

Decision Paper

Written by: John Adair

1. SUBJECT: Amend Sections 7-12, and 7-25 of the Code of Ordinances, pertaining to Sanitation service and charges.

2. PURPOSE: After hearing an outcry during the last summer season from some residents about seasonal overflow conditions in the R3/C3 district, and the concern for public health due to related vermin, staff recommends certain changes which require an update to the ordinance.

3. ASSUMPTIONS:

- (a) Council desires to minimize the possibility of overflow conditions.
- (b) Council recognizes that sufficient carts and extra pickups will be the most effective way to achieve this goal.

4. FACTS:

- (a) There have been continued complaints of overflow prior to pickups, including emailed photos, in the R3/C3 district (summer rollout area)
- (b) There have been complaints of rodents migrating into the residential area from the dunes, presumably due to the overflow issues.
- (c) The town has authorized overtime in the 2015 season, which provided a fourth pickup for 3 weeks.
- (d) The rental businesses located in this area pay the exact charge levied for 3x per week service received (plus recycling).
- (e) Overtime incurred last summer in the R3/C3, to address overflow, was paid out of the Sanitation Enterprise fund, and by extension, all the citizens of the town.
- (f) A public hearing was held on this ordinance at the January 12, 2016 regular Town Council Meeting.

5. IMPACT OF SUCCESS OR FAILURE:

- (a) Implementing the proposed ordinance change will set the groundwork for imposing a charge for a 4th pickup, where and when it is necessary.
- (b) Failure to amend the ordinance will result in either a continuance of the level of overflow experienced in the past **or** overtime incurred that is unfunded, and deducted from the Enterprise Fund.

6. RECOMMENDATION:

Approve ordinance as written, to reduce complaints in the future, ensure sanitary conditions in the R3 district, and to safeguard solvency of the Sanitation Fund.

(f) The town reserves the right to add additional moby carts and require rollout service to properties located in the R-3 and C-3 commercial districts to insure adequate carts are on-site to properly store refuse, and that collection is managed appropriately throughout the year. **Any associated payment for extra carts and/or rollout service assigned by the town shall be the responsibility of the customer.**

BE IT ORDERED AND ORDAINED by the Mayor and Town Council of the Town of Surfside Beach, South Carolina, in assembly and by the authority thereof, this ___ day of _____ 2015.

Douglas F. Samples, Mayor

David L. Pellegrino, Mayor Pro Tempore

Robert F. Childs, Town Council

Mark L. Johnson, Town Council

Mary Beth Mabry, Town Council

Randle M. Stevens, Town Council

Vacant Seat

Attest:

Debra E. Herrmann, CMC, Town Clerk

Draft



**SURFSIDE BEACH TOWN COUNCIL MEETING MINUTES
REGULAR MEETING January 12, 2016 ♦ 6:30 P.M.
TOWN COUNCIL CHAMBERS**

Town Council Meeting – 6:30 p.m.

1. CALL TO ORDER.

Mayor Samples called the regular meeting to order at 6:30 p.m. Mayor Samples, and Councilmembers Childs, Mabry, and Stevens were in attendance. Mayor Pro Tempore Pellegrino and Councilmember Johnson were absent. One seat is vacant. A quorum was present. Others present: Administrator Fellner and Town Clerk Herrmann.

2. INVOCATION AND PLEDGE OF ALLEGIANCE.

A. Invocation: Pastor Oakie Landers, Pine Drive Gospel Church, gave the invocation.

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

3. PUBLIC HEARING

Mayor Samples opened the public hearing at 6:34 p.m. Ms. Fellner explained proposed changes to both ordinances prior to public comments.

