



TOWN OF SURFSIDE BEACH ♦ TOWN COUNCIL CHAMBERS

April 24, 2007 ♦ 6:30 o'clock p.m.

TOWN COUNCIL MEETING MINUTES

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7 **1. CALL TO ORDER.**

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9 Mayor Hyman called the meeting to order at 6:30 p.m. and welcomed those in attendance. Mayor Hyman, Mayor Pro Tem Truett, and Councilmembers Hiatt, Martin, McKown, Samples, and Tuttle were present. A quorum was present. Staff present: Administrator Booth; Clerk Pinnell; Public Works Director Kirk; Building/Zoning Director Donevant; Building/Zoning Administrator Grandell.

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15 **2. INVOCATION and PLEDGE OF ALLEGIANCE.**

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17 Mr. Truett said the invocation. Mayor Hyman led the Pledge of Allegiance.

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19 **3. MINUTES APPROVAL.**

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21 Mr. Sample moved to approve the April 10, 2007 public hearing minutes as submitted. Mr. McKown seconded. **All voted in favor. MOTION CARRIED.**

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

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26 Nancy Ben-Pazi 334 15th Ave. South. "I might be the only representative of the south side here. I'm not sure, but I think I am. I would like to talk about, Jamin' Leather and since I live in the area that is going to be *impacted* by this, whatever you call it, *event*, I would like to say that all the neighbors that I've talked to, everybody else that is going to be impacted, they're *very, very* against it. I moved to Surfside Beach and bought a house here because it is a *family* beach. A beach where I could walk my dog, where children could play, people could bicycle and walk and didn't have to be afraid of it because your bikers, and not all of them, I know there are some that are very responsible but a minority of bikers were speeding down the street, a street that's supposed to be 25 miles an hour and there's a sign that I had erected right across from my street, just a few months ago, so everybody could see it, and they just speed right down there and rev up to show how powerful they are, waking people in the middle of the night, 2 o'clock, 3 o'clock in the morning, forcing people to *abandon* their homes and leave town. We're very fortunate that we have a farm up in the mountains of North Carolina and I am out of here as soon as they come, but not everybody is as fortunate to be able to come, to get out. There are a lot of residents who are elderly and maybe they can't get out, but why should we have to abandon our homes when we bought homes in an area that was supposed to be a *family beach* and not a motorcycle, beer drinking, swilling having fun all hours of the night, nobody caring or nobody enforcing any noise ordinances especially now, when towns like Myrtle Beach and North Myrtle Beach are double enforcing the noise ordinances. Yesterday, I had an experience, that a biker, who might even live in this neighborhood, I don't know, he wasn't here for bike week, he decided that he just wanted to test out something, he came around the corner of Hollywood and sped at, it had to be at least 70, 80 miles an hour, going RROOM, VRROOM, VRROOM all the time, sped into 15th Avenue South and went to visit somebody. I called the police. It took them TWENTY FIVE MINUTES to get to that persons house, they had the person right there, I didn't see them issuing any, tickets, I might be wrong, I wasn't staying there, but all I know is the fact I'm questioned, do they have a, the people at 9-1-1, do they have a weapon, do they have a, what State are they from, I said to her that really doesn't have anything to do with it, just send somebody here. I guess, I guess I have to shut up now, right? Thank you."

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55 Mayor Hyman, "Thank you. Thank you very much. Any other public comments on the agenda?" (inaudible) "Yes, ma'am, mm hmm."

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58 "I am also here to talk about Jamin' Leather. I am . .

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60 Mayor Hyman: "Please state your name."
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"I am Francis C. Brown." (1512 So. Hollywood Dr.)

Mayor Hyman: "How ya doin'?"

Ms. Brown: "I've been a minister and a (SIC) for 25 years. When I lived in Myrtle Beach, one of the things that I continued to think about for years was more than the Surfside Beach. I could not do it at the time because, I was a minister there, but later I was able to start a coastal counselor center practice in Surfside and Garden City and I was able to move to this area. This was an area I *always* wanted to live in. How all the years, I've been here 25 years. The reason I wanted to live here was because this community stood out. I have a long history here. It was different. It seemed to have a purpose, it seemed to have an identity, it seemed to know who it was about and it stood for something and that was a different community. A community where we could bring children and grandchildren, where we felt safe, where we felt good being here and it was, it was just that kind of community and that's why as soon as I could I bought a home here. I really oppose this because I live not very far from where this is going to be. I know the kind of people it brings to town. There's some wonderful bikers and I know them, they visit our churches, they're very great people but I know for this kind of business, I know what kind of business it creates, I know what happens there, it's right in the middle of Surfside Beach, right in the middle of, where children go, there's a water park right next to it, there's a lot of families in our area and I'm just opposed to it being here."

