, and I am asking for your support. I'm looking forward to the day I step up here and say I'll
861 be here 5-years from now, and say it with conviction.

862
863 Mr. Ron Ott, 7th Avenue North, said he went to the farmer's market today. I don't know if you've
864 been there for a while. I hadn't been there for a while. I couldn't find the farmers. It's like a gypsy
865 bazaar. I just wanted to inform you there was a guy selling snake oil, incense, and stuff. There are
866 resellers there. I know the Piggy Wiggy and the BI-LO are also resellers. There was one farmer there,
867 because he had a sign saying where he was from. The other ones do have a sign saying reseller. As for
868 the tree ordinance, it was needed. It was a long time coming to what we have today. I think the main
869 problem is communication. I have people around me that don't have computers. Two neighbors don't
870 have computers. One person, if there was a whistle blower fee, maybe I'll get her over here and put her
871 in the stocks because she had somebody cut a limb down on Labor Day. Somebody stopped in the rain
872 and cut a big limb off her tree, because she couldn't open her gate. She doesn't know. There's a whole
873 lot of people out there. What should they do? Every week should they go through their computer and go
874 through all those ordinances to see what's new? That's the problem. How do you know? How do any of
875 these people out there know that these ordinances change? They don't. I don't know this particular
876 incident at all. I have no idea what happened there. The ordinance changed and it was for the better.
877 But, how do we inform people that this is the way we do it? I have a fella that's moving in next to me. In
878 fact, he's a regional magistrate. Where is his little packet that says these are the laws you live by here?
879 He doesn't know we have surfsidebeach.org. We might fine him and he'll find out. We shouldn't just
880 slam 'em. Maybe they don't know. Maybe we've got to find out if they know. I didn't know. I'm afraid to
881 cut down a tree. I would never do it anyway. I'm a tree hugger.

882
883 Ms. Lowery spoke again to explain that when planning and zoning meets there is a sign outside
884 that says its meeting. There's also an agenda that says what will be discussed. When the decisions
885 were made, there was an empty room. There was no one came to say anything. Everybody was
886 supposed to have known about the meeting. Notices also were published in the newsletter and to every
887 property owner. Now, if people don't read the newsletter, we can't help that. Mayor Samples thanked her
888 and said part of the problem is that the most recent ordinances have not been codified (*added to the code
889 book*) on the computer. Mayor Samples said when you pull up the town ordinance book today, it may not
890 have the most recently adopted codes included. It was difficult for all Americans to understand all the
891 obligations they have to be law abiding citizens.

892

893 Mr. Vinnie Corona, 5th Avenue North, said he was informed that he doesn't live in the town limits,
894 because he lives in Tradewinds II. On the golf cart thing, if I want to go to Piggly Wiggly to grab eggs for
895 breakfast, am I in trouble? I've got my lights on, but I'm in the city. Several people responded. Mayor
896 Samples said go in the morning. In all seriousness, you probably are if it is nighttime. Mr. Corona said
897 he would go to the pier more if he could drive his golf cart there. Mayor Samples said it was a state law.
898 Mr. Corona thought it would help local businesses if golf carts could be driven at night.
899

900 **10. TOWN COUNCIL COMMENTS**

901
902 Mr. Childs offered Mr. Corona his copy of the adopted ordinance, which should explain all the
903 questions asked tonight. It was suggested to him and he thought it was a good one that for one year only
904 that everyone who got a golf cart parking decal be given a copy of the adopted ordinance. That way the
905 businesses and the owners would know what was in the ordinance.
906

