



TOWN OF SURFSIDE BEACH ♦ TOWN COUNCIL CHAMBERS  
July 24, 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; Public Works Director, Kirk; Finance, Hursey; and Associate Judge, Wentz.

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

Mr. McKown 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**

Mayor Hyman removed item 6B from the agenda. Mr. McKown moved to approve the July 9, 2007 executive session, public hearing and regular meeting minutes as submitted. Mr. Samples seconded. **All voted in favor. MOTION CARRIED.**

4. **PUBLIC COMMENTS – Agenda Items only** – 3 minutes

Ann Dodge 15<sup>th</sup> Avenue North: "I'm a non-smoker but I think the town is taking too broad a step at this point. I do not think that we should tell someone who owns a business or a bar or whatever, that they cannot allow smoking in their own building. If the town wants to do this, until there is a ruling by the Supreme Court, I think we should limit our non-smoking ban to public buildings that are owned by the town of Surfside Beach and limit it to that. Later on, I'm all for banning smoking. I don't like it, my folks smoked, they both died as a result, so I am for a non-smoking ban but limit it now and then broaden it later. Thank you."

Mark Generales former Beaufort County Councilmember: "I stand in front of you this evening to try and pass on some of our experiences, as I sponsored the smoking ordinance that is in effect in Beaufort County. A lot of our issue was the same thing as you, as public policy makers, have to make the decisions in terms of whether it makes sense to move forward now, to what degree you go forward with, and what ordinance you choose. We dealt with the Greenville ordinance, we looked at Sullivan's Island ordinance, we visited with our businesses, our Chambers of Commerce, both on Hilton Head and for Beaufort County, ran surveys of business owners. We have positive support, over 78 percent in all cases from all the respondents supporting going forward with the ordinance. Part of our ordinance included the opportunity for businesses to make the decision if they wanted to ask for a ninety-day waiver, we had four do so and they rescinded it after thirty days. We have had absolutely no problems throughout the county since that time. When we passed it in Beaufort County it was followed immediately by the town of Bluffton and the town of Hilton Head, so now three of the entities in our county have (SIC) are already there, the city of Beaufort will follow and the town of Port Royal. Ultimately, what we concluded was, and listening to the former speaker, I pass this thought onto you. This is a worker's rights ordinance. Segregating workplaces, or excuse me, segregating places for patrons, does nothing to assist workers. If you think about it from that logical standpoint, it is very difficult to segregate based on space or time or anything else because workers in a restaurant or in a bar should be given the same rights as workers in a government facility. If we don't want smoking in a government facility why are we allowing smoking then to effect the employees of other types of classes of industry? It doesn't make sense. It wasn't logical. From our standpoint then we felt it was important to pass it and we've had strong public support across the board. You're a beachfront area, you have the same tourist issues that we had in our area, it is expected from across the country at this juncture that a lot of our areas allow our folks to be able to live and work in smoke free places. It's worked well in Beaufort County, it's worked well in Bluffton, we've had no problems in Hilton Head and I recommend that you take a look long and hard at this folks, I encourage you to pass it, I think it will do well for your town and I appreciate the time. Thank you."

Jack Hall 512 Sparrow Drive: "First of all I'd like to thank Rebecca Hiatt, Bill McKown and yourself for having voted 'no' on the first go around. According to what I've read in the paper, the reason for trying to pass this ordinance is public health. If you get into addressing health issues,

63 smoking is not the only one you could address, you could go on, liquor and fatty foods and whatever  
64 else you want to go, so I don't know if that holds any water and as far as employees having to work  
65 in a smoking environment, if you let a business owner control his own business, give him the right to  
66 put up a smoking sign if he so chooses or a non-smoking sign if he so chooses, being that there's  
67 more than fourteen hundred restaurants here on the Strand, I believe people who don't want to work  
68 in a smoking environment could find employment elsewhere if that's what they chose to do. I know  
69 as far as I'm personally concerned, if this ordinance passes, Surfside is so small an area, I don't  
70 have to do business here in Surfside. I can easily go in the county or to Garden City, which will be  
71 what I'll choose to do. The truth is that's it's really none of the government's business what a private  
72 owner of an establishment does as regards to this issue and as far as I'm concerned it's a prime  
73 example of why people hold government in contempt nowadays and it's so cynical about the  
74 government and to quote Walter Williams, who's a columnist, and a professor at James Madison  
75 University, he says 'people who denounce the free market and voluntary exchange and are for  
76 coercion believe they have more intelligence and superior wisdom to the masses' and I think that's  
77 where this issue comes from. Thank you."