Mayor Hyman: "Thank you very much."

"My name is Fred Shmaruk, I live at 1510 South Hollywood Drive. I would like to submit to council the website of Jamin' Leather and if anyone on this council thinks that this is the type of thing we want in this town, I think (annoyed chuckle), I can't believe that we need to keep the family beach signs up there. Now I'd like to ask a few questions. If this thing is approved, how many extra police officers are we gonna hire for this thing because Myrtle Beach is loaded with cops and they enforce, they don't even let people go down all residential streets anymore without writing 'em a ticket and they just sit there on Ocean Boulevard waiting for somebody to cut down. They make noise, speed, ahh, they're pushing alcohol quite big here, are we gonna do is have some, breathalyzers to, ya know, do some random tests of people that come out of there? Ya know are we gonna have enough police, are we gonna enforce the neighborhoods, I mean, do we really want bikes running up and down the neighborhood? This is the third bike rally. Last year the Fall rally, I thought, was as big as the Spring because Myrtle Beach and North Myrtle Beach are pushing everybody down here and hoping to push the Memorial Day rally down here too according to people I know up there and do we really want this kind of thing going on in our neighborhood? (SIC) Lookin' at this . . ."

Mayor Hyman: "Yeah, if you have enough you can pass them out."

Mr. Shmaruk: "Well no, I just, but you can look it up on the website, I mean, if you just look at their website, that, I mean, what more do you need? (light chuckle). Thank you."

Mayor Hyman: "Thank you very much. Any other comments? P.L.?"

"P.L. Mabry 15th Avenue (517 15th Avenue North). This council sometime back *approved* that Jamin' Leather over there. Now there is nothing against their, they haven't broken laws but, we use that word but, but the fact is though, they have motorcycles which they have taken the mufflers on and gutted them so they're louder than normal. They're over there selling beer, they're gonna still be driving and drinking, it's not against the law to drink and drive, it's a matter of driving while you're impaired, that council is taken a roll in the dice, thinkin' this was not gonna happen? When this happened all over North Myrtle Beach an, an Myrtle Beach and thinkin' it was not gonna come here? to allow this to happen? They're not breakin' the law sellin' products over there, they're not breakin' the law sellin' beer. It's a matter of how much they do and how much noise they are allowed to make. This council needs to make sure that WE, make sure that the laws are not brokin' an the fact that they have these motorcycles with the mufflers that have been gutted. When I was a kid we used to have cut-outs in cars. That was a real opener in the muffler system where you could make the car sound *real* loud. If I did that today, to, so I would,

122 could feel good and gutsy, and all that, I think a you'd be writing me tickets and probably lockin
123 me up at the same time. Let's keep an eye on this. Let's keep it in check. The cows have already
124 gotten out. You can't do anything about that now, but at least you *could* enforce all the laws that
125 *pertain* to that. It is your responsibility to do that. Thank you."

