



**SURFSIDE BEACH TOWN COUNCIL
REGULAR COUNCIL MEETING MINUTES
JANUARY 24, 2012 ♦ 6:30 P.M.
TOWN COUNCIL CHAMBERS**

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8 **1. CALL TO ORDER.**
9

10 Mayor Deaton called the meeting to order at 6:30 p.m. Mayor Deaton, Mayor Pro Tempore
11 Childs, and Councilmembers Blair, Dodge, Johnson, Samples, and Smith were in attendance; a quorum
12 was present. Staff present: Administrator Duckett; Deputy Administrator Fellner; Public Works Director
13 Adair; Treasurer Hursey; Code Enforcement Official Morris, and Recreation Supervisor Ellis. Others
14 present: Town Attorney Moss, Town Attorney Smith, Town Engineer Wooten, and Town Clerk Herrmann.
15

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

18 Reverend Ronald Farrar (retired,) a member of Timberlake Baptist Church, gave the invocation.
19 Mayor Deaton led the Pledge of Allegiance.
20

21 **3. AGENDA APPROVAL.**
22

23 Mr. Smith moved to approve the agenda as presented. Mr. Samples seconded. **All voted in**
24 **favor. MOTION CARRIED.**
25

26 **4. MINUTES APPROVAL.**
27

28 Mr. Samples moved to approve the minutes for the regular meeting held January 10, 2012 as
29 presented. Mr. Childs seconded. All voted in favor. **MOTION CARRIED.**
30

31 Mr. Smith moved to approve the minutes for the special meeting held January 16, 2012 as
32 presented. Mr. Johnson seconded.
33

34 Mr. Moss requested that Line 46 be changed to state that Mr. Samples requested the Attorney
35 General's opinion. There were no objections to the change.
36

37 All voted in favor. **MOTION CARRIED.**
38

39 **5. PUBLIC COMMENTS – AGENDA ITEMS.**
40

41 "Beth Kohlmann, 1610 South Ocean Boulevard. I'm going to beat that dead horse again,
42 because I know it's on the agenda tonight, and a, the item I'm talking about is the recreation committee. I
43 think it's real important and I, I do believe from talking to some people up here that you believe that to be
44 true as well. I planned on saying a lot more things about recreation, but in the middle of trying to do my
45 research so I don't put my foot in my mouth, and I spent a lot of time today calling other places that are
46 very similar to Surfside Beach, one of them being Isle of Palms, because it is. I can't even believe how
47 similar it really is to us population wise, but there are other things that don't add up like budgets and
48 manpower. So, it was really good for me to talk to them, because you know, they have a lot more to work
49 with than what the town of Surfside does as far as manpower and things. So, it kind of snapped me back
50 a little bit, so yeah, you know, you're right and it was good that we all take the time to do that I think. But,
51 I really hope that you have an open mind about it, and just think back about when it was in play, and that
52 there are a lot of people that are willing to work with Debbie. I'm sorry, I didn't mean to mention a name,
53 but that are willing to work with the recreation department as a whole, and I think that it's really a doable
54 thing, and I hope that you all think about that."
55

56 "My name is Dan Flood. I live at 116 7th Avenue South, and I agree with, you know, about the
57 recreation committee. I think it's an important part. I've been a big part of the recreation department and
58 I wish that all of the money from income and anything would go back into the recreation department, and
59 this goes back in regards to with the town manager we had a, a meeting in reference to the concession
60 stand, and we were hoping that we would be able as a [sic] organization run it and put the money back
61 into the sports program as opposed to leasing it or subbing it out, and letting the money go back outside
62 of the town. It would be a big plus to the program and a big plus for the kids, and that's all we want.
63 Thank you."
64

65 Mr. Samples, "I would like to make a motion to suspend the rules to get more information on that
66 particular subject." Ms. Dodge, "Second." Mayor Deaton, "How about if we discuss this under the
67 recreation when you get under the discussion for special events and recreation committee? It would
68 probably be more appropriate; let's just take care of town business first, and then move back to that, if
69 that's all right with you or are there any council comments?" Mr. Samples, "We, as I understand it, we
70 have signed a contract on the matter and that's really the specific issue that I would like to discuss, and,
71 and, so that council is fully informed on the issues that surround that. I think as the gentleman stated,
72 under the current situation monies that really could be used in the recreation department for the youth
73 program will flow outside the recreation department into a, another individual team that is not associated
74 with Surfside Beach Recreation Department. In fact, I think that's a mistake when we have willing and
75 able volunteers who live in town." Mayor Deaton "Okay, sir. I think for continuity purposes, it's more
76 appropriate, we're under, we're under public comments at this time. I think it is inappropriate to try to
77 suspend the rules to make a discussion or a question of staff at this point in time. I think it's more
78 appropriate."
79

80 Mr. Samples, "Can I get a ruling, can I get a ruling from our parliamentarian on that? There is a
81 motion on the table. It is a motion to suspend the rules. It has been seconded." Mr. Moss, "Technically, I
82 think that the administrator is the parliamentarian, but normally he defers his questions to me, and I
83 presume he will in this particular instance. If there has been a motion and second on the table, it should
84 be offered for discussion and a vote. However, I don't believe the mayor has suggested that it wouldn't
85 be done. I think he suggested that the timing of it might be at a different place in the agenda. I think
86 having had a motion and second, the vote could be called." Mayor Deaton, "Okay, we have a motion; we
87 have a second. Under discussion?"
88

89 Ms. Dodge, "I just want to say, I think I have seen at Huckabee field, the parents that come out
90 and support their children there and I think it would be very smart of this town to have the parents
91 involved. They're not going to do anything wrong as far as handling money for the town. It makes sense
92 to me. We don't have to pay them; they volunteer. Whereas, if we have someone from outside of town
93 come in, that really bothers me, because they're taking that money out of our town. If the parents were
94 involved, it would stay in our town. I hope that sways somebody."
95