907 Mr. Stevens said a proclamation was done about the Constitution. He certainly hoped that the
908 town and the town staff looked at the Constitution and when they talk to people that they tell them exactly
909 their rights, because he believed it was the Sixth Amendment that enables you to have a trial by jury.
910 That is a right that is passed down and has been upheld by the Supreme Court. The fact is if you're
911 charged with a criminal fine, you have that right. I think the town needs to make sure that they instruct
912 people that they have that right and not try to tell them to pay a fine and go to the board of zoning
913 appeals, which does not handle fines. He brought the tree cutting incident up because he saw what he
914 considered in his opinion to be a potential litigation. He thinks that is going to happen. I try to stay away
915 from lawsuits if at all possible. The fact is we have passed a golf cart ordinance and it was passed
916 because we had young people, minors, driving golf carts all times of the day and night. He took Mr. Harry
917 Kohlmann's recommendation to make sure that all rentals companies gave a copy to their customers. He
918 liked what Mr. Childs said about making sure that all citizens know about the ordinance. If you have a low
919 speed vehicle, you can drive it at night, but if you have a golf cart, you cannot. That's just the State Law,
920 and we don't have anything to do with that. He was glad the offshore drilling resolution will be brought
921 back to be passed. That's a good thing. He didn't agree with the mayor and other councilmembers about
922 the ULI contract, but he can live with that. It will be discussed at the visioning meeting. Hopefully, we can
923 come up with some good things there at visioning, because we've done them before. The Surfside
924 Beach business survey that Mr. Magliette brought up is definitely a step in the right direction for the
925 businesses. We need to help our businesses as much as we can. Like Mr. Pellegrino and Mr. Magliette
926 said, if we don't increase our business revenues the only people that they've got to go to are the property
927 owners and raise your taxes. He voted twice against raising taxes, and he would vote against them
928 again. He did not believe in raising taxes when you have a business opportunity to raise business
929 revenue. We don't want this to be Myrtle Beach. It's gonna be Surfside Beach. We're only 2-miles long,
930 but if we had every business out there that's sitting vacant with a thriving business in it, that's a lot of
931 revenue, hospitality tax, business tax, whatever it might be. That brings in revenue, and whether we like
932 it or don't like it that is the bottom line. Revenues make this town successful. That's the only way we can
933 afford a fire department, police department, public works, and all those things we afford. Thank you for
934 coming out and have a nice night.
935

936 Ms. Mabry said thank you to everyone for coming out. It was great to see you. It always makes
937 the council meeting better when you're in the audience. Have a great weekend and we'll see you next
938 time.
939

940 Mr. Johnson was going to make some comments, but said he would be nice. I would just like to
941 add that golf cart registration now in the town is optional. I believe that is correct. Several spoke at once.
942 Mr. Johnson said it is optional. Some people up here know more about lawsuits against the town than
943 others. I'll just leave it at that. Thank you for coming out. God bless you, see you next time.
944

945 Mr. Pellegrino said thank you very much for coming. He had been smiling a lot tonight, and that's
946 because summer is officially over. You know, it's probably not that great for Surfside Beach, but we had
947 a good summer, so we're fine. He had 40 teenagers working for him all summer, and then would come
948 home to four kids. Only by God's grace am I still alive. *(Laughter)* Thank you for your input tonight. Mr.

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949 Pellegrino said there was a huge crowd who was passionate about the offshore drilling. That was great,
950 because we had the same discussion a few months ago and we couldn't get consensus to bring the
951 resolution for adoption. So thank you very much, because of you, we are going to push through the
952 resolution and hopefully, that will make an impact on our State Legislature and on to our Federal
953 representatives so we can make the right decision in the end. He wanted to thank Mr. Magliette and Mr.
954 Stevens for the business development committee, because this summer he was a little preoccupied with
955 other things. He rode on their coattails. He attended all the meetings, but they did all the work. He
956 thanked them for doing that. We came up with a lot of great ideas and we'll keep pushing forward with
957 that. He understood very well Mr. Zulanch's comments about his business surviving the winter. He had
958 four kids that drained his bank account quickly. We will do everything we can to come up with some
959 different ideas, be creative and promote our businesses, while still maintaining the great little town we
960 have. He was happy to hear about Constitution Week. Maybe Washington will have a Constitution
961 Week, too. That would be nice. Thanks to council, because we had a nice discussion tonight where
962 people were passionate and totally disagreed. It was very constructive. He lost in the end, but that was
963 how it goes sometimes. That will lead us into other endeavors and we will have something better come
964 up in the future as a result. But, that was a very good discussion tonight. Thank you for coming, and
965 have a great night.

