



**SURFSIDE BEACH TOWN COUNCIL MEETING MINUTES  
REGULAR MEETING NOVEMBER 10, 2015 ♦ 6:30 P.M.  
TOWN COUNCIL CHAMBERS**

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10 **1. CALL TO ORDER.**

11  
12 Mayor Samples called the regular meeting to order at 6:30 p.m. Mayor Samples, Mayor Pro  
13 Tempore Pellegrino, and Councilmembers Childs, Mabry, and Stevens were in attendance.  
14 Councilmember Johnson was absent. One seat is vacant. A quorum was present. Others present:  
15 Administrator Fellner; Town Clerk Herrmann; Finance Director King, and Executive Assistant Messall.  
16

17 Mayor Samples expressed condolences to the family of recently deceased Town Councilmember  
18 Ralph Magliette, and invited everyone to join him in a moment of silent prayer to honor him. Mr. Magliette  
19 was a great man who served the town and community selflessly, and gave so much to all.  
20

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

22  
23 A. Invocation: Pastor Jay Thornell, Grand strand Church of Christ, gave the invocation.  
24

25 B. Pledge of Allegiance: Mayor Samples lead the Pledge.  
26

27 **3. AGENDA APPROVAL**

28  
29 Mr. Childs moved to adopt the agenda as presented. Mr. Stevens seconded. All voted in favor.  
30 **MOTION CARRIED.**

31  
32 **4. MINUTES APPROVAL**

33  
34 **Regular Meeting 27, 2015.** Mr. Childs moved to adopt the October 27, 2015 regular meeting  
35 minutes as presented. Mr. Stevens seconded. All voted in favor. **MOTION CARRIED**  
36

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

38  
39 Mr. Ron Ott, 7<sup>th</sup> Avenue South, was concerned that the nuisance ordinance might be used  
40 inappropriately in the future, because in his opinion, it was too vague. One man's debris might be  
41 another man's prizes. It has a good reason to be there, but it could be used as a very vindictive type of  
42 ordinance. Is an old bicycle debris, or that piece of plywood? Fine them. I know we just fined a little old  
43 lady from Deerfield \$2,000 for having her son cut down a couple of shrub trees, but that's the way the  
44 ordinance reads. I let the board of zoning appeals do it. I say, what would Ralph say? Thank you.  
45

46 **6. SPECIAL BUSINESS:** Second Reading of Ordinance #15-0816 to amend FY2014-2015  
47 Municipal Budget, Administrator Fellner. (Adoption is necessary prior to CAFR presentation.)  
48

49 Ms. Fellner presented the decision paper and ordinance, copies of which are on file. First reading  
50 was adopted at the October 27<sup>th</sup> meeting, with an amendment to include an expenditure to the general  
51 fund in the amount of \$769,707 to establish the streets and roads funds in capital projects. There were  
52 no other amendments.  
53

54 Mr. Childs moved to adopt second reading of Ordinance #15-0816 as presented. Mr. Stevens  
55 seconded. All voted in favor. **MOTION CARRIED. Second reading of Ordinance #15-0816 adopted.**  
56

57 **7. COMMUNICATIONS**

58  
59 **A. Comprehensive Annual Financial Report (CAFR), Green, Finney & Horton, LLP.**

60  
61 Mr. David Phelps presented the CAFR along with a PowerPoint presentation, a copy of which is  
62 attached to these minutes and made a part hereof by reference. The town has an "unmodified opinion,"  
63 which is the very best opinion you can get. He highlighted some transfers between funds, and that the  
64 State now requires the town to show a liability for its portion of the South Carolina Retirement System  
65 funds. However, that particular liability is only in the government reporting sheets; it does not actually  
66 impact the town's fund reserves.

67  
68 Mayor Samples asked if Mr. Phelps believed it was wise to set apart capital project funds. Mr.  
69 Phelps said yes, in his opinion that would actually provide a better comparison of regular operation  
70 expenses.

71  
72 Mr. Phelps also said the town may want to consider making the enterprise funds government  
73 revenue funds, because the enterprise funds are required to show a liability for the retirement accounts.  
74 The pier fund would also qualify as a government revenue fund, because its debt was funded by the  
75 town, not an outside source.