96 Mr. Smith, "Mr. Mayor, I think it's more appropriate that we wait until Item 8, discussion of special
97 events to follow-up on this, and therefore, I would be against suspending the rules."
98

99 Mr. Samples, "As I understand it, we have created a landlord-tenant situation under the current
100 arrangement with an individual outside of the town, because he is going to be paying us \$100 per month
101 to operate that concession stand. I think the town is in a, and I'm no lawyer, but I, I would like to have
102 lawyer, legal input. I think the town is in a better situation if they have volunteers that are directly
103 associated with the town rec [sic] program acting as volunteers, and we allow them to, to perform the
104 function that we are now going to be paid \$100 a month for while they take the profits out of the town. So
105 I have a number of concerns and I understand that we, and I don't have a problem if we're going to
106 discuss it that context later. (**) And, and, and that's what I want to say. I want to make sure that you
107 understand the degree and specificity that I want to get into on this particular matter."
108

109 Mayor Deaton, "I guess my main concern is that it is inappropriate to approach an issue that has
110 not, that council has not briefed. Obviously, Mr. Samples knows a lot more than I know about this issue.
111

111 I'm not familiar with it at all, and I don't know how many councilmembers are, but it's not fair to other
112 council members to be blindsided by an issue that we're not prepared for."

113
114 Mr. Samples, "Mr. Mayor, If I could that's the purpose for the suspension of rules. To have the
115 discussion so that as I said, so that the rest of council can be brought up-to-speed on a, on a legal
116 document that has been executed on behalf of the town when we have well-qualified individuals that have
117 been involved with the recreation department for many, many years, have children who live in the town
118 willing to, to do it for nothing and under as a, a less, frankly, we've got a contract now with somebody
119 outside the town."

120
121 Mayor Deaton, "Sir, I don't have that information in front of me. I don't believe any
122 councilmembers do..." (**Several speaking at once**) Mr. Samples, "...you do on the report, because it
123 was part of the recreation report that's provided to all us in writing." Mayor Deaton, "I did read that, but
124 this is not listed on our agenda. Mr. Johnson."

125
126 Mr. Johnson, "Mr. Mayor, I do not disagree with Councilman Samples. However, I do feel that the
127 proper place to discuss this in detail would be under recreation department." Mr. Samples, "I withdraw my
128 motion, if, and we can discuss it under recreation department, which will be coming up shortly." Mayor
129 Deaton, "Yes, I have no problem with that. Withdraw the second?" Ms. Dodge, "I will."

130
131 "Good evening. Ron Ott, 7th Avenue North. One thing on the recreation business and stuff like
132 that, I was just wondering maybe sometime during the discussion tonight somebody would bring up how
133 this, how this Horry County recreational facility they're putting on Scipio Lane, how will that take any effect
134 on what happens at Huckabee, if it does or doesn't? That's the question from me. Thank you."

135
136 "Gene Maruca, 116 7th Ave. [sic] South. Over the past couple of weeks I hear bits and pieces
137 regarding our recreation department. I'm not at all pleased with what I hear, mainly because my son went
138 through that department and today he's playing college football. An honor that only a father would
139 appreciate seeing his son and having the flashbacks of him playing in this town at age six or eight at
140 Huckabee. Unfortunately, that football program was brushed aside. Now I understand that there's an
141 element in the town that wants to do away with that part of recreation in its entirety; probably under the
142 premise that it's too much work for the director of recreation. I would strongly suggest we find our director
143 something's she's more capable of doing (**) of a job that she's done in the past and get someone
144 innovative to enhance our recreation program instead of cutting it piece by piece until we've got our kids
145 in this town out on the streets, possibly breaking into cars, raising havoc underneath the beach homes,
146 and so on and so forth. Better to guide them when they're young than to put up with what is possible if
147 we do away with that department in its entirety. All I can think of is someday one of those kids will be
148 sitting in your seat, and it's up to you folks to decide are we going to give them something structured or
149 just turn them loose in the town. Thank you."

150
151 "Randle Stevens, 412 1st Avenue North. I didn't even know recreation was on the agenda, but a,
152 cause I got it late, but a just want to give you some background on my experience with recreation
153 departments. I coached for ten years for the Grand Strand YMCA girls soccer. And, to do away with
154 recreation in the town of Surfside or to cut it in any way is a disservice to all the youth. Ninety percent of
155 the girls that I coached went to college and got a four-year degree. Several of them are going on and
156 getting Master's degrees. Some of them have become nurses, some have become business people, but
157 it's the best thing in the world for young people. It teaches them to be competitive in the world. It teaches
158 them how to, learn how to be a winner in the world, and there's too many people running around here
159 smoking pot and doing nothing and being just lazy bums, and we need a good recreation department in
160 Surfside for all the children. All the parents that have children in this town deserve a solid recreation
161 department, because our youth are our future. It won't be long before all of us are old and gray and
162 maybe in a nursing home or whatever, and when we look at our grandchildren, if they play a sport and
163 they succeed, and maybe they're, and maybe one of them will be the new mayor or the new councilman
164 or whatever in Surfside. But, they will learn by playing sports and being in recreation. It teaches them
165 how to be a winner in this world and that's what we need is winners. In this economy and this world the
166 best thing we could ever do is help our youth. Thank you."