78 Jonathan Staton, owner Dagwood's Deli and Sports Bar: "I've had a warm welcome ever since I  
79 came to this town a year ago. I had been warned that it was a tough town to do business in, strict  
80 regulations, strict rules, strict on a lot of things and where that may be the case, but I came down and  
81 I have received nothing but a warm welcome from every member of the city staff. We've been very  
82 successful at our location down here. I've invested over a million dollars in that property, have done  
83 good things with that building and I know several of you have come in there on many occasions and I  
84 appreciate that. I'm very nervous. As you can see I'm nervous right now, I don't like talking in front  
85 of people, but I'm extremely nervous about what this bill is going to effect, how it's going to effect my  
86 business, my co-workers, my employees. All the business owners that are in here right now, that  
87 have their own business and put their blood, sweat and tears in their businesses, selling alcohol and  
88 selling their food, we are in bad shape if this law passes, we are in bad shape. Surfside Beach, he  
89 was talking about the other towns that are so much bigger than Surfside Beach, Surfside is two miles  
90 by two miles long. People can drive one mile that way from this building or one mile that way from  
91 this building or a mile and a half that way from the building, just so they can go to smoke. The  
92 smokers in our industry, we rely on them, we need them, they spend a lot of money in the restaurant  
93 business, you can ask anybody, that's where the profit margins are, in the alcohol sales, and the  
94 smokers who consistent, probably 75 percent of my night time business, they're going to go  
95 elsewhere, I know three business owners that are on your border right now, outside your city limits,  
96 that are chomping at the bit for this law to pass because people are going to go, they're going to go  
97 elsewhere, like I said, north, south, or west where they can smoke. People don't want to step  
98 outside when it's raining, when it's freezing cold out, which we don't get that much of here, but when  
99 it's a 110 and it's humid outside, they don't want to go outside. I'm just asking you guys, be patient,  
100 please be patient, the law is going to come to our state but don't ostracize smokers in this town, and  
101 the tax dollar that we raise to help this city out, I mean it's going to go away, it's going to go away  
102 and one day, please be patient, this law is going to come, I'd be willing to bet three years, if you pass  
103 this law, I won't be here for three years. Thank you."

104 Rodney Reed South Carolina African American Tobacco Network Corporation: "I stand before  
105 you today just to talk about two things, not only is this a public health issue, I think we have to look at  
106 this being a statewide and a nationwide movement. The Surgeon General clearly, clearly states that  
107 any level of smoking is harmful to the public, the general public. Cities like New York, Chicago, Los  
108 Angeles (SIC) they all, after going through this ban, clearly state that business increases. I think  
109 sometimes we have to look at the issue of public safety and what we're really here for. I believe  
110 strongly, as I've been around the state, that if this was a public referendum around the state, it  
111 clearly, this would pass. I think this is not an issue of state's rights, it's about an issue of taking away  
112 new life, I like to think about this, think about a young woman who's going to college somewhere and  
113 she's working at Applebees for five years, somebody working at Charley's and after five years of  
114 going to college and starting her life she finds out that she has breast cancer, well statistically, that  
115 has happened and studies have shown that women who have been exposed to second-hand  
116 smoking have encountered breast cancer. This is a public health issue and I urge you, it's a public  
117 health issue as well as a social justice, so please act and respond. Thank you."

118 Pam Stapleton, Neal & Pam's Pub: "I see the flag in here and we did the pledge of allegiance, I  
119 just want to make sure we're in a country where we can vote for what we want and you were put  
120 here by our votes and I just think it should be up to the voters to decide this, it should not be up to a  
121 certain amount of people, to tell us what to do, when we have our only livelihood is our business and  
122 if you take this away from us at this point, we don't know what's going to happen, we're going to be

123 like in a spiral, we won't know what to do, so I just think that you should think long and hard about  
124 what you're doing to the business owners and let them decide what they, post a sign, if people don't,  
125 we've been there for 25 years. We've got people that have been coming in there for all that time and  
126 they don't say one word about it. They don't want to come in, they don't come in and that's their  
127 choice, so give us a choice to let them do what they want. Thank you."