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128 Mayor: "Any other further comments on the agenda items? I see no other hands so I close
129 the public comments section at this time." (6:40 p.m.)
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132 **5. COMMUNICATIONS**
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134 Mayor Hyman asked Administrator Booth to introduce the new town clerk for Surfside Beach.
135 Mr. Booth introduced Sharon Pinnell and commented on her week with the town of Surfside and
136 believes her to be a good individual and will be a good part of the team and will serve the town
137 and town council well. Ms. Pinnell thanked Mr. Booth for introduction. (Clapping).
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139 **A. Public Works Report**
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141 Mr. Kirk: "Good evening Mayor and Council. I hope you're all doing well." Mr. Kirk then
142 presented the written report that was on file. He reported that Roll-Out service was performed
143 the weekend of Easter and also the following weekend. There were quite a few people in town
144 during that time and there was an extensive amount of pick-up to be performed as presented in
145 the report. The recycling update was reported that there were approximately 230 days out until
146 the change over to the new County Recycling Center "MURF". Small mobs will need to be
147 ordered later in the year, possibly October, so that they will be ready for the opening of the new
148 recycling center after the 1st of the year. The Myrtle Basin project has been started. Greenwall
149 has begun working between 5th and 6th Avenue and they should have that section finished by
150 weeks end and ready to begin on 4th. Parks and Recs are continuing the upkeep on lakes. Mr.
151 Kirk met with the dredging contractor and he was told by the contractor that the pricing he
152 received was for all to be done at one time and Mr. Kirk mentioned that there was no possible
153 way that we could do that with the budget we currently have for this project, therefore, the prices
154 received are not valid and new pricing is pending from this contractor for it to be done in phases
155 and Mr. Kirk has also sought out other contractors for pricing as well. The updated pricing for this
156 project should all be in by next meeting. Upcoming events: Beach Music Party date had to be
157 changed this year since it landed on the same week as Bike Week. Mr. Kirk did not think that
158 having the two events at the same time would be in the best interest for the situation down at the
159 Pier area. This event has been moved to the earlier date of May 8th. The Mother/Son Party will
160 be held Saturday, May 12th at the Surfside Bowling Center 9:00a.m. to 12:00 p.m.
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162 Mayor Hyman asked if there were any questions or comments from council. Ms. Tuttle had a
163 question regarding status of stop bars that were to be painted at our intersections. Mr. Kirk
164 explained that he had just spoken to paving contractor, Boggs who was under the impression that
165 they had completed the job. Mr. Kirk has been busy getting caught up on some loose end
166 projects including the release of four more names for the 50-50 since his return but the street
167 personnel will go back out there and take care of the painting once he makes sure that Boggs has
168 completed their part, if not today then hopefully by the end of the week.
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170 Mr. Martin asked if Mr. Kirk was aware that on 5th and 6th Avenue South there is a storage lot
171 with large piles of rock, which some people have been using as ATV fun hills. Mr. Kirk told Mr.
172 Martin that he had just found out about that today from a contractor and a neighbor on the corner
173 of 6th and was told that over the weekend the kids were having fun with their bicycles and such on
174 the hills and Mr. Martin interjected, chuckling, that he believes they were also using golf carts.
175 Mr. Martin suggested they park equipment in front of the piles to block it. Mr. Kirk mentioned that
176 the kids helped them this past weekend with their traffic control and kind of rearranged things the
177 way they wanted so this would need to be addressed.
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179 Mr. Samples mentioned that one of the constituents, Mr. O'Brien, mentioned that the guys did
180 a terrific job on that 50-50 project. Mr. Kirk thanked Mr. Samples for the compliment.
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183 Mr. McKown inquired about the Waste Management/Solid Waste Authority situation. Mr. Kirk
184 is going to try to have them at his next meeting. He has been in e-mail contact with them and is
185 trying to get a representative to come in and talk with us. Bottom line is if Waste Management
186 builds the facility then the county will need to raise the price to compensate for their loss and that
187 will effect us at a little less than a dollar a resident but he does not have the final price and was
188 just running numbers which he's been told along with running our numbers. Mr. Kirk, for
189 accounting, he was questioning whether Waste Management was having this facility just for
190 household goods or commercial and he has not gotten to the bottom of that section yet. Mr.
191 McKown said that he believes that the commercial will offset what the Solid Waste Authority is
192 getting and that is why they are raising our rates, but a dollar increase is a dollar more than we
193 want to pay. Mr. Kirk agreed. Mr. McKown asked Mr. Kirk if his reference was on the Solid
194 Waste Authority side and Mr. Kirk said that it was on the Solid Waste side. Mr. Kirk wants to see
195 what their plan is going to be that is going to effect that. Mr. McKown mentioned that at the last
196 meeting Councilman Samples mentioned that Mr. Kirk may want to contact Waste Management
197 to come in as well and that it would be good to hear both sides because they both have plans.
198 Solid Waste Authority is trying to get a league of cities together to stop Waste Management. Mr.
199 Kirk stated that he believes that Waste Management has lost a lot of momentum with that push
200 without support from various councils. Mr. McKown stated that it was not going to effect the
201 county but the municipalities like Surfside and Myrtle Beach. Mr. Kirk stated that he believes that
202 the county councils are the ones that would give the approvals and that Waste Management was
203 losing some steam.
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205 Mr. Kirk wanted to include another item he wanted to discuss which was the Gov Deals list he
206 had handed in. He mentioned that the list included various items that we have on hand that are
207 not being used in addition to some items that were currently out of service. He asked council to
208 review the list and let him know if there were any questions on any of the items on the list and if
209 he could have approval to put the listed items on the Gov Deals auction website.
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211 Mayor Hyman stated that he did not see any reason why we could not put these items on Gov
212 Deals if we have no use for these items. Mayor Hyman's personal opinion was that we should try
213 to get what we can for those items not being utilized. Mr. Martin moved to approve placing the
214 items presented on Gov Deals. Mr. Truett seconded. **All members voted in favor. MOTION**
215 **CARRIED.**
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217 **B. Administrators Report**