76  
77 Mr. Phelps concluded by saying that his firm represents many small cities throughout the state.  
78 He was very pleased to work with Ms. Fellner, Ms. King and staff, who all did an excellent job for the  
79 town. He was confident that staff was providing good information to council. Mayor Samples said that  
80 Ms. King was one of the best.

81  
82 **B. Administrator's Report.** Ms. Fellner reported that

83  
84 Current Work. Basically, the last two weeks has primarily been spent on meeting with the  
85 Directors and creating the presentation for the Vision Retreat. I am still making final tweaks and plan to  
86 finish it by tomorrow.

87  
88 CTC Meeting. I also wanted to report that Director Adair is at the CTC Meeting tonight in  
89 Conway. This is the County Transportation Committee that receives part of the gas tax fee back from the  
90 state and disburses it to the municipalities. He is asking for a total of \$400K, \$225K for town roads and  
91 \$175K for paving of state roads.

92  
93 Consensus Items.

94  
95 Surfside Drive Parallel Parking Project. The bids for the Surfside Drive Parallel Parking  
96 Improvement project were publicly opened on Thursday, November 5. Five bids were received, and the  
97 bid tabulation is on the website. After review of the specifications, and contacting references, DDC  
98 Engineers has recommended that we award the project to the lowest bidder, Wade-Lott, Inc. for  
99 \$416,065.56. Originally, only \$250,000 was budgeted for this project, in hospitality. The primary cause of  
100 the extra expense is the decision to resurface the remainder of Surfside Drive, from Hollywood to Poplar,  
101 to achieve a uniform look to our gateway. The balance of the funding would come from the road fund. I  
102 am, therefore, asking for a consensus from council to accept the low bid to complete the original and  
103 expanded scope of work.

104  
105

1.	Wade Lott, Inc.	\$416,065.56
2.	D&L Sitework, Inc.	\$511,108.30
3.	PSI of Conway, LLC	\$522,502.91
4.	A.O. Hardee and Son	\$662,549.50
5.	Palmetto Corp.	\$673,192.25

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110  
111 Ms. Mabry moved to suspend the rules to allow discussion. Mr. Childs seconded. All voted in  
112 favor. **MOTION CARRIED.**

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113  
114 Ms. Mabry asked Ms. Fellner to confirm that \$250,000 had already been budgeted last year for  
115 this project, and the remainder would be taken from the road fund. Ms. Fellner said correct.  
116

117 Mr. Pellegrino asked whether the low bidding contractor was qualified to perform the work. Ms.  
118 Fellner said yes. A little more oversight on the engineer's part may be required, but that would only be  
119 between \$5 and \$6-thousand, instead of several hundred thousand dollars for the higher bids. The  
120 engineer's opinion is that the contractor is capable of doing the work. The contractor's references were  
121 checked, and other jobs the contractor completed were inspected.  
122

123 Mayor Samples asked if the work schedule was available. Ms. Fellner said no, but she knew the  
124 work would be completed before March.  
125

126 Ms. Mabry moved to reconvene regular session. Mr. Childs seconded. All voted in favor.  
127 **MOTION CARRIED.**  
128

129 **TOWN COUNCIL CONCURRED TO LET THE BID TO WADE LOTT, INC.**  
130

131 Accommodations Tax Proviso. Staff has sent a letter to the Department of Revenue requesting  
132 the use of maximum Proviso funds for the ensuing year related to public safety during the annual  
133 motorcycle events. The letter was due by October 30, 2015 and I, therefore, wanted to inform council of  
134 this action and make certain there were no objections. Mr. Mayor may I please have a consensus?  
135

136 **TOWN COUNCIL CONCURRED TO PARTICIPATE IN THE 2016 ACCOMMODATIONS TAX**  
137 **PROVISO.**  
138

139 Responses to public comments.  
140

141 *Comment:* A resident asked council not to approve second reading of 17-008. They said their  
142 commercial rental property had been vacant for 17 months and that the town needed ordinances to  
143 support business growth and resolve issues more quickly.

