



TOWN OF SURFSIDE BEACH ♦ TOWN COUNCIL CHAMBERS  
February 23, 2010 ♦ 6:30 P.M.

TOWN COUNCIL  
REGULAR  
MEETING MINUTES

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10 **1. CALL TO ORDER**

11 Mayor Deaton called the meeting to order at 6:30 p.m. Mayor Deaton, Mayor Pro Tem  
12 Truett and Councilmembers Blair, Johnson, Martin, Childs and Samples were present.  
13 A quorum was present. Staff present: Administrator Booth; Clerk, Pinnell; Finance  
14 Treasurer, Hursey; Special Events Coordinator, Ellis and Public Safety Director  
15 Christenson. Attorney Mr. Smith was also present.

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

18 Father Andrew Trapp from St. Michaels Church gave the invocation. Mayor Deaton led  
19 the pledge of allegiance.  
20

21 **3. AGENDA APPROVAL**

22 Mr. Samples made a motion to move Discussion item “Court Judge” from Discussion to  
23 Business and make it item 7E. Mr. Truett seconded the motion. **All voted in favor.**  
24 **MOTION CARRIED.**

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26 **4. MINUTES APPROVAL** – Regular meeting minutes January 26, 2010 and Workshop  
27 meeting held February 9, 2010. Mr. Truett made a motion to approve the minutes from  
28 January 26, 2010 and February 9, 2010. Mr. Johnson seconded the motion. **All voted in**  
29 **favor. MOTION CARRIED.**

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31 **5. PUBLIC COMMENTS** Agenda items only, 3 minutes per speaker.

32 There were no public comments.  
33

34 **6. COMMUNICATIONS**

35 **a. Finance Report**

36 Mr. Booth reported that the town has gone through 10 of the 15 months; 33  
37 percent is remaining and the town is online at 32 percent. In personnel it was  
38 anticipated that the town would lose a few people but due to the market the town  
39 has not lost anyone. The town has saved quite a bit in Workman’s Compensation  
40 and he feels the town will make up the difference. There are a few employees  
41 that are looking to leave within the next few months and the town will try to  
42 manage this fund. Mr. Samples asked if the town is planning on having a post  
43 budget retreat briefing. Mr. Booth stated that there will be a meeting shortly  
44 after the March 1<sup>st</sup> workshop; possibly the 2<sup>nd</sup> or 3<sup>rd</sup> week in March. Mr. Booth  
45 stated that some things have changed a little since the budget retreat and staff is  
46 still looking at this. Mr. Samples asked Mr. Booth to go into more detail on the  
47 report under expenditures regarding salaries and benefits which are about 7  
48 percent over. Mr. Booth stated that last year the town anticipated some attrition,  
49 specifically one person in dispatch and two people in Public Works but no one  
50 left and the town had made the decision that the town would not lay off or fire  
51 anyone. Mr. Booth stated that he does know that there are a few people who plan

52 on leaving in the next few months and the town will attempt to manage with that.  
53 In the meantime some of the costs have come down with Workman's Comp and  
54 the town revenues have gone up a little and Mr. Booth added that he does not see  
55 the budget being a problem. Mr. Samples stated, according to the finance report,  
56 that there were 5 ½ positions not previously budgeted and asked Mr. Booth to  
57 provide council with this list. It was confirmed that the current proposed budget  
58 does not anticipate any reductions of staff as the previous budget did. Positions  
59 for the current staffing level have been budgeted.

60  
61 **b. Public Works Report**

62 Mr. Booth reported that the dog park should be opening towards the end of the  
63 week; the town needs to hook up a water tap for the dogs. Mr. Childs stated that  
64 he spoke with Mr. Booth about placing some Leland Cypress or Red Tip to hide  
65 the chain link fence at the dog park; they are inexpensive shrubbery that will  
66 grow 12 to 18 feet. Mr. Booth stated that he spoke with Mr. Newell about this  
67 already and it should be coming in the next few weeks. Mr. Booth stated that the  
68 town is testing the soil to make sure that it will accommodate something that is  
69 fast growing. Mr. Martin stated that he went by the dog park and the signage is  
70 not up yet. Mr. Booth stated that it will be up prior to the park opening.

71  
72 Mr. Booth stated that he calls the contractors for the pier project every day; all of  
73 the equipment is at the pier but the contractors have not been. Mr. Booth added  
74 that he is currently looking at the contract and may hold out some money if he  
75 does not finish the project on time. Mr. Johnson stated that the town was assured  
76 that the work at the pier would be done by the 1<sup>st</sup> of March time and time again  
77 and asked what effect this will have on the businesses at the pier. Mr. Booth  
78 stated that it should have more of an effect on the town because of the fisherman.  
79 Mr. Booth stated that he is hoping that the overall project will take a month but  
80 putting in the pilings should not take long at all and therefore the contractor can  
81 work underneath and not bother anything. Mr. Booth confirmed that all of the  
82 businesses should be able to open and the work at the pier should not affect this.  
83 Mr. Booth confirmed that he will be out at the pier everyday to manage the  
84 project. Mr. Booth confirmed that he speaks to the contractor every day and he  
85 keeps assuring Mr. Booth that he plans on being there but Mr. Booth stated that  
86 he has been having problems showing up at the worksite and believes it is due to  
87 him having another large project he is currently working on and trying to finish  
88 up. Mr. Booth stated that the project was also delayed and modified due to the  
89 weight of the crane and Earthworks did correct this; they brought in additional  
90 timbers to distribute the weight. This set him back a week or so on the project.  
91 Mr. Samples asked if they were obligated contractually and Mr. Booth confirmed  
92 that he would be reviewing the contract.