167 6. **COMMUNICATIONS.**
168

169 A. Progress Report – DDC Engineers, Mr. Wooten.
170

171 Mr. Duckett introduced Mr. Wooten and said council would be asked for consensus to proceed
172 with his recommendations at the end of the presentation. Mr. Wooten presented a slide presentation, a
173 copy of which is on file, and outlined maintenance tasks and recommendations for the pier.
174

175 (1) Piling Replacement. A diagram of the pier was developed on which the problem pilings are
176 identified. Because the company that performed the original inspection is no longer in business and a
177 written report could not be located, a new inspection was performed by Salmons Dredging and Marine.
178 The new inspection determined that the five pilings recommended for replacement were structurally
179 sound. Mayor Deaton said this would save the town about \$75,000. There are marine borers in some of
180 the pilings that can be remedied by wrapping them with a rubber membrane that suffocates the marine
181 borers. There is one missing piling, but the pier is structurally sound; replacement is not recommended at
182 this time. The inspection underneath the pier found the structure safe; maintenance recommended by
183 Chao and Associates was completed by staff. He recommended allowing Chao and Associates, the
184 town's structural engineer, to make a recommendation on the piling repairs as outlined. The cost will be
185 significantly less than the replacement cost. Mr. Wooten also recommended that a regular annual or bi-
186 annual maintenance and inspection routine be established for the pier. Eventually, each piling would be
187 wrapped and then storm damage would be the only concern.
188

189 (2) Structural Reinforcement of Landward Section. Chao and Associates plans and specifications
190 for the underneath the restaurant area are completed and bid packages are ready to bid out. The original
191 plan was to bid piling replacement and structural elements together, because piling replacement is not
192 recommended Mr. Wooten's recommendation is to let bids for the underneath of the restaurant building.
193 This element of the project is on time.
194

195 (3) Mechanical and (4) Electrical. Mr. Wooten said the HVAC equipment should be designed for
196 the specific tenant's needs. The water heater is "by far" the worst plumbing problem, which operates in a
197 negative environment that violates code and safety regulations. Plumbing pipes are in very poor
198 condition and should be replaced. The sewer drain is not connected to the grease interceptor, which is a
199 code violation. Electrical service should be replaced with two 42 circuit panels as there no way to
200 upgrade the existing service. All electrical should be removed and replaced with code compliant lights
201 and Ground Fault Interrupter (GFI) outlets. Emergency lighting and exit signage should be installed as
202 required by code. Mr. Wooten recommended working with the lessee to develop a fair and equitable cost
203 sharing for upgrades that the lessee needs to bring the restaurant up to code and operable.
204

205 Mayor Deaton asked how the recent lease impacted the recommendations. Mr. Duckett said the
206 new tenant was contacted who just today delivered preliminary interior drawings from their architect. The
207 tenant understands that the facility has to meet code. Mr. Duckett said it would make sense to work with
208 the new tenant to determine equitable cost sharing for bringing electrical and plumbing up to code. He
209 was confident that an agreement could be reached that would be presented to town council for its
210 consideration. Mr. Duckett said DDC would be able to advise as to whether the costs share is fair and
211 equitable. Mr. Samples said the mechanical and electrical needs should be well defined and asked if that
212 information was available. Mr. Wooten said he did not have any information on the tenant's
213 requirements. He recommended that DDC be allowed to get the information and allow its staff to review
214 the plans so a recommendation could be formulated. Mr. Samples asked when the plans could be
215 delivered to DDC. Mr. Duckett did not have a date.
216

217 Mr. Samples asked if the bid package was available. Mr. Wooten said that was not yet sent to
218 the town. Mr. Samples asked how long the bids would be advertised. Mr. Duckett answered at least 30-
219 days, and asked Mr. Wooten for a recommendation. Mr. Samples believed the engineer would answer as
220 quickly as possible, but he believed for cost and competitive reasons 30-days was the minimum to
221 advertise, as he did not believe that would hold up any other work. Mr. Wooten said in his experience
222 contractors wishing to bid typically waited until the last three or four days to submit; he recommended a

223 30-day bid period. Mr. Samples agreed and in his experience with a 30-day period there were 15
224 respondents to the fire station. Advertising should be adequate so that there is as much competition as
225 possible. Mr. Samples asked that the next meeting include a report on the cost sharing issues with the
226 tenant to keep council and the public fully informed. Ms. Dodge referred to the toilette space size and
227 asked if new facilities had to be built. Mr. Duckett said the comment was about the existing facility. The
228 new tenant's design re-works the area to bring it up to code. Mr. Duckett noted that Mr. Wooten made
229 three recommendations and asked council to concur to move forward with them. Mr. Smith believed that
230 no action would be taken on the restaurant upgrades until the tenant's drawings were reviewed. Mr.
231 Duckett said that was correct; he asked for concurrence that the bid would be let for maintenance
232 underneath, continue to proceed with obtaining more information about the rubber membranes for the
233 pilings and bring a recommendation to council, and pursue a cost sharing agreement with the tenant for
234 presentation at the next meeting. **COUNCIL CONCURRED.**

235
236 B. Department Reports

237
238 i. Finance.

239
240 Mr. Duckett presented the finance report, a copy of which is on file in the clerk's office. Mr.
241 Samples referred to the accommodations and hospitality funds saying this year's expenditures compared
242 to last year are up 35-percent and asked for an explanation. Mr. Duckett said because of capital
243 expenditures, i.e. fire truck. Mayor Deaton said hospitality fees and accommodations tax revenue have
244 specific uses; large fund balances are not allowed to be accumulated in either fund for extended periods
245 of time. The town was going to lose about \$900,000 when the pier was purchased, because those funds
246 were saved for beach renourishment, but federal funds paid for renourishment. An appeal was made to
247 the Tourism Expenditure Review Committee whom allowed the town to purchase the pier as a tourist
248 amenity.