144 *Response:* The proposed ordinance does not prevent new businesses from opening in the  
145 town. This ordinance will ensure only compatible uses are allowed within each district and can be  
146 amended at any time to add additional uses within a district. The process to amend the zoning ordinance  
147 is a SC Code requirement. The amendment must first be presented to the Planning Commission for  
148 recommendations to town council after holding a public hearing. Town Council then considers the  
149 Planning Commission recommendations and approves or denies the request. Approval of an amendment  
150 takes two readings. Staff also plans to present ideas at the vision meeting this week that will conceivably  
151 help attract businesses to 3<sup>rd</sup> Avenue South.  
152

153 *Comment:* The same resident stated that the ordinance was never even changed in the code.

154 *Response:* The ordinance to allow for retail pet shops, pet grooming and pet training with no  
155 boarding in the C2 district was added to the towns use classifications, however, there was an error with  
156 MuniCode and they failed to update the Use Chart. All information was submitted to them and they are  
157 working to correct this now.  
158

159 *Comment:* A resident stated that ordinance 17-008 does not exist.

160 *Response:* The request was to amend the zoning ordinance and add section 17-008 which is  
161 currently shown as reserved for future amendments.  
162

163 *Comment:* The same resident also stated that there is not consistent enforcement and it takes  
164 too long to resolve any issues that come up regarding ordinances.

165 *Response:* The town lacked enforcement for some time due to limited staff. The town now has a  
166 code enforcement officer. Enforcement of the codes is consistent and ongoing. The Planning, Building &  
167 Zoning staff works diligently with property owners and business owners to help them understand the  
168 codes and requirements of the town.

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*Comment:* The same resident did not feel that the town had a business friendly environment.

*Response:* Of all the municipalities in Horry County we are the most responsive to our customers and we continue to seek out ways to become even more responsive. Programs such as open for business, one stop shop and buy local are only a few examples. Ask yourself, does any other municipality in this area promote their businesses on their website? Has any other municipality worked to develop a mobile app which includes direct links to their businesses? This is to say nothing of the fact that we do all these things for free. Both the town and the staff are extremely business friendly. Having said all this, we are always willing to listen to ideas or strategies that might help us better serve our customers.

*Comment:* A resident stated they had a complaint about a zoning issue and dispute in which they had \$15K tied up.

*Response:* I informed the resident that because they had filed a civil suit that this was something that now needed to be adjudicated through the court system.

Ms. Fellner said there were three other comments, but responses or follow-up were not required.

## **7. BUSINESS**

### **A. Second Reading Ordinances.**

#### **i. #15-0810 to add §17-008 Interpretation of Code, Administrator Fellner.**

Ms. Fellner presented the decision paper and ordinance, copies of which are on file. Ms. Fellner explained that second reading of this ordinance was deferred at the October 27, 2015 regular meeting so the business committee could make its recommendations.

Mr. Stevens moved to adopt second reading of Ordinance #15-0810 as presented. Ms. Mabry seconded.

Mr. Stevens said for the record, "The business committee met on this and there was some; our basic thing was there was a, the way of the wording, it said shall not be permitted. But after speaking with Sabrina Morris, and going through a good conversation with the business committee, we decided to go ahead and approve, have this approved. They recommended to go ahead and approve. The business committee is planning at looking at other uses in the future. For example, one is small, clean manufacturing that would be west of 17 Business. And just to give you kind of an idea, this area has been growing like crazy, and I'll just give you a, just list one business, for example, Starlight Safety was a New York based company that went into Myrtle Beach. They made a capital investment of almost half a million dollars. They renovated a 7,600 square foot building near the Myrtle Beach International, and they hired 36 people starting at \$20 an hour. That's the kind of stuff that we're looking; we a, as the business committee, we didn't look at anything as far as chemicals or anything that would be a polluting type company. With the advent of Boeing, and Volvo, and other companies that are coming in this area, we feel like we are missing the boat, not to mention the tax rate on manufacturing is 10.5-percent. That's the highest there is. Everybody that's a citizen here pays 4-percent; second homeowners pay 6. That's 4.5-percent over second homeowners. So, if we can get some small, and I emphasize clean, manufacturers, very small, not, we're not talking International Paper. We're talking small businesses. Small buildings, and bring them to this town, this will diversify our economy. Number one [sic,] it will provide jobs, which is one of the things that Ralph Magliette sat right here on this council and said we need to bring jobs to the town of Surfside. And, thirdly, it'll produce a great bit of business revenue. So, those, that's just one of the things. But, the business committee is gonna meet again on this. I think they're doing a good job. They're going in the right direction, and we're not trying to make Surfside anything different. As a matter of fact, if you recall the guy a while ago said \$5.9 million in revenue, and I figured it up, \$5.228 million was from businesses. That means businesses pay our bills, and that's a great thing. So, hopefully, the business committee will meet on this, and have some great [recommendations] to bring to us and some great suggestions. I think it's gonna be a positive thing for the town. Thank you."

