



TOWN OF SURFSIDE BEACH ♦ TOWN COUNCIL CHAMBERS
July 9, 2007 ♦ 6:30 o'clock p.m.

TOWN COUNCIL MEETING MINUTES

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1. **CALL TO ORDER**

Mayor Hyman called the meeting to order at 6:30 p.m. Mayor Hyman, Mayor Pro Tem Truett and Councilmembers Hiatt, McKown, Samples, Martin and Tuttle were present. A quorum was present. Staff present: Administrator Booth; Clerk Pinnell; Planning & Zoning Director Donevant, Director of Public Safety, Christenson; and Public Works Director Kirk.

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

Ms. Hiatt said the invocation. Mayor Hyman led the Pledge of Allegiance. Mayor Hyman then welcomed and thanked everyone in attendance for being there.

3. **MINUTES APPROVAL**

Mr. Samples moved to approve the June 26, 2007 regular meeting minutes as submitted.
Mr. McKown seconded. **All voted in favor. MOTION CARRIED.**

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

Mark Johnson 9th Avenue South: "There are a couple of items on the agenda tonight that I would like to discuss briefly. Number one is the potential smoking ban that is being proposed. I am a former smoker and I'm probably a smoker's worst nightmare. I have not smoked in many years and I am all for a smoking ban in public areas in the Town of Surfside Beach. I would ask you to pass an ordinance to that effect and if you feel that there is a problem with the judicial system, I ask you to go ahead and pass it and let it play out in the State Court, the District Court, and I thank you for your respect for that and I appreciate, and I know you'll do the right thing, and I also ask you, as Vice-Chairman of the Surfside Beach Planning & Zoning Commission, I would like to ask you to nominate Bob Hansen, as member of the Planning & Zoning Commission since we do have a vacancy. It makes perfect sense since he is the Chairman of the Zoning Board of Appeals to advance him to the next level, which obviously, is the Planning & Zoning Commission and I thank you, again, you will do the right thing, I have confidence in you. Thank you very much."

Bob Childs 14th Avenue North: "Mr. Mayor I hope that the council does the right thing this evening and adopts Ms. Tuttle's motion to make Surfside Beach smoke free. I think it's the right time and the right thing to do and I was very sorry to hear that the beach would be taken out of this motion, as I understand. I've talked to a lot of people in the last two weeks as, I'm sure, Ms. Tuttle has and the first thing they bring up 'I hope that includes the beach' so, but maybe next time, get what we can, one step at a time. Thank you."

Joel Coker representing Days Inn, 15 S. Ocean Blvd., Surfside Beach: "I've been at the hotel since 1987 when we broke ground and opened our hotel. I also own and operate Seaside Café, Scotty's Golf and Scotty's Beach Bar. I've seen a lot of changes in the town, good or bad, over the years, a lot of Mayors, Councilmembers, Fire Chiefs, Police Chiefs, but I'm here concerning the non-smoking ordinance. I'm not sure who on council is for it and who's against it, but this ordinance is unacceptable. This is the most liberal agenda that I've ever heard. It's not fair to the business owners for you to make a decision of whether we should smoke or not. My company pays the Town of Surfside over 50,000 dollars a year in taxes, local taxes, building permits and licenses. If I thought a non-smoking bar would be profitable, I would have done it a long time ago. On this date in 1776 the Declaration of Independence was read out loud to General George Washington's troops as they were in New York City. Our President of the United States speaks about freedom and why we're fighting for it in Iraq, that's what I'm here for, is my freedom. If this ordinance passes, how will you enforce it? Are you going to hire new police officers, new golf carts, to be the smoke police, that's going to run around and chase everybody down for smoking? How are you going to include it in the budget? Who's going to pay for it? If my business suffers, you all are going to suffer with revenue lost, and as we look forward, what's next? Ms. Tuttle's comments out of the paper quote, it's not about individual rights to smoke or not to smoke, it's about the issue of clean air provided to protect our citizens, well what's next on that, no cooking out in your backyard, no grilling? No fire in your fireplace? Maybe a tollbooth to enter Surfside. No cars, maybe bikes and golf carts only, well that's right, we didn't pass the bike

63 path, I guess that wouldn't have anything to do with clean air. In closing I would like to caution
64 against proceeding with this ordinance until the State of South Carolina Supreme Court has made
65 a decision. If this Town passes this ordinance and it's ruled that the Town does *not* have the
66 authority to do it, I'm going to lead the way to sue you all for loss revenue, so I cautioned you all
67 and I asked you all to do the right thing and wait on the State of South Carolina Supreme Court to
68 make the decision. Thank you. Thank you all very much." (applause in audience).

69 Sue Wall S. Poplar Drive: "I'm just an average citizen that smokes and I believe in my
70 constitutional rights and my freedoms granted to me by the Constitution of the this United States
71 of America and if you're going to tell us we can't smoke in public areas like at the beach, or the
72 sidewalks, whatever, you're worried about clean air, people take their children to fireworks
73 displays, I just witnessed that recently, how much smoke is coming from that? You got big trucks
74 driving through here, you got your children in the car, they step on the gas pedal, you got all this
75 big black smoke coming out, I don't see anybody arresting them. Those things are worse for the
76 people and the children and all that than somebody sitting in their yard smoking, sitting on a
77 beach smoking, and another thing, all these states like New York, New Jersey where do they
78 dump their trash? In the ocean. So if you find cigarette butts on the ocean, you pass this
79 ordinance, you find cigarette butts on the ocean, you going to arrest them? Because it's the
80 same thing, people are on boats smoking. They're going to come up on our beaches here. God
81 put those beaches there for us to enjoy and to have our freedom and I think the smoking ban is
82 totally ridiculous and unconstitutional. Thank you." (applause in audience).

83 Katrina Taylor-Regional Director American Lung Association, Southeast Region: "The
84 American Lung Association stands in support of the smoke free indoor workplace and public
85 place laws to protect the workers and the public from exposure to the deadly second hand
86 smoke. We join many other health organizations in supporting Surfside Beach in your
87 consideration of a smoke free ordinance. Thank you for protecting the health of workers and
88 families of Surfside Beach." (applause in audience)

89 Diane Wilson-Executive Director of the South Carolina African American Tobacco Control
90 Network: "I just want to speak very briefly because one of the concerns, I'm sure, a lot of people
91 have is whether or not businesses will be impacted if you do choose to go smoke free and I just
92 want to let you know that my information, that I have, shows quite the contrary, that businesses,
93 there's two studies I want to talk about very briefly, the Scollo study that studied all of the studies
94 that really looked at whether businesses were impacted and found out the contrary was really,
95 that there was no impact, if anything, businesses increased. Also the Zagat study, which was
96 released in 2005, stated 'where there is smoke there is ire' and 4 out of 5 surveyors think
97 smoking should be banned in restaurants, relaying industry's concern about the fact of smoking
98 bans on business. 26 percent of customers say they'd eat out more often if a ban were put into
99 effect and a mere 3 percent say less. In cities such as San Francisco, Los Angeles where
100 smoking has already been banned, the support is even stronger, 70 percent of diners said they'd
101 out less if the ban was repealed. Also, I just want to briefly speak about why we even look at
102 these ordinances, and that's worker's health. Workers for the most part, don't have choices.
103 They go to work in these environments 8 to 10 hours a day and they're exposed. Even the
104 Surgeon General said, in his report that was released in 2006, that there is no safe level of
105 exposure to second hand smoke. So if a worker has no protection, what are they to do? You
106 know jobs are just not so abundant that they can just go any and every place to work, so I ask
107 you to consider this ordinance, not so much for public, we're really concerned about the public,
108 but also think about the workers that are in these businesses each and every day and also know
109 that business is not impacted with these ordinances. Thank you." (applause in audience).

110 Neil Stapleton - "I own Neal and Pam's Pub on Ocean Boulevard. I'm not a speaker like
111 these people, but, I would be glad to put a sign up on my door, 'A Smoking Bar', that way if you
112 don't want to come in, don't come in, but I've got people, I've been there 25 years, I opened up in
113 '83 and half my business, they smoke." (applause in audience).