A. Ordinance #16-018 to amend §7-12 and §7-25 Summer Roll-out Curb Service in the R3 and C3 Districts.

“Harry Kohlmann, South Ocean Boulevard, the problem why this has come up is that in the summertime rental area some of the carts are overflowing. I ask how many carts are overflowing. Is it 75-percent, no; 50-percent, no; 25-percent, no. Less than 10-percent of the carts are overflowing, and when are they overflowing? They’re overflowing on Saturdays. Sometimes, other days they’re overflowing. Now the town already has an ordinance that says that [when] the sanitation foreman sees a cart overflowing, he can make them have another cart. So, my question is why is everyone in the rental area getting punished for the sins of a few? If only less than 10-percent of the people have carts overflowing, then why do we all have to pay for it? Why don’t we just have Saturday pickup, instead of Sunday pickup? Now you have the Saturday pickup around nine o’clock. Now what happens on Sunday, I mean Saturday, is that people leave. They leave everything in their, everything that’s open in their refrigerator, unless they live close by, goes in the garbage. Everything that’s open in the pantry goes in the garbage. Garbage cans get filled up. Now, pickup doesn’t come up until Sunday. What happens? The people come in, they check in, they come in around two or three o’clock in the afternoon. They bring all their groceries, all their boxes are emptied. They empty their cases of beer and their cases of soda, and their bags of this and their bags of that, and they throw that into the garbage. Well, that’s why it’s overflowing. So a simpler solution would be this, have Saturday pickup. Put the garbage cans out about six o’clock, six or seven o’clock in the morning, if you have to. The people will then take the garbage when they are leaving and walk it to the curb, stick it into the garbage can. Now, pick up the garbage around nine o’clock in the morning. Now, some people say ten, but most people have a 12, 14, 15 hour drive. They are way out of here before nine o’clock. You pick up at nine o’clock and then by three o’clock, you’re done. And people will check in and have a beautiful, empty garbage can where they can put all their waste. And then, there’s no Sunday pickup, and then there’s no overtime to be paid. There’s no manpower has to be used. I don’t understand why we can’t do this. We’re picking up garbage on Saturday, and then we’re gonna pick it up on Sunday? What are you picking up? One little bag of garbage, maybe two little bags of garbage. It’s not needed. There’s no reason for everyone in the rental district to get charged an extra \$18.75 for something they don’t need. I know it’s only \$18.75, but is anyone in this room is willing to give \$18.75 for something (time ended) they’re not gonna use? It doesn’t make sense.”

“Good evening. Dan Flood, 7th Avenue South. I’m gonna agree with Mr. Kohlmann. A Saturday pickup would be much better. I live in the area. You see what happens. They fill up on Saturday. Sunday

58 there's nothing extra. But they can make the adjustment for the Saturday pickup it would be a lot easier, a
59 lot cheaper for the town, and wouldn't have to burden the rental district. There's not that many that were
60 overflowing. The guys who come in and out on a regular basis during the week seem to do a good job, if
61 there's extra there. So, the Saturday pickup would be a much better solution than adding a fourth day into
62 the pickup program. It's also, if it happens, you should be allowed to go outside to get pickup, because it's
63 cheaper to go to Waste Management or Waste Industries to just have your garbage picked up than to have
64 to do it four days a week, and pay the additional \$18."

65
66 "I'll beat a dead horse here. Mary Maruca, 7th Avenue South. [We] have a good representation on
67 7th Avenue South here tonight. I own Old Colony Realty and some beach houses, and again \$18.75 is not
68 gonna make or break anybody. It's just going to irritate everybody around. I don't want to see garbage
69 buckets out four days a week. I live there. Three days a week is enough. If you're gonna do that, you
70 might as well just leave them on the curb Friday, Saturday, and Sunday, if you're gonna have those three
71 days of pickups. So, we should look at revamping and have a pickup on Saturday as, as was
72 recommended. We have recommended that many, many times. Start it at the beginning of the season. It
73 would just be so much nicer for everybody, and even people, you know, if you want to drive down Ocean
74 Boulevard, you don't want to see garbage cans out there four days, three days in a row, and then another
75 day. So, please consider revamping. Having a pickup on a Saturday, eliminate that Sunday pickup, and
76 please do not add another day that we have to look green garbage cans every time I look outside my
77 window. I would really appreciate that. Thanks so much."

78
79 **B. Ordinance #16-0819 to Repeal §14-14, ¶(11) requiring Elevation Certificates for**
80 **all Permits.**

81
82 There were no public comments on this ordinance. Mayor Samples asked if Town Council had
83 comments.