249
250 Mr. Samples said, "For the record, Mr. Mayor, for the record, for years we have budgeted money
251 for beach renourishment until the last four years, okay. The fact of the matter is, is that the State
252 recognizes that in order to renourish the beach the locals are going to have to put up the money. I think
253 representative a, our representatives stated down in Charleston that don't be looking for any federal
254 money or state money for renourishment. It was reported in the paper. We need to be setting aside a
255 reserve for beach renourishment."

256
257 ii. Recreation.

258
259 Mr. Duckett explained how the concession contract mentioned earlier in the meeting by saying in
260 late October or early November he received a telephone call from Mr. Samples expressing concerns
261 about rumors in the community that the All Star program was being abolished. After a lengthy discussion,
262 he explained to Mr. Samples that no decision had been made, and asked whether this should be a
263 council decision or an administrative decision. Mr. Samples told him that it was fine for him, the
264 administrator, to deal with it. Mr. Duckett said a meeting was held with all interested parties, primarily
265 coaches, November 28th. Prior to setting the meeting, Mr. Johnson also called Mr. Duckett, who said he
266 heard the same rumors. Mr. Duckett said Mr. Johnson was given the same information that was given to
267 Mr. Samples. Mr. Duckett also asked Mr. Johnson whether the decision should be made by council or
268 the administrator. To the best of his recollection, the two councilmembers that he spoke with about the
269 issue both told him that he (Mr. Duckett) should handle it. He asked Mr. Samples what the date was for a
270 decision. Mr. Samples told him maybe by the first of the year.

271
272 Mr. Duckett said his 'marching orders' were to have a meeting for which a written notice was sent.
273 The meeting was held on November 28th. There were about 20 people present; the meeting was very
274 cordial. All Stars was one of the two items on the agenda. There were many comments from those
275 present and both recreation staff members made speeches about sportsmanship, and what it means to
276 be a recreation league. This last season things were out of hand, because rules were not followed. Staff
277 made it clear to those present that if All Stars were to continue, they would have to follow the rules, i.e. all
278 practices would be at the field at regularly scheduled times. No coach would be allowed to hold practice

279 at his or her house. The All Star coaches would be picked by the recreation staff; the position would not
280 automatically go to the coaches of the winning teams. The first issue settled was All Stars. Those
281 present agreed to follow the town rules. The second issue was the concession stand. Mr. Duckett said
282 he made it very clear that he had no intention of allowing town staff to operate the concession stand. He
283 gave those present an opportunity to formulate a group to operate the concession stand, if they so chose.
284 If not, the concession stand would be opened up to someone outside to operate it. Mr. Duckett said he
285 recalled that three people identified themselves as being interested in working together. Early January
286 was the date by which he expected to hear from the individuals. One of the individuals called the
287 recreation supervisor to discuss the concession stand. In late December, Ms. Ellis informed Mr. Duckett
288 that nothing had been received in writing.
289

290 Mr. Duckett and Ms. Ellis called Mr. Esposito, and he suggested certain terms that would be
291 acceptable. Mr. Esposito was asked to submit the terms in writing, which he did in a letter dated January
292 3rd. Essentially, as reported in paragraph 4 of the recreation report, the town is allowing Mr. Esposito on
293 behalf of his Surfside Sharks travel team to operate the concession stand for this season. He is to pay a
294 \$500 deposit, and a rental fee of \$100 per week for the length of the season, about ten weeks. It is
295 agreed to and understood that town staff will not contribute in any way to the concession stand operation.
296 Mr. Duckett said to the best of his knowledge that he had done exactly what he was instructed to do and
297 he felt good about the results until yesterday when an individual called and said he thought there was a
298 verbal contract at the meeting. Another offer was made today from another person that wants to operate
299 it; he was told it was under contract.
300

301 Mayor Deaton asked if \$1,000 was the money involved. Mr. Duckett said \$1,000 rental. There is
302 a budget of \$28,000 for baseball. Last year when the town operated the concession stand, it appeared to
303 make money because there was more revenue than expenditures for materials, but adding the staff costs
304 for the two employees involved created a loss. In his opinion, part of the problem with the All Star
305 program was that staff was focused on concessions instead of the ball field. Mr. Duckett said he tries not
306 to criticize decisions made prior to his appointment, but for the government to operate a ball field
307 concession stand is not good business. He was open to suggestions for next year, but a letter of
308 agreement has been accepted.
309

310 Mr. Samples thanked Mr. Duckett for the manner in which he handled the All Star issue, and said
311 he was absolutely right. He received a call from a gentleman that expressed those concerns, and
312 obviously, Mr. Johnson heard the same complaints. Mr. Samples said his problem with the concession
313 stand is that the earlier speaker believed he had a verbal agreement; there were others in the room that
314 also believed there was a verbal agreement. The resident has lived here 20-years and has three
315 children. He was going to put the money back into the town's program. Mr. Samples said he did not
316 know Mr. Esposito or the Sharks traveling team, and supposed that neither did the administrator. Mr.
317 Duckett said that was correct. Mr. Samples said he was second-guessing the administrator who made a
318 decision to delegate a job. He didn't like the way it was handled. He believes the people that live in town
319 should be given preferential treatment; they are the ones that pay taxes and support the youth program.
320 Over the years other councils have discussed eliminating the recreation program. Mr. Samples believed
321 this should be an opportunity when a citizen is willing to operate the concession stand and put the money
322 back into the town programs that "we should jump on it." He understood that Mr. Esposito does not live in
323 town, and asked what the team did. Ms. Ellis said it was a travel team that is not a part of the town
324 program. Mr. Samples said that team is not a benefit to the town; as a member of council, he believed
325 every easy opportunity to involve residents should be taken.
326