93  
94 Mr. Booth reported that the town is currently working on 50/50 projects; they  
95 have four additional projects to do. Mr. Truett asked where the town stood in  
96 hiring a new Public Works Director. Mr. Booth stated that he is currently going  
97 through resumes and will begin in the next week setting up interviews. Mr.  
98 Booth stated that some of the 50/50 projects are major projects; they have been  
99 going well even though the weather has not been very good.

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c. Recreation and Special Events Report

Mr. Booth reported that the town had a good event this past weekend and it was well attended. Mr. Booth stated that the town is currently working on the fields with the sports season coming up. They are building up the mounds and putting in more material and the town will be ready for the softball tournaments coming up. Mr. Booth reported that the next town event coming up is the Taste of the Town. Mr. Booth stated that the town also added a town garage sale which will be held in May. The town will begin advertising it soon.

d. Administrators Report

i. Update on Legislative Day

Mr. Booth stated that during Legislative Day it became apparent that the legislature does not have any money. Mr. Booth stated that it was good for council to let them know what the needs of the town are and remind them of who they represent.

ii. Special Workshop re: Business 17 on March 1, 2010 at 1:00 PM

Mr. Booth reported that he needed a consensus from council to hold a meeting on March 1<sup>st</sup>. The town invited the COG, the State and it should be a good workshop on how to move forward on Business 17. Mr. Childs made a motion to have a workshop on Monday March 1<sup>st</sup> at 1:00 PM to discuss the improvements needed on Business 17 in Surfside Beach. Mr. Samples seconded the motion. Mayor Deaton stated that he attended the GSATS meeting this week and it was basically a “rubber stamp” on all of the projects that have moved forward. Mayor Deaton added that they seemed to be open for discussion and the recommendation was to write a letter. The town is going to do something better than that and have a workshop on Business 17 and they invited the Chairman and Vice Chairman of GSATS and some COG members to attend so that the town can express their desires and needs. The 17 projects could cost as much as 30 million dollars a mile; there are other ways to do this and there are other options that can be explored but it is a starting process. **All voted in favor. MOTION CARRIED.**

7. BUSINESS

a. **Ordinance #10-0679: Amend Ordinance Chapter 9 Motor Vehicle and Traffic**

Mr. Booth stated that the staff is asking for a couple changes. These changes came from the budget workshop. The dates would be changed from March 15<sup>th</sup> to March 1<sup>st</sup> and would run to October 31<sup>st</sup> instead of September 30<sup>th</sup>. Also there are non-resident property owners who do not have registered cars in town; the town would like to offer these individuals a parking sticker for a cost of \$40.00. Currently a \$30 portion of car registrations for cars registered in town goes to the town. The ordinance also notes times would change to 7:00 AM to 7:00 PM. Mr. Samples made a motion to adopt 1<sup>st</sup> reading for the proposed ordinance changes. Mr. Childs seconded the motion. Mr. Johnson asked about section 9-16 (a) (1); the current license registration number was deleted and is replaced with decal number issued and asked why this was changed. Mr. Smith stated that

150 this was a staff recommendation. Mr. Johnson stated that this would enable  
151 someone to switch decals to other vehicles. Mr. Smith stated that he was not  
152 involved on the input regarding this. Mr. Booth stated that decals need to be  
153 adhered to the vehicles. Mr. Johnson stated that someone could give their decal  
154 to someone else. Ms. Hursey explained that the reason this was changed was that  
155 the line states that the said decal shall show this information and the decal never  
156 did show the current license or registration number; this information is kept but it  
157 is kept at town hall adding that individuals need to provide this as proof when  
158 they get their sticker and only one sticker is issued per person. Mr. Johnson  
159 asked why it was in there to begin with. Mr. Smith answered that as much  
160 information for the town as possible wanted to be kept. Mr. Booth stated that  
161 there had been occasions where individuals were issued parking tickets and that  
162 sticker was not registered to that vehicle; the town does check this out. **All voted**  
163 **in favor. MOTION CARRIED.**

164  
165 **b. Decision Paper: Choose Firework Vendor**

166 Mr. Booth reported that the town went out for bids again; the town did not have  
167 to but staff decided to try to get more for the town and they did. Mr. Booth  
168 stated that the town will also provide bathrooms and this years' event will be  
169 even better than last year. Mr. Childs asked to have a discussion item "personal  
170 fireworks" added to the next agenda. Mr. Samples made a motion to accept  
171 staffs' recommendation. Mr. Truett seconded the motion. Mr. Johnson asked  
172 Mr. Booth to describe the recommendation. Mr. Booth stated that the  
173 recommendation was to use the same company as the previous year, East Coast  
174 Pyrotechnics, and they will provide more for the next event. Mr. Truett stated  
175 that the previous year they provided 34 minutes of fireworks and asked how long  
176 the show would last for 2010. Mr. Booth stated that it would be longer and he  
177 would check on time. **All voted in favor. MOTION CARRIED.**

178  
179 **c. Decision Paper: Authorize Purchase of two additional pay stations for the**  
180 **pier parking lot**