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219 Mr. Booth presented his written report that is on file. Mr. Booth stated that the last couple of
220 weeks have been running smoothly with most of his time spent interviewing and placing back-
221 ground checks. Mr. Booth spoke to various neighbors regarding the Myrtle Basin project and
222 everyone is very pleased that a lot of their drainage problems are being rectified. The only small
223 damage with construction so far was that a resident's mailbox was dented but Mr. Booth will
224 continue his follow up with residents on this project to make sure they know that they have
225 someone to call if there are any problems. The tax rate is not ours it is the county's and they are
226 increasing by one cent on their sales tax and we are one of four counties, which would put our
227 sales tax at six percent. Mr. Booth requested a consensus on the Sun Burn trailer, which the
228 Surfside First Baptist Church has proposed to set up with the same setup that was granted to
229 them the previous year. They would take up one parking spot and provided a good service to the
230 community last year but would need council to approve it or deny for this year.
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232 Mayor Hyman stated that if he remembered correctly it was out at the pier last year and they
233 provided their services to sunburned people. They have ten recommendations and they have
234 requested to be set up Memorial Day to Labor Day and we need the approval from council for
235 them to provide this service again this year. Mayor Hyman asked if there were any comments
236 from council. Ms. Tuttle asked if there were any problems reported last year and the Mayor
237 stated that he was not aware of any. Ms. Tuttle moved to accept the Sun Burn Trailer with the
238 stipulation that the requirements be enforced. Mr. Martin seconded. **All members voted in**
239 **favor. MOTION CARRIED.**
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242 Mr. Booth requested a count of attendees from council on the upcoming conference scheduled
243 July 12th in Greenville, reason being that he would like for us to make reservations as soon as
244 possible so that we are reserved and this would avoid having to go to a Hotel other than where
245 the conference is being held.
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247
248 Mr. Booth then presented the Mayor with an “Adopt a Highway” award, which was presented
249 to Surfside Beach. This award is usually presented to the Boy Scouts or Corporations that
250 contribute but in Surfside we actually adopt our own highway and we were recognized for this.
251 This was for the work that Ms. Lewis and the Public Works Department contributed on. Mayor
252 Hyman then accepted the award on the behalf of Surfside Beach and stated that you can tell the
253 time and hard work performed by Mr. Kirk and the Public Works crew and Ms. Lewis’
254 contributions when you look at Ocean Boulevard and Highway 17. He thanked Mr. Booth again
255 for the award and would leave it up to Mr. Booth to display it where he saw fit. (clapping).
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257 The Mayor asked if there were any other questions on the administrative report. Mr. Samples
258 had a question regarding the Greenwall work that has been completed. He wanted to know if that
259 completed work had included Poplar between 5th and 6th. Mr. Kirk answered that Poplar had not
260 been completed but that they were going to be taking care of that area. They are currently taking
261 care of Hollywood. Mr. Booth mentioned that there was some development being done on the
262 highway there and, as they develop, they are responsible for their own stormwater and we need
263 to make sure they contribute to the cost of leading it through our area. The Mayor asked if there
264 were any other comments and there were none. This concluded the administrators report.
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266 **6. BUSINESS**

267 **A. Issue Papers**

268 **i. Adopt the 2007 Horry County Paving Contract**

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270 Mr. Kirk presented the issue paper that is on file and gave information on the paving contract.
271 Mr. Kirk provided the existing county contract for the paving, in addition to some comparisons to
272 what we had been paying the previous two times. Mr. Kirk stated that it was obvious we could
273 save money on the paving contract if we piggy-backed on the county’s paving contract. The
274 paving contractor has no problem with extending this to us. It will not only save us staff time in
275 putting this out to bid but also advertising costs and also, if calculated by square yard, the fee for
276 the work to be done comes out to be less as well. Mr. Kirk asked that council adopt this county
277 pricing to benefit the town of Surfside. All we would need to do is provide them with the list of
278 streets and they would include them in the project. The Mayor asked for a motion to approve this
279 as written. Mr. Martin moved to approve as written. Mr. Truett seconded. Mr. Samples asked if
280 the contractor would be able to fit this into their schedule and handle all of the work. Mr. Kirk
281 mentioned that it would not be a problem. Mr. Martin thanked Mr. Kirk for taking care of all of this
282 and mentioned that this helps us to be efficient. Mr. Kirk thanked Mr. Martin but mentioned that it
283 was a joint effort with Mr. Booth. **All members voted in favor. MOTION CARRIED.**
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287 **ii. Public Safety Director Recommendation**