327 Mayor Deaton said no decision would be made at this meeting, but Mr. Samples could request it
328 be added to an upcoming agenda. Mr. Samples said he would like to have this issue added to the next
329 agenda. Mr. Duckett said, "I would respectfully say that I have settled three lawsuits since I've been here
330 and it, a lot of that has come from decisions being made from council that were contrary to what the
331 administrator advised." Mr. Samples said he understood the administrator's concern as being valid. He
332 asked that the administrator provide a copy of the "simple agreement" to Mr. Moss and that an opinion be
333 offered at the next council meeting. Mr. Samples said if no other members were concerned he would
334 withdraw the request. Mr. Duckett asked for some indication whether council as a whole was concerned

335 about the manner in which he handled the situation that was clearly delegated to him. Mr. Samples said
336 Mr. Duckett did exactly what he asked him to do; sometimes there are other considerations.
337

338 Mayor Deaton said his main concern was that this is a seven-member council; it takes a majority
339 of council to direct staff in any meaningful way. This whole process caused him concern.
340

341 Ms. Dodge said to support Mr. Flood and the coaches, she believed council should stand behind
342 them and any help that can be given to them should be given. She wanted to see them operating the
343 stand and getting the return. Ms. Dodge said she was not saying that the administrator did anything
344 wrong, just that she supported locals being given preference.
345

346 Mr. Johnson said he contacted Mr. Duckett, because someone had contacted him with concerns.
347 Mr. Duckett did exactly what he was asked to do; he resolved the issue. However, Mr. Johnson believed
348 it should be reconsidered because he also felt preference should be given to town residents.
349

350 Mayor Deaton asked that the matter be added to the next or a future agenda for debate and a
351 decision.
352

353 Mr. Smith said in his opinion that Mr. Duckett performed as the two councilmembers directed, and
354 he believed it was satisfactory as it is.
355

356 Mr. Childs also believed it was part of the administrator's job to resolve these issues.
357

358 Ms. Blair believed there were several issues and questions, and there was no single answer. Ms.
359 Blair apologized to staff for being blindsided as she had no knowledge except for the written report. She
360 was concerned that two councilmembers gave staff directives without other members' knowledge.
361 However, Mr. Duckett performed as he was told, so she had no problem with his action. Ms. Blair said
362 she knows how much work the concession stand was for staff last year, having heard their comments
363 about the lengthy summer activities. She actually volunteered to operate the concession stand, but was
364 told that the town didn't want anyone else handling the money. She took no offense and understood the
365 responsibility. Ms. Blair said Mr. Duckett was told to handle the matter, which he did, but the request for
366 local help did not go any further than those present at the November 28th meeting. Ms. Blair said the
367 biggest issue is the lack of communication between council, staff, and others.
368

369 Mr. Samples said to clarify for the public and council, the initial discussion that Mr. Duckett and he
370 had was limited to the a discussion of the All Star team. Over the last several months, Mr. Duckett
371 mentioned that the town would not operate the concession stand, which he fully supports. In terms of
372 over-all policy, he agrees with Mr. Duckett. The issue is very limited, in his opinion, but additional
373 considerations could have been to determine where income from the concession stand would go; to allow
374 able and willing volunteers in town to operate the stand or whether to let someone from outside the town
375 operate it.
376

377 Mayor Deaton said from a business standpoint that there is no guarantee that money would be
378 made. Even very successful restaurants only turn a 20-percent profit. He believed the critical question
379 was where the \$1,000 income would go. Mr. Duckett said it would go into the General Fund as
380 miscellaneous income. The budget is already established by council for the operation of the recreation
381 department. This is customary, i.e., insurance proceeds from a police car accident would be deposited in
382 the same manner. Mr. Duckett explained to be very clear that he fully believed the operation of the
383 recreation department is under his purview. The only reason he mentioned two councilmembers'
384 discussion was they were the two members that called him with concerns. He assured them that he
385 would handle the matter; he presumed that the remaining five members would support him handling the
386 day-to-day operations of which recreation is a part. Mr. Duckett said he did not view his actions as taking
387 directions from two councilmembers; he asked the two that expressed concerns whether they thought it
388 was a council driven issue, because he personally did not believe that it was.
389

390 Mayor Deaton agreed with Mr. Duckett's opinion and said the pertinent question was if council
391 desired to fund the All Stars program council might consider designating the \$1,000 income for that
392 program. He asked if there was a majority of council that wanted this to move forward to another agenda.
393 Councilmembers Blair, Dodge, Johnson, and Samples expressed a desire to move the matter forward.
394 Mayor Deaton declared a majority in favor.
395

396 Mr. Johnson said to clarify that he contacted Mr. Duckett after a town resident approached him
397 asking why the All Stars were being cancelled, and telling him that there would be a lot of people
398 attending the meeting. Mr. Johnson was unaware of the meeting; he received no notice. When he called
399 Mr. Duckett he explained that the coaches and others involved in the program operation were asked to
400 meet. It didn't have anything to do with the concession stand; it was the concern about eliminating the All
401 Star program.
402

403 Mayor Deaton asked the administrator to add this to the next agenda. Mr. Duckett noted the
404 agenda item and proceeded with the recreation report, a copy of which is on file in the clerk's office.
405

