



TOWN OF SURFSIDE BEACH ♦ TOWN COUNCIL CHAMBERS

November 11, 2008 ♦ 6:30 P.M.

TOWN COUNCIL MEETING MINUTES

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7 **1. CALL TO ORDER**

8 Mayor Deaton called the meeting to order at 6:30 p.m. Mayor Deaton, Mayor Pro Tem
9 Truett and Councilmembers Blair, Johnson, Martin, Samples and Childs were present.
10 A quorum was present. Staff present: Administrator Booth; Clerk Pinnell and Finance
11 Treasurer Hursey. Attorney Mr. Smith was also present.
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13 **2. INVOCATION and PLEDGE OF ALLEGIANCE.**

14 Pastor John Flowers from Harbor Baptist Temple said the invocation and Mayor Deaton
15 led the pledge of allegiance.
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17 **3. MINUTES APPROVAL**

18 Mr. Truett made a motion to approve the workshop meeting minutes from October 28,
19 2008. Mr. Samples seconded the motion. Mayor Deaton stated that the workshop
20 meeting was a format that council had experimented with and he has received a lot of
21 positive feedback and added that this could be a good tool council can use in the future.
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23 **All voted in favor. MOTION CARRIED.**

24 **4. PUBLIC COMMENTS – Agenda Items only**

25 *Shelby Smith, 911 Cedar Drive North:* “I just wanted to say that the ordinance
26 workshop, I thought, was outstanding. I was here as well as many other residents and it
27 really provided an open dialogue and an opportunity to have a real exchange in terms of
28 these very important ordinances that are discussed in tonight’s business particularly the
29 non-smoking ordinance. It was good to see the residents and the council decide to
30 strengthen this ordinance including the business owners to take real responsibility and I
31 know that in the wording there’s reference to the licensing and really letting the business
32 owners realize that it’s up to them to see that no smoking in their building is what we’re
33 all here about and that’s what this ordinance is about. Compliance stated in the business
34 licenses is a very good idea, also I think on the entries to these businesses it’s a very
35 good idea to have the smoke-free, the non-smoking clearly delineated. A good example,
36 in the closest strip center to the Town Hall here there are four eating and drinking
37 establishments. Fat Jacks and Anitpastas, they have the label in the doorway so anyone
38 can clearly see it’s that establishment’s intent and that is the law to not smoke. The other
39 two, the Stadium Club and Southside Grill, there’s no indication whatsoever. Across the
40 street at Dagwood’s, there’s no indication whatsoever that there’s even an ordinance
41 here in our town so I suggest that that be in the ordinance and clearly stated. I thought
42 the two tier civil infraction, criminal approach that was discussed at that workshop was
43 also an outstanding idea, to really get some meaning behind the non-smoking and I
44 would even say a dual infraction would not be out of order for the smoker and the
45 business owner to be cited. At the workshop, also, keeping the beach smoke-free it was,
46 I guess, termed as a gathering place like recreation park and other public facilities and
47 it’s good to see that’s still there too, so, Mr. Mayor and Council I really thank you and I
48 know the town thanks you for improving our quality of life and strengthening and
49 enforcing this ordinance and it’s good to see our State Capital and Richland County, this
50 October 1st went smoke free so we’re indeed in very good company. Thank you very
51 much.”
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5. COMMUNICATIONS

A. *Speaker Rigby Wilson WFXB-TV: Switch to Digital Television*

Mr. Wilson gave a presentation informing council and those in attendance that there would be a switch from analog TV to digital TV with a deadline given as February 17th, 2009. Better sound quality and high definition broadcasts would be made possible. All households that do not subscribe to cable or satellite services would need a converter box; digital to analog converter boxes will make digital signals viewable on analog televisions. Mr. Wilson explained that the converter box would be available for approximately \$39.95 and coupons would be available. Mr. Wilson stated that most people have satellite or cable but his plea is for the word to get out to those who are not aware of the change.

B. *Finance Report*

Mr. Booth stated that the finances are in good shape. The town has collected just under 5 percent of what was anticipated to be collected and expect to meet all goals for revenues and expenditures. Mr. Booth thanked the Finance Department and Directors for their assistance with the budget. Mr. Samples asked about the summary financial information provided to council for the period ending September stating that the pier purchase was not included. Revenues for the funds were laid out but there is no indication of a pier purchase. Mr. Booth stated that the town has been very conservative in the reserves and that the general fund did not go down very much. Mr. Samples stated that the financial report should show the purchase of a 2.5 million dollar item. Mr. Booth stated that a book will be distributed at the budget meeting adding that the recent budget information distributed was raw data. Most information will remain the same it will just include more detail.