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289 Mr. Booth presented the issue paper that is on file. Mr. Booth mentioned that he spoke with
290 and interviewed eight individuals and performed extensive backgrounds. Many of the candidates
291 looked good on paper but he kept narrowing it down and after extensive research found that Andy
292 Christenson was the best candidate for the Public Safety Director position. Mr. Booth made it
293 very clear to Mr. Christenson that this decision had nothing to do with politics but that he was,
294 indeed, qualified for the position. Mr. Booth had an hour talk with the Chief of Police of Horry
295 County concerning Mr. Christenson. He also spoke with his Captain, the Judge, our attorney,
296 some civilians, people who had worked under him in addition to some of our police officers. Mr.
297 Booth investigated rumors and complaints on Mr. Christenson and could not find a reason not to
298 nominate him. Mr. McKown moved to approve the recommendation as submitted. Mr. Truett
299 seconded. Mayor Hyman asked if there was a discussion on this motion. Mr. Samples asked
300 what the salary was that is being recommended. Mr. Booth answered \$51,000. Mr. Samples
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303 thanked Mr. Booth. The Mayor asked if there were any other comments. **All members voted in**
304 **favor. MOTION CARRIED.**

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306 **iii. Associate Judge/Clerk of Court Recommendation**

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308 Mr. Booth presented the issue paper that is on file for this recommendation. Mr. Booth
309 mentioned that many good applicants were received for this position. Both Judge Blanton and
310 Mr. Booth interviewed the applicants. The reason Judge Blanton was involved in the interview
311 process was because he was more knowledgeable in the questions to ask. The qualified
312 candidate selected was Valerie Wentz. She comes with all of the qualifications where she can
313 just step into the job. Myrtle Beach recommended her as someone who can help with our current
314 situation, which was also the reason she applied. The Mayor thanked Mr. Booth and asked for a
315 motion to approve this recommendation as submitted. Mr. McKown moved to accept the
316 recommendation of the Administrator. Mr. Samples seconded. The Mayor asked if there was any
317 discussion on the item. Mr. Martin asked what the salary was. Mr. Booth stated that it was
318 \$35,000. Mr. Booth mentioned also that council would need to appoint her and have her sworn
319 in. **All members voted in favor. MOTION CARRIED.** The Mayor offered his thanks mentioning
320 that two very key positions for the town of Surfside Beach were just approved and that we are
321 moving forward.
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323 **iv. Second reading on ordinance #07-0616 §17-4 Definitions**

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325 Ms. Grandell presented the issue paper that is on file. Ms. Grandell stated that this was the
326 second reading of an ordinance to amend #07-0616, which is the bedroom definition in our code
327 of ordinances. The Mayor thanked Ms. Grandell and asked council for a motion. Ms. Hiatt
328 moved to accept. Mr. Truett seconded. The Mayor asked for any discussion on the definitions.
329 Mr. Martin mentioned that he believed this to be a North end versus South end issue and the
330 North end lots are much larger than the South end lots. He stated that if we look at this definition
331 there will be more and more cars parked on the street and there are already a lot of cars parked
332 on the street so he will have to vote against this. The Mayor asked if there were any other
333 comments. Mr. McKown stated that he has some concerns about this issue as well and believes
334 it may well be a North end South end issue and he asked Ms. Donevant for her comments on this
335 issue. Ms. Donevant mentioned that this issue began prior to her arrival so she did not have a lot
336 of background on how this issue started but her opinion was that it seems to be getting a little
337 regulatory when you have to tell everyone about their den and their living rooms and such. To
338 Ms. Donevant a bedroom or anything that has the characteristics of a bedroom would have a
339 closet, etc. and perhaps this began when people started having computer rooms and media
340 rooms but she believes that this could be handled with code enforcement, if it came down to that.
341 Ms. Donevant believes that if it meets the characteristics of a bedroom then we would need to
342 issue a parking space for it. Ms. Donevant was not sure how council feels about this but she
343 believes that this is somehow putting a burden on some people when all they are trying to do is to
344 allow for a home with three bedrooms to have three parking spaces. Ms. Tuttle mentioned that
345 the intent was not to place a burden on anyone particularly an R-2 that was meant to be a single-
346 family home. Mayor Hyman mentioned that this began with people building a den and then the
347 definition of a den was no longer a den and there were requests for additional parking to
348 accommodate this den. It is not the intent of council, he believes, that people need an extra
349 parking spot for a den or a Florida room that you can put a daybed in. Mayor Hyman is in favor
350 of parking spots for bedrooms but does not want to see people using dens and Florida rooms and
351 putting beds in those rooms and not allowing parking spaces for them. He mentioned that "this is
352 a double edged no win situation." The Mayor would like a better definition and Ms. Donevant
353 agreed and asked if she could have some more time to research this and come up with a better
354 definition. Ms. Hiatt withdrew her motion to accept. Mr. Truett withdrew the seconded motion.
355 Ms. Tuttle moved to deny this definition as presented. Mr. Samples seconded. Mayor Hyman
356 commented to Ms. Donevant that we just wanted to come up with a better definition that was fair
357 to all. Ms. Donevant agreed. Mr. Truett commented that it really seems to pertain more to the R-
358 2 district where someone would come in and apply for four bedrooms and advertise a rental as
359 six bedrooms. People were requesting more spots. **All members voted in favor. MOTION**
360 **CARRIED.**
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B. Discussion

