



TOWN OF SURFSIDE BEACH ♦ TOWN COUNCIL CHAMBERS

June 24 , 2008 ♦ 6:30 P.M.

TOWN COUNCIL MEETING MINUTES

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1. **CALL TO ORDER**

Mayor Deaton called the meeting to order at 6:31 p.m. and stated that this was a business meeting and asked if everyone in attendance could conduct themselves in that manner. Mayor Deaton, Mayor Pro Tem Truett and Councilmembers Blair, Johnson, Martin, Samples and Childs were present. A quorum was present. Staff present: Administrator Booth; Clerk Pinnell; Public Works Director Taylor; Public Works Executive Assistant Saleem; Recreation Supervisor Ellis; Finance Treasurer Hursey and Director of Building, Planning & Zoning Donevant.

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

Pastor Scott Wachter of the Surfside United Methodist Church said the invocation and Mayor Deaton led the Pledge of Allegiance.

3. **MINUTES APPROVAL**

Mr. Truett made a motion to approve the regular meeting minutes from June 9, 2008. Mr. Johnson seconded the motion. **All voted in favor. MOTION CARRIED.**

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

Randle Stevens, 412 1st Avenue North: “What I want to speak on, I noticed on the agenda you had section on ordinances and you had code enforcement and things like that; that’s what I want to talk about. Since I’ve moved to Surfside Beach, as a matter of fact, when I started building my house here in Surfside Beach and even a couple years before that, this town has consistently and repeatedly violating their own ordinances and I liken it, kind of like that commercial where I see the father coming to his kid with, he’s found him with marijuana and he says ‘how did you learn this’ and he says ‘I learned it from you, dad’. I want to ask the town council and all the people that are involved in running this town, how do you expect the citizens of this town to want to uphold the ordinances if this very town does not uphold them. For almost, let’s see, I believe it was in 1998, 99, 2000, I’m not sure of the date, you had a commercial establishment out at 413 Pine Street. You used dump trucks, you used backhoes and you dumped dirt. I’ve been here two and a half years; I’ve just got an estimate to clean my air conditioning vents that are filled with dust and dirt. You even went down here and I kind of went along with it because I knew it was for the good of the city, you built, you put stormwater drainage through there. I’ve got a brand new house with soffit vents that are gray instead of white; my vinyl siding is white. It’s time for this council, for the council right on down to the administrator right on down to the very person who gets out and shovels dirt with a shovel, ditching or whatever it might be, to start obeying your own laws and don’t ask us to obey the laws if you can’t do it. That’s all I got to say for right now. Talk to you later.”

Ron Ott, 7th Avenue North: “I’m very privileged to sit on your Zoning Board of Appeals and when we get our little packet, everybody that’s on the Zoning Board, as well as your Planning and Zoning, they do their homework, they put time into that, and after we have our meeting and we deny or grant the variances we like to go around and look at them to see how they turned out, so if next there’s another variance that’s similar, we’ll know what it looks like, so, in the last four variances that we did, two of them are not correct

53 and I'm not going to tell you what it is because the one gentleman, he has a new roof on
54 there and he has an addition on the side that was not granted. We allowed to go into the
55 setback in the rear of the house but not on the side and I'm not going to tell you because
56 now this guy is going to have to rip that whole roof off. It should have been done when
57 the building started; that's when we should have addressed this and there's another one
58 that was supposed to be done and that wasn't done either. It takes a lot out of people
59 when they put time into it and it's not done, so if we're not going to check these codes
60 and we're not going to look at them, then you really don't need the Zoning Board and
61 then you really don't need the Planning and Zoning, maybe we don't need the town
62 council and you can go home and catch Jeopardy. We don't have to be here, so, we
63 don't have to get that radical but, you know, we like to see the things that we said to be
64 done are done. That's all."

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66 Mayor Deaton confirmed that Mr. Otts comments were pertaining to Code Enforcement
67 on the agenda.