128 Shawn Croley, Owner, Surfside Live: "This is also the second business, bar/restaurant, that I've  
129 owned in the city. I don't smoke but I think it's a bad move here, of course, and personal aside from  
130 business is two different things. When I thought about opening up my second business here there  
131 was a rumor that Surfside was not allowing any more liquor licensing, you know so forth, so I came  
132 here and talked to the business license department and they stated to me that, you know, they were  
133 actively seeking more businesses in the hospitality area and if I happen to know of anybody, you  
134 know, to do it, then send them down, by all means, so that gave me a good feeling again, you know I  
135 like the city, I live in the city limits here and now I just feel like it's cutting my throat. Same thing like  
136 the others, you know, this is what we make our living on, so I just don't feel that it's right to try to  
137 entice businesses here, and some of these other businesses have a lot more money invested than I  
138 do, but it's still everything that I have and I just don't feel that it's right to entice us to open a business  
139 and then all of a sudden it's come up and now almost cut our throat, so I just think the same thing,  
140 you just got to give people the choice of whether to come in or not to come in and make it that way.  
141 If this no smoking ban does pass than I have no choice but to leave the city limits when my lease  
142 expires. I have to go to the county and you know, try to prosper there. I'm just asking you to think  
143 about that and think about some of these businesses that it will really effect and I appreciate it.  
144 Thanks."

145 Roger Jackson 16<sup>th</sup> Avenue South & Hollywood Drive: "As a patron to, every establishment  
146 here, I see the problem with like in Charleston, you have to go fifteen foot outside the entrance to  
147 smoke, well the police officers will start public intoxication and everybody will be effected that way, I  
148 see the children and the dramatic effect, I have two daughters of my own, I don't smoke around  
149 personally. I do choose where I go with where I can smoke. I don't go to New York State and I don't  
150 go to California based off of that. I believe for the eight years I spent defending that flag, in Horry  
151 County, for the Coast Guard, you shouldn't take away my rights. I gave you all right and safety and  
152 sleep at night, give me my rights, like I defended them."

153 Neal Stapleton, 511 6<sup>th</sup> Avenue, Neal & Pam's: "I've been there 25 years, two thirds of my life  
154 almost. It's the only place I've been, I've been here longer than; the Sundown has been here as long  
155 as I have. Take cigarettes, you might as well take the liquor and everything else, I heard 90 percent  
156 of the people don't smoke, everybody that comes to my place smokes, 90 percent of them, anyway.  
157 I know Pam is better at figuring than I am."

158 Linda Smith, 911 North Cedar Drive: "I want to thank you for your consideration of this smoke  
159 free ordinance that will improve our public health. Last meeting much data was presented in an  
160 overwhelming support of the ordinance. The scientific health data is well documented and  
161 irrefutable. Second hand smoke is a killer, the third leading cause of preventable death in the USA,  
162 killing 53,000 non-smokers every year. Think about this, a lighted cigarette spends only ten percent  
163 of it's time being actively inhaled by the smoker, the rest of the time it pollutes the air around it and  
164 exposes others with dirtier, more toxin, unfiltered smoke. The EPA has scientifically identified  
165 second hand smoke as a group A carcinogen, containing cancer, lung disease and heart disease;  
166 carbon agents like benzidine, vinyl chloride, asbestos and arsenic. I believe that our residents and  
167 tourists should have the opportunity and the right to breath clean air in the restaurants, bars and  
168 public place. Employees also have a right to clean air in their workplaces. Our children, who have  
169 more vulnerable bodies, deserve clean, uncontaminated air in public places. Studies are revealing  
170 harmful health effects on children and learning defects, 22 million children estimated to be at risk.  
171 Tonight I want you to see the results of smoke in our bodies; here are two lungs (held up framed  
172 samples), one normal and one smoked. (Presented samples to council) This is the diseased lung  
173 and this is the smoke-free lung, quite a difference. My husband will pick up on me."

174 Shelby Smith, 911 Cedar Drive North: "So what about this business impact in view of all this?  
175 Last meeting you received quotes from top restaurants in Surfside clearly indicating the positive  
176 impact on non-smoking policies; very understandable since 78 percent of us are non-smokers. The  
177 increase of business and tourism in other smoke-free cities, counties and states is well documented  
178 and you have the information that I circulated to you here. 89 percent of 115,000 American  
179 restaurant goers in the 2006 Zagat survey supported 100 percent smoke-free dining. In New York  
180 City 73 percent said their smoke-free law had no effect on dining out; 32 percent said they're dining  
181 out more, 53 percent said they're spending more each meal. Big tourist cities like Colorado,  
182 California compared hotel revenue and tourism rates before and after smoke-free laws and found no