i. Event Request Jamin' Leather-Mr. Jamie Keats

Mr. Booth stated that this particular item is before the council because it is the council's job to approve special events. Mr. Booth also wanted to state that, at this time, Jamin' Leather does not have a C.O. at the location request. Mr. Booth indicated that a precedent is being made to give the authority to have an event before a C.O. is in place and being that the construction business is the way it is, you can never tell. Mr. McKown questioned Mr. Booth that if this is the case, he believes Mr. Booth is doing a great job, but why was it put on the agenda? Mr. Booth answered that the public has the right to ask the council for such requests and that it is not staffs authority to turn it down. Mr. McKown stated that the vendor was asking and not the public and we are trying to protect and represent the public. Mr. McKown went on to state that only staff and council can place items on the agenda and that it seemed to him that council could hear Mr. Keats out but without a C.O., council would not allow it, he himself would not vote for it but that is just his opinion. Mr. Booth stated that he did not have the authority to turn down the request so it went on the agenda. Mayor Hyman asked Mr. Keats to make his presentation.

Mr. Keats thanked council for allowing him to be heard. He wanted to talk about the tradition of Jamin' Leather and how they have been in the Myrtle Beach area for almost ten years. The construction of his site in Surfside is underway and he wanted to explain what their intentions were going to be in the future and how they continue to give back to the community. Jamin' Leather wants to give patrons and customers that come to our county during Bike Week a place to come and visit. The outline presented to council stipulates all of the various events that he has made arrangements for in lieu of what they normally have. Mr. Keats was unaware of the situation Mr. Booth mentioned in getting his approval and was unaware of this as being a concern but he wanted to get in to speak with council as quickly as he could, regarding his intentions. The business they have on 501 normally has a set of events that go on, which also includes the charity auction, which is a four day auction where Jamin Leather donates leather goods and raises ten to fifteen thousand dollars a year for the Red Cross. This is from the goods he donates and along with other goods donated by his suppliers. This is part of the event, which also includes silly contests.

This year they hired a comedian/entertainer, Madd Max, to come in and emcee and entertain. Mr. Keats usually emcees this event but due to his busy schedule dealing with the new construction details he needed to bring in someone else. There would also be an outside sidewalk sale, which is something they usually have due to the high volume of people coming into the store. They move items outside which he believes is helpful for safety and traffic issues. He also wanted to get the banners approved so he would need to get the input from council for what he would be allowed to do and not to do. Mr. Lazarus has given Mr. Keats permission to use the paid parking, which Mr. Lazarus owns and which is also accessible through the Jamin' Leather parking area to accommodate the extra volume during this event. This extra parking being provided will help alleviate people attempting to park on the street and should ease traffic problems. Additional restrooms will be provided and Jailhouse Café is planning on having services available also and, for safety reasons, Mr. Keats is proposing that beer sales from the Jailhouse Café be available outdoors. Mr. Keats believes this will better accommodate the volume of people expected during this type of event. Mr. Keats then asked if council had any comments.