114 Crystal Hummel- March of Dimes, Pee Dee Division: "The March of Dimes is greatly
115 concerned about the health of mothers and babies in South Carolina. One in eight babies in
116 South Carolina are born premature. That's an average of 168 babies per week. Cigarette smoke
117 contains more than 2,500 chemicals. It's not know for certain which of these chemicals are
118 harmful to a developing baby, however, we do know that nicotine and carbon monoxide play a
119 role in adverse pregnancy outcomes. Smoking nearly doubles a woman's risk of having a low
120 birthrate baby and greatly increases the risk of pre-term delivery. Premature and low birthrate
121 babies face an increase risk of serious health problems during the newborn period and chronic
122 lifelong disabilities. It's up to all of us to ensure that measures are taken for all babies to be born

123 healthy. This is not possible with first and second hand smoke. By supporting this ordinance you
124 will be impacting all mothers and babies of Surfside Beach. The March of Dimes urges you to
125 give a hand to fight premature birth by not allowing smoke to take place in Surfside Beach public
126 places. Thank you.” (applause in audience).

127 Cecilia Horn 5th Avenue South: “I grew up here and I am a smoker but I don’t think that we
128 need to start taking away rights for people, this is the very, a right that we are totally able to make
129 ourselves, just like drinking or being pregnant and allowing ourselves to be around second hand
130 smoke. I think we ought to spend more time on maybe teaching smokers better etiquette. If I
131 had it my way we wouldn’t have a bar in this world because I think alcohol is one of the most
132 detrimental things on our earth outside of drugs, and to try to take away our rights, I think there’s
133 more important things to pay attention to, like more trees, they help clear air, stop cutting them
134 down in Surfside, we’re cutting down our old trees and putting in things that might live two years.
135 I think people need to understand that the automobiles out there on the street do us more
136 damage than if we were all sitting in here smoking together, so, when you sit on a roadside
137 restaurant and you’re enjoying your food and the cars are flying by, you’re putting yourself in a
138 worse situation than if you were sitting with someone smoking. So I think you need to regroup on
139 this, if you don’t like smoking, then don’t allow it around you, it’s just like any other thing in life, we
140 cannot control everybody’s freedom. If you don’t like it, don’t do it and I think another issue that
141 maybe we can spend a lot more time on is our governing our food, that’s what’s killing us more
142 rapidly than anything, is all the chemicals in things that we eat. Our air is already toxic, our
143 government should have started 30 years ago with worrying about our environment and now it’s
144 all the big deal, well we could have done some preventative things along the lines and I think to
145 just, everybody just start crushing down hard on things that they dislike, the ten commandments,
146 saying the prayer, the pledge alliance, I think it all needs to just chill and everybody do what they
147 do and if somebody afflicts you then do something, other than that, move away from it. Thank
148 you.” (applause in audience).

149 Larry White resides in Conway –Member of the Breathe Tobacco Coalition: “We’re here in
150 support of the ordinance that Ms. Tuttle has brought forth to you and some of the instances that
151 we want to bring forth is that many of America’s both children and adults are still exposed to
152 second hand smoke in the homes, workplaces, despite substantial progresses in tobacco control.
153 Second hand smoke exposure causes diseases and premature death in children and adults who
154 do not smoke. Children exposed to second hand smoke are in an increased risk of Sudden Infant
155 Death (SIDS), Acute Respiratory Infection, ear problems, more severe asthma. Smoking by
156 parents cause respiratory symptoms and slows lung growth in their children. Exposure of adults
157 to second hand smoke has immediate adverse effects on the cardiovascular system and causes
158 coronary heart disease and lung cancer. Eliminating second hand smoke in indoor spaces fully
159 protects non-smokers from exposure to second hand smoke, separating smokers from non-
160 smokers, cleaning the air and ventilation buildings cannot eliminate exposure to non-smoke of,
161 second hand smoke. Also, the rights that chooses and the American with Disability Act, the
162 American’s with Disability Act effectively, effective legal protection against second hand smoke
163 exposure describes how people with disabilities can use the American Disability Act to assert a
164 legal right not to be exposed to smoke in workplaces and public places. The articles outline when
165 exposure to second hand smoke qualified as a disability under the ADA explains the scope and
166 constitutionality of the ADA as defined by recent Supreme Court and other cases identifies
167 remedies under the ADA for smoking related discrimination. Second hand smoke is the third
168 leading cause of preventable death in the country, killing 53,000 non-smokers in the United
169 States each year. Regular exposure to second hand smoke suggests restaurants, includes one’s
170 chance of stroke by 50%. Food service workers have a 50% greater risk of dying from lung
171 cancer than does the general population in part because of second hand smoke exposure in the
172 workplace. So we’re asking that the council please pass your ordinance because we’re in
173 support of it and, not as DHEC, that’s who employs me to do a lot of this work, the South Carolina
174 Department of Environmental Control is committed to promoting and protecting the public and the
175 environment in the State. In keeping with our vision of healthy people living in healthy
176 communities, the agency strives to cease opportunities confirmed through the science and
177 research that reach the agencies missions. Second hand smoke exposure has been identified as
178 a leading health hazard by the United States Surgeon General, United States Center for Disease
179 Control and Prevention, and numerous other leading health and environmental (3 minutes was
180 up). Thank you very much for listening to me.” (applause in audience).

181 Melanie Mader, American Cancer Society: “I have something, I won’t go overtime, smoking
182 remains the leading, *preventable*, cause of death in this country with 30 percent of cancer deaths

183 caused by tobacco use. Second hand smoke is a major health hazard, proven to cause lung
184 cancer, heart disease and emphysema; with 4,000 chemicals and more than 60 carcinogens
185 including arsenic and polonium. Second hand smoke is responsible for an estimated 3,000 lung
186 cancer deaths, that's just lung cancer, that's not everything else, in non-smoking adults each
187 year. Please pass this ordinance." (applause in audience).

188 Nicholas Penepent, Owner Chrome and Gears Motorcycle Shop, Surfside: "This is my right
189 to smoke. I own my business. I pay my taxes in my business. If somebody's going to step
190 forward and pay my taxes, my bills, you can decide what you do in my business. I know smoking
191 causes a lot for a lot of people, I own my own business, I pay for it; I want to smoke in my own
192 place. I don't want somebody else telling me what I can and can't do. Before long you guys will
193 be telling me what I can do at home. That's the way I feel." (applause in audience)

194 Diane Clabinaugh, representative of Breath Coalition, non-resident: "You have the reputation
195 and also the slogan of being the 'Family Beach' and as a representative of the Breathe Coalition,
196 we have been working to compile a list of restaurants and hotels in the area and, I believe, as I
197 believe my fellow Breathe members would, that the number of folks who come to this community
198 with their families from states who already have non-smoking laws in place, would seek out public
199 places here in Surfside Beach specifically because they are non-smoking. It's amazing how
200 many requests we get when people said 'if only I had known there were places we could go, we
201 need you as a resource'. The ventilation system issues that people talk about, I once heard a
202 non-smoking advocate who was a former model for the Winston Company talk about having the
203 separate smoking areas in restaurants like in putting chlorine in the deep end of the pool, it's
204 simply not enough. We need to look at the fact that there is no safe level of exposure to second
205 hand smoke. I have a sample of a Resolution from municipalities to restore local control. I'm with
206 the first gentleman who spoke up and said 'please look at this, pass it and then let the chips fall
207 where they may' but this possible sample of a local control from the American's for Non-Smoker's
208 Rights can help you look at how to go about doing that and I really encourage you to do this.
209 There is no safe level of second hand smoke. It's not about personal rights that the gentleman
210 who just spoke before me said it was, it's about the public health of everybody here and that
211 includes the families that live here, that patronize the establishments here and the people that
212 want to just enjoy the right to breath smoke free air. It's not about the smokers; it's about the air
213 we breathe. Thank you." (applause in audience).

214 Carol Faith North Myrtle Street: "I am not a public speaker and I'm nervous so I'm going to
215 read this. I think this ban on smoking is getting out of hand. I can see not smoking in restaurants
216 and public places, workplaces, just outside of doorways but to tell me I cannot smoke anywhere
217 is interfering with my constitutional rights. People should be concerned about other more
218 important issues, like the amount of teenagers and young people becoming alcoholics at an early
219 age, also the drug issue, people getting killed in the highways by drunks and drugs and the
220 language that some of these people use in public. I hear this in restaurants and almost
221 everywhere I go. Is this their idea of the freedom of speech, I have to contend with this, but I
222 can't light a cigarette because someone that doesn't smoke or don't approve does not want me
223 to? I have a right to smoke just as much as someone has the right to take a drink or use foul
224 language or smoke pot. I have even had people tell me that they ought to ban smoking and
225 legalize marijuana. Is this all about money? Make it illegal and be fined if you're caught smoking
226 does anybody think that's quite right?" (applause in audience).