181 Mr. Booth stated that there is money in this years' budget in the pier enterprise  
182 fund and would like to purchase two pay stations that collect both dollars and  
183 take credit cards. Mr. Truett made a motion to instruct the administrator to  
184 purchase the two new parking stations at a cost of \$27,538.41. Mr. Martin  
185 seconded the motion. It was confirmed that the current pay station at the pier  
186 parking lot would be moved to other parking areas and the new stations would be  
187 located at the pier parking area. Mr. Johnson asked Mr. Booth how he feels the  
188 parking stations have performed to date. Mr. Booth stated that tickets have been  
189 reduced by 50 percent and the revenue has increased by 30 percent. Mr. Booth  
190 added that this is how they should work and with the extended hours and dates,  
191 the fund, dedicated to purchase land, would increase. The town is currently  
192 looking to purchase land on 3<sup>rd</sup> and Willow and this will help with that purchase.  
193 **All voted in favor. MOTION CARRIED.**

194  
195 **d. Decision Paper: Go out for RFP for restaurant at pier**

196 Mr. Booth stated that the current lease is up in December and he has gone to the  
197 Charleston Recreation district to find samples. Mr. Booth stated that this is a  
198 small community and the public feels that the town is trying to push out the

199 current manager of the restaurant and this was never the intention; the intention is  
200 that “because we are a government agency we don’t have a choice and that was  
201 reaffirmed when I talked to the Charleston Recreation District and I got their  
202 RFP and that is what I presented to you, they have 15 years of experience where,  
203 truthfully, I would have one, so I have leaned on them in the last year for some  
204 advice and some of the things that they have found that they needed to change  
205 and had some problems with so they’ve been more than open with me and  
206 certainly have provided me some of the expertise I didn’t have, so what I  
207 presented to you basically is their RFP that our lawyer has changed around a  
208 little bit for your consideration.”  
209

210 Mr. Booth stated that the RFP is very detailed adding that council may not want  
211 the RFP to be as detailed. Mr. Johnson made a motion to defer this item until the  
212 next meeting due to the existing lease being over 60 pages long he feels that the  
213 council should not jump into this quickly adding that council had just received  
214 this information the past Friday and council should have more time to review it.  
215 Mr. Childs seconded the motion. Mr. Samples agreed with councilman Johnson  
216 and asked to not only defer this until the next meeting but for staff to present the  
217 package publicly so that “the process is transparent; everybody understands what  
218 the town wants since we’re going out for a request for proposal; what the basis  
219 for award will be, which I really think needs discussion and we have not had an  
220 opportunity to discuss it.”  
221

222 Mr. Samples stated that he feels an hour workshop at the next meeting may be  
223 needed. It was agreed to have a presentation in a workshop format. Mr. Booth  
224 stated that the RFP is 60 pages and is very detailed adding that he will go through  
225 each paragraph and define it; it will then be discussed and whatever changes  
226 council makes will be addressed and then it will come back to council again. Mr.  
227 Johnson amended his motion to this effect, which was to defer this discussion  
228 until the next meeting where there will be a presentation. Ms. Blair seconded the  
229 motion. **All voted in favor of the amendment.** Mr. Samples asked legal  
230 counsel “to investigate the feasibility of, we have a tenant who currently operates  
231 the restaurant, has for a couple of decades and, understands that because this is a  
232 public asset we have to go through this process but what I would like to  
233 determine is, if in fact, we could go through this ‘competitive process’ and at the  
234 end or prior to the end make an offer to the current tenant that says ‘this is the  
235 best the town is going to get, can you match it? Can you meet it?’”  
236

237 Mayor Deaton stated that this will be a legal question and Mr. Samples stated  
238 that he realized this and this was his request. Attorney Smith stated that this  
239 would involve a lot of research.  
240

241 Mr. Samples: “Ok, I’m sorry; I didn’t mean to ask that then. A lot of research.”  
242

243 Mayor Deaton: “Ok, we’ll back off that one. Ok, a lot of research on that one.”  
244

245 Mr. Samples: “He’s been there 22 years I thought I’d give him a chance ...”  
246

247 Mr. Smith asked for confirmation regarding the agenda for the following  
248 meeting. It was confirmed that there would be a presentation by staff with a  
249 more detailed explanation of what the lease and the RFP entails. Mr. Smith  
250 suggested to council “as you read the lease, not the RFQ, the actual lease . . .  
251 there are different kinds of contracts, this is an adhesion contract, it’s not a  
252 bilateral contract, it’s written that way; it’s written for the town. Imagine  
253 yourself buying a car, when you go into a car dealer and you buy the car you  
254 don’t get to say on the contract that you signed ‘I don’t like this line, change it or  
255 I won’t buy the car’, you may be able to negotiate the rate, the payment, some  
256 things like that but there’s certain language in this lease that protects the town  
257 and it needs to remain, so I’ll be happy to talk with you about that individually or  
258 as a group next time we come, as you read through it just understand it is  
259 designed to protect the town.” **All voted in favor. MOTION CARRIED.**

260  
261 **e. Court Judge**

262 Mr. Samples stated that he appreciated receiving the information that was in the  
263 council packet. Mr. Samples stated that this is in regards to the contract that the  
264 town has with Horry County for the services of the current judge. Mr. Samples  
265 stated that he reviewed the information provided and is quite satisfied that the  
266 town is getting a great deal. Mr. Samples made a motion to direct the  
267 administrator to work with Horry County to renew the contract for the services of  
268 the town judge. Ms. Blair seconded the motion. Mayor Deaton stated that he  
269 placed the item on the agenda for a different reason. Mayor Deaton stated that as  
270 the town has done with its banks, accountants, attorney and auditor he wanted to  
271 see the town follow policy and go out for RFQ and he wanted to suggest doing  
272 the same for the court adding that this had nothing to do with personalities or  
273 individuals or people currently sitting in the position; it had to do with policy.  
274 Mayor Deaton stated that he still felt that the town should take a good hard look  
275 at what the town policy is concerning the municipal court and what the town  
276 needs to do for the future. Mayor Deaton stated that he would like to review this  
277 and decide if any changes or improvements are needed adding that he was  
278 attempting to open up a dialogue in that direction and it has gone into a different  
279 direction with a contract and that he hoped that all contract would either go out  
280 for bids, RFQ’s (Request for Qualifications) or RFP’s (Request for Proposal)  
281 adding that it has been done on every other contract that the town holds and he  
282 feels it would be appropriate to follow town procedures, protocol and policies.  
283 Mayor Deaton stated that he hopes that if the town moves forward he hopes that  
284 it is in this direction.