183 adverse effect; it actually increased. Attached is a Charleston tourism survey, their smoke-free  
184 ordinance started yesterday, their findings are very positive. This weekend I called two top bars in  
185 Sullivan Island, smaller than Surfside Beach, Poe's Tavern and Dunleavy's Pub, both managers I  
186 spoke to said business increased, increased after their smoke-free policy went into effect. Both said  
187 the clientele broadened and they kept all of their smoker customers. Both managers said 'no  
188 problem'. I asked about implementation costs, no real cost for just a few signs, the other said costs  
189 were negligible. Both of these pubs did have outside smoking areas, outside the main pub.  
190 Increased tourism and business sales and profits are indeed desirable for our town; I believe the  
191 demographics support this. 78 percent of customers are non-smokers. Income levels tend to be  
192 higher for non-smokers, the statistics are being gathered and will be sent to you. More families tend  
193 to be non-smoking; 78 percent, majority, again. Think about it; more tourists coming here, affording  
194 to spend more, staying longer, more families attracted to our family beach with repeat visits likely  
195 and the tourists come from many nearby states that already have smoke-free ordinances in place,  
196 New York, New Jersey, Delaware, DC, Maryland, Ohio, Connecticut, Vermont, Massachusetts,  
197 Maine, Florida and our neighbors the Canadians, a vast majority are non-smoking so pass this and  
198 they will come. Finally, consider the mortality statistics, the Center for Disease Control tells us that  
199 non-smoker men live 13 years longer and women 14 years longer so the non-smoking tourists will  
200 have the opportunity to come here for many more years. I'm a conservative republican who is  
201 normally against government intervention, but when public health and our citizens lives are at stake,  
202 we need you, our government, to help us, do it for residents, tourists, employees and children."

203 Sue Wall, South Poplar: "I brought a little something with me. This country was founded on  
204 freedom of choice. Our forefathers wrote in the Declaration of Independence 'a government of the  
205 people by the people and for the people' and I'm sure that they're all rolling over in their graves right  
206 now or on a full spin with all the rights that have been taken away from us by the government. This  
207 whole smoking issue is not about health; it's about control. The more rights and choices we allow  
208 government to take from us the more control they have over us. The Town Council was not elected  
209 by the residents of Surfside to walk into a public home, a private home or a business and tell people  
210 what to do. Read it in here, it tells what type of abusive power the English did to us and this is why  
211 this country was formed. The whole smoking issue belongs to the business owners lap. The majority  
212 of businesses have chosen to go no-smoking, you said it yourself, the three major businesses in this  
213 town are non-smoking, so who's the ordinance going to hurt, it's going to hurt the little guy; the little  
214 tavern owner, the vendor over at the flea market, the breakfast shop, that's who's going to get hurt  
215 by this, the little person, not the big restaurant, they already went non-smoking and what about the  
216 bike rallies, the vendors come down for that; thousands of bikers; they're going to come down here,  
217 they're going to say 'no-smoking let's go elsewhere', millions of dollars out the window, believe me, it  
218 will happen. Having the police writing smoking tickets, sounds like Gestapo to me, and I beg to  
219 differ, the workers do have a choice, as stated before, there are 1,400 restaurant/bars in this area,  
220 there are plenty of choices to get a job where you don't smoke; the three major restaurants, in this  
221 town, no smoking, get a job there. This is not a government issue; the business owners should be  
222 held accountable and responsible for the concern of his employees and the employee has the right  
223 to stand up for their own self and tell their business owner what they feel is going on in that business;  
224 if they feel that they're in the wrong place and they need to move on or work with their owners. I  
225 think Surfside residents need to stand up, get off this bandwagon and be the small town that gives  
226 the residents and the visitor's freedom of choice. Put the responsibility where it belongs, in the  
227 business owner's hands and another question, where is this clean air everybody's talking about?  
228 Not with all the toxins out there now. Thank you."

229 Randy Melko 10<sup>th</sup> Avenue North: "I read the newspaper today, there's a quote in there from  
230 councilman McKown that says 'one of my concerns is that the Federal and State government allow  
231 cigarettes to be purchased legally, how then could it be legal to purchase them but not to smoke'. I  
232 think that's a flawed argument, there's plenty of things that we can buy and can't use. We can go out  
233 and buy all the fireworks we want; show me where I can let them off in Surfside Beach anywhere,  
234 can't do it. I can go purchase a thong, but I can't go down on the beach and wear it, at one time you  
235 could (laughter in audience), which might be more scarier, but anyway when that ordinance was  
236 passed I'll bet nobody used that argument, well how can you let people go out and buy thongs and  
237 not use them, you know, and thongs, they don't harm anyone, maybe cause a little visual distress  
238 (laughter in audience) but in some people it might be visually appealing, who knows, so, everybody  
239 has the right to free speech but I can't make violent threats to somebody, that's not allowed. I can go  
240 to any store or restaurant or bar and buy some alcohol but I can't go over to Huckabee Park and sit  
241 in the dugout and drink a beer, but last year, my son's little league coach sat there, in the dugout,  
242 with my kid, smoking cigarettes, if that doesn't make you sick, I don't know what should. You know,