227 Don Masi, business owner, Surfside Beach: "I'd like to ask the council how many people are
228 smokers?"

229 Mayor Hyman: "This is Public Comments, you have to make your comment sir, we cannot
230 answer this."

231 Don Masi: "All right. You're all talking about second hand smoke and I feel for the children
232 and stuff like that but there's a lot of people out there, I've raised six healthy children. I smoked,
233 my wife smoked. I mean, you know, just don't blame it on that, the health reason, we still have
234 rights in this country. I think it ought to be up to the establishment. I'm a smoking bar or I'm a
235 smoke-free. It's the way it ought to be or I'm a smoking restaurant or a smoking free restaurant.
236 Let the customer have the right to chose where he wants to go. That's all I got to say." (applause
237 in audience).

238 Barb Penepent, Lynco Lane: "I just want everybody to know that I do not smoke, but I am, I
239 believe that they should have a choice. Each business should have a choice. I'm a waitress, 20
240 years. Smoker's tip better (laughter in the audience). I can't afford to have another job. I'm
241 serious. I can't afford to have another job. They drink, they smoke. I just, I can't afford it to affect
242 my income. I think they should have their choice. Thank you." (applause in audience).

243 Janet Bamberger, Lakeside Drive: "I'd like to take a little philosophical approach to this. I
244 don't have any figures about what it does or doesn't do but I was a teacher at one time and I
245 taught that our right to swing our arms ends where the other person's nose begins and I think that
246 applies here. If you want to smoke, do it at your own home, smoke yourself to death, die,
247 whatever you want to do but when you're out in public you do not have unlimited freedom
248 because there are other people to be considered and it seems to me that our right to life is much
249 more important than our right to smoke if we want to look at it from the standpoint of rights.
250 Thank you." (applause in audience).

251 Marilyn Newsome: "I agree in part with everything people said in here today. I, too, am a
252 retired teacher and I was taught and I taught that our rights as citizens begin and end where they
253 interfere with other people's rights. Now, if you want to smoke, that's fine, I used to smoke myself
254 but I'm allergic to cigarette smoke now and when someone smokes near me, and I'm not able to
255 avoid it, that interferes with my constitutional rights and I, therefore, end up sick and that person
256 goes his or her own merry way and doesn't know anything about it. Now that is the constitution.
257 Keep the air clean, don't interfere with me and I won't interfere with you. Therefore, someone
258 said that he was happy to put a 'this is a smoking establishment' sign on his door, that's great, I'll
259 stay out of there. Do not put me in a restaurant, however, where it says smoking here and non-
260 smoking in there and the person at the next table is smoking, that doesn't work. You end of
261 getting sick there. It is killing people. It's killing our children, I don't know when we're going to
262 stop arguing about it, it's not a matter of whether or not alcohol is hurting us or drugs or carbon
263 monoxide from cars, they all hurt us, but we do what we can, let's work on this one tonight and
264 with Surfside Beach, I think it has probably the best reputation on the Grand Strand as a clean
265 beach. We want to keep it that way, but it does bother me, I know that the beach itself is not on
266 the agenda here but it bothers me too when I'm on the beach and I want to breath the wonderful
267 ocean air and people are sitting all around me smoking. You get up and move and they follow
268 you (laughing in audience) and for Scotty's, I love Scotty's, where's the gentleman who owns
269 Scotty's? Love Scotty's, had to quit going there because of the smoke."

270 Scotty's owner: "I apologize." (laughter in audience)

271 Marilyn Newsome: "It's a wonderful place, all of these places are great, Pam and Neal's, had
272 to quit going there and you know, really, we shouldn't have to be limited. We shouldn't have to
273 get sick, if we walk into a place with smoke. If you walk in, thank God, they finally did something
274 to the hospitals because you couldn't even get into the hospital without walking through smoke to
275 get into the emergency room until last month, this month, isn't it? They just changed it. So that's
276 been changed, I hope that they're going to do something about supermarkets. (3 minute
277 speaking time was up) I'm finished, I'm sorry, Thank you." (applause in audience).

278 Linda Smith, 911 North Cedar Drive: "Tonight's a real opportunity for you to improve our
279 public health in Surfside Beach. Many residents, medical doctors, health professionals, business
280 owners and others will present reputable, factual data in support of this non-smoking ban.
281 Cigarette smoke in our air is a killer. Each year more than 400,000 deaths in the USA are due to
282 smoking, including over 50,000 deaths attributed to second-hand smoke. It is true, most of these
283 deaths result from the smoker inhaling their puffs directly into their lungs, this is a tragic health
284 result that each living smoker must reconcile for themselves, but it has become a public killer.
285 Smoke contaminates our clean air. The public has the right to breath clean, healthy air. The
286 smokers should not have the right to contaminate it with smoke containing 4,000 known
287 chemicals, including 43 proven cancer causing, lethal chemicals. Even when the cigarette is
288 smoking at rest, which is on an ashtray, it is a smoking cannon fire, firing both ends, killing us;
289 filling the air with lethal smoke. In restaurants and bars, even with designated smoking areas, it
290 doesn't matter; the smoke still gets into the air and effects non-smokers. They're very deadly
291 carcinogens in cigarette smoke that has been found in non-smokers bodies, reported in recent
292 medical studies, indeed, employers and owners may be facing lawsuits because they allow
293 smokers to poison the air. The overwhelming majority of our population visits restaurants and
294 bars to enjoy their food and beverages, not polluted, smoke-filled air. 78 percent of us are non-
295 smokers, the other small minority, 22 should not be allowed to have the adverse effect on
296 humanity. Thank you."

297 Shelby Smith 911 cedar Drive North: "Continuing on what Linda was discussing, DHEC
298 regulates against smoking in restaurants, bars, kitchens and also food grocery stores, of course,
299 food is there and smoking contaminates it, but step out of the kitchen, and there are smokers
300 putting smoke on exposed food. Consider an example, a 50 table restaurant, 10 tables
301 designated non-smoking, the 20 to 30 smokers in this section will each smoke 1 or 2 cigarettes
302 during this meal time, one half hour to one hour period. Each cigarette is smoked in about 4 to 5

303 minutes, yields about 22 to 26 puffs, that's 1,440 puffs during your meal time, in the air, deadly
304 puffs of smoke polluting the air we breath; that's *outrageous*. And all the smoker has to do is give
305 up 5 to 10 minutes of personal, unhealthy pleasure during this meal time hour. Gee, we don't
306 smoke at food stores, medical/dental facilities, church services, entertainment events and the like
307 and life goes on. Think about it. Many of our restaurants have already had the good conscience
308 and good public ethics to ban smoking 100 percent in their establishments. I have met with
309 several here in Surfside, Crabby Mike's, Nibil's, Benjamin's, Crystalite Café, their quoted remarks
310 are in a letter that was mailed to town council and is being circulated, let me circulate that letter
311 around the group, this evening. Non-smoking in these type restaurants in Surfside Beach is very
312 good for business and, therefore, very good for tourism. It is good for our town. Of course it is,
313 78 percent of us are non-smokers and want and expect clean, quality air, especially when we are
314 ingesting our food and beverages. So more governments are rightly stepping up to this public
315 health issue. Our air is being contaminated; indeed poisoned; it's serious. We need you, our
316 town government, to be there for our well being, to exercise the good judgment and wisdom to
317 protect our health. In my opinion, and I think the opinion of most residents of Surfside Beach, a
318 vote for this ordinance is very logical, considerate of others, the vast majority, and supportive of
319 our personal and family health standards. This is another 'quality of life' reality that you can
320 favorably impact. Please vote to ban smoking in all public places and restaurants and bars in
321 Surfside Beach. Thank you." (applause in audience).

322 The Mayor stated that he appreciated everyone's comments but being that the comments
323 were extending over 30 minutes and they were in regards to the same issue, it was time to close
324 the Public Comments section to move on to the rest of the meeting.