225 All voted in favor. **MOTION CARRIED to adopt second reading of Ordinance #15-0810.**

226  
227 **ii. #15-0813 to amend Article III Nuisances, §7-41, Prohibited, Administrator Fellner.**

228  
229 Ms. Fellner presented the decision paper and ordinance, copies of which are on file. First reading  
230 of this ordinance was adopted at the October 27, 2015 regular meeting without amendment.

231  
232 Mr. Childs moved to adopt second reading of Ordinance #15-0813 as presented. Mr. Pellegrino  
233 seconded. All voted in favor. **MOTION CARRIED to adopt second reading of Ordinance #15-0813.**

234  
235 **iii. #15-0814 to establish §2-62 Surfside Beach Historical Society, Administrator Fellner.**

236  
237 Ms. Fellner presented the decision paper and ordinance, copies of which are on file. First reading  
238 of this ordinance was adopted at the October, 27, 2015 regular meeting without amendment.

239  
240 Ms. Mabry moved to adopt second reading of Ordinance #15-0814 as presented. Mr. Childs  
241 seconded. All voted in favor. **MOTION CARRIED to adopt second reading of Ordinance #15-0814.**

242  
243 **iv. #15-0815 to amend §9-16(a)(5) Nonresidential parking passes, Administrator Fellner.**

244  
245 Ms. Fellner presented the decision paper and ordinance, copies of which are on file. First reading  
246 was adopted at the October 27, 2015 regular meeting without amendment.

247  
248 Mr. Childs moved to adopt second reading of Ordinance #15-0815 as presented. Ms. Mabry  
249 seconded. All voted in favor. **MOTION CARRIED to adopt second reading of Ordinance #15-0815.**

250  
251 **B. First Reading Ordinance #15-0817 to Declare Vacancy on Town Council and to Conduct**  
252 **a Special Election to fill an unexpired term ending May 8, 2018, Administrator Fellner.**

253  
254 Ms. Fellner presented the decision paper and ordinance, copies of which are on file. She  
255 explained that the passing of Councilmember Magliette left an unexpired term ending May 18, 2018. The  
256 town attorney has reviewed and approved the ordinance and advertisements to ensure the documents  
257 comply with state law.

258  
259 Mr. Childs moved to adopt first reading of Ordinance #15-0817 as presented. Ms. Mabry  
260 seconded. All voted in favor. **MOTION CARRIED.**

261  
262 **C. Appointments: These matters may be discussed in executive session pursuant to**  
263 **FOIA §30-4-70(a)(1).**

264  
265 Mayor Samples asked if any member wished to enter executive session. All responded no.

266  
267 **i. Surfside Beach Historical Society, Council Liaison Appointment, Administrator Fellner.**

268  
269 Mr. Childs moved to elect Councilmember Mabry as liaison to the society. Mr. Stevens  
270 seconded. All voted in favor. **MOTION CARRIED.**

271  
272 **ii. Business Committee Appointment (1 vacancy) – Ms. Becky Large, Councilmember**  
273 **Stevens.**

274  
275 Mr. Stevens moved to appoint Ms. Becky Large to the business committee for a 4-year term. Mr.  
276 Pellegrino seconded. All voted in favor. **MOTION CARRIED.**

277  
278 **8. TOWN COUNCIL DISCUSSION – Any matters of concern or information to be discussed.**

279



280 **A. Resolution to rename the *ad hoc* Senior Citizens Advisory Committee to “The Ralph**  
281 **Magliette Senior Citizens Committee, Councilmember Stevens.**  
282