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69 *Jim Ardis, 310 3rd Avenue North:* "What I want to talk about is Myrtle Lake. I've
70 complained about Myrtle Lake for about ten years now. I have talked to every town
71 administrator we've had ever since Michael Kovacs was here, so you can see, it's been a
72 long time. Last summer, just to kind of bring you up a little bit, some of the reasons that
73 I'm really aggravated and really dissatisfied with what's going on in Surfside, I was told,
74 in mid summer that we were going to dredge Myrtle Lake and go build a new outfall on
75 4th Avenue. This would be done in October, November, well the whole October,
76 November passes, nothing has been done, so I talked to some people again in February,
77 they said 'hey, it's going to be done within the next 52 days, we're going to dredge
78 several lakes, we've got the money, we've got the grant for the outfall and we're going
79 to wait until we get the outfall done then we're going to dredge Myrtle Lake, I said 'ok,
80 that's fine', well a couple, about three weeks ago I went down to Public Works, I came
81 by here first, they said 'hey you need to go to talk to Public Works' I said 'fine', so I go
82 to Public Works and they told me, yes there were five lakes going to be dredged, Myrtle
83 Lake was going to be the last one and the reason for that was because of the outfall. I
84 said 'ok, have Ty give me a call', very graciously, Ty gave me a call, came down and
85 met with me, I showed him all of the problems with that lake that I had been addressing
86 with town administrator's ever since, and I'm going to tell you this, I have owned this
87 property for almost 40 years, probably a lot of you were in diapers when I bought this
88 property, but, let me tell you this, Ty came down, we talked, I showed him all the
89 problems with the lake and all and he said 'Jim it's my understanding that the lake is
90 going to be dredged, the last one, and it's in the files that we've already contracted out,
91 they got the equipment down on Cherry Lake' and he said 'as far as I know the outfall is
92 going to be done'. I have never had follow up before from anybody that I have ever
93 discussed this lake with, that afternoon Ty calls me back he says 'Jim I need to meet
94 with you again', so he came over the next morning and we stood out by the lake and he
95 said 'Jim, I gave you some bad information', he said 'I wanted to come back and tell
96 you, first of all Myrtle Lake is not going to be dredged at this time, it's not part of the
97 contract, I also found out that we had lost the grant that we had to put the outfall in.' It
98 seems to me like something needs to be done in decision making and proceeding with
99 some of these dredgings and also the stories that are being told by different people to the
100 citizens as to what we're going to do and when we're going to do it. I'm a fairly patient
101 man, sometimes I get a little uptight but the thing about it is, I'd like to know when are
102 we going to do something about that lake? Because I pointed out to Ty a lot more

103 problems than just stormwater and most of you probably know that this town got a letter
104 from DHEC a couple of years ago citing us for the condition of that lake. I've seen
105 councilmembers down there about 3 or 4 years ago looking at that lake because you got
106 the letter, nothing has been done about that lake, nothing has been done about the animal
107 feces in that lake; the geese and all are still there and every time I talk about these geese
108 I'm told that there's not a thing that we can do because they're wild animals. I will tell
109 you council, they are not wild animals they're domesticated geese, they are owned by
110 one of the property owners there on that lake and he feeds them, but who puts up with all
111 the poop and all that stuff in their driveways and their parking lots but me. I have to
112 wash our parking lot down at least twice a week because of those geese. Now I'll tell
113 you this, our grass along the lake, because of me washing all this poop down into my
114 grass, guess what? I got no grass any more; all I've got is weeds. All our Saint
115 Augustine and all has died because of the amount of duck crap that's going down in that
116 lake, but, gentlemen, I would ask that hey, somebody do something about Myrtle Lake
117 and I think Ty will back me up on everything that I have said. Thank you."
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119 *Sue Clark, Juniper Drive:* "I want to talk about the ordinance for the wild bird sanctuary.
120 I decided to move here when I was 17 but didn't make it for a lot of years and I've been
121 here about 5 years now. Surfside Beach has grown tremendously in the 5 years that I've
122 been here. One of the things that I've noticed is a lot of the lots are being, what I would
123 call, clear cut; very few trees are left, but, with this being a bird sanctuary, who is
124 assessing what type of birds or animals are on that property that are on the endangered
125 species list prior to the cut. At the address next to mine, when it was clear cut, we had a
126 pair of great horned owls nesting there, which we enjoyed for two years before it was
127 clear cut; we also had pileated woodpeckers there, which I have not seen since it was
128 clear cut; both of those animals are on the endangered species list. One great horned owl
129 did return about a year later without its mate, we don't know what happened, so I want
130 to know, before you make the decision of bulldozing; the Zoning makes a decision to
131 bulldoze, who's going to watch out for the endangered species? That's all I have to say.
132 Thanks."
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134 5. COMMUNICATIONS

135 A. *Outstanding Academics Recognition: Rachel Hock, Class Valedictorian St. James* 136 *High School*

137 Mayor Deaton stated that he is an advocate of quality education and Rachel Hock,
138 valedictorian of Saint James High School, is a great example of what our area can
139 produce and proceeded to present her with a certificate from the town for recognition
140 of outstanding academics. (There was applause in the audience).
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142 B. *Five-Year Recognition, Joan Saleem, Public Works Executive Assistant.*

143 Mayor Deaton thanked Ms. Saleem for a wonderful job. (There was applause in the
144 audience). Ms. Saleem thanked everyone for the recognition and added that such an
145 accomplishment would not have been possible without the cooperation of her guys at
146 Public Works and added that it is their hard work and dedication that enables her to
147 do her job. Ms. Saleem thanked Debbie Ellis stating that she has been able to get to
148 know many of the town residents by being involved in the special events that the
149 town conducts and added that, hopefully, in another 5 years she will be standing here
150 making this speech again.
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C. Public Works Report