325
326 **5. COMMUNICATIONS**

327
328 **A. Presentation-Dan Carrigan-Smoke Free Action Network based in Charleston, SC**

329 Mr. Dan Carrigan stated that he has been working full time for the last 2 ½ years on the issue
330 of second hand smoke in indoor workplaces and public places and noted that we have recently
331 seen quite a few changes in our State including the changes in the passage of local laws. Mr.
332 Carrigan stated that there have been ten local communities, in the past year, that have passed
333 smoke free indoor, workplace, or public place laws. These include Sullivan's Island, Liberty,
334 Greenville, Columbia, Beaufort County, Bluffton, Charleston, Aiken County, Hilton Head Island
335 and the Town of Mount Pleasant. Mr. Carrigan mentioned that many of these places are in
336 coastal areas where we depend on tourism with none of them having had an effect on local
337 businesses and there has also been very little opposition and very few tickets written. Mr.
338 Carrigan stated that one of the myths of these ordinances being passed is that they are difficult to
339 enforce when they are actually very easy to enforce. Mr. Carrigan stated that a survey taken
340 showed that 68 percent of South Carolina voters are in favor of a statewide law to protect workers
341 in indoor workplaces from second hand smoke and 59 percent of the South Carolina voters favor
342 allowing local communities to decide whether they want to pass a smoking restriction or not. Mr.
343 Carrigan stated that many health groups have recently been fighting an attempt by the tobacco
344 industry to pass a pre-emptive law that would throw out all of the local laws, which have already
345 been passed, and replace them with a very weak Statewide law where a public business could
346 pay 100 dollars, keep children out, have a liquor license and post the smoking hours on the door
347 but posting the hours on the door does not protect the workers inside the establishment. Mr.
348 Carrigan stated that the most recent national research that has come out has been in support of
349 smoke free laws and those that are in opposition to this ban should ask for the science behind it
350 and the science behind businesses is that businesses had either remained the same or had
351 increased business once a smoke free indoor workplace law was passed. Mr. Carrigan stated
352 that what is absolutely conclusive is that the health and the environment inside those
353 establishments where there had previously been smoking is immediately improved. Mr. Carrigan
354 stated that the visitor survey numbers in Charleston show that 91 percent stated that smoke free
355 policies would make their return as or more likely to happen and, in addition, many people and
356 companies are now seeking smoke free destinations for vacations and conferences. Mr.
357 Carrigan stated that it was very important for individual municipalities to stand up for issues like
358 these.

359
360 **B. Resolution-Support of the Southern Evacuation Lifeline**

361 Town Clerk, Ms. Pinnell read the Resolution presented. Mr. McKown stated that it is clear
362 that the Southern end of the Grand Strand needs an evacuation route, especially in the event of a

363 hurricane or any other type of catastrophe and then went on to introduce Tom Herron to give a
364 small presentation to educate us further on what the Southern Evacuation Lifeline actually is.

365 Mr. Herron stated that he is a member of the Southern Evacuation Lifeline Task Force and he
366 wanted to clear up some confusion as to what the actual progress was on this evacuation route.
367 Mr. Herron stated that the task force was formed approximately 18 months ago and they have
368 been studying these routes along with DOT, various elected officials and members of the
369 community and have made tremendous progress. Mr. Herron stated that one of the things they
370 are trying to determine is if there is a road that they can build somewhere between 544 and
371 Georgetown that can safely evacuate people, in the event of an emergency, to the west side of
372 the river and where it should best be located. Mr. Herron stated that after witnessing what
373 hurricanes like Katrina and Andrew can do, we are well aware that we currently have a serious
374 evacuation problem here on the South Carolina coast that we need to address. Mr. Herron stated
375 that his group is currently working on the area that runs from 501 all the way down to the
376 Georgetown County Bridge and since this bridge closes during 35 mile per hour winds, the
377 Georgetown Bridge is not an option as an escape route. Mr. Herron stated that they have been
378 studying, in great detail, three plans; one is that they may discover that there is no way to build a
379 southern evacuation route that is not so harmful to the environment which would lead to no
380 evacuation route being built at all; second would be to make major improvements on already
381 existing roads and the third is to find new location alternatives. Mr. Herron passed out a sheet
382 showing eight alternative possible routes that they have come up with after working with DOT,
383 conservationists, the government and other environmental and local agencies to ensure that we
384 have created a safe and effective route. Mr. Herron stated that the keys to this project are
385 community support, funding, environmental awareness, coordination and feedback. Mr. Herron
386 stated that the purpose of this resolution was to make sure that they had the support of this
387 community and for this community to pull together in knowing that there is a need for a Southern
388 Evacuation Lifeline for everyone here on the South Strand. Mr. Herron stated that between the
389 many tourists that we have each year and the many new residents, there is a need for this
390 evacuation route. Mr. Herron stated that additional information can be found on their website,
391 which is constantly updated and that website is: southernevacuationlifeline.com.

392 Mr. McKown stated that he is behind this resolution and believes that it is a necessity for us
393 to establish an evacuation route and asked for other council comments on this issue. There were
394 no other comments from council. Mr. McKown made a motion to accept this resolution. Ms.
395 Tuttle seconded the motion. **All voted in favor. MOTION CARRIED.**

396 Mr. Samples asked Mr. Herron who the key decision makers were and what the citizens can
397 do. Mr. Herron stated that the names of the key members are listed on the website and the
398 Southern Evacuation Lifeline Task Force meets once a month at the Surfside Library, with these
399 meetings being published in the local papers and if any citizen is a member of any type of club or
400 organization they can arrange for members of this Task Force to come out and give a full
401 presentation to that group or organization.

402 403 **C. Planning, Building & Zoning**

404 Ms. Donevant presented the report that was on file stating that there were 98 permits and
405 plan reviews issued for approximately 3, 484,000 dollars of valuation; there were 176 inspections
406 and the permit fees totaled \$14,352.76. Ms. Donevant stated that she attended a 3-day
407 stormwater seminar course in Columbia. Ms. Donevant stated that there have been some
408 renovations being done in the Town Hall, which has included mostly painting. Ms. Hiatt stated
409 that she thinks the renovations look good and asked how much has been spent on this project.
410 Ms. Donevant stated that the budget price was approximately 2,500 dollars for everything. Mr.
411 McKown asked, in regards to permits, how our numbers were this year in comparison to last
412 year's. Ms. Donevant stated that they were down slightly this year.

413 414 **D. Public Safety**

415 Mr. Christenson presented his report that was on file. Mr. Christenson stated that the court
416 transportation, security and communications issue has been addressed and a Class Three Officer
417 has been hired and began working today and he would also be in charge of manning our holding
418 facility. Mr. Christenson stated that his predecessor, Ms. Burke had applied for an 80/20 Grant for
419 an SUV for the Victim's Advocate and Mr. Booth would be presenting that later as an issue paper.
420 Mr. Christenson stated that the Drug Enforcement Unit has been very successful and has been
421 working very hard to rid the Town of Surfside as well as surrounding areas from the use,
422 possession and distribution of illegal drugs. Mr. Christenson stated that a creed/slogan has been

423 chosen for the Public Safety Department and that creed/slogan is “Honor-Courage-Commitment”
424 and will hopefully, in the future, be placed on some of their public safety vehicles as a constant
425 reminder of what they represent. Mr. Christenson stated that during the 4th of July Holiday, they
426 received twenty calls from Friday June 29th through midnight July 4th, ten of which were on July 4th
427 and there were three calls on the early morning of July 5th. Mr. Christenson stated that he had
428 discussed the 4th of July with Mr. Booth and they believe that there are some real safety issues
429 concerning fireworks that need to be addressed.

430 Mr. Martin asked if the new Class Three Officer that was hired was an authorized position.
431 Mr. Booth stated that an administrative position was removed and replaced with a Class Three
432 Officer position for the same pay rate with no budget impact. Mr. McKown stated that the 80/20
433 grant for a new vehicle sounds great but what kind of budget impact will there be. Mr. Booth
434 stated that they would sell a current car that they have and apply the proceeds from that to the 20
435 percent balance. Mayor Hyman stated that this would all be discussed in the issue paper
436 presentation later in the agenda. Ms. Tuttle stated that several residents have brought to her
437 attention that they have noticed a lot of speeding and running of stop signs and have requested
438 an increased police presence patrolling the streets. Mr. Christenson stated that he would put out
439 a memo to his staff to let them know that they have had additional complaints on these issues
440 from various residents and to keep an eye out for these incidents. Ms. Hiatt asked how many
441 vacancies were there in Public Safety. Mr. Christenson answered that they currently have one
442 opening due to the recent resignation of an officer and they will have another opening on July
443 23rd; they have already begun the process to fill these positions.
444

445 **E. Finance**

446 Mr. Booth presented the report that was on file stating the final budget that was passed was
447 included in this report. Mr. Booth stated that they were in the process of executing this budget
448 and if there was anything that council needed to discuss with him to let him know. Mr. Booth
449 stated that the audit has been completed with no major comments and a briefing from the
450 auditors will follow within the next thirty days.
451

452 **F. Administrator’s Report**

453 Mr. Booth stated that Wednesday afternoon would be the cut-off for items to be added to the
454 agenda; this will allow the proper time needed to ensure accuracy and completion of council
455 packets. Mr. Booth presented his report that was on file. Mr. Booth stated that the library
456 expansion is now on the fast track, which includes an approximate 300 percent expansion. Mr.
457 Booth stated that the expansion would include a second story on the existing building with
458 additional building to take up the existing parking lots going towards the west and the north of the
459 current structure and the new parking lot will be located across the street on town owned property
460 that will be leased to the library board with some conditions. Mr. Booth stated that the ground
461 breaking should take place around this time next year with the funding already in place. Mr.
462 Booth stated that the library in Surfside Beach is the highest use library within the Horry County
463 area and the new library will be a focal point in our community for events and it will also house a
464 small museum. Mr. Booth went on to discuss the dredging workshop, which has been scheduled
465 for July 24th at 5:30 PM and what will be discussed at this workshop. Mr. Booth stated that the
466 fireworks on the 4th of July needed to be more controlled and is suggesting for next year that we
467 have designated spots for people to light them off. Mr. Booth stated that he feels that the current
468 situation is dangerous and needs to be more organized. Mr. Booth stated that staff and
469 volunteers picked up the leftover fireworks debris off of the beaches the following day and found
470 the beaches to be cleaner than they had anticipated. Mr. Booth stated that many of the people
471 picked up after themselves, which was nice to see.