285  
286 Mr. Samples stated that this is an intergovernmental agreement and is not a  
287 contract in a classic sense. Mr. Samples stated that the County has staff and has  
288 time and it is a good deal for the town and it has worked since he has served on  
289 council; he has never heard a complaint and believes this to be the most cost  
290 effective and effective manner to provide judicial services in Surfside Beach at  
291 this time. It was confirmed that the current contract has expired. Mr. Martin  
292 stated that the reason this was originally discussed was due to a question of the  
293 availability of the judge and the ability of the town to look at having someone  
294 available on a more frequent basis. Council did not have the information  
295 regarding the availability and the impact and council cannot make a decision

296 based on not having this information. Mr. Martin stated that this is a complex  
297 issue but at this point with the town being as small as it is he would have to go  
298 with the “stay with what you have” adding that with everything he has seen, the  
299 court currently works and it works well. Mr. Martin stated that this may be  
300 something to look into changing in the future as the town grows but right now the  
301 best thing to do is to continue the way it has been operating. Ms. Blair stated that  
302 she agrees with Mr. Martin and Mr. Samples adding that she has heard of no  
303 complaints and she checked with town hall and there are no recorded complaints.  
304 Ms. Blair stated that the current municipal judge is also a magistrate that gives  
305 the town ‘more bang for the buck’; this enables him to handle other warrants as  
306 well. **All voted in favor. MOTION CARRIED.**

307  
308 **8. DISCUSSION**

309 *Ordinance pertaining to committees*

310 Mr. Booth stated that the town has numerous amounts of committees with some being  
311 dictated by State law, such as the Planning and Zoning and Board of Appeals and the  
312 Stormwater Committee is dictated by the towns’ stormwater permit. The council needs  
313 to discuss other committees created by the town such as the Recreation Committee and  
314 the Beautification Committee. Mr. Martin stated that he would like to recommend  
315 deleting the Building Board of Appeals; to his knowledge from the time he has been on  
316 council it has met maybe once. Mr. Booth stated that this is another required board and  
317 the reason it has not met is because the town has not been experiencing the kind of  
318 building that had been done in the past. This is the board that a builder can go to if they  
319 disagreed with the interpretations of the building department. Mr. Smith asked if council  
320 had his opinion on boards and it was confirmed that council did have this opinion. Mr.  
321 Smith stated the council can abolish the construction board and act in their stead;  
322 individuals would appeal directly to council and this board is limited in scope. Mr.  
323 Booth stated that this has been his experience with prior councils who would adjourn  
324 and then become the other boards, perform the necessary business and then go back to  
325 being council. Mr. Martin stated that his recommendation would be to abolish this board  
326 and have it be handled by council. **There was consensus to abolish the board.**

327  
328 Mr. Samples stated that a few councilmembers have discussed this ordinance and it has  
329 been recognized that recently there has been trouble filling these committee vacancies.  
330 Mr. Samples stated that deleting the term limits was discussed and currently the  
331 ordinance states that no one can serve after 8 years on the same committee and Mr.  
332 Samples stated that he previously had a problem with people serving longer than 8 years  
333 but now he no longer feels the same way adding that he has served on council for 8 years  
334 and asked for other councilmembers input. Mr. Samples stated that the current  
335 ordinance also restricts individuals to serve on only one committee adding that the town  
336 has talented people in the town who have time to serve and expressed their desire to  
337 serve on more than one committee. Mr. Samples stated that he has no problem with this.  
338 Mr. Truett stated that this was discussed at the budget retreat and sees no harm for  
339 individuals to serve on more than one committee adding that there are some conflicting  
340 committees and this would not be allowed but for non-conflicting committees he saw no  
341 problem. Mr. Truett suggested combining 2-68 and 2-73, Beautification and Recreation  
342 Committees to become one committee. Mr. Martin agreed with Mr. Truett and added  
343 that he would suggest changing the required amount of people to serve to 5 members  
344 rather than 7. Mr. Martin stated that he supports term limits adding that it forces the

345 government of the town to get more people involved and the more people are involved  
346 the more they learn about the town. Mr. Martin stated that he is delighted that there are  
347 11 candidates running for council and hopes that those who do not make it on council  
348 will volunteer to be on a board or commission.  
349

