

The Town Council held a Town meeting on Monday, March 16, 2015 at 4:00 pm in the Town office located at 121 North Gate Road, Myrtle Beach, SC 29572.

Present	Mayor	Gary Pell
	Members of Council	Rebecca Hinds
		Huston Huffman
		Paul Rotondo
		Abigail Stewart
	Town Police Chief	Kyle Lamparter
	Town Clerk	Sheila Hamilton
	Town Attorney	Neil Wright

With a quorum present, Mayor Pell called the meeting to order at 4:00 pm. Mayor Pell proceeded with the approval of minutes for the February 10th workshop and the February 16th town meeting. Copies of the minutes were previously distributed to Council and were available to the public. Hinds made a motion and Huffman seconded to approve the minutes of the workshop February 10th and the minutes of the town meeting February 16th. The motion was unanimously approved. Both minutes were approved as written.

Councilwoman Stewart presented the February 2015 statement and voucher. We are pretty well on track with our projections. Councilman Huffman stated that he had one question about the landscaping. Isn't it about \$20,000. Councilwoman Stewart advised that it is \$1,690 per month. She said that we have two categories. One is for materials and things like that in addition to the need for any extra hours needed; such as along highway 17 and the addition to lawn and landscape maintenance of 121 North Gate (Town office) which is \$100 per month. Mayor Pell noted the Town landscaping contract is for \$20,280 for the year. The additional monies is the work over and above the contract as needed which included cleaning up the town for the 4th of July event. Councilwoman Stewart asked if there were any other questions. Mayor Pell asked about the \$15,000 note that is payable on the town office property. Is the first of three payable on July 1? Councilwoman Stewart advised she believes it is due in May. She will check on it. Stewart made a motion and Huffman seconded to approve the financial statement for the period ending February 28th. The motion was unanimously approved. Councilwoman Stewart then proceeded to the annual audit for FY2013/2014. She advised that there were a few items of note. First, the cash position as it appeared on pg. 5 of the Schedule of Cash Receipts and

Disbursements and Other Financial Information. The beginning reconciled bank balance July 1, 2013 was \$655,964 with the ending reconciled bank balance June 30, 2014 was \$413,906. The net change of \$242,058 was due to the purchase of this property. \$413,000 is just about our budget which is good since we were able to buy the property and we didn't raise taxes. The other item appears on page 4 which are footnotes to the audit. #1 provides the basis of presentation. #2 is something new that hasn't been included in previous audits and pertains to the lawsuit. It follows: "A lawsuit has been filed by a small group of residents against the Town in the Court of Common Pleas for Horry County requesting a judicial declaration that the Town cannot use the Town's improved real estate at 121 North Gate Road for any use other than a single family residence. The plaintiffs' lawsuit also requests the Court issue a temporary, preliminary, and permanent injunction that directs the Town of Briarcliffe Acres to cease all non-residential use of 121 North Gate Road, remove all improvements from 121 North Gate Road which are not consistent with single family residential use, and change the present zoning for the property at 121 North Gate Road. Management of the Town feels the risk of loss in the case is remote." Councilwoman Hinds questioned since the lawsuit was filed after June 30th, why would it be included in the audit for FY July 1, 2013 to June 30, 2014. Mayor Pell explained that it was a subsequent event that happened after our year end June 30th and it could have an impact and is required to be disclosed. A copy of the audit is available in the Town office.

Councilwoman Stewart advised that she has been working with Wells Fargo (our primary bank). Banking regulations now require that our accounts now be in public account (government side of the bank) instead of the business account. When the account was switched over to the public account our fees about doubled from \$80 to \$145 per month. She has been working with them on this issue to get the fees back to \$80. In addition, she was able to get the interest increased to .4% for six months. In the meantime she obtained a proposal from another bank, so if we decide at a later date to change banks, we will have another option.

Chief Lamparter provided the security report for the period from February 16th to March 16th. There were 46 incidents or calls for service. On February 20th responded to a water main break at the intersection of Hwy17 and Middle Gate Road. February 23rd dealt with a juvenile matter. February 24th dealt with a complaint of harassment. March 12th dealt with a fraud complaint. Assistance to other agencies. March 9th on his way to drop off paperwork at the Court House in Conway, stopped a vehicle reported to have been involved in a hit and run in Myrtle Beach. March 12th responded to an alarm for the County at the liquor store next to Kroger and dealt with a problem at Sands Ocean Club at 9550 Shore Drive. There were two alarms and two assistance of motorists. The police car broke down on March 6th and was towed to Addy Harbor Dodge with a bad fuel pump. He replaced stop signs and traffic signs that weren't in good order. One of the signs replaced was rotten at the ground. He wrote six tickets that included three for speeding; one for no vehicle registration; one for no drivers' license; and, one for driving at night with no lights. On March 14th, he stopped a DUI who was driving down hwy17 with no front end on his car. It was clear he had just left a hit and run. While processing him, he learned he had just left a hotel in Myrtle Beach and he was arrested for DUI. At the jail, he was charged

with hit and run. Mayor Pell stated in our budget we are hoping to look at upgrading our police vehicle. Due to the recent repairs, if it fits in the budget and we believe it will, it is time to purchase a new car. We typically have replaced the police vehicle every four years.