472 Mr. Martin asked Mr. Booth if the library plan included closing 1st Avenue North and Mr. Booth
473 stated that it does. Mr. Martin asked if there was a workshop planned to discuss this plan. Mr.
474 Booth stated that once there is an architect in place a presentation would be made. Ms. Hiatt
475 stated that she thought the idea of controlling the fireworks was a good one but it may difficult to
476 have a controlled section with such a small beach area to work with. Mr. Booth stated that they
477 would still make a concerned effort. Mr. Samples had a question regarding court fines not being
478 available for April or May on the finance report and asked when this would be available. Mr.
479 Booth stated that the court system is in the process, with the help of the new Associate
480 Judge/Clerk of Court Ms. Wentz, of getting caught up and those figures should be available by
481 next month.

482 Communications section was then closed.

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6. BUSINESS

A. Draft Ordinance- Smoking Ban in Public Places (Councilwoman-Judy Tuttle)

Mayor Hyman asked for a motion to accept this ordinance. Ms. Tuttle made a motion to accept this ordinance. Mr. Martin seconded the motion. This item was then opened for discussion. Ms. Tuttle thanked everyone who came out to support this ordinance and also thanked all those who called or sent letters. Ms. Tuttle reiterated that this ordinance was not about constitutional rights, it is meant to help and protect individuals, who have no choice, against the harmful effects of secondary smoke and everyone has the right to clean air. Mr. McKown stated that although this ordinance it is not against our constitutional rights it is a direct attack on our civil liberties and personal rights. Mr. McKown stated that there would be costs incurred with the posting of signs and asked who would be paying for these and as stated earlier by the Manager of the Day's Inn, if this ban is overridden by the State then he would be the first one to get a class action lawsuit against the town and many of these other businesses would join him in making the town pay for lost revenue. Mr. McKown stated that he does not smoke and doesn't like smoking but he is against imposing civil liberties on other people and believes that businesses should be allowed to make their own decision in allowing smoking or not. Ms. Hiatt stated that she believes this issue should be a referendum on the next election and if it does pass then she would like to see an addition to the ordinance stating that smoking would need to be 50 feet from the doorway so that no one has to walk through smoke to enter a building. Mr. Truett stated that he initially was against government legislating rights but after further investigation into the effects of second hand smoke he found the statistics to be quite overwhelming and it is an issue that he feels cannot be ignored. Mr. Truett stated that he wanted to clear up the facts behind this ordinance being presented; it is to ban smoking from inside public workplaces and it is not to stop people from smoking outdoors and if a restaurant has outdoor dining you can smoke out there, just not indoors. Mr. Truett stated that Surfside Beach is a family beach and this ordinance will allow us to protect each other and our families from the effects of second hand smoke and he truly believes that businesses will not suffer from such a ban. Mr. Truett stated that he is looking at this as an opportunity to educate the public and agrees with this ban. Mr. Martin stated that he supports this ordinance and thanked everyone that came this evening and thanked them for their comments on this issue. Mayor Hyman stated that he is a non-smoker and does not support this ban because he feels that we would be taking away the rights of the business owners who spent a lot of money investing in their businesses, here in town, and we have no right to tell them how they should run their business. Mayor Hyman stated that we would be the only town in Horry County with this ban and feels that the businesses would be effected and people would go elsewhere to smoke and, in addition, it would be very difficult to enforce. Mr. Samples stated that this is a difficult issue and you cannot please everyone. Mr. Samples stated that he is the only one on council that currently smokes and he does not believe that this is a constitutional rights issue; it is a public health issue that has to do with safety in the workplace. Mr. Samples stated that he knows that not everyone is going to agree with this but he, personally, supports this ordinance and believes it is the right thing to do. (applause in audience). Mr. Truett stated that he spoke with the administrator on Sullivan's Island regarding the enforcement of a smoking ban and their easy solution was that if they went into an establishment and found someone smoking they would not only fine the person smoking but also the manager and the business owner and they have written one ticket in twelve months. (applause in audience). **Ms. Tuttle, Mr. Martin, Mr. Truett and Mr. Samples all voted in favor of passing this ordinance.** Mayor Hyman, Mr. McKown and Ms. Hiatt voted against. **MOTION CARRIED.** (applause in audience).

B. Issue paper-parking Meters-presentation by Lanier Meter Services

Mr. Booth presented the issue paper that was on file. Mr. Booth stated that the court system has needed assistance for the past few years and has not received it and now with the additional burdens being placed on our court by the South Carolina Supreme Court it is getting much more labor intensive to keep up. Mr. Booth stated that after careful review of the current situation he came up with a couple of solutions and one would be to hire another person and the other, the one he recommends, would be to contract an outside company to assist us with one of our biggest issues; parking tickets. Mr. Booth stated that Myrtle Beach contracts out their parking meters and tickets for the same reason that we are looking into contracting it out and that being that keeping up with meters and parking tickets is too much of a burden and it is very time consuming. Mr. Booth stated that the contracted company was able to collect more money than

543 the court ever could. Mr. Booth stated that Mr. Kirk had contacted the company that Myrtle
544 Beach is using and they have agreed to provide their service to us on a one-year trial basis.
545 Randy Jones, Senior Vice-President of Lanier Parking Solutions then gave his presentation.
546 Mr. Jones stated that Lanier Parking is the largest parking management firm in the southeast and
547 they currently have operations in Myrtle Beach, Charleston, Columbia, Greenville in addition to
548 Richmond Virginia, Louisville Kentucky, Roanoke Virginia and other places. Mr. Jones stated that
549 parking is their only business which enables them to concentrate on the issues of parking to
550 ensure that it runs more efficiently and profitably for the municipalities and towns they work for.
551 Mr. Jones stated that parking is a business and most municipalities do not have the organization
552 to run it as such. Mr. Jones stated that his company would deal with the seasonal employees,
553 keep the town up to date with new meter technology, take care of meter maintenance, take all
554 calls regarding tickets and bring in additional revenue to the town. Mr. Jones proceeded to
555 discuss his contract, as presented, adding that all they would need is a thirty-day notice if we
556 chose to discontinue service with them. Mayor Hyman asked if free parking would still be allowed
557 to residents through this contract and Mr. Jones stated that all decisions regarding guidelines
558 would be set by the town including the rates you want to charge for parking. Mr. Martin stated
559 that we currently have part-time people who attend the meters then asked would Lanier offer
560 them a job and pay them at the same rate. Mr. Jones answered that they would be offered the
561 option of employment with Lanier and paid at the same rate they were currently receiving. Mr.
562 Martin asked how the legal end of handling the tickets was done. Mr. Booth stated that in South
563 Carolina, parking tickets do not carry the same weight as something like a speeding ticket, it is
564 purely civil and we are limited as to what kind of enforcement we can put on people to pay these
565 tickets. Mr. Martin asked if we were to upgrade to a more advanced meter system would the
566 town own this and Mr. Jones stated that he recommends that the town retain ownership of all
567 equipment. Mr. Martin asked who does the auditing for Lanier and Mr. Jones stated that they
568 have been audited by individual cities, which he would recommend us to do as well. They also
569 have their own internal auditor and they will also, periodically hire an outside auditor. Mr. Martin
570 asked what the set up time would be and Mr. Jones stated that once a contract is settled upon
571 they could transition within a few days. It was confirmed that the meters would still be removed
572 from September 15th through March 15th as done in the past and the cost of a meter would be
573 approximately 150 to 350 dollars depending on if it were for a part of a meter or an entire meter.
574 Ms. Hiatt asked how many meters we currently had and Mr. Booth answered that we currently
575 have 360 and are in the process of adding approximately 40 more with a new lot they are putting
576 in. Ms. Hiatt asked how many people would be working daily and Mr. Jones stated that there
577 would probably be one enforcement officer and one meter collections person. Ms. Hiatt asked
578 what this company will do differently than our staff is currently doing and Mr. Booth answered that
579 the court currently does not have the time or staff available to follow up on unpaid tickets. Mr.
580 Jones stated that we are just one of many towns, municipalities that are not equipped to follow up
581 on unpaid parking tickets. Ms. Hiatt asked how many new meters we bought this year and Mr.
582 Kirk answered that it was twelve. Ms. Tuttle stated that if we had a problem collecting money
583 from these tickets we should have hired a collection agency and then asked if we had advertised
584 for proposals on this. Mr. Booth stated that we did not get other proposals; our attorney advised
585 us that we could "piggyback" on the Myrtle Beach contract. Mr. Jones stated that Myrtle Beach
586 had hired a collections firm to try to collect fines and stopped after six months due to the high
587 rates of 30 percent they were charging on collected fees and also due to the complaints that they
588 received that the collections firm was calling at all hours of the night. Ms. Tuttle asked for a further
589 explanation on the term "piggyback". Mr. Booth stated that "piggyback" means that we can
590 legally use the contractor contracted by another community, which has already been through the
591 bid process. Mr. Samples wanted to clarify the financial portion of the contract so that there was
592 no misunderstanding going forward. The terms on the Lanier contract were then discussed. Mr.
593 Samples stated that there was no reference to collection on the contract and this needed to be
594 clarified. Mr. Samples stated that our collections are already over our budget estimate and being
595 that the collection problem we are currently facing has to do with data not being entered into CMS
596 enabling us to follow up, he then asked Mr. Jones how his company would assist with this
597 situation; would they be able to transfer the ticket information they receive from their handheld
598 electronic ticket device (the Clancy System) into CMS. Mr. Jones stated that they could
599 download their information into CMS from this device. Mr. Jones then described the process of
600 how this worked. Mr. Samples stated that this additionally would need to be clarified in the scope
601 of work on their contract. Mr. Samples asked if Lanier would be able to collect more than the
602 50,000 dollars that they have already collected in the last few months and Mr. Jones stated that