84
85 Ms. Mabry wanted everyone to know that she served on the committee that wrote the ordinance.
86 One reason the for this particular language for property in the special flood hazard areas was that when
87 there was a storm event occurred, a recent elevation certificate would be available to file with FEMA and
88 the claim could be immediately processed. Volunteers and staff spent a great deal of time, money and
89 resources to save the owners of property in that area 25-percent on their flood insurance premiums. In
90 return, part of the deal was every five years that you make major repairs, your elevation certificate would
91 be updated. She thought that was a pretty good return, so it is not just one-sided. She wanted them to
92 have the opportunity to hear why it was done, and the importance of having an updated elevation
93 certificate. Now you saw the other side.

94
95 Mr. Childs said for years he has said that there are not enough Moby carts out. He gave pictures
96 to the former administrator of overflowing carts. Why are more carts not used? He agreed with Ms.
97 Maruca and Mr. Kohlmann. He would like to try not adding a day, but having a Saturday pickup around
98 nine o'clock or later. If it does not work this season, then something else can be tried. Then every options
99 has been tried. He could certainly like to try that and possibly amend the ordinance when it is presented
100 for first reading to require more Moby carts and a Saturday pickup. Anyone that lives in town or comes to
101 town knows that there are overflowing cans. Just put out more cans before another pickup day is added.

102
103 Mr. Stevens said the R3 and C3 districts where the rollout service is being discussed is the highest
104 paying property tax bracket. Most of those properties are second homes. Accommodations and
105 hospitality taxes are also paid on the rentals. These districts are some of the most important areas in town
106 from which revenue is derived. He wants the town to be business friendly; face it 80- to 90-percent of our
107 revenue is paid by businesses. He opposed raising the rate, and agreed with all three public speakers. We
108 definitely need to do something on Saturday to pick up the trash and take care of that problem. He
109 believed all three of the public speakers were completely right. Regarding elevation certificates, the
110 change would remove a \$300 - \$400 expense for the property owners when they were having air
111 conditioners, for instance, worked on. The only time an elevation certificate will be required is when you
112 do major renovations, like building an addition or remodeling your home. The requirement will not apply
113 to small maintenance jobs. Mr. Stevens said he would be upset if he had to purchase a new elevation
114 certificate if he was replacing his air conditioner, so he thinks this is a great move.

115
116 Mayor Samples said the repealing the elevation certificate was a 'no brainer.' He would like to
117 hear from the public works director and sanitation supervisor in regards to the summer service. He would
118 like to have a Saturday pickup, and to transport it to a Department of Health and Environmental Control
119 (DHEC) approved dump. In the past the Solid Waste Authority (SWA) had limited hours on Saturday.
120 He personally spoke with the chairman, board members and chief executive officer attempting to get them
121 to extend their Saturday hours, which would enable the town to get to the SWA after checkout with full
122 trash trucks and dump them. He would speak with the City of Myrtle Beach to determine whether the
123 town could utilize its transfer station, which is DHEC approved. The City of Myrtle Beach invested in a
124 transfer station so its Saturday trash could be held until the SWA dump was open. He was extremely
125 sympathetic to (1) the aesthetic issue of having trash bins on Ocean Boulevard more often than we need;
126 (2) the nonresident business owners in the R3 and C3 pay a great deal of the property tax that the town
127 collects, and (3) the reason the issue was addressed last year was, frankly, the town was getting bad press.
128 It does not help the town to be getting press about rodents. We attempted to fix the situation, and he was
129 sure more information would be forthcoming.

130
131 Mayor Samples asked whether there were any additional public comments on the two ordinances.
132

133 "Good evening. Ron Ott, 7th Avenue North, Mr. Kohlmann brought the information, the data that
134 there's 10-percent of these cans that are overflowing. Are they the same cans every time? Probably not.
135 Can we force somebody to take another can? Probably not. Maybe it's only one time a month. Maybe it's
136 one time a whole season. It takes time to go in there and see what's wrong. We need, we're gonna have to
137 have somebody collect information, some data, and look at do you have a trash problem, an overflow
138 problem, you've got to find it. The easiest place is what Mr. Childs said. Let's give 'em a can, okay. You
139 got an extra can, but we have to know who we're doing this with. It could be, and these are people that are
140 coming in as renters, so maybe you don't have the same amount of trash every week. But, we have to look
141 at it and see what's going on. I would say that, and it's after season. So, ask people to take another can, if
142 they think they have a problem. Somebody needs to go down there and take a look at it. Maybe
143 somebody from our public works department every Saturday or Sunday. Visualize it; collect the
144 information. Thank you."