Mayor Hyman stated that it is very difficult to comment on this request when there is no C.O. Mr. Keats asked if an approval could be granted contingent upon his receiving a C.O. Mayor Hyman asked council to comment on this request since it is listed as a "Discussion" item. Mr. McKown commended Mr. Keats stating that he seemed like a good neighbor and a good community leader by his donations to the American Red Cross. Mr. McKown commented on how the American Red Cross is very important to this community, especially when they are in need during a hurricane situation but Mr. McKown had to agree with the Mayor in that without a C.O., council cannot even deliberate on this issue. The conditions of the business itself wouldn't call for council to discuss this without a C.O. The way Mr. McKown sees it is that the receipt of a C.O. means that the business is in a safe operating condition and that he can't speak for other council members but he personally cannot agree to allow anything until the building department has gone

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through the building and certified it. Ms. Tuttle addressed the Mayor and suggested that a C.O. be mandatory before any type of business is performed on the mentioned property. Mr. Keats asked when the next council meeting was scheduled for. Mr. Booth stated that it would be May 8th. Mr. Keats mentioned that this date was prior to the event and he would like to revisit this discussion.

Mr. Keats was glad he could present his request as he had intended and asked council for any comments on how he could tweak it to gain approval. Mr. Martin directed a question to the staff asking that in order to get a C.O. does it have to be a running restaurant and how is this defined? Ms. Grandell and Ms. Donevant from the zoning staff answered that it would need to be completed. It was clarified that the restaurant has 120 days from date of C.O. to be up and running. Mr. Keats mentioned that this does not effect his request. Mr. Samples commented that he will be consistent with his position on these special events and that he is not in favor of allowing them. He did not move to the town of Surfside Beach to have Biker Festivals. He understands that they are adding a lot of money to the economy but when he first moved into town these events were held in Murrells Inlet and now he feels they are being pushed into Surfside and, maybe we should be opening our doors to these type events, but that he will always be voting in opposition to this. Mr. Martin mentioned that he would also be voting in opposition to this. Mr. Martin added that he is not sure why Jamin' Leather chose Surfside Beach for a new location and as far as retail goes Mr. Keats has a good location but to run these type of events, it is not a good location. Mr. Martin mentioned that at the time back when they were trying to get restrictions on what could be done with this location, he and Ms. Tuttle were the only two that voted in that direction and now he was glad to see they were getting more help and he stated that he was happy to hear from the people of the town tonight and thanked them for coming. He was happy to hear how the people from town and the people on the south end felt about this. He knows that there are people of the town as well as people on council that are very concerned in choosing the character of the town. Mr. Truett stated that council had approved this *project* back in September and after reviewing the minutes from that meeting, he had stated back then that he had hoped Mr. Keats would not be coming back asking for vendor permits because he would not approve that and his view has not changed. Mr. McKown mentioned also, that at that previous meeting, that there was a clear message that council was welcoming Mr. Keats to come into town with the retail business and the restaurant because of the talk of a high end steak house and the improvement on 17 but as Mr. Truett stated, he went back and read the meeting minutes and it was loud and clear that there was not to be any special events and the new clerk can forward a copy of those minutes to Mr. Keats if he would like but here it is, approximately a year later, and he was requesting a special permit. Mr. McKown was in agreement with the other council members and he would have to vote against this and a special permit as well. Ms. Hiatt stated that she had voted in favor of a type of venue where people could bring their family to and she does not think that this is a type of event that you would bring your family to so she would not be in favor of any special events that are not geared for families. The Mayor stated that it looked like a majority of council has disapproved by consent and he hoped that Mr. Keats' business does well in its new location but it is clear that this council does not want these types of events at this location. Mr. Keats stated that he had no rebuttal to this but he was very disappointed that his major fundraiser for the American Red Cross, which is a big part of this event, wouldn't be allowed. This fundraiser is not something he wants to sacrifice. If it's council's choice to not allow these types of events, he can understand but he would like them to review this presentation and suggest ways that he can change this event to somehow include this fundraiser. He feels that this fundraiser is very important and the other things can be changed but he would like to have the fundraiser because of its importance to both the American Red Cross and himself to raise this money. He would like to be able to give back to the community and the American Red Cross even if we can organize it as a fundraiser rather than a special event. He feels that any type of fundraiser should be reconsidered. Mayor Hyman told Mr. Keats to try to get his C.O. and thanked him for presenting this to council.

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ii. Smoking Ban in Public Buildings

Judy Tuttle presented the smoking ban in public buildings issue. A young college student who, as part of her assignment last year, was to contact a public official to try to set up a smoking ban approached Ms. Tuttle. Ms. Tuttle met with the young woman and told her that she would discuss this issue with the rest of council. Ms. Tuttle was unaware at the time but Sullivan's Island was the first in South Carolina to institute a town wide smoking ban and Charleston is preparing to enforce one also sometime in May. It is also understood that the State Legislature is also considering the issue. Ms. Tuttle just wanted to bring this forward for discussion to see what views are on a town wide smoking ban. The surgeon general has determined that second hand smoke is harmful with carcinogenic consequences and it nearly doubles the risk of heart attack. Ms. Tuttle stated that it is our responsibility and the responsibility of the town to protect our citizens from involuntary, harmful secondary smoke and she believes that everyone has the right to have clean air. The Mayor asked for council comments.