243 the idea of letting the bar owner, the bars have a lot of things, bars and restaurants, business  
244 owners, there's a lot of restrictions and things that they aren't allowed to do in their businesses. I  
245 can't walk into any of these businesses and punch somebody in the face but I can go walk in and  
246 blow smoke in somebody's face? You know a black eye will go away in four or five days but the  
247 damage to that second hand smoke is long lasting and can potentially be deadly. I believe that there  
248 is no smoking allowed in the town vehicles, if I'm not mistaken, I'm not sure why a town would be  
249 more concerned with protecting the property rather than protecting the health of their citizens, I  
250 mean, and one last thing, that's sort of a side issue on this, and that's, my ten year old sons have  
251 probably picked up more cigarettes butts off that beach down there during the beach sweeps in their  
252 ten years of living than probably any smoker has ever picked up anywhere and I would like that to go  
253 away, and that's a disgusting thing to have to tell people, that my ten year old kids have shown more  
254 responsibility than a lot of smokers."

255 Ned Oxentine, 2<sup>nd</sup> Avenue North: "I work at Westgate Myrtle Beach, downtown and we went  
256 smoke free June the first. Let me tell you why we went smoke free. In August of 2002, my mother  
257 was feeling bad; I took her to Grand Strand. At Grand Strand they told me to take her to Winston-  
258 Salem. I took her to Winston-Salem; I miss my mom. The doctors, the next morning said, you have  
259 six weeks to live, he said, he gave a name for what it was, was cigarette smoke, she said, 'Ned get  
260 me the hell out of here'. I've never heard my mother cuss, ever then I thought what did he say that  
261 for, my mom don't smoke, my mom was a beautician for 55 years and a lot of you are moms out  
262 here and a lot of you are dads. My mom died six weeks later, in September, from second-hand  
263 cigarette smoke because she was a beautician and she had no choice. (Mayor asked Mr. Oxentine  
264 to speak into the microphone) I usually don't need a mike, I'm sorry, she had no, I'm using my  
265 father's voice. She had no choice. My daughter graduated Magna Cum Laud in Clemson in May  
266 and she's going to be going for her doctorate degree. I always preached against smoke. I wish my  
267 mom was here today, I would love for my mom to be here right now; she's not, because she didn't  
268 have a choice. She was smoked into her face every single day and I'm not here to tell you to quit  
269 smoking or not smoke, I'm just telling you my personal experiences. She didn't have a choice. She  
270 died from other people's cigarette smoke, not her own, so when you're smoking, think about that with  
271 other people, you're killing somebody's mom, you're killing somebody's daughter. I tried to teach  
272 that to my daughter, if you're going to smoke don't go to college because it won't do you any good  
273 you'll die of lung cancer soon, it's been proven. I do work in a smoke free resort in Myrtle Beach, it's  
274 six acres, we're Westgate, we're here to stay, my boss is bringing the Hard Rock Theme Park, we're  
275 not going away, we are a smoke free environment, I enjoy that, I have a choice, I don't have to be  
276 around cigarette smoke everyday. Thank you very much."

277 Larry White, Conway member of Breathe Tobacco Coalition: "We are here in support of the  
278 ordinance and I have just a few things to add. Elected officials have an obligation to protect their  
279 voters health and well being when the actions of a few jeopardize the lives of many then it is those  
280 official's duty to intervene and protect constituents by adopting a local ordinance for a smoke-free  
281 indoor air in public places, including restaurants and bars. Also, employees should not have to  
282 choose between their livelihoods and their health but thousands of people are doing so every day  
283 and this is talking about when an individual has to work in a smoke free environment, they don't have  
284 a choice, because how many employees are going to allow their, employers rather, is going to allow  
285 the employees to tell them 'I'm not coming to work today because you're smoking', not very many.  
286 We're not telling people to quit smoking, we're just asking that a majority of the non-smoking  
287 population be, not be involuntarily exposed to second-hand smoke inside workplaces and just  
288 another thing, just as this young man was just saying, think about the late Dana Reeves, wife of  
289 Superman, all star Christopher Reeves, she died of lung cancer this year just 11 days after her 45<sup>th</sup>  
290 birthday, she never smoked a cigarette in her life but she did spend working as an entertainer and  
291 waitress in smoky bars and nightclubs. We're asking you to please consider passing the ordinance  
292 and to help with that, as a DHEC employee, that's where I work, we, along with the (SIC) tobacco  
293 collaborative and our Breathe coalition will be able to give smoke free signs to the businesses at no  
294 cost to them or to the city and we have them now, some of them now and these are the others that  
295 we can get for you as well for every business that goes smoke free, if the ordinance is passed, we  
296 can help with that (SIC). Also the City of Charleston just went smoke free and they have a beautiful  
297 sign as you enter the city on Interstate 926, it says 'Now Entering a Smoke Free City' and then it  
298 thanks the Mayor and the city council for voting in favor of the ordinance as well. I would love to see  
299 this sign in your area as well and then too would support the postage, the signage; we could be of  
300 help with that as well and thank you very much."