C. *Public Works Report*

Mr. Booth reported that Floral Lake is being prepared to be the next dredging project. The town is just waiting for Verizon to remove some wires to allow for the equipment to get in. Mr. Booth showed photos of the pier and the projects that Public Works is currently working on. Mr. Truett stated that he noticed in the report that recycling would not be picked up for three weeks the end of December and beginning of January and asked if the town could have alternate date pick-ups. Mr. Booth agreed that during the holidays people go through a lot of recycling material and they would need to look into this and add a recycling day. Mr. Booth reported that the town is in the process of getting out a letter to inform residents that alternate side of the street recycling will be put into place.

Mr. Childs stated that he is very pleased with the new Grounds Department adding that Ty and Brian have done an excellent job. Mr. Childs complimented them on a job well done at the Veteran's Memorial with the landscape and added that he feels that Surfside Beach is going to see many more improvements within the next few years. Mr. Booth stated that council had put money into beautification projects and added that this will make a difference. Mr. Booth stated that beautification of the town is a long process but it needs to start somewhere.

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D. Administrator's Report

Mr. Booth reported that the budget retreat facility is available Friday evening, November 21st and the plan is to begin the budget meeting Saturday morning right after breakfast. Mr. Booth reported that the meeting would go until dinner and then the next morning there would be a roundtable discussion. Mr. Booth added that most of the decision papers were included in the council packets.

Mr. Booth reported that he has come into possession of approximately 100,000 cubic yards of materials dredged from the lakes. Mr. Booth stated that most of it makes very good topsoil, some of it is sand and some of it is coquina. Mr. Booth stated that he would like to offer to sell the topsoil to the citizens about 8 cubic yards of material for about \$40 a load; this would cover gas and maintenance of vehicles. Mr. Booth stated that outside of town he estimates it should cost about \$190 and with an outside agency the town may come down 25 percent for them to come and pick it up. Mr. Booth stated that he would rather sell it to government agencies than to a developer. Mr. Samples stated that he thought that this is a good idea although not many citizens might be interested in a full load and asked if Mr. Booth thought about setting up a day and allowing people to pick whatever they needed. Mr. Booth agreed this was a good idea. Mayor Deaton stated that he feels this sets a good precedent because when the town gets into the larger lakes there will be more viable materials to sell. Mr. Booth stated that some of the materials will be used in the parks around town also. Mr. Booth stated that the money received from the soil could be put back into the stormwater fund.

6. BUSINESS

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A. *Second Reading: #08-0643 Smoking Ban*

Mr. Truett made a motion to approve the ordinance as presented. Mr. Samples seconded the motion. Mr. Johnson stated that during the workshop council had discussed adding the quality of life issue to the ordinance and after reviewing the ordinance he did not see where it was added. Mr. Smith explained that this was the exact ordinance that was approved by the Supreme Court with a few minor changes and added that he thought it would be ill advised from a legal perspective to put this in the ordinance. Mr. Smith added that an item was added to the littering to cover this issue. Mr. Smith stated that during busy season there are many people on the beach and if during January an individual were on the beach should he be subject to the same infraction ticket; this person could conceivably get a ticket and that someone without bias would be hearing the case and applying the law. Mr. Smith stated that the question would be is it more or less egregious if there were 100 people on the beach or just this one individual. Mr. Smith stated that this would be dealt with at the hearing. Mr. Johnson stated that the thought behind this was to not make it just a health issue but one of a quality of life issue to cover all bases. Mr. Smith stated that he could go back and do some additional research on it if council so chose but that he feels that this ordinance would hold as written since it was already upheld by the Supreme Court and also passed by the Attorney General as it relates to the beach and that he would not like to see the ordinance get too far outside those perimeters.

147 Mayor Deaton stated that this has been a long hard road and added that his position
148 has not changed; he still feels that the State law is probably the better law which
149 allows the individual property and business owners to determine whether their
150 establishment should be smoking or non-smoking or to designate non-smoking areas.
151 Mayor Deaton stated that he feels that it is probably better not to have “patch work
152 enforcement throughout communities” and added that he wishes the State
153 Legislature would take up this issue and resolve it but he does not see this
154 happening. Mayor Deaton stated that council has every right to determine the fate as
155 a community and added that he has faith in the council and whatever this council
156 votes “so be it”. Ms. Blair, Mr. Johnson, Mr. Martin. Mr. Truett, Mr. Samples and
157 Mr. Childs voted for the ordinance and Mayor Deaton voted against it. **MOTION**
158 **CARRIED.**