The first item of old business is a report on the vacant lot clearing program. There were nine lots to be cleared. Lot #65 was cleared by the Town due to the legal status. Lot #110 Hickory was cleared by the property owner. Lots #58 Bayberry; #225 Live Oak; and #276 will soon be cleared by Thomas Samaha (C&H Lawn Care) per agreements with the owners. We haven't heard anything from #101 Holly; #117 Hickory; #149 Cabana; and, #159 Cabana. Letters will be mailed to these property owners by certified mail. If they fail to respond within 15 days, the town will make arrangements with the low bidder for each lot and have them cleared and then we will bill the owner except for #159 Cabana. Failure to remit payment could result in a lien being placed on the property. If lot #159 Cabana fails to respond to the letter, we will refer this to our Hearing Board as a nuisance due to their non-compliance in previous years.

The next item of old business is the Municode proposal. We had sent Municode Corp a copy of ordinances adopted in 2014 for codification. A cost proposal was sent to us for approval. This was discussed at the workshop. Councilman Rotondo questioned the per page cost of \$20 per page. The clerk advised she reviewed this cost since we began having Municode codify our ordinances as required and the cost has remained the same. Mayor Pell stated that the cost for this year is higher due to the passage of the zoning ordinance that contained a number of pages. Council agreed to the expenditure to Municode for the codification.

The next item on the agenda is the entrance lighting. Mayor Pell asked Chief Lamparter had a chance to follow-up on our discussion at the workshop. He said that he visited the Santee Cooper office in Myrtle Beach and was advised that they do not handle this at their location and referred me to the engineer in the North Myrtle Beach office. He plans to visit them later this week. Mayor Pell noted that they have the same kind of shoebox light at the Cabana mounted on a pole that is significantly higher than the poles at the entrances. He believes that the higher pole is what the Chief is recommending. Chief Lamparter advised he would like to pursue this with the engineer and will then report back to Council.

The next item is the floodplain sewer system. Our Town Attorney, Neil Wright had a meeting with Tom Ellenburg, Myrtle Beach City Attorney last week concerning an agreement in principal previously discussed with Tom Leath, City Manager for the completion of the floodplain sewer system. While the Town wants to facilitate the completion of this project, the Town must pass a referendum to be permitted to venture into the sewer business before we can start financing these arrangements. In the past, the Town did not more than act as a depositor for payments being made by private parties who were going to tie into the system. We were just a conduit for the money that was going to be paid to the firm that was actually going to do the work. Myrtle Beach owns the system. We are working with Mr. Ellenburg to come up with something that he will be able to recommend to his Council in order to complete the system. There are twenty five (25) properties in the floodplain. There are three (3) properties vacant. There are twenty two (22) remaining with six (6) already on the system. This leaves another

sixteen (16) that have to be tied into the system. The Mayor feels that a significant number of these property owners will proceed to tie into the system. Some may need financing and we have discussed ways of doing this. We will be presenting a comprehensive ordinance for adoption deal with inspection of septic tanks outside of the floodplain area and once the system is completed and available; it will require all property owners in the floodplain area to connect. Failure to comply, we can revoke their occupancy permit. We could choose to treat it under the Nuisance Ordinance and exercise our right to remedy a public health nuisance. Mr. Wright added that throughout this process, he has kept Chris Noury, City Attorney for North Myrtle Beach informed of our progress due to their environmental concerns. Mayor Pell stated that Bill Oliver, Myrtle Beach Public Works Director was to have a cost estimate to complete the system by early April. Once we have this cost estimate, we will be able to determine what each property owner will have to pay. Each homeowner has to pay the cost to hook-up from the house to the main line. Some homeowner paid their share of the main line when it was installed and the ones that didn't pay their share of the main line, will be required to pay now.

The next item is committee reports. Councilman Huffman advised that he has been attending the disaster training for years as the Emergency Preparedness Director and will be attending the upcoming event. Mayor Pell stated he had a few things. The clerk sent him correspondent from the Waccamaw Regional Council of Governments concerning the mandatory training for zoning officials (Planning Commission and Board of Zoning Appeals). They are required to have initial six hours of training within one year of their appointment and three hours of continuing training each year thereafter. The Mayor asked the clerk to provide an updated list of the current Board members and what training that they have completed. We need to formally inform them of where they stand with their training and what is required. David Schwerd, Municipal Consultant was going to get certified so that he could provide the training. The clerk advised part of the reason for non-compliance is that the training is held in Georgetown at night. Councilwoman Stewart offered to contact our representative at Waccamaw Regional to see what they can do to assist us in getting the mandatory training completed by our Board members. We will also check with David Schwerd. Mayor Pell asked Chief Lamparter if he had taken care of getting a badge for Jarrette Jacobs, Code Enforcement Officer and purchasing business cards and a code violation book. The Chief advised that he has it on his list of things to do.

The first item of new business is Ordinance #2015-01 to amend the stormwater ordinance and nuisance ordinance. We already had first reading in title only. Prior to second reading, we will ask Myrtle Beach to review the ordinance as part of our agreement for the completion of the sewer system.

Mayor Pell then called for public input. There was no public input. Councilman Rotondo questioned changing the time of our meetings as Council had previously discussed changing the meetings back to 6pm. After some discussion, Council agree to keep the time for the meetings at 4pm.

The next item on the agenda is an executive session to discuss legal matters. Stewart made a motion and Huffman seconded to go into executive session to discuss the lawsuit. The motion was unanimously approved. Council went into executive session at 5:10pm.

COUNCIL WAS IN EXECUTIVE SESSION FROM 5:10PM-6:23PM.

Stewart made a motion to return to open session. Rotondo seconded the motion. The motion was unanimously approved.

With no further business or discussion, Stewart made a motion and Hinds seconded to adjourn the meeting. The motion was unanimously approved. The meeting adjourned at 6:24pm.

Respectfully submitted,

Signed original on file at the Town Office

Sheila Hamilton
Town Clerk

Approved _____