Mr. McKown stated that he does not smoke and never has smoked and agreed with Ms. Tuttle regarding the effects of second hand smoke but he believes that this is just another one of those issues where government is intruding on our daily lives. Mr. McKown thinks that smoking is disgusting but he would not be behind any type of smoking ban in a public building. He believes that this would just be another infringement on the daily lives of the people. Mr. Samples stated that he smoked and agreed that it is a terrible and filthy habit and that it also sets a bad example, results in fires and it is also very expensive. He commended Ms. Tuttle for bringing this to councils attention and he believes that this is one of those issues where we may want to see what happens in some of the other jurisdictions and probably at some future date, we know how the world is, things change and smoking might be one of those things that we may all be happy if it was something we all did in the old days. Mr. Martin proceeded to suggest that this be placed in as an ordinance under public safety. He believes that this would be protecting the people who don't smoke from the people who do smoke and there are many people who believe in protecting people from other people. Mr. Martin would support such an ordinance.

Mayor Hyman stated that we all have a choice in life and we make our choices everyday and if he ran a public restaurant he would have a section for smokers and a section for non-smokers and he personally does not smoke but he does not believe in taking every right that a human being has and putting in a bottle and closing the lid on it. Mayor Hyman would definitely not vote in favor of such an ordinance. In the Mayors opinion, he does not feel that it is council's privilege that we can tell people where they can and cannot smoke. The owners of the buildings and the businesses should control this issue the way they see fit. Mr. Truett stated that freedom of choice is a great thing and he believes that we exercise it every day. There are restaurants he will take his family to and there are ones he will not. This is his choice. If he walks into a restaurant and it is smoke filled he will walk out but it is other peoples right to smoke if they want to smoke. You can choose where you go and don't go and as a government body it is hard to regulate what people can and cannot do. Ms. Tuttle wanted to add that four area hospitals are banning cigarettes both inside and outside their facilities. It would not be allowed anywhere on the property and the issue is not about smokers rights but it is about the non-smokers rights. Mayor Hyman stated that he does not allow smoking in his home but guests are more than welcome to smoke outside if they choose. It is their choice and he does not feel that you should take any human right away. Ms. Tuttle commented that apparently there is not a consensus on this issue. Council agreed that there was not at this time. Mayor Hyman asked if there was any additional discussion on this item before moving on. The discussion portion closed at this time.

7. PUBLIC COMMENTS – General.

The Mayor asked if there were any public comments. There were no public comments.

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8. COUNCIL COMMENTS

Mr. McKown : “Yes, Mr. Mayor I have a council comment. In light of all the facts to this and maybe someone can help us out on the staff, but, and I can see that, you know, Jamie, that we have sort of crushed his dreams here tonight, but, and I agree that we all moved to Surfside Beach for the same reason and, we don’t want the biker activities here but, we’re *allowing* it at the, storage facilities over here, and is that a special permit?”

Mr. Martin: “Yeah, you approved it in September.”

Mr. McKown: “We voted to approve it?”

Mr. Samples: “I voted against it.” (chuckling in audience)

Mr. McKown: “I’ll have to go check. The point I guess I’m trying to make is that if we’re going to do this and keep this out, let’s keep it out all the way. I mean, let’s keep it out for the whole town. Let’s not allow it into the town limits. That’s my comment.”

Mayor Hyman: “Very Good, and include the SunDowner, too.”

Mr. Samples: “That’s what I’ve been saying.”

Mayor Hyman: “Exactly right.”

Mayor Hyman: “Any other comments from council?”

There were no further comments from council.

9. ADJOURNMENT

There was no other business to come before the meeting. Mr. Truett moved to adjourn the meeting at 7:30 p.m. Mr. Martin seconded. **All voted in favor. MOTION CARRIED.**

Sharon Pinnell, Town Clerk

Approved: May 8, 2007

Roy Hyman, Jr., Mayor

Rebecca J. Hiatt, Town Council

Joseph P. Martin, Town Council

William M. McKown, Town Council

Douglas F. Samples, Town Council

James S. Truett, Mayor Pro Tem

Judith K. Tuttle, 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.