Mr. Booth reported that lake dredging has begun and some good news is that they are pulling out sand and it is very high quality sand that the town can use in their parks and the excess sand could be sold. Mr. Booth handed out to members of council samples of orange warning tags that are being placed on any cabanas or other items left on the beach. Mr. Booth reported that he walks the beach and finds very few items left on the beach so it seems that the tags have been working. Mr. Booth reported that there was a meeting regarding underground utilities with all of the entities involved to work out their plan. This project will begin at the end of June. It was reported that letters would be going out to all of the residents in the area regarding the logistics and start date for the project. Mr. Booth reported that the town has contracted an electrician and the residents in the area should not be without power for more than 30 minutes. Mr. Samples asked if the electricians contract is in excess of \$5,000. Mr. Booth stated that it should be under \$5,000 since it is a rather simple process but if it is more they would go out to bid. Mr. Truett stated that during the underground wiring meetings they were given an estimate of approximately \$100 to \$300 per residence and there are thirty something homes so it should be under the \$5,000. Mr. Samples stated that he is merely reminding Mr. Booth of what the procurement policy is. He added that he would like the policies that have been established by council adhered to. Mr. Booth stated “they are in concrete. If it goes beyond \$5,000, it must be contracted out”.

D. Recreation

Mr. Booth reported that there is an Independence Day celebration on July 3rd in Martin Field with Sea Cruz playing from 6 PM to 9 PM. The Dixie Youth All-Stars and the Dixie Youth Major All Star team will begin playing June 25th and the Dixie Pony Tails began on June 19th.

E. Finance

Mr. Booth reported that 90 percent of the license renewals have been collected and they are well ahead for the year. The audit is starting to wind down and the information will be reported to council within the next few months. Mr. Booth stated that the auditors have found no major issues. Mr. Booth reported that we are in line with the budget. Mr. Samples stated that expenditure-wise we were in line with the budget but it is clear that this year compared to last year, to date, the town is running behind in terms of revenues across all categories with the exception of one, which are fines. Mr. Samples stated that property tax collection is down 5 percent year over year, meters are down 15 percent year over year, hospitality is down 16 percent year over year and he stated that he just wanted to make sure that his peers understood that it's early in the year, but we're running behind. Mr. Samples stated that he wanted to reiterate that when we adopted the budget, at least one councilman expressed concern over an 8 percent projected increase in property taxes year over year. Mr. Booth stated that the budget would be adjusted beginning with the next quarter if there is a shortfall in revenue. Mr. Samples thanked Mr. Booth. Mr. Booth added that it is early in the year and he will need another quarter to look at and then they will begin to adjust if necessary.

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F. Administrator's Report

Mr. Booth presented photos on PowerPoint showing the dredging operation. Mr. Booth reported that the high quality sand they are removing from this first lake could be sold to make cement. Mr. Booth stated that as the contractor gets closer to completing the lakes he may come back to council to ask for approval to add a lake or two to be done; there are funds available in the stormwater fund and if there are no problems they may be able to extend the contract. Mr. Johnson asked if contamination testing is being done on the sand. Mr. Booth answered that they had tested all of the lakes prior to beginning the project and there was none. There is a fair amount of animal waste that goes out into the ocean that brings up the BOT's but, he added, this is not considered a hazardous material. Mr. Johnson said "should it not be an ongoing process; testing?" Mr. Booth answered that they do test; the town is currently planning on testing before and after adding that they need a baseline on all of the lakes. Mr. Childs stated that the town had purchased a large boat that was supposed to be used in the lakes weekly and asked if the town is currently using it regularly. Mr. Booth stated that he has been on it a few times and that it is being used; it was not out on Cherry Lake because the contractor agreed to clean this lake out himself but the town is going out on other lakes and cleaning them out; he is not sure how often they go out but they do go out. Mr. Samples asked when the council would be advised of the baseline test results. It was determined that the results would be available the second of July.

Mr. Booth reported that he has provided council with a small business plan on the pier, which had been requested. Mr. Booth stated that he has also included leases on the property and added that this information is not open to the public, it is private information distributed to council only. Mr. Booth reported that the town lawyer, Mr. Durant has informed him that Mr. Scalise has requested to close early. He would like to give the town the deed and then hold the amount of money from the A-Tax until we receive the pier. Mr. Samples stated that a discussion regarding details should not be considered since the resolution has not been adopted yet and added that if it involves changes in the terms this is certainly open to negotiation and discussion and should be done in executive session. Mayor Deaton agreed adding that this discussion is premature. Mr. Booth reported that the Accommodations Tax Committee approved the \$870,000 to be moved over to the purchase of the pier. The resolution that is before council this evening will be brought to Columbia; they will also get a report, the appraisal, leases, the business plan and a more detailed explanation along with pictures of the pier. Mayor Deaton confirmed that this would be presented to the transmittal committee in Columbia.