966
967 Mr. Magliette thanked everyone for coming tonight and he was glad we were able to do the
968 needful things as far as the ocean ban. He has many thank you comments, which he has been
969 neglecting. He said thank you to all the volunteers, because they make Surfside Beach a special place.
970 The town is a little gem. Without our volunteers, he didn't know how we would get half the things
971 accomplished. On August 22nd, the Keep Surfside Beach Beautiful Committee met to remove and kill the
972 beach Vitex (invasive plant) from the sand dunes at the beach access area between 9th and 10th Avenues
973 North. It was a tremendous amount of work, and thank you again to Jenn Cribb, Jennifer Courtney, Tim
974 Cunningham, Shirley Daniel, Helena Mychajluk, John and Tabitha Mull, Dr. Chizzy Nwankwo, Ron Ott,
975 Julie Samples, Kathy Subreeze, Steve and Diane Taylor, Eric and Nancy Weber, Chip and Linda
976 Woodlief, and Ian Gray who provided direction and expertise to eradicate the Vitex. He said 16
977 volunteers worked a total of 50 hours on the August Adopt-a-Beach day; 30 bags of trash were collected
978 with an estimated weight of 85 pounds. He thanked everyone for participating in the August food drive for
979 South Strand Helping Hand. Especially staff in town hall, the police and fire departments, and all the
980 people who worked and donated. We collected over 100 bags of food and school supplies. The South
981 Strand Helping Hand has some school supplies still available. They are free to any children that need
982 them. He thanked those who donated to the South Strand Senior Center. They received donations of
983 money, time, supplies, and talent. Thank you for taking care of the elderly people who really need the
984 friendship and have that connection to people of the town. People bring their pets and children to visit
985 with the seniors and it is a wonderful experience for them. Regardless of your age you have value, and
986 you need to feel loved and cared for. He said we would all get old one someday and will need other
987 people to hold our hands, give us a hug, and play cards with us. The Surfside Beach Library has
988 implemented new programs, including an early bird movie the second Monday of every month at 9:30; the
989 4th Wednesday monthly at 10:00 a.m. is early bird bingo, and there are free basic classes for iPads,
990 Kendall, and Nook technology. Thank you very much for coming out tonight. God bless you all, and have
991 a good night.

992
993 Mayor Samples said as you can tell, we've got a great council. We're all different. We all have
994 different ideas. The mix is pretty good. That's why we don't have a strong man dictator, even though it
995 would be great for me. *(Laughter)* The truth is, I want to thank everybody for coming out again. I also
996 want to mention that Friday morning at eight o'clock it's our 9-11 ceremony at the fire station. The public
997 is welcome. Chief Otte will be leading it. You know, when they live here a few years long, they will
998 appreciate the fact that we're a residential community. They've never had enough money. We always
999 figure a way to manage. He also said that this council has had the regretful, unfortunate task of catching
1000 up in setting aside beach renourishment money. He guessed the past administration thought the money
1001 would just come out of the sky. Mayor Samples said the fact was when he was seated as mayor, we had
1002 zero money set aside for beach renourishment. We've saved close to \$500 thousand in a couple of
1003 years. We have monies set aside in reserve funds. We set aside 3-percent of the budget for capital
1004 equipment every year. There's plenty of money for fire trucks and that sort of thing so long as we adhere

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1005 to that. Mayor Samples also said we look for additional revenue sources. But, we have inflation, like it or
1006 not. We all see it. Rents go up on the properties; we get a flat percentage. We need to be good
1007 stewards of what we receive. We don't owe anybody any money. As a small town, we don't want to be
1008 put in a position where we have a debt burden that we cannot manage. We have a \$10 million budget,
1009 but a lot of that is enterprise funds. Enterprise funds are designed to break even; the sanitation and the
1010 pier. The pier is still paying back the general fund. Once the pier pays off the general fund, it will still be
1011 generating a profit. It was important for council to have good management; people working together
1012 establishing priorities to protect the town for your kids and their grandkids so they will be happy to come
1013 back to the Town of Surfside Beach.

1014
1015 **11. ADJOURNMENT.** Mr. Johnson moved to adjourn the meeting at 9:15 p.m. Ms. Mabry
1016 seconded. All voted in favor. **MOTION CARRIED.**

1017
1018 Prepared and submitted by,

1019
1020 _____
1021 Debra E. Herrmann, CMC, Town Clerk

1022 Approved: September 22, 2015

1023
1024 _____
1025 Douglas F. Samples, Mayor

1026
1027 _____
1028 David L. Pellegrino, Mayor Pro Tempore

1028 _____
1029 Robert F. Childs, Town Council

1030
1031 _____
1032 Mark L. Johnson, Town Council

1030 _____
1031 Mary Beth Mabry, Town Council

1032
1033 _____
1034 Ralph J. Magliette, Town Council

1032 _____
1033 Randle M. Stevens, Town Council

1034
1035
1036 Clerk's Note: This document constitutes minutes of the meeting that was digitally recorded. Contact the
1037 town clerk for appointments to hear recordings. Bring a flash drive to obtain a free copy. In accordance
1038 with FOIA §30-4-80, meeting notice and the agenda were distributed to local media and subscribers on
1039 the town's email subscription list. The agenda was posted on the town website and the entry door at
1040 Town Council Chambers. Meeting notice was also posted on the Town marquee.