283 Mr. Stevens presented the resolution for discussion. Naming the committee in honor of Mr.  
284 Magliette did not violate any town policies. Mr. Magliette served on the committee as chairman prior to  
285 his being elected to Town Council, where he continued serving as the committee liaison. He worked  
286 tirelessly for the town’s senior citizens, and gave Mr. Stevens the idea to form the committee. All  
287 members agreed that renaming the committee could not be more appropriate. Town Council  
288 **CONCURRED to bring the resolution for adoption at the next meeting.**  
289

290 **B. Any matters of concern or information to be discussed by Town Council.**  
291

292 Mr. Stevens wanted to continue the monthly Meet N’ Greet breakfast meetings that were started  
293 by Mr. Magliette. He said it was a good forum for people and business owners to meet and discuss the  
294 town, also meet to with councilmembers that attended. **Town Council CONCURRED to continue the**  
295 **program.** There were no objections to Mr. Stevens being named liaison for the group.  
296

297 Mayor Samples said Mr. Magliette was liaison for other committees. Ms. Mabry offered to serve  
298 as liaison to the Keep Surfside Beach Beautiful Committee, and Mr. Stevens offered to serve as liaison to  
299 the Senior Citizens Committee. **Town Council CONCURRED.**  
300

301 **9. PUBLIC COMMENTS – General Comments.** (5-minutes per speaker)  
302

303 There were no public comments.  
304

305 **10. TOWN COUNCIL COMMENTS**  
306

307 Mr. Pellegrino thanked everyone for attending and thanked Ms. Fellner, Ms. King and the finance  
308 staff for the financial audit report, which was positive. Since he’s served over the past few years, funds  
309 were placed in the right accounts and he thinks we have a much better working document now. Thank  
310 you very much for all that work. Obviously, we are on the right track, if the auditor liked it. It’s rare that  
311 auditors like anything. I’ll finish with one of Ralph’s favorite quotes, and you can take this throughout the  
312 week, “treat everyone with love and kindness.” It said that over and over. It’s a great quote and was  
313 Ralph in a nutshell. Go out; heed his advice, and treat everyone around with love and kindness. Have a  
314 great week.  
315

316 Ms. Mabry thanked everybody for coming out. To say that Ralph will be missed would be an  
317 understatement. He was a great inspiration, and his spirit will live on. He’s gonna make sure that when  
318 we think about doing something, maybe we want to think twice, and do the right thing. I think we always  
319 try to do that, but it’s nice to have somebody up here that kind of helps you and gives you that little  
320 encouragement. So, his spirit is here. It’s never gonna leave, and we’re more than fortunate for it.  
321 Thank you so much.  
322

323 Mr. Stevens thanked everybody for coming out. We did lose a great man. I think about him  
324 about every day. He was an inspiration to me. I remember he said treat people with dignity and respect.  
325 We’re making some good moves here for the town. I listened to the auditor at the finance meeting and he  
326 says we are in pretty good shape, and that’s heartwarming know that the town is in good shape  
327 compared to a lot of other places he’s been to. Thank you for coming out. Have a good evening.  
328

329 Mr. Childs joined the rest of council expressing sorrow for the passing of Mr. Magliette. He will be  
330 missed, and he did do a lot for the town in the short time he served on council. The financial report gave  
331 many kudos to Ms. Fellner, Ms. King, and your staff. Thank you all for your hard work.  
332

333 Mayor Samples said that nobody would replace the man, Ralph Magliette. He was truly was for  
334 me personally like a second conscience. But, we will have elections and we need good people who,  
335 using Ralph’s motto, put people first. God bless all of you. God bless Ralph and his family.

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November 10, 2015

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**11. ADJOURNMENT.**

Ms. Mabry moved to adjourn the meeting at 7:43 p.m. Mr. Childs seconded. All voted in favor. **MOTION CARRIED.**

Prepared and submitted by,

\_\_\_\_\_  
Debra E. Herrmann, CMC, Town Clerk

Approved: November 24, 2015

\_\_\_\_\_  
Douglas F. Samples, Mayor

\_\_\_\_\_  
David L. Pellegrino, Mayor Pro Tempore

\_\_\_\_\_  
Robert F. Childs, Town Council

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Mark L. Johnson, Town Council

\_\_\_\_\_  
Mary Beth Mabry, Town Council

\_\_\_\_\_  
Randle M. Stevens, Town Council

\_\_\_\_\_  
Vacant Seat

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

APPROVED