Mr. Booth reported that there has been a lot of work in code enforcement and proceeded to show photos of Highway 17, which was now clear of excess banners and signs. Mr. Booth reported that numerous realty signs have also been removed. Mr. Booth suggested that council have a workshop on code enforcement regarding the vacant lots adding that the town adopted the International Property Management Code 2003 but never established the height of the weeds and grass allowable and the town needs to do this. Mr. Booth reported that the town is reactive and not proactive when it comes to lots because there are so many out there; currently there are approximately 23 of them where people are requesting code enforcement on; they complain about animals, rodents, snakes and broken fences. Mr. Booth stated that he would like council to go out and visit some of the vacant lots and decide on what

251 they want to establish as code enforcement for these lots and then the town can write
252 the ordinance to meet this. There was consensus of council to set up a workshop at a
253 future meeting regarding discussion on vacant lots. Mr. Booth showed photos of
254 various lots in town. Mr. Samples stated that the previous council adopted the
255 property standards and he does not recall standards that applied to undeveloped lots
256 but if these standards were not established perhaps it was be design. Mr. Booth
257 stated then that section should have been removed. Mayor Deaton stated that this all
258 could be addressed in the workshop.
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260 Mr. Booth stated that the underground wiring project is all set to begin and he does
261 not foresee any problems and that it should run smoothly. Mr. Booth stated that
262 regarding fireworks he may be attempting to do the impossible but he would like to
263 propose attempting to contain the fireworks to certain areas adding that his main
264 concern is the safety of the children. Mr. Booth reported that they will block off
265 areas and they will have signs put up. The police and fire and rescue will all be
266 there. He is going to try to establish some order adding that he does not know if it
267 will work but he is going to try. Mr. Childs asked if the police would be escorting
268 individuals to the designated areas. Mr. Booth stated that there are a quarter of a
269 million people out there and he is not sure how much escorting will be available, but
270 they will attempt to direct them. Mr. Johnson stated that he wishes Mr. Booth well
271 but he does not see how it will work. Mayor Deaton stated that he was on council
272 when they decided it was uncontrollable and that they were overwhelmed; the law is
273 only as good as the enforceability and he wished Mr. Booth 'good luck'. Mr. Booth
274 stated that he is just looking for safety at this stage and there will be more police and
275 rescue presence this year. Mr. Booth reported that he would be presenting an issue
276 paper on the Parks and Recreation Committee at the next meeting; he has received a
277 lot of response on this and feels that people are excited about it. Mr. Booth reported
278 that the Fire Station workshop would be held on July 22nd. Mr. Booth stated that
279 council will receive the layout plan of the fire station and they will be given three
280 choices, prefab, half prefab and all stick built. There will be general examples of the
281 facade choices as well; they will be looking for some guidance from council. They
282 will also include pricing estimates.
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284 6. BUSINESS

285 A. *First Reading Ordinance #08-0640- Stormwater Fees:*

286 Mr. Booth reported that council had adopted stormwater fees along with the
287 stormwater ordinance approximately 8 months ago and when the fees were being
288 adopted, an amendment was made which exempted developers. As staff reviewed
289 the Phase II ordinance it was realized that it was incorrect. Mr. Booth stated that
290 staff would like to put back the fees that the Phase II ordinance requires the town to
291 do. Ms. Donevant explained that a fifty dollar pass through fee was put in place and
292 according to the town's stormwater NPDES and the MS4 guidelines the town needs
293 to have checks and balances and control for plan review and for permitting; the pass
294 through allowed the town to take in the project and it was allowing the same
295 engineer that designed the project and reviewed it to then certify it. Many
296 discrepancies were found so now they have gone back and revise the fee so that there
297 are checks and balances to make sure the town is in compliance with everything they
298 need to be in compliance with. Ms. Donevant explained that they had run into some
299 projects that were submitted that stated they met our ordinances and when further

300 investigation was done they found they were not quite in compliance. Ms. Donevant
301 added that she feels that this is a good ordinance now being presented and they are
302 good fees and it is something the town needs to do to stay in compliance. Mr. Martin
303 asked Ms. Donevant to explain what NPDES and MS4 are for those in the audience
304 that do not know. Ms. Donevant stated that MS4 is what our town is, we are our
305 own stormwater organization under the NPDES which is a National Pollutant
306 Elimination Discharge and the town is an MS4 that participates in this program to
307 take care of water quality issues, stormwater management, erosion control and to
308 establish best management practices to see that all that is in compliance with the
309 state. It was determined that the MS4 stood for Municipal Storm Sedentary Support
310 System. Bobby Moore from Earthworks added that DHEC has required that the
311 individual towns and counties do their own stormwater reviews and that OCRM and
312 DHEC did it in the past. Mr. Martin explained that DHEC is the Department of
313 Health and Environmental Control and is part of our state government. Mr. Samples
314 made a motion to amend the ordinance as recommended by staff. Mr. Martin
315 seconded the motion. **All voted in favor. MOTION CARRIED.**