159 **B. *First Reading: 08-0644 Animal Ordinance***

160 Mr. Booth stated that if this ordinance is passed the town would give residents 6
161 months to register any cats or dogs without fees. The town is looking primarily at
162 the health issue of rabies and control. Mr. Booth stated that the Stormwater
163 Committee was deeply involved in the bird sanctuary and the problems with the
164 lakes in town. Ms. Blair made a motion to approve the ordinance as presented. Mr.
165 Truett seconded the motion. Mr. Samples asked if this ordinance makes it illegal to
166 feed bread to geese. Mr. Booth stated that it is State law. Mr. Booth stated that the
167 town’s current ordinance requires feeding of birds and now the State and stormwater
168 requirements state that they should not be fed. Mr. Booth stated that the town wants
169 to educate people and that there are some residents in town who have multitudes of
170 birds that they are taking care of and the town would like to bring this number down
171 to a more reasonable one adding that 60 is too many. Mr. Childs asked Mr. Booth if
172 he ever found a way to educate the public regarding Section 3-4 of the town
173 ordinances, cleaning up after pets, adding that pet waste is the biggest pollutant. Mr.
174 Booth stated that as required by the stormwater ordinance the town will have to
175 educate the public; brochures will be distributed to all residents. Ms. Blair thanked
176 her fellow councilmen as well as Mr. Booth for the addition of the turtle to the
177 ordinance adding that it is a health issue; small turtles carry salmonella and it is a
178 federal offense to sell these turtle and the current problem lies in some of the
179 beachwear stores. Ms. Blair stated that Myrtle Beach has already passed such an
180 ordinance. Mr. Truett asked if there is anything that people can feed birds instead of
181 bread. Mr. Booth stated that he believes seed is acceptable and Mr. Truett added that
182 during the educational process if there is something that people can feed birds it
183 should be included in the information distributed. Mr. Booth stated that the town
184 will also put signage up around town to help educate people.

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186 Mr. Johnson asked about the ordinance currently on the books regarding registering
187 dogs and asked if it is currently being enforced. Mr. Booth stated that it is not
188 adding that there is “no teeth to it.” Mr. Booth stated that approximately only 40
189 people have registered their dogs out of the 2,000 that are out there. Mr. Johnson
190 stated that he agrees with the turtles and has come to terms that the town is currently
191 not in compliance with the State’s requirement concerning waterfowl and geese and
192 agrees that something needs to be done about the dogs but does not understand how
193 the town is going to deal with the cats adding that he understands the rabies aspect
194 but does not see how the town can enforce registering cats. Mr. Booth stated that the

195 cats were added per request from council. Mr. Booth stated that many cats are
196 indoor cats and never go outside and agrees that this would be hard to enforce. Mr.
197 Johnson stated that his biggest concern is that he does not feel that the town should
198 pass something that cannot be enforced. Mr. Martin stated that he agrees with Mr.
199 Johnson and asked if there were any other municipalities that had cat licensing
200 requirements. Mr. Booth stated that most requirements include just dogs. Mr. Booth
201 stated that the town currently has feral cats that they need to be collected. Mr.
202 Martin stated that he feels that cats would be unenforceable. Mr. Samples made a
203 motion to amend the ordinance as proposed to delete any reference to felines. Mr.
204 Martin seconded the motion. **All voted in favor of the amendment. MOTION**
205 **CARRIED. Mayor Deaton, Ms. Blair, Mr. Johnson, Mr. Martin, Mr. Truett**
206 **and Mr. Childs voted for the amended motion. Mr. Samples voted against.**
207 **MOTION CARRIED.**

208 C. ***First Reading: 08-0645 Littering Ordinance***

209 Mr. Booth stated that the town already had a littering ordinance but this focuses more
210 on the beach and puts “more teeth into it”. Mr. Truett made a motion to approve
211 the ordinance as presented. Mr. Samples seconded the motion. **All voted in favor.**
212 **MOTION CARRIED.**

213 D. ***First Reading: 08-0647 Flood Damage Prevention Ordinance***

214 Mr. Booth stated that this ordinance has minor changes; it puts a date on the map and
215 adds a definition for violations. Mr. Truett made a motion to approve the ordinance
216 amendment as presented. Mr. Johnson seconded the motion. **All voted in favor.**
217 **MOTION CARRIED.**

218 E. ***First Reading: 08-0646 Set Off Debt Collection***

219 Mr. Booth stated that this ordinance allows the town to go after a State resident’s
220 income tax for unpaid fines. Mr. Samples made a motion to approve ordinance as
221 presented. Mr. Johnson seconded the motion. Mr. Johnson stated that this looks like
222 a “no brainer” for the Town of Surfside Beach and asked after noticing the large
223 amount of towns that are involved asked if the town has ever been involved or did
224 this before. Mr. Booth stated that it is brand new and the town is in the inception.
225 **All voted in favor. MOTION CARRIED.**

226 F. ***Resolution 08-075 Authorize Town Administrator to enter into Agreement with***
227 ***Municipal Association for Collection of Debt***

228 Ms. Pinnell read the resolution that is on file.

230 Mr. Booth reported that Jammin’ Leather has paid their fines up to date and will bring a
231 recommendation to council at the next council meeting.