350 Mr. Childs stated that he agrees with Mr. Samples and Mr. Martin but he does not  
351 believe in term limits; when someone's term is up council can choose to reappoint the  
352 individual or not and that would be the limit if someone was not working out adding that  
353 the town does not currently have a line of people waiting to get in. Mr. Childs agreed  
354 that individuals should be allowed to be on more than one committee but the town  
355 should be careful "if we do have people that want to get on and there's somebody that's  
356 taking up space on two committees, I think we ought to try to work somebody in and  
357 maybe have some way of working that where we don't have just one person waiting to  
358 get on the committee and we have somebody that's actually on two committees." Mr.  
359 Childs was not in favor of term limits. Ms. Blair agreed with a lot that had been said and  
360 agreed with Mr. Martin in that term limits forces the government to try to get more  
361 people involved but the town cannot force people to get involved; it is difficult to fill  
362 these positions at times. Ms. Blair stated that the council may look at the committees  
363 case by case and if a committee is filled with the same people for a long time and other  
364 individuals want to volunteer then it should be reviewed. Ms. Blair stated that she  
365 agrees with having members serve on more than two non-conflicting committees and  
366 also agreed that combining the two committees may work but she does not agree with  
367 reducing the number of members if they are combined. Mr. Johnson stated that he has  
368 no problem with residents serving on two individual committees; there are State  
369 mandated committees and commissions and there are other committees not State  
370 mandated; there were also committees that were not established by council and even if  
371 council did establish a committee he would agree with having Surfside Beach residents  
372 serve on two committees. Mr. Johnson stated that when he ran for town council "there  
373 was a situation in the Town of Surfside Beach where we had residents who were serving  
374 on committees for decades, not one decade, more than two decades." Mr. Johnson  
375 stated that he feels that the atmosphere in the Town of Surfside Beach has changed and  
376 he would like to believe that he, along with the current council and current committees  
377 had something to do with that change. Mr. Johnson stated that he feels that the  
378 committees and council have the Town of Surfside Beach in its best interest. Mr.  
379 Johnson stated that he once was for term limits and now he is not. It was confirmed that  
380 the consensus was no term limits, individuals can serve on two committees if they are  
381 non-conflicting or statutory.  
382

383 Mr. Samples stated that in the draft ordinance he would like to remove on page 3 of 9  
384 item C section 2-62; "except for councilmember's all other appointees shall be  
385 interviewed by the town administrator and one other staff member for suitability and  
386 review of credentials before appointment of town council." Mr. Childs stated that he has  
387 a substitute for that paragraph, "there should be a committee made up of three members  
388 of council to interview all applicants and report back to the full council with their  
389 recommendations; members shall serve only 12 consecutive months on the committee."  
390 Mr. Childs added that this would be done instead of staff and the administrator. Mr.  
391 Martin stated that he feels that council should just strike the paragraph. Mr. Booth stated  
392 that the town is trying to get people in and if they feel like their being interviewed for a  
393 job it may be difficult to get volunteers adding that it was suggested that staff would



394 assist with input on applicants and it was never the intent to interview the individuals.  
395 **There was consensus of council to strike the section.**

396

397 Mr. Smith confirmed with council their input. It was to abolish number 5, combine 8  
398 and 2, and individuals can serve on multiple committees as long as they are non-  
399 conflicting statutory, strike 262 C and no term limits. Mr. Smith brought up 267 A  
400 which referred to the Accommodations Tax Committee and that these members do not  
401 have to be citizens of the town; they are individuals who serve in the hospitality  
402 industry. It was confirmed that the individuals would need to serve in the hospitality  
403 industry in Surfside Beach. Mr. Martin stated that he believes that members are not just  
404 from the hospitality industry but one represents the arts, one represents resident, etc. and  
405 asked Mr. Smith to check on this. Mr. Samples stated that where finances are discussed  
406 it appears that council would be encouraging the committees to be proactive in the town  
407 finances; section noted page 3 of 9 number 4 at the bottom. Mr. Samples stated that he  
408 does not want to encourage this adding that he was a former committee member; he does  
409 not want the committees to worry about town finances; council tasks committees to do a  
410 job and this job entails coming up with recommendations to present to council. Mayor  
411 Deaton stated that it would be helpful for staff to give recommendations to council on  
412 how to fund these recommendations. Mr. Samples stated that it is “very prescriptive in  
413 the ordinance as drafted, as to when they come up with their financial recommendations”  
414 and Mr. Samples would like to see this section stricken. Mr. Johnson asked for  
415 clarification whether the entire section A, B and C be stricken. Mr. Samples stated that  
416 he would like to see these all stricken explaining that a recent subcommittee created for  
417 Surfside Drive came up with a plan and then presented it directly to council and council  
418 had the opportunity to say “yes” or “no” and then it was decided to fund the project. Mr.  
419 Samples stated that the Stormwater Committee also had given their recommendations of  
420 a multimillion dollar stormwater project directly to council; the committee members  
421 become the experts to what they are proposing and it should be addressed before council.  
422 Mr. Samples stated that there was some confusion over the committee not approved by  
423 council. Mr. Samples stated that the Beautification Committee was a good thing to do  
424 but he thought that the perception by committee members was that they were allocated  
425 funds to control which they were not. Mr. Johnson stated that he would agree in deleting  
426 sections 263 number 4 A, B and C. Mr. Truett stated that he feels that established  
427 committees would present to council and council would decide if it should be done  
428 rather than budgeting amounts. Mayor Deaton stated that the budget process is extremely  
429 important and is probably the most serious responsibility that the council holds as  
430 elected officials and agrees that the process should go through council.

431

432 **9. PUBLIC COMMENTS – Agenda Items only – 5 minutes per speaker**

433 *Judy Tuttle, 515 13<sup>th</sup> Avenue N.:* “As you know the town is having an election April the  
434 6<sup>th</sup>. On March the 28<sup>th</sup> there will be a candidates forum, 1:30 in the afternoon, here in  
435 councils chambers and I invite all the residents to mark their calendars because it  
436 promises to be a very productive and informative afternoon and if any of our residents  
437 have any questions or subject that they would like to be presented please feel free to  
438 contact me and again, it’s March 28<sup>th</sup>, 1:30 in the afternoon here in council chambers.  
439 Thank you.”