316 **B. *First Reading Ordinance #08-0641 Adopt SC 2006 Building Codes***

317 Mr. Booth stated that the town is required to adopt these building codes; if we do not
318 there would be a problem in getting insurance and funding from FEMA. Mr.
319 Samples made a motion to adopt the required building codes. Mr. Johnson seconded
320 the motion. Ms. Donevant added that according to the ordinance there has been
321 controversy over whether we should adopt the IRC code and today Ms. Donevant
322 received a last minute notification that the town cannot adopt the appendices,
323 according to the Building Codes Council, so this will be adjusted and the appendices
324 will be eliminated at the second reading. Ms. Donevant added that regarding the
325 2006 Property Maintenance Code those are permissive codes; it is not mandatory to
326 adopt these; they would need to be adopted as whole unless, as a local jurisdiction,
327 we could apply for an amendment to the Building Codes Council to change any
328 portion; permission must be granted. The 2006 property maintenance codes have not
329 been brought to council at this time because they will be discussed at a workshop.
330 Mayor Deaton explained that these are primarily flood insurance issues. Ms.
331 Donevant stated that the upper state jurisdiction and the homebuilders association did
332 not want to adopt the IRC codes because of the size and wind specifications required
333 but to participate in the National Flood Insurance Program they would need to adopt
334 these. Ms Donevant added that the flood insurance would be three times what it
335 currently is if we could not adopt these codes. **All voted in favor. MOTION**
336 **CARRIED.**

337 **C. *Resolution #08-072 6th Edition Personnel Manual***

338 Mr. Booth stated that section 108 of the personnel manual is being presented in two
339 different ways. One version has a stipulation regarding nepotism and the other
340 version would be for it to remain the way it was originally presented. Mr. Samples
341 made a motion to adopt the 108 new version. Ms. Blair seconded the motion. Mr.
342 Martin commented that this is the kind of thing that staff does that is thankless; it is a
343 lot of work, the town has an excellent attorney in Columbia that helps with this and it
344 ends up in a large binder that all new employees get; it helps them understand what
345 the rules and regulations are in town and it is the kind of thing that is very important
346 and very difficult to do properly and thanked Ms. Jan Lewis for the work she did on
347 it. **All voted in favor. MOTION CARRIED.**

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350 D. **Resolution #08-073 Purchase of the Pier**

351 Mr. Booth stated that the resolution is required by Columbia for the town to
352 recognize the purchase of the pier by the town. Mr. Truett made a motion to approve
353 the resolution. Mr. Johnson seconded the motion. Town Clerk Ms. Pinnell read the
354 resolution. **All voted in favor. MOTION CARRIED.**
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356 7. **DISCUSSION**

357 *Harbor Lights Development: Stormwater Plans and Clearing. Ms. Donevant, Building*
358 *and Planning Director for Surfside Beach, Lawrence Langdale of Springfield*
359 *Development Group, Bobby Moore of Engineering Firm Earthworks were present*

360 Mr. Booth stated that the developer of Harbor Lights, Springfield Development Group;
361 Earthworks and the Building Department are all present to present correct information
362 on some misinformation given at the last meeting. Mr. Booth stated that he wanted to
363 give the opportunity to council to ask any questions they have pertaining to this
364 development. Mr. Booth added that after speaking with the engineer and staff he has
365 found that the developer is following the plan. Most of the cutting that took place was
366 the cutting of underbrush and reseeding was done where it was required. A couple 4-
367 inch trees were cut which they were allowed to do and a couple 6-inch trees were cut and
368 they would need to mitigate these.
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370 Mr. Langdale stated that he is from Springfield Development Group and they are the
371 developers of Harbor Lights. Mr. Samples asked if there was a stormwater management
372 plan for the development that was approved. Ms. Donevant answered that there was.
373 Mr. Samples stated that he has asked for a copy of the stormwater management plan and
374 he has yet to receive a copy. Ms. Donevant stated that she would get him a copy. Mr.
375 Samples asked if this plan was consistent with the ordinance that was amended this
376 evening. Ms. Donevant stated that the plan was submitted prior to the first revision on
377 the stormwater; it has been in effect for over a year and it is in compliance with the
378 ordinance presented this evening. Mr. Samples asked Mr. Langdale about the slopes
379 going into Lake Elizabeth that were disturbed, whether they were clear cut or not, he
380 believes that they were disturbed. Mr. Langdale stated that the slopes were not
381 disturbed; DHEC and OCRM came out to do an inspection to ensure that the slopes
382 themselves were not disturbed. Mr. Langdale added that no slopes or soil were disturbed
383 in any way. They hand cut the underbrush and vines in the trees. Mr. Samples asked
384 when he would expect the undergrowth they cut to grow back. Mr. Langdale stated that
385 he is sure some of it has already regenerated as of today. Mr. Langdale stated that some
386 of the vegetation was disturbed as they walked to hand cut so they threw some seed back
387 where they had been. There was no mechanized equipment used in that area of the
388 slopes. Mr. Samples stated that it has been presented to him in photographs that there
389 was a backhoe in the area that was cleaning up debris. Mr. Langdale stated that there
390 was a track hoe that stood on the non-lake side of the silt fence they had established
391 there but it was used by the workers to lean over so they could pile the brush in it and
392 take it away but they did not use the track hoe on the bank. Mr. Langdale stated that
393 they had to hook a few limbs, that were hard to reach, to the equipment and pull them
394 out but there was no actual disturbance on the other side of the silt fence. Mr. Samples
395 stated that he thought that the area looked like it had been sprayed with some kind of
396 herbicide. Mr. Langdale answered that nothing, to his knowledge, was sprayed there.