406 iii. Public Works.
407

408 Mr. Duckett presented the public works report, a copy of which is on file in the clerk's office. Mr.
409 Johnson said a resident called him complaining about noise from the street sweeper and asked what the
410 operation schedule was. Mr. Duckett said 6:00 a.m. to 3:00 p.m. and added that he has heard complaints
411 about street sweepers in every town that operated them. He announced that playground equipment would
412 be installed near the bocce ball courts. Lighting was installed late yesterday to highlight the sculpture at
413 Poplar Park. Mr. Samples noted that new striping was placed on the frontage roads. Mr. Duckett was
414 told that the Department of Transportation was doing that work as a result of the letter requesting stop
415 sign installation, which was denied. Mr. Samples said it was not what the town requested, but it was
416 better than what existed. Mr. Childs noticed along Ocean Boulevard that landscapers were removing
417 shrubbery in rights-of-way and replacing it with rocks that could be hazardous. He asked if staff could
418 stop the practice, which would quickly become out of hand. Mr. Duckett said it would be taken under
419 advisement. Mr. Samples questioned plantings in the rights-of-way. Mr. Duckett said people generally
420 consider rights-of-way their own property.
421

422 C. Administrator's Report – Update on Current Events.
423

424 Mr. Duckett presented his report, which is on file in the clerk's office. Mr. Duckett reported an
425 emergency expenditure of \$11,070 that was not approved by council for a change order to the engineer's
426 pier contract to have certified divers inspect the pier pilings. This was necessary to identify pilings slated
427 for replacement that the first inspection identified, but for which no report was located; the inspection was
428 also to confirm whether additional pilings needed to be replaced. As reported during this meeting, the
429 engineer determined that all pilings are sound and do not need replacement, but some were identified as
430 having marine borers for which remedies are being sought. After last month's report about the new fence
431 at Huckabee Complex, an inquiry about thefts at Huckabee Complex during the past 12 months was
432 made. According to the police chief there were no stolen items at Huckabee. However, there was
433 criminal vandalism August 23, 2011 when someone kicked in a door, but nothing was stolen. That is the
434 only police response in the past 12 months; there were four non-criminal calls. Mr. Duckett said there
435 were other criminal offenses prior to the past 12 months.
436

437 7. BUSINESS.
438

439 A. Second Reading Ordinance #12-0709, Amend Chapter 15, Land Development Regulations.
440

441 Mr. Smith moved to approve second reading of Ordinance #12-0709. Mr. Childs seconded. Mr.
442 Samples thanked staff for the synopsis and timeline; they were very helpful. His understanding was the
443 development administrator is the building and zoning director. Because specific timelines were required
444 to take action, he asked who was acting during the building director's absence. Mr. Duckett said the code
445 enforcement official has been appointed as the acting building and zoning director. The tasks that she is

446 not certified to complete are being handled by the City of Myrtle Beach at no charge to the town. She will
447 act in all roles delineated for the building official. All voted in favor. **MOTION CARRIED.**

448
449 B. Ad Hoc Parking Committee – Membership and Scope of Duties & Appointments (Item 12.)

450
451 Mr. Johnson moved to create an ad hoc parking committee which will consist of up to seven
452 members, consisting of residents and could include some councilmembers to be appointed by council.
453 Mr. Samples seconded. Mr. Johnson said he purposely omitted the original suggestion to have not more
454 than three councilmembers; he believed at this time it would be difficult for three councilmembers to serve
455 on the committee.

456
457 Mr. Smith moved to amend the motion to state the committee will serve for ninety (90) days at the
458 end of which recommendations will be made to town council. Mr. Childs seconded. All voted in favor to
459 amend. **MOTION TO AMEND CARRIED.** All voted in favor of the original motion as amended. **MOTION**
460 **AS AMENDED CARRIED.** Mayor Deaton announced that council would discuss appointments during
461 executive session since the committee was approved.

462
463 8. **DISCUSSION.**

464
465 Special Events/Recreation Committee – Councilmember Samples.

466
467 Mr. Samples said the previous committee was very successful. The town is host to numerous
468 visitors for several months, and there are less active seasons during which people also visit. He believes
469 citizens can bring a lot to the table and the committee should be reestablished. Mayor Deaton asked if
470 the question should move forward to the next agenda.

471
472 Mr. Childs said that he was a member of the last recreation committee, and it was a successful
473 committee. Some of the recommendations made by that committee are now on-going events, i.e. the
474 skateboard park. He believed committee members should be prepared to fund, staff and manage the
475 events. He said everybody in the room could offer ten good ideas that they would like to do as long as
476 they didn't have to do the work. The town's recreation staff can only do so much; i.e. the car show is
477 being organized. There is a group of car people that will staff the show handing out flyers, raising money
478 and performing other task. The recreation supervisor will act as liaison between the committee and the
479 town to insure compliance with rules and regulations. In his opinion, the burden cannot be placed on staff
480 to implement all of the committee's ideas. He supports a recreation committee, but wants to make sure
481 the committee members will be cooperative and understand the responsibility for raising money,
482 preparing, and provide staffing for events.

483
484 Mayor Deaton asked if the question should move forward to the next agenda. **COUNCIL**
485 **CONCURRED.**

486
487 9. **PUBLIC COMMENTS.**

488
489 "Glenn Curtis, 257 Palladium. In the news the other day it said about the restaurant, the people
490 were going go into it and it said again another comment about the people that had the money may drop
491 out, you know, we just wanted a, an answer on that whether he's going to be there or not, and the second
492 thing I wanted to ask, we always talk about the pier and the restaurant and what it's going to cost. Does
493 that include if, if, is there any damage to the tackle shop inside or out and is there more money got to be
494 put into that? I've never heard anything about the tackle shop. Thank you."