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**Ron Saunders, 313 6<sup>th</sup> Avenue South:** “I’m sure that most of you are aware that there’s a letter circulating around our community questioning the integrity of our Director of Public Safety, the Captain, a Lieutenant and our police department and I remind you that it’s only accusations. Let me be the first to say that no accusations have been made against our rank and file police officers. Let it be known that they have shown great courage and honor and integrity especially in the last several months. We’re fortunate to have them working for our town. It’s important that you as a councilman or councilwoman watch very closely as the County Solicitor conducts his investigation into the past conduct of our top ranking officers. Please be watchful for threats and intimidation towards our police by their ranking officers. In fact, the ranking officers must be banned from the questioning of the police force on this subject while this investigation is underway for they, the top three officers, are suspect until the investigation is completed. This is a very serious matter and I understand that this is not the first time the accusations have been made about our public safety managers in the past year. Sometimes when there’s smoke there’s fire. It’s very important that we wait until we have the results of the upcoming investigations before condemning anyone but it’s also very important that no one interferes with those investigations. I asked each one of you to contact the Horry County Solicitor Greg Hembre and urge a speedy but thorough look into these accusations. I further encourage each of you to meet with Mr. Booth and one police officer at a time to ascertain and be certain that no police officer has been threatened or intimidated since the release of this letter. Thank you.”

**Bob Pflaum, 416 N. Ocean Blvd.:** “That’s the Floral Villa complex that is bordered by the swash between 3<sup>rd</sup> and 4<sup>th</sup> Avenue North. I’m just wondering if you’re aware there’s problems there that flows over into the property \*\*\* bulkhead and the situation is getting worse and worse as time goes on. I was wondering if any discussions are ongoing about taking care of the problem. Are you going to do anything about? Is there money coming in?”

Mayor Deaton instructed Mr. Pflaum to meet with Mr. Booth.

**Shelby Smith, 911 Cedar Drive North:** “The first thing I’d like to do is thank the town’s rescue squad. Two weeks ago we had the opportunity at 3:30 in the morning to use that rescue squad and in 10 minutes they were there and completely took care of my wife’s low blood sugar, 24, so I just commend everything I saw in that operation; it’s the first time I’ve ever had any opportunity to use our rescue squad and that performance was truly outstanding. I just have a few points this evening about leadership, direction and priorities and I’m hoping that the council can be more involved in continuing the direction of the town and setting priorities for operations and projects and I remember last Fall, Bob, Councilman Childs brought up the project management aspect of it and having priorities and target dates and I know you’re going through the budget process now and times are tight and I don’t know what’s in front of you, on your plates financially in terms of what that may mean, but things just seem to be taking so long. The pier repair, a year; the sign; I was up here in the Fall and I was talking about the sign in front of the pier. It doesn’t seem too complicated, in fact, I even submitted some numbers from a sign company just as one alternative input and it’s still bare down there. The committees, I guess it’s been three months or so and I know that you’re having difficulty finding volunteers. I certainly hope that at least one councilperson is going to

490 be on these committees because I think that involvement and direction will really help  
491 those committees and help the dialogue to the council. I think that would really be a big  
492 plus. The bidding process, you know, we've talked about that and how important it is.  
493 There are so many companies now that are hungry for work. You know the pencils are  
494 really sharp now on the bidding process; to give you an example, palm trees. I was at a  
495 committee; I was a member of the Beautification Committee and we talked about palm  
496 trees and these are Sable Palmetto Palms and I'd like to, again, just identify an excellent  
497 source in Florida who does palm trees, two or three thousand palm trees all over the  
498 State, the State of South Carolina is the biggest one; it's J&J Palms. At that committee  
499 meeting I broke it down into what was involved in bringing a trailer load of palms up  
500 here; 36 to 40 palms on a flatbed. The shipping cost is, it was then, \$990.00 and now it's  
501 \$960.00. The cost of the palms, the tree itself is \$70.00; we're putting the palms in now  
502 at \$195 and we're about ready to talk about doing palms for Ocean Blvd. and some of  
503 our other areas where it might take a lot of palms for the medians and for these other  
504 areas. I hope it does, it will really beautify the town. Installed, is a key word. It takes  
505 some time to put these trees in. I am told that an experienced person can put 20 palm  
506 trees, installed with two men, a bobcat with a tree loader, in a half a day, that's 40 a day;  
507 two men and a bobcat driver, so, picture this load coming up here, it's taken off the truck  
508 and put in, the root ball holds 3 foot wide, 2 foot deep. We already have the sandy soil,  
509 not a whole lot needs to be added to the hole so when you look at those components it  
510 works out to \$70 a tree with the freight, the \$960 breaks down to \$25, each tree and \$13  
511 for the labor; that's at 10 bucks an hour and there are a lot of people out there that, on  
512 outside, if we don't have the resources inside to do it, would gladly welcome that  
513 opportunity. This price might even be attractive to residents that might get involved in,  
514 maybe some for their yard to help beautify the town, anyway, it's just a possibility to be  
515 explored and that's all I would really like to see. So I'm going to write this up and just  
516 submit it to the town. Beautification, just so happy to hear that the medians are going to  
517 be looked at and we're going to have some beautification taking place in the median.  
518 About 2 years ago I went through town and, you know, I took a bunch of pictures, and  
519 we went through the different pictures and it had to do with the medians and several  
520 suggestions on there was how to improve upon the medians without maybe having  
521 millions of dollars per mile involved; maybe the improvement of the grass or trimming  
522 the grass to the edge of the road or fixing the holes, the potholes or putting stone in  
523 where the pipes are; just to enhance with beautification. We have, I don't know how  
524 many ball fields, tremendous ball fields; the grass is lush; there are no weeds. Maybe  
525 each ball field would represent square footage to medians. Why can't our medians look  
526 like Pawley's Island? Just some grass seeds, some chemicals and, again, if we have to  
527 go outside; whatever we have to do to get it done. Weeds; there's a manual process,  
528 when they're out there they need to be pulled. When the grass is growing where it  
529 shouldn't, it needs to be pulled, in the border. Water, if there's not water on the things  
530 and I proposed this last year to take it upon ourselves to get the water there, manually; if  
531 we have to do it manually if it doesn't rain, we want the beautification so I'm very  
532 encouraged that, you know, all of this and the budget process is going to take place this  
533 year and continue to take place. I went to the post office here Saturday and it's just a  
534 little sign out there underneath the post office, it's a US Post Office sign, it's about an 8  
535 foot square sign and there's just nothing there but weeds and trash and everything else in  
536 the signage. This wouldn't take a whole lot to fix that one little thing and if we fixed a  
537 whole lot of things like that and that's what some of the Beautification Committee was  
538 really doing; is identifying these opportunities, I call them, around town to little by little