397 Mr. Samples added that it would then be expected that after the rain there has been in the
398 last few days vegetation would return and asked Mr. Langdale if he would be surprised
399 if it did not return and Mr. Langdale stated he would be surprised; nothing was taken out
400 by the roots and it should all come back. Mr. Samples stated that it should all come back
401 unless it was sprayed with an herbicide. Mr. Martin stated that he understood that some
402 larger trees that were not supposed to be cut were, in fact, cut and asked if there is a
403 mitigation plan in place. Mr. Langdale stated that if anything falls into that category he
404 would sit down with Ms. Donevant and the Administrator to make that determination; if
405 there was a misunderstanding such as a wax myrtle being a tree versus a bush and that it
406 was larger than 4 inches then this would need to be addressed with staff. Mr. Langdale
407 stated that they had informed workers of what they were to limit their size of tree
408 removal to; he is not aware that anything greater than the established sizes were
409 disturbed but he is open to discussion with the town. Mr. Langdale reported that the
410 plan calls for ten trees to be on each lot where a house is to be built and their plan is to
411 plant these trees. Once the community is complete the community will have far more
412 trees on it than it had as a driving range and parking lot. It was pretty much clear cut
413 when they first began the development and they have taken down very little additional
414 vegetation and only wanted to take enough down to get the road in. Mr. Langdale added
415 that they recognize and realize the importance and value to vegetation and trees and it is
416 their desire to maintain this type community. Mr. Martin thanked Mr. Langdale for
417 being there this evening. Mr. Childs stated that the stormwater ordinance that council
418 just adopted states on page 52, the soil erosion and sediment control plan and went on to
419 read where it states that it should be done during and after development activities. Ms.
420 Donevant stated that this is done. Mr. Langdale stated that part of the plan is the
421 placement of silt fence along the lake bank area and while they were working some of
422 the fence did fall and they were instructed to put it back up. Mr. Childs stated that there
423 was one area in the ordinance that addressed the area of slopes and added that he
424 believes that this is everyone's biggest question; the erosion on the slopes and it clearly
425 defines what to do and he added that it states that sod is the preferred method of
426 stabilization as opposed to seeding. Mr. Langdale stated that this is one reason they did
427 not want to disturb any of the slopes, which they did not; they did not want to have to
428 deal with any erosion problems and that is why none of the roots were taken out of that
429 area. The reseeded they did was not on the slope of the banks of the lake it was on the
430 top of the bank. The bank itself was not disturbed in any capacity regarding soil erosion
431 and roots; they all still exist. Mr. Childs stated that the silt fence in one area is about 60
432 feet off the bank and asked what good it is doing. Mr. Langdale stated that the one area
433 in question was an area that no one could gain access through because of all the vines
434 that existed. The vines were removed from the trees and now you can see through to the
435 lake. Mr. Childs asked if the silt fence would be moved towards the slope now that the
436 underbrush has been removed. Mr. Langdale stated that they could now do this. Mayor
437 Deaton asked if there are any more questions for the developer regarding future plans.
438 Mr. Samples asked for confirmation that Mr. Langdale went in and cut vines and they
439 did not disturb the property. Mr. Langdale answered that all they did in that area was
440 hand cut the underbrush and the vines that had grown up through and into the trees.

441
442 Bobby Moore and Jack Railing from Earthworks were available for questions. Mr.
443 Samples asked if Earthworks had prepared the stormwater plan and Mr. Moore stated
444 they did not. Mr. Railing stated that they were commissioned to do the review of the
445 submittal by the design engineer. Mr. Johnson asked Ms. Donevant to refresh his
446 memory as to what the initial purpose was for the barrier and what size the barrier was.

447 Ms. Donevant stated that the actual approved plan showed a buffer of approximately 20
448 feet and the barrier/buffer addressed vegetation. Ms. Donevant added that she did
449 review the plans and the jobsite is in compliance with what was approved at Planning &
450 Zoning and it was what Earthworks had approved; all the inspections have been
451 completed and they have records of all of these inspections and would be happy to share
452 them with council.
453

454 Mr. Langdale told council that he wanted them to know that the town's staff is in very
455 close contact with them as a developer and they have made themselves readily available
456 by cell phone when they had any questions. Mr. Langdale stated that they have also
457 been readily available to town staff to address any of their concerns. Mr. Langdale
458 added that the town staff is very good to work with and are very thorough and he added
459 that he feels that they are on top of everything even more so than any other
460 municipalities or county authorities around here. Mayor Deaton thanked Mr. Langdale
461 for his comments.
462