495
496 "Mayor and Town Council, Dan Flood, 116 7th Avenue South. Going back to the baseball, I was
497 at the meeting with Mr. Duckett. He handled it a heck of a lot better than I would a [sic] handled it. You
498 had a bunch of crying coaches up there that weren't getting their way and the rules are the rules, and
499 they both handled it very well. There was obviously a miscommunication on the part of the concession
500 stand. We believed that we had an agreement with them to run it. It is not for the All Stars. It is for the
501 rest of the kids. If you, I was fortunate to be able to coach the All Stars this year, and my son was on the

502 team. But, I chose to be there. You were nice enough to give us \$1,500 to use as our expenses. But,
503 that's my choice. I go away on that team and I make that choice. That's a bonus that you give me. We
504 were fortunate enough to be able to go out and do some fund raising to help us with expenses, but that
505 money was great. I'd rather it to go back into the program with all the kids, not just 12 kids from a 150.
506 We were hoping, one of the things we were looking at was maybe to have some kind of banquet and
507 everybody get trophies, not just the 12 kids that make All Stars, and that's what I want to see if I work in
508 this program and hopefully it works out and obviously there's some people to help and volunteer. (**) I'm
509 looking at more than I'm expecting to get it running, but I want it into the program not just the All Stars.
510 The All Stars are a choice and if they make that choice, that's the choice they make, if they get money,
511 they get money. If they don't, then they make that choice. Thank you."

512
513 **10. COUNCIL COMMENTS.**
514

515 Ms. Blair, "Thank you, Mr. Mayor. There's [sic] two things I want to comment on. First of all
516 thank you all for coming out and I hope your New Year started out well, and it's progressing well, and we
517 couldn't ask for better weather for our winter. So, everybody get out and enjoy it. Two things, if I
518 misunderstood the story as it unfolded regarding the concession stand from our administrator I offer
519 apologies. I was jotting some notes hoping to keep my thoughts straight and I thought it was related that
520 you asked should you handle it and both agreed you should handle it. I also agree that this is, would be a
521 responsibility that would fall under your job description. I, I personally don't have any problem with that,
522 but it, some of the story seem to back-track and try to back out of it a little bit as it went along, so if, if I, I
523 will take responsibility for misunderstanding and if I did, I apologize. But, it did appear to me that it was
524 asked is it okay for me to handle it, and that okay was given, which seems to come across as two council
525 people being asked for permission and the rest not knowing. I, I don't expect you to call on everything
526 that falls within your job description, so anyway, if I, if I, if I misunderstood your intent, I apologize for that.
527 The other is on this rec [sic] committee, which I fully support, have always supported. Thought it did a
528 great job. There are most, I will say most of what was handled by that rec [sic] committee I totally agree
529 with. There's, there's one event that is still stuck in my craw that I was not happy with at that time nor will
530 never be happy with a decision that was made on that, but that being said, and this will come up later and
531 I'm not going to take extensive time except to just say because I saw some looks from some of you, I, I do
532 not agree with the concept that a committee would be totally responsible for every event and all fund
533 raising and all planning. There obviously has to be input from staff and there obviously has to be more
534 than just a liaison that you report back to. There are some things as we all know that we're not going to
535 be able to fund. But, there are many things that we can do that would not in my mind, would not take a lot
536 of money and would just take some planning, and I think there has to be buy-in from both parties. (**)
537 staff has to absolutely has to be involved and committed to working with the committee and the
538 committee also has to be involved and committed to doing some of the legwork. So, I do agree in part
539 with what Councilman Childs said regarding that which is, you know, don't just throw ideas out at staff
540 and staff has to make everything happen. All those who agree to serve and volunteer their time need to
541 be aware up front that they will be expected to do some legwork, to do some planning, to make some
542 calls, to be a full part of the planning and procedural process. On the other hand, staff has to be involved
543 and committed to allowing them to be a part of that process as well, and decisions on events made
544 together. So, that will all come out when it comes at the next meeting, but I did see some questionable
545 looks and I just wanted to bring that up. Thank you all for coming. I hope you have a great week."

546
547 Mr. Johnson, "Thank you, Mr. Mayor. Ladies and gentlemen, first and foremost, thank you for
548 coming out. I really think this was one of the most productive meetings that we've had in a long time. We
549 didn't buy a million dollar trucks or cars or anything, but we have decided or at least agreed to
550 potentially get the residents back on committees, and I think that is so important, and I appreciate all
551 those who urged us along, and I look forward to the good work that these committees will do. Thanks."

552
553 Ms. Dodge, "I've got a mishmash of stuff here I want to go over. But first of all, I want to offer
554 condolences from all of us on council and I'm sure the town's people will want to be aware; one of our
555 policemen lost his father this past week, Matt Prock, I know that he would appreciate hearing from you.
556 Also, I want to kudos to Mr. Adair. We ride our golf cart. I've been hammering him on putting soil on the
557 berm next to Dogwood Drive that we've just paved. He's working on it. It's going to happen. Thank you,

558 cause you're saving that pavement, paving job. I agree with Mrs. Blair about the rec [sic] committee. We
559 need, I'd like all of the committees, the more citizen involvement we have the better for our town.
560 However, there's one thing that was brought up that I don't agree with. If the committee comes up with a
561 project, I don't think it's their responsibility to fund it. If the town decides it wants to go through with it, it's
562 the town's responsibility. And also, I was thrilled to death to get news, good news about the needs for the
563 pier. I was going like this; that's very good to hear. We, we still have some responsibilities, but it's not
564 nearly as bad as I thought and that's a good thing. Thank you."
565

566 Mr. Smith, "First thing I'd like to do is welcome Atlantic Restaurant, LLC to town because they're
567 going to be the ones running the restaurant at the pier. Bill Howard and Sean Roth will be the active
568 participants in that, and a, let, let the town know that they already have their permits so they can start
569 remodeling the restaurant, so that's going forward. And, then as far as the recreation program for the
570 children, I don't think that the town folks need to worry about it a going away. A lot of people (**) discuss
571 that, but there's not enough people on council that's interested in that; so, just kind a put that out of your
572 mind for the time being, at least for the next two years. The recreation program is not going to go away.
573 It's going to be there for the children. And as far as the concession stand is concerned, I think what we
574 need to do is make sure that when it comes time to seek someone to run that stand, that there is some
575 type of public notice so that everybody is aware of it. Thank you."
576