603 they could and Mr. Samples asked if Lanier would be willing to negotiate their percentage rate.
604 Mr. Jones stated that Lanier would need to make a certain amount of money and they are willing
605 to negotiate as long as they made that amount, but this is the rate they are coming in at. Mr.
606 Samples stated that he would like to take the meter collection portion out of the contract and have
607 Lanier solve our real problems, which are issuing tickets and collections. Mr. Samples stated that
608 he would like to see how much revenue Lanier could generate on the parking fine side because
609 he knows that the steps that council has taken in raising rates and adding additional meters will
610 raise a lot more money than it has in the past. Mr. Samples had a problem with clause 14-11 that
611 was in the contract, which mirrored Myrtle Beach's contract and asked for it to be removed from
612 the Surfside Beach contract. Mr. McKown stated that he does not know of a situation where
613 government, at any level, is more efficient than privatization and believes that since Lanier has a
614 good recommendation, and if they can increase our current revenue, than he is all for using them
615 and that along with the agreement that if Surfside Beach is not satisfied with the performance of
616 Lanier than we can just go back to the way things were is a winning choice for Surfside. Mr.
617 McKown made a motion to adopt the recommendation of staff to go ahead and explore this
618 avenue. Mr. Truett seconded the motion. Mr. Samples stated that he does not agree with the
619 current contract presented, with the rates quoted by Lanier. Mr. Samples stated that he would
620 suggest that the delinquent parking issue be addressed. Ms. Hiatt asked if follow-up has ever
621 been done on outstanding tickets and Mr. Booth and Ms. Wentz both answered that follow up had
622 never been done. Ms. Wentz stated that there are currently hundreds of thousand of dollars of
623 revenue that has never been collected with tickets dating back to 1997. Ms. Wentz stated that
624 the court is not currently staffed to perform follow up on all of these tickets and it needs to be
625 addressed and resolved. Ms. Wentz continued to discuss the situation in the court regarding the
626 ticket issue and explained that when Lanier took over in Myrtle Beach, where she was previously
627 employed, it relieved a great burden from them and proved to be much more profitable for the
628 town as well. Ms. Wentz stated that the only solutions to this current situation would be to either
629 hire a company like Lanier or hire another full time employee to take care of entering parking
630 tickets, taking all of the calls and performing follow up on unpaid tickets. Ms. Wentz verified that
631 the numbers written on the finance report included fines collected and it is not possible, at this
632 time, to calculate how much has not been collected. **Mayor Hyman, Mr. Martin, Mr. Truett and**
633 **Mr. McKown voted in favor.** Ms. Hiatt, Ms. Tuttle and Mr. Samples voted against. **MOTION**
634 **CARRIED.**

635
636 Meeting recessed at 9:05 PM and reconvened at 9:20 PM

637
638 **C. Issue Paper-Myrtle Basin Project**

639 Mr. Booth presented the issue paper that was on file. Mr. Booth stated that the issue at hand
640 was whether council wanted to continue the Myrtle Basin project using the current contractor,
641 Greenwall or did council want to send the next phase out for bid. Greenwall has agreed to keep
642 the pricing the same as previously quoted a couple of years ago and since they are already here
643 and staff has been satisfied with the work they have already done it is recommended to proceed
644 in using Greenwall for the next phase. Mayor Hyman stated that this issue was discussed earlier
645 at the executive session and asked council for a motion. Mr. McKown made a motion to adopt
646 staff recommendation and move forward with this. Mr. Truett seconded the motion. **All voted in**
647 **favor. MOTION CARRIED.**

648
649 **D. Issue Paper-SCDPS Grant 2007 for purchase of SUV for Victims Advocate**

650 Mr. Booth presented the issue paper on file explaining that an 80/20 grant was received for
651 approximately 16,000 dollars with our match to be 20 percent. A state bid vehicle was located for
652 22,000 leaving our match bid to be 6,000 dollars, however, the current vehicle being used will be
653 sold for approximately 3 to 4,000 dollars leaving the remaining cost to be approximately 2,000
654 dollars, which the police department can absorb with no change to the budget. Mr. Truett made a
655 motion to authorize the purchase of this vehicle with matching funds of 6,680 dollars less what is
656 received for the previous vehicle. Mr. Samples seconded the motion for discussion purposes.
657 Mr. Truett stated that it is very important for the Victim's Advocate to have a running vehicle to
658 transport and help victims and the fact that it will only cost the town a couple thousand dollars
659 then he believes it is a good deal. Mr. Samples stated that the issue paper states that this vehicle
660 is for the exclusive use of the Victim's Advocate and asked if this was correct and who pays for
661 the gas? Mr. Booth stated that the gas comes out of the budget and the vehicle is for the Victim's
662 Advocate; the grant was written with this specification. Mr. Christenson went on to explain the

663 history of the Victim's Bill of Rights and by law the police department must provide any measures
664 necessary to protect the victims and witnesses, including transportation to and from court, and
665 this grant was awarded through a Crime Grant Program and the State Victim's Assistance
666 Program. Mr. Samples asked why we needed a 4 by 4 vehicle. Mr. Christenson stated that this
667 was the only vehicle in stock at the only authorized dealer authorized to do state bidding, which
668 also fit the guidelines of the grant, which included the purchase of a small SUV. There was
669 further discussion on the use of this 4-wheel drive vehicle in a hurricane situation. Mr. McKown
670 asked if this vehicle would be used for personal use by the Victim's Advocate. Mr. Christenson
671 stated that the vehicle is taken home; the Victim's Advocate is on call 24 hours a day, 7 days a
672 week and must respond immediately to a call if needed and the time incurred to pick up a vehicle
673 from another location would lose valuable time. Mr. McKown asked what kind of data was
674 available on vehicle use for the Victim's Advocate. Mr. Christenson stated that the Victim's
675 Advocate has been asked to provide him with a monthly report and the report for June states that
676 she has been involved in 48 different incidents. Mr. McKown stated that he is just concerned with
677 spending money on a new vehicle when we already have 7 new cars in the public safety
678 department and would like to see actual numbers of how often it is actually used. Mr.
679 Christenson stated that the Victim's Advocate cannot drive a marked vehicle so she is limited in
680 what she can use. Ms. Hiatt asked what mileage the vehicle gets and Mr. Christenson said he
681 was guessing 16 to 18 miles per gallon. There was further discussion as to the size of the vehicle
682 chosen to purchase. Ms. Tuttle asked if there was a smaller SUV they could have purchased and
683 Mr. Christenson stated that the choices are limited in a state bid to certain car makers like Chevy
684 and Ford. Mr. Martin stated that he would support this because it makes sense from a dollars
685 point of view for the town but he also believes that a smaller vehicle would have been sufficient.
686 **All voted in favor of the motion. MOTION CARRIED.**
687