301 Tom Dodge 15<sup>th</sup> Avenue North: "I have two things, first I want to thank Randy for not wearing  
302 the thong (laughing in audience) and number two in the words of a very famous Englishman 'and

303 now for something entirely different'. They're going to build these 678 houses over in Deerfield, I  
304 think this council should tell them 'ship the water to the waterway, not to Surfside Beach'. They can  
305 pump that water over to the waterway and it does not have to come through our system. I think we  
306 should think about that. 678 homes is an awful lot of water to ship this way. We've had trouble since  
307 they've started building over there and it's time we end it. Ship it to the waterway."

308 Dan Carrigan Smoke Free Action Network: "I am for the smoke free ordinance. I have a letter  
309 here I'd like to read from Nibil's Catering. It was referred to us at the last council meeting, when you  
310 consider this, and I was really glad that we went by there because it's a fantastic place to eat. The  
311 owner was unable to be here but Jack wrote this letter that he wanted me to read to you. 'Hi my  
312 name is' it's Mayor Roy Hyman and Surfside Town Council 'Hi my name is Jack Cahill, I'm the owner  
313 of Nibil's Restaurant on the Surfside Pier and I have been at this location for twenty years of which  
314 the last eight years have been smoke free. I feel that this has not effected our business at all, if  
315 anything, I feel that it has helped it to increase it year after year. If you have any questions, please  
316 feel free to call me at any time. Sincerely, Jack'. I'd like to correct a point; Charleston's ordinance  
317 does not have a sixteen-foot distance requirement. They did consider a distance requirement but  
318 then took it off of the ordinance. The only requirement is that it should be a reasonable distance from  
319 the entrance, similar, ideally to the text of the ordinance that you have now and that smoke cannot  
320 infiltrate back into that establishment. I've really, I do support your efforts in this and it's a  
321 courageous move for your city and it's a great, bold leadership move for your region and you're not  
322 going to be the only smoke free community for very long, just as Sullivan's Island was not the only  
323 smoke free community in our region for very long before they started getting calls from all around the  
324 state from places wanting to go smoke free. They wanted a copy of their ordinance and they wanted  
325 to know how they did it. As far as liberty goes, I'll tell you what, we're, this is a right, as to breathe  
326 clean air, that no one has ever had in our community, in Charleston and many of these other  
327 communities that passed it, until seven o'clock last night, when Charleston went smoke free.  
328 Everybody was, the reporters were out looking for a big bunch of problems last night, well today, it  
329 was just more like a whimper, nothing happened. That's what happens when you pass a smoke free  
330 law and when it's gone, and a year later, everybody's going to wonder why you didn't do this a long,  
331 long time ago. I'd like for you to finally, in your decision-making process please, I'd urge you to use  
332 science versus fact in considering your decision on this ordinance. Some of the arguments I heard  
333 tonight, I heard someone say, that they were afraid it might have an impact and then they said their  
334 business was definitely going to go out of business and then they said they were going to move out  
335 of town, okay, that's a lot to really extrapolate and guess at. I want to know where the science is  
336 behind that decision. There is reputable science from all across the country unless, of course, you  
337 consult with the tobacco industry and they've got reams of phony sciences based on the opinion of  
338 the business owner similar to some of the things you've heard tonight that are not based in science.  
339 If the science is then produced by the tobacco industry, you can bet, that it's not peer reviewed and  
340 it's not reputable, so, if they have science to prove these ideas they have, I'd love to hear some of  
341 those but what we found, the most reputable science, places like the centers for disease control and  
342 the national institutes for health, American's for non-smokers rights campaign for tobacco free kids,  
343 as that these laws do not impact business. The Surgeon General's Report was very clear that  
344 business is not impacted, as smokers don't mind going outside. Thank you."