145
146 There were no other public comments. Mayor Samples closed the public hearing at 6:56 p.m.
147

148 **4. AGENDA APPROVAL**

149
150 Mr. Childs moved to adopt the agenda as presented. Mr. Stevens seconded with an amendment
151 to hold executive session after business was completed pursuant to FOIA §30-4-70(a)(1) to discuss a
152 personnel matter. Mr. Childs accepted the amendment. All voted in favor. **MOTION CARRIED.**

153 154 **5. MINUTES APPROVAL**

155
156 **A. Regular Meeting December 8, 2015, and B. Special Meeting December 15, 2015.**
157 Mr. Childs moved to adopt the December 8, 2015 regular meeting minutes as presented and the
158 December 15, 2015 special meeting minutes as presented. Mr. Stevens seconded. All voted in favor.
159 **MOTION CARRIED**

160 161 **6. PUBLIC COMMENTS – Agenda Items Only.** (3-minutes per speaker)

162
163 There were no comments on agenda items.

164 165 **7. COMMUNICATIONS - Administrator's Report.** Ms. Fellner reported the following:

166
167 **Budget & Infrastructure Projects.** Staff continues to work on the budget and the various
168 infrastructure projects that are in the works.
169

396 *Response:* The Town Code in its entirety is available on the website at www.surfsidebeach.org.
397 Citizens may also visit Town Hall and see the town clerk who maintains a printed copy of the town's Code
398 of Ordinances and she will be happy to furnish them with printed copy of the pertinent code. In addition,
399 should any citizen not understand any portion of an ordinance, town staff is more than happy to explain it
400 and answer any questions.

401
402 **7. BUSINESS**

403
404 **A. First Reading Ordinances.**

405
406 **i. #16-0818 to amend §7-12 and §7-25 Summer Sanitation Service in the R3 and C3**
407 **Districts, Director Adair.**

408
409 Mr. Childs moved to defer Ordinance #16-0818 to a workshop; the time and date to be
410 determined later. Ms. Mabry seconded.

411
412 Mayor Samples said this had been discussed since last year, and it would continue to be
413 discussed.

414
415 Mr. Childs had what he considered a good substitute amendment, but after speaking with Mr.
416 Adair who had some good information, he believed it would be beneficial to have a workshop with the
417 public.

418
419 Mr. Stevens thought councilmembers should speak with the Horry County Councilmembers
420 regarding the Solid Waste Authority's landfill closing time.

421
422 Mayor Samples said it would be helpful for the landfill hours to be extended. The Authority has
423 its own board of directors, but County Council appoints the nine members.

424
425 Mr. Johnson asked if the workshop date and time could be set now.

426
427 Mr. Childs said Ms. Fellner usually contacts councilmembers to determine any conflicts.

428
429 Mayor Samples said this particular workshop should probably be held in the evenings or on the
430 weekend so Mr. Johnson could attend.

431
432 Mr. Johnson said he would be available on Presidents Day, February 15.

433
434 Mayor Samples encouraged councilmembers to work around that constraint.

435
436 All voted in favor. **MOTION CARRIED.**

437
438 **ii. #16-0819 to repeal §14-14, ¶(11) requiring Elevation Certificates for all Permits,**
439 **Director Morris.**

440
441 Ms. Morris presented the decision paper and ordinance, copies of which are on file.

442
443 Mr. Johnson moved to adopt first reading of Ordinance #16-0819 to rescind §14-14, ¶(11). Mr.
444 Childs seconded.

445
446 Mayor Samples said the ordinance is to rescind the requirement for elevation certificates, except
447 as stated in other portions of the code. Ms. Morris said, "That is correct. New additions and substantial
448 improvements [require a permit.]" All voted in favor. **MOTION CARRIED.**

449
450 **iii. #16-0820 to amend §17-395 to allow Upper Story Dwellings in the C2 District,**
451 **Director Morris.**