577 Mr. Samples, "Thanks for everybody coming out. It is true that the real reason to set up
578 committees is, is to accomplish something, and that involves work and people who submit their names to
579 serve on a committee should understand that. I know that both the mayor and I a long time ago served
580 on the stormwater committee, and I know back then we did a lot of work and it was highly technical in
581 nature; had to make decisions, had to go out and collect information. And when we came to council,
582 council had a very simple decision that was backed up by a lot of detail and a lot of time. It was an up or
583 down vote, and what I would say is I've noticed and note we, we've got good people serving on the
584 current stormwater committee. But, I must say that in reading some of the recent discussions, they want
585 to kick the work up to council, okay. That's not the purpose for having the committee. The committee
586 needs to do and I would just encourage them, for example the, the swash on, it's Floral Swash. That's
587 something that the details need to be worked out before it gets to council where options need to be
588 presented. Council isn't going to negotiate that, okay, and so I use that as a prime example for those that
589 are intimately involved. It's not a personal criticism, it's, it's just a fact. That's why we set the committee
590 up, to handle those type of issues and to use their best judgment, because when we talk assets, the
591 committees generate an asset. Really, it's the people. You all, it's the people that make up the
592 committees that make them an asset. Council's got the responsibility of making sure if there's something
593 that is, that we want that we can find the money to do the right thing for the people in town. But anyway, I
594 don't want to politic too much. Have a nice evening. We'll see you."
595

596 Mr. Childs, "Mr. Mayor, just to follow up just a little bit on what I said. I didn't mean when I said
597 they have to fund it, you have to come up with the money up front. These, these festivals generate a lot
598 of money, and on the car show, going back to that, we're going to generate enough money to give back to
599 charity. We have vendors, there's different events there that generate funds, and what I meant by that
600 when you do a festival or an event, you have to have some things there that are going to generate some
601 type of income, because these festivals are not for profit, and you know, if you have one that makes
602 enough money you're fortunate to donate to a charity of your choice. And, that's what I meant by funding
603 those things. It's something that does generate money and so we can pay the town back, because I don't
604 know how much the town's going to have in the middle of the year to all of a sudden fund some festival.
605 But, I think with a little imagination and vendors you can raise that money, and that's what I meant by that.
606 Thank you, Mr. Mayor."
607

608 Mayor Deaton, "I can reiterate a little bit. I spent most of my life on committees, boards,
609 commissions and the ones that I've had the pleasure of serving, and it has always been a pleasure,
610 because there's been a lot accomplished over a long period of time. They are advisory committees and
611 that means advisory and so what happens is the legwork is done in the committee area and a
612 presentation is put together for, for the deciding body, which would be in this town would be council. So,
613 that, that's what I anticipate from our committees. They're advisory committees. They're not funded. The

614 funding mechanism is up here, but the ideas are more than welcome. And, there's been a lot of good
615 ideas come from a lot of good committees in the past. The issue of recreation, I've spent my entire life,
616 my entire career has been working with young people. You may only know me as the mayor of Surfside,
617 but my entire career has been devoted to fitness and recreation and development of, of youth. So
618 therefore as long as I'm involved in this our recreation program should grow and, and prosper. Our youth
619 is our biggest asset for our future, and our investment in that, in that program and our youth will give us a
620 return in the future, okay. I'd like to thank everybody for coming."

621
622 **11. EXECUTIVE SESSION**

623
624 Mr. Smith moved to enter executive session at 8:29 p.m. pursuant to FOIA §30-4-70(a)(1) to
625 discuss appointments to the Ad Hoc Parking Committee and to perform the town clerk's 6-month
626 performance review. Mr. Samples seconded. All voted in favor. **MOTION CARRIED.**

627
628 Mayor Deaton announced a five-minute recess.

629
630 Mr. Smith moved to reconvene regular session at 9:01 p.m. Mr. Samples seconded. All voted in
631 favor. **MOTION CARRIED.**

632
633 Mr. Johnson moved to appoint Gene Maruca, Harry Kohlmann, Todd Freidman, John Ard, Ken
634 Harbin, and Ann Dodge to the ad hoc parking committee. Mr. Samples seconded. All voted in favor.
635 **MOTION CARRIED.**

636
637 **12. ADJOURNMENT.**

638
639 Mr. Smith moved to adjourn the meeting at 9:01 p.m. Mr. Johnson seconded. All voted in favor.
640 **MOTION CARRIED.**

641
642 Respectfully submitted,

643
644 _____
645 Debra E. Herrmann, CMC, Town Clerk

646
647 Approved: February 13, 2012

648
649 _____
650 K. Allen Deaton, Mayor

651
652 _____
653 Vicki W. Blair, Town Council

654 _____
655 Robert F. Childs, III, Mayor Pro Tempore

656
657 _____
658 Ann Dodge, Town Council

659 _____
660 Mark L Johnson, Town Council

661
662 _____
663 Douglas F. Samples, Town Council

664 _____
665 Roderick E. Smith, Town Council

666
667 Clerk's Note: This document constitutes minutes of the meeting, which was audio taped. This meeting was transcribed by Town Clerk Herrmann. In
668 accordance with FOIA, meeting notice and the agenda were distributed to local media and interested parties. A complete list is on file in the clerk's
669 office. The agenda was posted on bulletin boards outside Council Chambers and in the Town Hall reception area. Meeting notice was also posted on
670 the Town marquee. When (**) is used a section of the transcription is inaudible.