345 Buck Ricks 4<sup>th</sup> Avenue South: "I'm here about the ordinance tonight, there's a lot of different  
346 things you all have got a lot of science from all different sides. One thing that concerns me about all  
347 of the problems you already have, and it's not going to do anything but get worse, is cigarette butts.  
348 We have a pile of cigarette butts everywhere. I have a little bit of things to hand you out here tonight,  
349 I didn't get everybody a copy, I just got one to sort of pass around. Here's a picture of a beach that  
350 doesn't look very different from ours (showing photo of beach). Alright and reading different things  
351 I've kind of picked up here and studied, cigarette butt litter is one of the greatest environmental litter  
352 problems, and while this ban sounds good, we're not really prepared for the impact of the cigarette  
353 litter butt. What happens, and this is stuff I'll give you a copy of up here in just a minute, says  
354 cigarette butt litter dramatically increases where indoor smoking bans are implemented, that's just  
355 sort of logical. The people said they've got to go somewhere with their cigarette butts and, you  
356 know, of course, on the beach, see them washing up the tide and one of the things here, it says,  
357 'cigarette butts have been found in the stomachs of fish which produce hazardous chemicals and  
358 create digestive blockages', now before we go with this ban, something I think we might want to  
359 consider is the town of Wrightsville Beach, North Carolina, they've implemented a plan to tackle  
360 cigarette butt litter. I'll stamp a copy here, which I'll give you, just came out, Thursday July 12<sup>th</sup> and  
361 one of the things they're going to do and I think maybe, even though this ban, it may, you maybe all  
362 could phase it in possibly, but we should be prepared for this because if we just quit cold turkey it's

363 going to be, those fellows that work out there picking up trash, they, you're going to have, they'll all  
364 be at the chiropractor by the end of the month, it's, one of the things I suggest up there in  
365 Wrightsville and like I say this is a start, you know, give people a chance for a volunteering program,  
366 perhaps the restaurants that want to put smoke-free signs, what's been keeping them from putting  
367 them up so far? I mean if they're already smoke free they need to put their own signs, they should,  
368 not that they should try to attract that crowd and if it worked out maybe if Neal Stapleton and other  
369 people saw that he was losing business maybe then he would voluntarily want to go that way rather  
370 than have to be forced, kicking and screaming into it. It's just kind of hard to just instantly, just boom,  
371 cold turkey for anybody that's had, which I'm not a smoker, personally, but I've known an awful lot of  
372 them and the one thing about it is it's very hard on them if they absolutely have to quit cold turkey  
373 and that's what's going to happen, in some cases here, so one of the things they do in Wrightsville  
374 Beach is they distribute pocket ashtrays at the beach. I read that some things about the people of  
375 the Days Inn and Neal and others and here in Wrightsville, the Holiday Inn Sun Spree sponsored the  
376 purchase of 500 hundred ashtrays and the Cape Fear Chapter of the Surfrider Foundation is  
377 purchasing 500 as well and what they're doing is, their passing these things out on the beach and if  
378 you see somebody smoking on the beach and they don't have an ashtray, it's kind of a no brainer,  
379 it's going into, on the beach, period. So perhaps if we could start with an information program like  
380 this before we come out with a total ban, if and when the time came that the ban was necessary, I  
381 believe it would be accepted a lot easier and then we wouldn't have all the cigarette butts at one time  
382 and also there's other things in here where they put cigarette ash receptacles attached to the public  
383 trashcans. We need to have some sort of provision for the cigarette butts before we just, you know,  
384 completely duck them all out. Thank you so very much."

385 Ron Ott 7<sup>th</sup> Avenue North: "Mr. Mayor, Town Council, Mr. Booth I was reading the ordinance  
386 and just a couple of things I was looking at in here that seem to be kind of hypocritical, okay, and  
387 smoking, we're going to allow smoking in certain rooms, now the people that go in there and clean  
388 them, what do they get, respirators, right? We're going to give those people respirators, we don't  
389 want people going in there and getting sick, because, how about the people that go in there after  
390 them? Okay, the same thing here with 'except taxicabs', well I don't want to get in that cab either, if  
391 someone was smoking in it. Let's stop that too, and private residences, let's go after them too  
392 because there's people out there, and I know who they are, and they got little kids in their houses  
393 and they're smoking, so let's kick those doors down, let's get these police out there, let's stop this  
394 smoking, let's not be hypocritical, let's go get them, that's what we want to do. You know what we  
395 have to do? You voted 4 to 3 on this, you got to go back in that little room and make this right,  
396 because it's not right, there's a whole lot of ins and outs in here, because I'm going to be going up  
397 and down with my bicycle and I'm going to be calling the cops every time I see somebody light up  
398 (laughing in audience). I'm going to get them, I'm going to keep them busy and I don't want them  
399 smoking on the beach, who gives them the right, by the way, I'm a no smoker, I haven't smoked in  
400 over 28 years, I hate it. Who gives them the right to smoke on the beach and throw their cigarette  
401 butts, who gives them the right? My neighbor came over today and she threw her cigarette butt in  
402 my backyard. Can we get, I want her too. (laughing in audience) I want to get her. I sit out back, I  
403 know when she's lighting up, I want her. Put her away. Thank you very much. I think we, who's  
404 smoking (addressing council), he ain't smoking, I know you smoke, I want you too, but please, and  
405 one other thing, if we have a government that walks around with, it's written on their back, it says,  
406 alcohol, tobacco and firearms, so you got guns, alcohol and cigarettes, they all go together, doesn't  
407 say anything about dishes with nice food in it, but we have bars. When you have alcohol, these  
408 people want to smoke, for some reason, I never understood it, but maybe we should look at that, too.  
409 Maybe we should open this up a little bit until the whole State goes and the State will go, and I know  
410 the guy who is running Baltimore down there, O'Malley, he fought that ordinance of banning smoking  
411 in that city like one of Michael Vic's dogs (laughing in audience), and now, now he's the Governor,  
412 he's the Governor of Maryland and he signed that ordinance and he couldn't wait to sign it, October  
413 1<sup>st</sup>, they go smokeless. That's what we're looking for and that's what everybody in here wants.  
414 Thank you."