463 **8. PUBLIC COMMENTS**

464 *Mr. Hopkins, 712 Cedar Drive North:* "I have a couple of questions to this council that
465 I'd like for the gentlemen to share with us. Does he plan on doing the same type of
466 footing on the lower end of the lake, across the lakes from where I sit, where we stopped
467 several guys a month or so ago cutting trees down in the water, so we went over and we
468 called someone that's contracted and they stopped it, so they haven't done any more
469 cutting over there but that lower portion of the lake has not been completely clear cut
470 but it was being clear cut as we went over there, so I don't know if they're going to do
471 more work down that area or not. I'd like to know that. The other thing, you're talking
472 about stormwater, since we're on the construction sight and Harbor Lights, they did
473 build a retainer pond; retainer pond has a 20 inch pipe coming out of it and that 20 inch
474 pipe goes into Lake Elizabeth, now, sure it's not draining a lot of water right at this
475 moment but the water is up to the bottom of this 20 inch pipe, now when the rain starts
476 coming in that's going to flood out and come into Lake Elizabeth and we have seen a lot
477 of water pouring out of that 20 inch pipe into Lake Elizabeth and I have a drawing of the
478 development and I didn't see it on the plan. I may not have the latest drawing but there
479 is a 20 inch pipe going into the lake, there's also, I know of one 12 inch pipe that goes
480 into the lake, I don't know if there's more 12 inch pipes going into the lake or not. Also
481 the streets drain into 10th Avenue and 10th Avenue drains into Lake Elizabeth so that's
482 my comment about the Harbor Lights development. Last Saturday, Mr. Strickland of
483 Earthworks came to my house and we explained our concerns about the potential amount
484 of water that would be pouring through Lake Elizabeth and Dogwood Lake since they
485 put in the two 5 foot pipes from the county, feeding the one 6 foot pipe they had in Lake
486 Elizabeth, so what we did was back up and show Mr. Strickland all of the data that
487 we've collected for the last 14 years of Lake Elizabeth and so forth, so what we'd like to
488 do is have the town contact Earthworks, Mr. Strickland, and have him study Lake
489 Elizabeth like we did last Saturday and have Mr. Strickland and Earthworks contact the
490 stormwater committee and have the stormwater make recommendations to the town on
491 the studies of the water flow and I also, a couple of things about the ordinances, the
492 stormwater ordinances, the Surfside ordinances state that it only requires the first one
493 inch of rain to stay on site, everything after that can run off, now the county ordinance
494 says post construction runoff can be no greater than pre-construction runoff and the
495 construction cannot create additional runoffs, so we're getting water from the county and
496 Surfside. Thank you."

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Mayor Deaton asked for the Administrator to address these issues.

Ms. Hiatt, 719 North Myrtle Drive: “I talked with the town administrator about 6 weeks ago about trimming the trees that’s laying in the lake on Palmetto Lake, he said it would be about 2 weeks when they left Cherry and then they’ll come directly to Palmetto. Well, it’s been a month and 2 weeks, don’t know what route they took but they haven’t got there yet. The trees grow out almost to the middle of that lake and the trees are laying in the water and what happens, every time it rains they go down a little bit further until eventually they die and then they just fall off in the lake. Another thing, I got an e-mail for where they were advertising a councilman’s business and with a price on it. I think if you’re going to start doing that I think you need to do that for all the businesses in town.”

Ms. Herrmann, Cedar Drive North: “Just a couple of safety issues, a lot of our signage that we had installed a couple of years ago is beginning to fade, particularly the Surfside Drive sign and it’s making it difficult for people to find their landmarks so if someone could check that and get those signs updated. The other thing is, I sit on my porch a lot and I see golf carts on the sidewalk constantly. The State law stipulates that golf carts are to be driven on secondary roads by licensed drivers so if our public safety officers could be aware of that, that would really help I think. Thank you.”

Shelby Smith, 911 Cedar Drive North: “I’m a member of the Beautification Committee and I just wanted to say what an excellent idea that Mr. Booth presented for consideration for a Grounds Department and I see that it’s on the agenda here and I was just hoping that maybe that could be elaborated on with it to be part of Public Works and work on, specifically, the medians in the area and the beautification; to help the beautification effort in our town. Thank you.”

Sue Wall, 510 Poplar: “First of all, one thing I wanted you to notice was, the sign looks great out there now, I’m just wondering why all week long all you get is TC meeting six thirty. I was going to ask if somebody swiped the letters or something, I think, people should be informed, not at the last minute.”

Mayor Deaton: “Mr. Samples took care of that.”

Ms. Wall: “Well at 7:45 this morning it was still TC meeting. Speaking of the stormwater thing and I don’t know if this is just mainly about construction or that but I brought it to the council and Mr. Booth’s attention before. Where I live there is a nice little swamp behind my house, especially when it rains, and I’m getting everything off 17 and it was supposed to have been addressed before and it still hasn’t and I mean I’ve got all kinds of foliage; I’ve got a couple of raccoons, I’ve got a possum, I got all kinds of critters out there and I mean, I really don’t mind but I’m not crazy about the swamp and mosquitoes and I was just wondering if that will ever be addressed. Thank you.”