688 **E. Volunteer Appointment Pursuant to Town Code 2-47 and FOIA 30-4-70(a)(1) -To**
689 **Planning & Zoning Commission-4 applicants (Councilman McKown)**

690 Mayor Hyman stated that the applicants submitted were discussed in executive session. Mr.
691 Truett made a motion to appoint Roderick Smith to the Planning & Zoning Commission. Mr.
692 McKown seconded the motion. **All voted in favor of the motion. MOTION CARRIED.**
693

694 **F. Discussion: Drafted Minutes should be posted on website (Councilman McKown)**

695 Mr. McKown stated that it was passed back in January of this year to not allow the posting of
696 drafted minutes and after the comments made by residents at the last meeting asking for the
697 drafted minutes to be posted he believes that we should reconsider this previous decision. Ms.
698 Hiatt stated that she does not think that the minutes should be posted prior to approval but if we
699 did post the drafted minutes then they should be verbatim. Mr. Samples stated that what he
700 believes the residents were requesting was that if they were unable to come to a council meeting
701 or wanted to review a matter discussed then they wanted to be able to see the minutes prior to
702 the next meeting. Mr. Samples stated that he feels that it would be acceptable to have the
703 drafted minutes posted on the website but once they were approved they should be removed and
704 replaced by the approved minutes. Mr. Samples and Mr. McKown also commented that our
705 current website is need of improvement. Ms. Tuttle stated that she has no problem in agreeing to
706 the posting of the drafted minutes but also agrees that they should be removed once the minutes
707 are approved. Ms. Tuttle stated that she also feels that verbatim would include too much
708 unnecessary verbiage. Mr. Truett stated that the way the minutes get posted now we are always
709 two weeks behind and the changes that are made are usually small changes. Mr. McKown made
710 a motion to post the drafted minutes on the website and once the minutes have been approved
711 the drafted minutes will be taken off and replaced by the approved minutes. Mr. Martin seconded
712 the motion. Ms. Hiatt stated that she still believes that verbatim should be used and would like
713 staff to look into the cost of having the website reconstructed. **All voted in favor of the motion.**
714 **MOTION CARRIED.**
715

716 **7. PUBLIC COMMENTS – General. – 5 Minutes**

717 Ms. Janet Gainey 8th Avenue South: "I also own the property that is adjacent to, I guess,
718 where the 40 new parking spaces are going to be going, which I still have not been told if that is
719 an actual reality, and I sort of feel like I'm getting the runaround from Surfside Beach, which is
720 upsetting me. I've lived here for thirteen years, lived on Juniper Drive, Surfside Drive, 8th Avenue
721 South and also own a property on 12th Avenue North. I intend to retire here, I love it here and I
722 thank you guys for doing the July 4th deal the other night, the kids and I had a great time, but

723 going back to the issue at hand, I own this property at 726 Surfside Drive. Years ago, things
724 started back in 2004 when McQuiddy was trying to put a proposal for that area between Poplar
725 Drive and the first crossing street, Cedar or whatever that is, he was requesting a public hearing
726 to go to a mixed zoning or, in his case, commercial. I kind of piggybacked on that. That was
727 never answered. He was put off at that time, basically waiting on Surfside to come up with a
728 comprehensive plan for Surfside Drive. That still hasn't happened, I still haven't been answered,
729 McQuiddy sold the land to you guys, you're putting a parking lot there. I'm not necessarily saying
730 I'm against that, however, I'm going to have a parking lot beside my house where the bar people
731 are going to park. They already do. If you meter it, you're not going to meter it at night and
732 check it at night, necessarily. When my children were two and four years old I had a swing in my
733 front yard on Surfside Drive, woke up one Saturday morning to go yard-sale-ing at 6 o'clock and
734 there's a drunk lady passed out on my swing, so you're not going to tell me it's not going to effect
735 my land, for you to put a parking lot right beside me, so how come Surfside, I know it's
736 municipality owned, and that's what I'm understanding tonight is why there was no zoning change
737 for those two lots and not mine, being answered, I mean how is that working here? You know, no
738 one's answering me, I'm not getting the answers for it to go mixed zoning. We had a public
739 hearing on it. There was hardly any negative comments. It was questioned about the spot
740 zoning, that did come up, but overall the public hearing was not negative, so Surfside Beach, to
741 their benefit, and I'm not saying Surfside Beach doesn't need more public parking, I agree they
742 do, but let's answer it all and what's happening with the comprehensive plan? I don't know where
743 to go with it. I feel like I'm this little person who really doesn't know anything about politics and
744 how things go in the government so I don't where to go, I don't know where to, I mean, I want to
745 put a coffee shop there, but if I don't get my coffee shop there, that's fine but I hate for my land to
746 be devalued because of a parking lot for the bar."

747 Mayor Hyman stated that if we have a public parking lot then that's commercial property and I
748 would suggest that you request rezoning for your property which is next to it."

749 Ms. Gainey: "And that request is open, it still lies open and I mentioned that to Mr. Booth that
750 that request is still open from 2004 and I was never answered on that, so I would like it brought
751 back up and I want to know how do I do that? You know, when McQuiddy came up with, I kind of
752 piggybacked on his, you know, he has a lot of money, he's a business man, ok, he came in and
753 had all of his signs and big proposals and things like that and what was asked of me, at that time,
754 was well, what are your plans, you know, here I feel like this little peon down here, well, I want to
755 do a coffee shop, you know?"

756 Mayor Hyman stated that Mr. Booth should be consulted to see what we can come up with.

757 Ms. Gainey: "I'd like to get some answers and if I'm not given a yes or no, I'd at least like to
758 know, what's my process?"

759 Mr. Booth: "It's really the Planning and Zoning is where we need to take it. This board really
760 only acts on recommendations from the Planning and Zoning."

761 Ms. Gainey: "So basically, come to you Mr. Booth and request that it be re-opened from my
762 previous proposal. I keep wanting to say somebody help me, somebody tell me what to do, I've
763 been paying taxes here for thirteen years, somebody give me hand, you know."

764 Mayor Hyman told Ms. Gainey to speak with Mr. Booth and he will direct her.

765 Gary Loftus 1551 Deer Park Lane: "I will make it a lot shorter than I originally planned
766 because of this late hour. I know you all are aware of the fact that the north course had been
767 purchased and I think that we in Deerfield, although we don't pay city taxes, we've become good
768 neighbors, and I hope that we will continue to do so, until such time as our residents can see the
769 wisdom of joining Surfside and Surfside can see the same thing, however, whether you're aware
770 of it or not, the developers of Deerfield on the north course had submitted a PDD at the end of
771 June for a planned development district for the north course, and while we don't pay tax
772 revenues, I think that you're going to find, that we're going to fix to give you something else and
773 that's traffic and stormwater, and we would sincerely like to sit down with the people of Surfside
774 and discuss the entire situation. This PDD is planning 675 dwelling units. This is all the traffic,
775 according to their document here, that the traffic is to come out Platt Boulevard. Well, Steve
776 Gosnell of the County Public Works Department estimates that each household generates ten
777 trips a day. I always thought that was kind of too much. You know how many trips our household
778 took today? When I go home it will be the tenth trip. So, and we didn't do anything today except
779 go to work and go about or day to day business, so that translates into roughly 6,750 trips a day.
780 To put it another way if you just figure that 90 percent of the trips are going to occur between 6
781 AM and midnight, you're going to have another car every ten seconds come out of Platt
782 Boulevard, onto what? A frontage road that is already, what? Overloaded, overused and we've