539 just improve those kinds of things and I think it's really good if the business owners  
540 would step up and participate also, again, thank you very much and I look forward to  
541 this year."

542  
543 **Harry Kohlmann, 1610B S. Ocean Blvd:** "I am now the new Chairperson of the  
544 Concerned Citizens of Surfside Beach and I just want to read a definition. "Agenda: a  
545 catalogue of aims and goals" and if you're wondering why I'm telling you this is, just  
546 about everyone has an agenda, why is it when it is associated with the Concerned  
547 Citizens of Surfside Beach it has a negative connotation? We have been told by three  
548 different staff members that we have an agenda. In the past week my wife was told by  
549 an additional staff member that the group has a political agenda and therefore the  
550 Concerned Citizens of Surfside Beach was not allowed to have a booth at the BBQ Blue  
551 Grass Festival. She stated that on the festival guidelines that no political literature is  
552 allowed, it also stated that no raffles, but no one stopped the Shriners for selling their  
553 raffles for a golf cart or a Camaro, why? Who decides what the guidelines are and what  
554 is political or not? Is the Town Administrator the dictator who decides who can  
555 participate and who can't. As it states in section 5-11-40 of the South Carolina code, the  
556 Town Administrator is to assist the council and is subject to the direction and  
557 supervision of the council. Does this council condone the sensor of citizens in this town  
558 from voicing their mission and what we support at a town function? This is our mission  
559 'to preserve and enhance the small town atmosphere of Surfside Beach; to act as a strong  
560 community force to ensure that public opinion and sentiment is represented and acted  
561 upon by elected officials; to amplify the civic voice and ensure resident participation in  
562 saving the future of the town of Surfside Beach'. This is what we support which is  
563 negatively called our agenda by your staff. We support open dialogue and transparency  
564 between residents and the town councilmembers. We support a council form of  
565 government where a town administrator assists the council and is subject to the direction  
566 and supervision of the council. We support joint citizen council committees. We  
567 support competition in contracting. We support fiscal responsibility on the part of every  
568 town official and employee. We support and have respect for the integrity and the ethics  
569 of our police officers. We support the preservation of the small town and family  
570 atmosphere that is Surfside Beach. Radical and subversive ideas, I think not. Our  
571 members make up, the average age is 65 years old; the split male and female is 50/50.  
572 Most are college educated; most are retired; some have been or are still on your town  
573 committees, some have volunteered to help the town, beautifying the community,  
574 chamber of commerce surveys, man town booths and events. Some pick up litter on the  
575 beach 365 days a years, some have voiced their concern at meetings, some have not. All  
576 do not agree on every issue brought forth at the council meetings but all love living here  
577 and care deeply about this community. Why is the town administration so afraid of us?  
578 What are you trying to hide and what is it you are trying to get away with? Does the  
579 council support the administrators' decision in not allowing the group to have a booth at  
580 town functions? Does the council and staff feel intimidated because we have asked  
581 questions? As worded, your director stated in e-mail, if people feel intimidated about  
582 speaking at a town council with police present then maybe they should be, well, the  
583 same could be said about the council and the staff when they're questioned and they feel  
584 intimidated. We are a community group that is interested in what our town is doing.  
585 Some may call it a watchdog group and it is needed. It is needed because some of your  
586 staff have the attitude that because they're adults they don't need anyone watching them,

587 well, when somebody states this it means they don't want anyone watching them, it just  
588 makes people watch them even closer. Thank you."  
589

590 **10. COUNCIL COMMENTS**

591 **Mr. Childs:** "Mr. Smith, I am still a big supporter of a project director; I'm sorry it  
592 hasn't gone further than it has. The only other thing I'd like to say is everybody, I think  
593 big question everybody in town is what's going to happen to Business 17 through  
594 Surfside Beach. I know Ms. Tuttle, years ago talked about it at a budget retreat and I  
595 asked her at that time 'please don't drop that' and that's been from, I think, ten years  
596 ago, Judy, so we are going to have a workshop on March the 1<sup>st</sup> at one o'clock so I think  
597 everybody that has an interest in knowing what's going on or what can be done or  
598 hopefully be done in the future on Highway 17 Business running through town, certainly  
599 come to that workshop."  
600