Randle Stevens, 412 1st Avenue North: “I’m glad Mr. Booth is talking about ordinances and code enforcement. Let’s get the town council to hold Mr. Booth and everybody that works under him feet to the fire, for example, I got an e-mail from Joe Zoltak showing the April 9th stormwater committee, in the committee, it says Ed Booth introduced Ty Taylor, Public Works Director and asked that Ty be made a voting member of the committee and that he, Mr. Booth, be removed as a voting member, I want to refer town

547 council to section 2-47 section D which simply says ‘members serving on town boards,
548 commission and committees are citizen volunteers and serve without compensation’.
549 Why in the world is the Administrator and the Public Works Director on a stormwater
550 committee and voting, they’re not supposed to be there, that is a violation of town
551 ordinances. Nowhere in the administrator’s title does it say anything about him being a
552 voting member on any board and I think it’s high time that town council get these things
553 straight. Once again, this is your ordinance, anybody wants to look at them, I got them
554 right here, Joe Zoltak, I made him a copy just so I knew he would look and research
555 everything. You violated your ordinances, you continue to violate your ordinances, it’s
556 been going on for a long, long time. Not just this town council but before, some of the
557 folks are new that were on Planning and Zoning, some of the folks that are here know all
558 these violations. I’ve got a house 2 and a half years old and I’ve got to spend \$1,100 to
559 clean my air conditioning duct vents out, two and a half years old, because the city
560 violated their own ordinances and it’s time that the council make everybody from the top
561 down responsible to the citizens, like I said, how do you expect me to honor your
562 ordinances if you, as a whole district, administrator’s and whatever, can’t honor your
563 own. You cannot be above the law. You cannot be above your own ordinances. You
564 have to make sure these ordinances are followed and I’m sure we got some
565 councilmembers here that want to see that, I’m sure of that, and I’m sure you don’t want
566 to see these violations keep on piling up and piling up. Like I said, you can ask Mr.
567 Zoltak, you can ask me, there was a lot right behind me, the city owns, they ran a
568 commercial business out of that for like 5 years. You also brought, when you brought in
569 Greenwall Construction to do the stormwater, you put a construction site in a residential
570 area, violation of city ordinance, it’s high time, it’s a good time for you to clean up this
571 town’s act. You got to be above the law first and then you can ask the citizens to obey
572 the ordinances but as long as you violate your own ordinances you’re going to have
573 citizens saying ‘why should I care’. Think about this long and hard. I know there’s
574 some good people on this council, I know you have former Planning & Zoning
575 members, you’ve got people that have been on here for a long . . . I know there’s some
576 good people on here. Why don’t you go by my house and look at it, it looks filthy, 2 and
577 a half years old and I could tell you I didn’t build a house and I didn’t move to Surfside
578 for all this. I moved here because I thought this would be a good place and now I’m
579 wondering if I made a wrong mistake, so maybe I should have moved somewhere else
580 where I didn’t have a city that ran over the people. That’s all I’m going to ask you for if
581 you’d just get yourself straight”.

582
583 **9. COUNCIL COMMENTS**

584 *Mr. Samples:* “Martin Park and I don’t know if it’s just the drought or what have you
585 but it’s kind of looking shabby around there in terms of the greenery. I’m glad we’re
586 going to a Grounds Division, Department, Directorate, whatever it is, to focus on
587 keeping up what we have because the park is nice if we got grass planted and if we
588 watered it once in awhile, I guess, is what I’m saying otherwise why have grass.”

589
590 *Mr. Childs:* “I’m going to go back to Mr. Ott’s comments early on, there’s a couple of
591 projects that the Zoning Board of Appeals that he made reference to. Mr. Ott I would
592 like to see you get with Mr. Booth and set up an appointment because I too, would like
593 to hear a resolution on those 2 projects that you looked at the other day. Mr. Booth I
594 would like to ask you in a (sic) capacity, once you get with Mr. Ott and resolve that issue
595 and tell him what it is I would appreciate if you would give me a call and let me know.
596 Thank you.”

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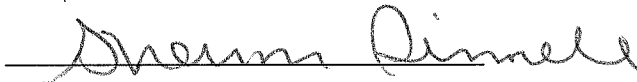
Ms. Blair: "I agree with Mr. Childs, I am very interested in knowing the outcome of that, Mr. Ott, and would be interested in hearing that from both you and Mr. Booth as well. Thank you."

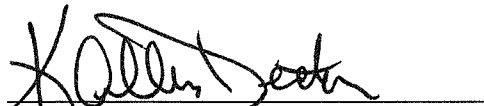
Mr. Martin: "I would not like to leave the issue that Mr. Stevens brought up dangling so I'd like to request that Mr. Booth, at our next council meeting, if not before, to let the people know what the rules are for the selection of people for the stormwater committee and if we are indeed in violation of our own ordinances that we correct that and if we are not, please explain it to the public. Thank you."

10. ADJOURNMENT

Mr. Truett made a motion to adjourn. Mr. Johnson seconded the motion. The meeting was adjourned at 7:55 PM. **All voted in favor. MOTION CARRIED.**

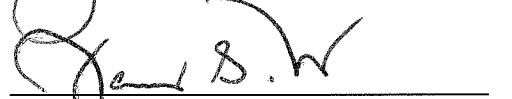
Approved: June 24, 2008



Sharon Pinnell, Town Clerk


Allen Deaton, Mayor


Joseph P. Martin, Town Council


Vicki Blair, Town Council


James S. Truett, Mayor Pro Tem


Douglas F. Samples, Town Council


Mark Johnson, Town Council


Bob Childs, 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.