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233 **7. PUBLIC COMMENTS**

234 *Pam Stapleton, 511 6th Avenue South:* “I was not here earlier and I know that it’s
235 already been passed; I would just like to state, I don’t know why there couldn’t be a
236 compromise and I know it’s already been done but today is Veteran’s Day and a lot of
237 men and women have fought to give us freedom of choice and it just amazes me that no
238 one had a chance to vote on this; to have their thought come to you . . . I’m a business

239 owner so you can understand where I'm coming from and I just wanted to know if there
240 couldn't be a compromise to bars because it's a social environment and when people do
241 go there they do drink and eat and tend to have a cigarette. I'm a non-smoker and I
242 totally agree that it's bad for you and everything else; I'm just so worried that we're
243 going in the wrong direction in this country about taking away rights and if a referendum
244 could maybe be thought of, I was wondering if that might be an action we could take as
245 business owners in the town and the only other thing I have to say is, I've lived here for
246 26 years and I've never seen any police patrolling the beaches for litter which is a really
247 big thing; it's polluting our environment and our oceans and all of a sudden there's
248 police policing the beach for cigarette smokers and I don't know where the money came
249 from all of a sudden when I've seen people actually dig holes and try to bury trash and
250 just leave, you know, their good times, and we've always had trash cans available and
251 they weren't used. I just think I'm between a rock and a hard place because my business
252 does promote. . . I'm able to live in this town and pay taxes and pay my mortgage and
253 the way the economy is right now you might all think this is a very small little thing but
254 it's going to trickle down, I think, and it's going to hurt a lot of businesses and I think
255 the Town of Surfside might lose some money that could be used constructively in other
256 areas. Thank you."

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258 *Shelby Smith, 911 Cedar Drive North:* "I am a Veteran and I am just very, very happy
259 that our government . . . we aired all the issues and saw all the positives of non-smoking
260 and it's great to be a Veteran and enjoy clean air. I think it's everybody's right and I
261 think that everybody needs to support our joint collective findings here, also, a month
262 ago I mentioned the alligator in lake Dogwood; I believe it's still there. I just wanted to
263 see if there is anything that could be done about eliminating this alligator before a
264 tragedy might happen with a small child and my neighbors have seen it and indicate that
265 it's quite probable that a serious accident is going to happen. I wouldn't want that on the
266 council or the town's head. I think we ought to take care of the problem. I hope
267 Dogwood Lake is in the budget for next year and on the lake topsoil, that might be a
268 great opportunity for beautification of the town to fill in the many ditches, put a
269 drainpipe in, enhance the roadway along 17 and use some of that up, also, perhaps
270 Myrtle Beach has a lot of construction and development going on in Myrtle Beach as
271 they might be able to use that soil as well. I'm a little confused about the single person
272 walking the dog on the beach, if we have a law, it's a law. We don't allow drinking on
273 the beach, we don't allow lewd and outrageous behavior on the beach whether it's one
274 on the beach, twenty on the beach, one hundred on the beach, it's the law, so I don't see
275 having a variable like that, what if it's a windy day? If the winds blowing we're going to
276 relax the law? What about the restaurants? What if there's just one person in a
277 restaurant, does that mean we're just going to back off? The law's the law. If there's no
278 smoking on the beach we ought to stand up to it and it's clearly more enforceable.
279 January, what are you going to select months where you're going to do it and not do it?
280 It's going to confuse the issue greatly, so I'd like to see the whole thing just as it was
281 presented. Thank you."

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8. COUNCIL COMMENTS

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Mr. Samples: "I just wanted to thank everyone for coming out on another beautiful night
285 in Surfside; in paradise."

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Mayor Deaton: “And I’d like to reiterate that. We’d like to thank everyone for participating in our business meeting tonight. I feel that this is a good format. I think this is the fruit that we bear from our workshop format earlier, from our previous meeting. We will be going to Pinopolis for a business retreat, a budget retreat, actually, where we’re going to do a lot of work and it’s going to benefit this town greatly, so our next meeting will be in Pinopolis; you’re all welcome to come, it’s about 90 miles down the road, it’s just a good environment for us to get together and get together with staff and be very productive on your behalf, but you’re all welcome, the schedule’s available, the directions are available and thank you all for coming tonight.”

9. ADJOURNMENT

Mr. Johnson made a motion to adjourn at 7:22 PM. Mr. Truett seconded the motion. All voted in favor. MOTION CARRIED.

Approved: December 9, 2008

Sharon Pinnell, Town Clerk

K. Allen Deaton, Mayor

Joseph P. Martin, Town Council

Vicki W. Blair, Town Council

James S. Truett, Mayor Pro Tem

Douglas F. Samples, Town Council

Mark Johnson, Town Council

Robert F. Childs, III, Town Council

Clerk’s Note: This document constitutes minutes of the meeting, which was audio taped. 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.