601 **Mr. Samples:** "First, just to follow up on what councilman Childs was talking about, he  
602 and I attended last night, the public hearing, that was being held by the Grand Strand  
603 Area of Transportation Committee. There was a good turnout there and we wished we  
604 had more folks from Surfside Beach there but we did the best we could. I sort of owe  
605 Ron Ott, Chairman of the Board of Zoning Appeals or the Zoning Board of Appeals, an  
606 apology. The last council meeting I was real hard on the ZBA, as it's called, noting that  
607 the minutes which are on the website hadn't been approved in well over a year and in  
608 fact that's true but Ron pointed out to me that, in fact, part of the reason is we haven't  
609 staffed them, we haven't provided the necessary support to that committee and frankly  
610 that's one of those, it's established by State law and if it receives, the next step in the  
611 process after the Board of Zoning Appeals or the Zoning Board of Appeals takes action  
612 is the district court. We probably need to have a lawyer in, present, there, so, I would  
613 encourage we need to make sure we're providing the proper support to the committee so  
614 they can do their job. This is a little touchy but I'm concerned about letters that purport  
615 to be from the town asking for opinions from the Attorney General, when, in fact, this  
616 council has never, ever discussed the matters that are going to the Attorney General and  
617 frankly the way we find out about them is back channel. Somebody put them out.  
618 Recently, town council addressed a personnel matter, you all know what it was, we took  
619 the necessary action we needed to take; it was discussed with our counsel, with our legal  
620 counsel as to what the options were, and for, Mr. Mayor, for you to sign a letter to the  
621 Attorney General . . ."  
622

623 **Mayor Deaton:** "Mr. Samples, I'm going to caution you, please do not direct to an  
624 individual or a personality; that is against Roberts Rules and we have Roberts Rules, by  
625 ordinance in our town and that is a violation of Roberts Rules."  
626

627 **Mr. Samples:** "Thank you. Let me put it to you this way. I'm concerned about it.  
628 Council acted only after getting clear, unambiguous, legal advice from our counsel and  
629 so I would merely ask the question, what were you thinking when you signed the letter  
630 and who did you consult?"  
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632 **Mayor Deaton:** "I'm not debating you, sir."  
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*Mr. Truett:* “Something that’s more pleasant. The Barbeque and Blue Grass Festival this past weekend, when our committee discussed this back in November we told everybody the weather was going to be good, so, you can thank the committee members of the Recreation for the weather, but, it was a beautiful day. I want to thank Debbie and MaryLynn and Micki for doing the advertising and all the staff. For a first time event it was very, very successful and I just want to let you guys know that there were 13 cook teams that prepared over 1,500 pounds of meat at the festival. They served over 2,500 sandwiches and drinks. The event raised over \$11,000 for the Shriners Hospital for the kids, so, pretty good. (There was some applause in the audience). I want to thank everybody for coming. Drive home safely.”

*Mr. Martin:* “Mr. Truett, I thought Debbie Ellis had a direct connection for good weather. That was a great event. Thank you. I don’t have anything to add, Mr. Mayor.”

*Mr. Johnson:* “Thank you ladies and gentlemen for coming out. We appreciate you being here and giving your input. I am sure that 99.9 percent of you are registered to vote in this town but if you’re not, time is a wasting. We do have an election coming up and I will say thank God I’m not running right now. Thank you.”

*Ms. Blair:* “Thank you, ditto on that. Thank you all for being here. I would take a moment to congratulate Councilman Childs. Last week several of us were in Columbia taking more classes with the Municipal Institute and he has completed his and graduated from the Elected Officials Institute so I want to congratulate him on that. Just so you’ll know, Councilman Johnson and I are one class behind, so, as soon as we get that we’ll walk that isle as well. The other thing is we do have the Census coming up and it is an important element of determining our population and the needs of that population and especially in this time when there’s so many questions about the makeup of our population; it’s more important than ever that you please, I encourage you to take part and to complete and mail back those forms between March 15<sup>th</sup> and April 15<sup>th</sup>. It’s one of the easiest ones ever. It’s only, I think 10 questions, it should take you no time to do it so I just encourage you to just take a few moments to do that and send that back in. Other than that, thank you all for coming and drive safely. See you next time.”

Mr. Truett made a motion to go into Executive Session. Mr. Martin seconded. **All voted in favor. MOTION CARRIED.**

**11. EXECUTIVE SESSION**

Mr. Truett made a motion to reappoint Ron Ott and appoint Arthur Chamberlain and Robert Blair to the Board of Zoning Appeals. Mr. Johnson seconded the motion. **All voted in favor. MOTION CARRIED.**

**12. ADJOURNMENT**

Mr. Truett made a motion to adjourn. Mr. Childs seconded the motion. **All present voted in favor. MOTION CARRIED.** The meeting was adjourned at 8:20 PM.

Approved: March 9, 2010

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Sharon Pinnell, Town Clerk

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K. Allen Deaton, Mayor

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Joseph P. Martin, Town Council

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Vicki W. Blair, Town Council

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James S. Truett, Mayor Pro Tem

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Douglas F. Samples, Town Council

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Mark L Johnson, Town Council

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Robert F. Childs, III, Town Council

**Clerk's Note: This document constitutes minutes of the meeting, which was audio taped. This meeting was transcribed by Clerk Pinnell . In accordance with FOIA, meeting notice and the agenda were faxed and/or emailed to local media and interested parties. A complete list is on file in the clerk's office. The agenda was posted on bulletin boards outside Council chambers and in the town hall reception area. Meeting notice was also posted on the town marquee. When \*\*\* is used a section of the transcription is inaudible.**

APPROVED