783 had fatalities, so it's going to at least double what's on there now and you throw into that the
784 development on the south course, which is almost that big, and this is on top of what you all
785 approved, with your own knowledge and that's the development behind Denny's and Taco Bell,
786 and I think what we're seeing is a disaster in the making. We're looking at an iceberg coming,
787 and we're in the Titanic, I'm afraid. Stormwater, it's, well all of Deerfield certainly doesn't come
788 this way, I happen to live on the continental divide, it was one of the reasons I got that lot other
789 than my wife told me we were going to get it, and I live behind 16th green which is probably,
790 maybe a quarter of the way to a third of the way through the Deerfield Plantation, most of it goes,
791 as we all know, to Raccoon Run, Raccoon Creek, but a certain portion of it does come down here
792 through Surfside and through Ocean Lakes Campground, so you're going to have to deal with it,
793 one way or another, and it's deal with it before the fact or deal with it after the fact and I suggest
794 to you, that it's probably easier to handle a lot of it by dealing with it before the fact, so I think that
795 perhaps conversations, once this is presented, I don't know when it's going to come before the
796 planning commission, but of course, after that, it does go to county council and I think that's
797 where our work begins. As you may or may not know, we did get it zoned R-3 somehow, when
798 the zoning, the blanket zoning took place in the late 80's, they originally zoned an R-4 which
799 wasn't too bad but then somehow they zoned us to the least common denominator which was R-
800 7 which was a 6,000 square foot lot and also allowing duplexes. Well, Deerfield's typical lot is
801 15,000 square feet so we had it rezoned R-3 which is 14,500 and their PDD, their lot size is
802 10,000 square feet, so we have some issues with that, but I think the main thing is when you look
803 in the PDD all along the, perhaps you're not that familiar with the golf course, but along all of 14,
804 15 and 18 and 17 is multi-family plus the driving range and all of it's got to come out Platt
805 Boulevard because the only access that they have to Deerfield is, well, they first of all, I don't
806 know what we're going to do about the remote gates, hopefully, one day, they'll work again, but
807 we are told we don't have to give them access to our gate so that's up for discussion, but even if
808 they bought the lot at the end of Prestwick Boulevard that would only access a portion of it
809 because they still can't get over to Platt Boulevard. Because of the traffic and stormwater, we
810 thought we'd at least bring it to your attention that this is coming down the pike. Why they want to
811 do it with the housing market going soft the way it is, I have no earthly idea, but we have found
812 that these gentlemen are sometimes, somewhat difficult to deal with, but we have to deal with
813 them nonetheless, so I wanted to make you all aware of that and any further details, if you want
814 to get with us, why we'd be happy to provide them to you. I do have a plat if you want me to give
815 one, a copy to you Mr. Booth, I'll give you the whole PDD and the plat that goes with it."

816 Mayor Hyman stated that he, Mr. Booth and Mr. Kirk have already planned to attend a DHEC
817 meeting on July 18th regarding this issue and they plan on reporting at that meeting that Surfside
818 Beach is in it's last stages of the stormwater project and did not account for any of this in their
819 plan. Mayor Hyman stated that Surfside would work with Deerfield regarding this situation.

820 Mr. Loftus: "We can solve our other problems on down the road, we just don't need to
821 exasperate them to the point where we won't be able to solve them."

822 Mayor Hyman agreed stating that if we don't stick together and do it now then it will never get
823 done.

824 Tom Dodge 15th & Poplar North: "I want to thank the Recreation Department for the great job
825 they did on the 4th of July. Several years ago, since I'm an old dog here, several years ago when
826 John Lloyd was Chief of Police he asked to have parking fines collected by an outside company.
827 The company was going to keep 60 percent, I think, the town would get 40 percent and in my way
828 of mathematics, 40 percent of something is a whole lot better than zero percent of nothing, so it
829 has been talked about here at Town Council, it just never was taken a step further."

830 P.L. Mabry 15th Avenue North: "I want to thank you for revisiting the minutes issue of getting
831 them on the website. I don't usually come up here and say thank you but I will thank you and I do
832 mean it because I think it is the right thing to do. You know, that old pack of cigarettes that's
833 under there Becky, you can throw them away, I'm not going to be able to smoke them, but I used
834 to sit right over there in that seat and smoke, right here in this council, not that I'm bragging on
835 that, but it is the right thing. Thank you very much, I appreciate your time."

837 **8. COUNCIL COMMENTS**

838 Mr. Martin: "I'd like to make a request that at our next meeting we have a discussion item.
839 We had talked about this parking lot across from Sundown, the very lot that was discussed
840 earlier, and I believe it was the intent of council to have that be half park and half parking lot so it
841 wasn't just a parking lot. It's more of a half park and half parking lot and I would like to request

842 that we get a design, a draft design from staff, so that we can look at what's intended to be put in
843 there so we can see what will end up on that property."

844 Mr. Booth: "We actually have one and we have it where there's a lot of green space in
845 between but we'll certainly bring it to you."

846 Mr. Martin: "Is it about half and half in terms of square footage?"

847 Mr. Booth: "Sir, I haven't measured it, I just know there's a lot, I don't know if it's half."

848 Mr. Martin: "Thank you."

849 Mr. McKown: "In light of what Mr. Loftus has brought to our attention with, what did you say?
850 600 homes?"

851 Mr. Loftus: "675."

852 Mr. McKown: " We are going to be facing some serious traffic and stormwater issues, I'd like
853 to request that we put on the agenda for next council meeting to discuss this issue. Are you
854 proposing that you would like us to annex you so that we can control that growth? Is that what
855 you're asking us?"

856 Mr. Loftus: "No. To be quite honest with you, a couple of us sat there and mulled a couple of
857 what ifs and so forth and we had this grand plan of not only that, but we could also, somehow, get
858 you to buy the golf course as well (laughing)."

859 Mr. McKown (laughing): "That ain't going to happen."

860 Mr. Loftus: "Let me say this, that there has been no opinion one way or the other by the
861 board, for sure, I'm not speaking for the board, by the way, I'm off the board. Dumbest day of my
862 life was when I got on it, smartest day was when I got off it, but there was discussion, but nothing,
863 absolutely nothing, I just said that somewhat in jest."

864 Mr. McKown: "Is that Mike Ryan's district?"

865 Mr. Loftus: "Half of it is, from Platt Boulevard North is Mike Ryan, from Platt Boulevard South
866 is Howard's."

867 Mr. McKown: "So the only thing that we can hope for is that we can divert the traffic out onto
868 544, is that what you're basically saying?"

869 Mr. Loftus: "Well, then it becomes an issue, because, and not to get into too much detail, but
870 we have to, by agreement of when we were first formed back in the early 70's, we have to
871 maintain the roads even though we don't own them, by agreement, now that was an even dumber
872 Home Owner's Association than I was on, agree to that, so we have to maintain the roads, so we
873 are obviously not excited about putting a lot of traffic on those roads, that's why we're probably
874 going to limit the gates to just our residents so that will force everything out onto Platt Boulevard,
875 only from an economic standpoint, is we can't stand, we already got a lot of traffic on our roads
876 and we have a decent reserve but just barely enough to keep up, so adding even more traffic,
877 unless they're willing to contribute to our road maintenance, we're probably not inclined to open
878 those gates and I'm not saying we can or can't. I'm not speaking for the board, I'm just trying to
879 give you a flavor of what's going on."

880 Mr. McKown: "Well we need to definitely discuss, on the next meeting, so we can maybe
881 show our influence to our County councilmembers that we're not in favor of this, I mean this is, I
882 had no idea it was going to be 600 plus homes."

883 Mr. Loftus: "I got a copy of the PDD in living color that I'll leave with your administrator but
884 we'd be glad to help you with any other information you may need."

885 Mr. Samples: "I know it's late but I want to mention something for us all to think about, we've
886 got a number of projects underway that we're dealing with, fire station, the end of the stormwater
887 project, the dredging and then that other project that we talked about a week, meeting before, and
888 I would recommend, I guess I'd like to have staff consider, maybe get back and let us know, how
889 they would feel about having a capital projects budget retreat in these chambers in late
890 September or October, in advance of our normal budget workshop, because we've got a lot of
891 issues we have to deal with, financing being one of them."

892 Ms. Tuttle: "Last Friday, Jim Mitchell, a member of our former Stormwater Committee died
893 and he served the town very well and I would like to offer sympathies to his family."

894 Mr. Mayor: "I appreciate you, sharing that with us."

895 Mr. Truett: "He was a good guy and he was an original member of the Stormwater
896 Committee, if I'm not mistaken, and it was a shame."


897 This concluded the agenda.

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9. **ADJOURNMENT**

Mr. Truett moved to adjourn the meeting at 10:06 p.m. Mr. Martin seconded. All present voted in favor. MOTION CARRIED.



Sharon Pinnell, Town Clerk

Approved: July 24, 2007



Roy Hyman, Jr., Mayor



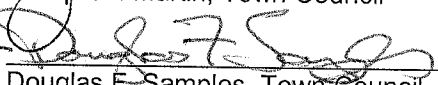
Rebecca J. Hiatt, Town Council




Joseph P. Martin, Town Council



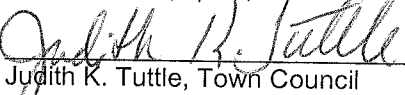
William M. McKown, Town Council



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.