## 415 **5. COMMUNICATIONS**

### 416 **A. Public Works**

417 Mr. Kirk presented his report that was on file. Mr. Kirk stated that, in reference to the Myrtle  
418 Basin Project, Greenwall has installed all of Phase 6 and all of Phase 5A and all of 5B except where  
419 it ends on 3<sup>rd</sup> Avenue South crossing Poplar due to a conflict they ran into with Verizon but this  
420 should be resolved by the end of this week. Mr. Kirk stated that Phase 3 would begin the following  
421  
422

423 week with completion scheduled for the end of October. Mr. Kirk stated that all of the patchwork  
424 would be completed on the road crossings by the following day. Mr. Kirk stated that all of the  
425 budgeted radios have been ordered, received and programmed so that Public Works is now all  
426 working on the same channel from the County tower which now eliminates all costs for "repeater  
427 fees." Mr. Kirk stated that all sidewalks have been completed on 15<sup>th</sup> Avenue, Poplar, 3<sup>rd</sup> Avenue  
428 South between 4<sup>th</sup> and 3<sup>rd</sup> and Hollywood Drive from Surfside Drive to 5<sup>th</sup> Avenue North. Mr. Kirk  
429 stated that the 2<sup>nd</sup> beach tractor was repaired under warranty. The deck has been extended and the  
430 shower tower has been installed on 13<sup>th</sup> Avenue South. Mr. Kirk also reported that the County has  
431 cleared the right of way on Phase 7 and he spoke with Tom Garigen today and the ditch work will be  
432 started the following week and the Bi-Lo pond is to be started in 30 days and this will include the  
433 filtering system. Mr. Kirk congratulated the Dixie Minors who made it all the way to the State and  
434 although they are now out of the competition he wanted to give them a big round of applause  
435 (applause in audience) because they represented the Town of Surfside in a great fashion with one of  
436 the comments from one of the restaurants where the team ate was how well mannered they all were.  
437 This ended Mr. Kirk's report.

438 Ms. Hiatt stated that she was glad to see that the flyers were being put out regarding the  
439 direction the trashcans were to be in. Ms. Hiatt stated that she thought that the landscapers were  
440 doing a good job and had a question regarding the wood being used on the pier. Ms. Hiatt stated  
441 that the wood had a label stating that it should not be in contact with the ground and had a concern  
442 regarding this. Mr. Kirk stated that this gets into the warranty issue with the pressure treated wood if  
443 it gets into the ground. The wood is now being used to patch up areas to get through the summer  
444 and once the summer is over Public Works will be working on replacing these. Ms. Hiatt stated that  
445 she thought that the Recreation Department did a great job on the July 3<sup>rd</sup> celebration.

446 Mr. Kirk thanked council for their support they have given staff to go forward with the various  
447 projects in town. Mayor Hyman stated that he appreciates all that Mr. Kirk and Public Works has  
448 done for the town as well and told him to "keep up the good work."  
449

#### 450 **B. Administrator's Report**

451 Mr. Booth presented his report that was on file. Mr. Booth stated that a lot of work is being done  
452 in town and that we hope to continue with the progress. Mr. Booth stated that he wanted to reassure  
453 council and the public that the projects that were currently underway are all being done well within  
454 our budget. Mr. Booth stated that the recent newsletter designed by Clerk Pinnell has received  
455 many good comments and thanked her for putting it together stating that it was a real professional  
456 job. Mr. Booth stated that there is another newsletter that has been distributed recently and asked  
457 those who were distributing it to please contact the Town Hall so that they can include more accurate  
458 and current information. Mr. Booth stated that a discussion regarding the design of our new parking  
459 lot came up at the last meeting. A design from staff, along with a design from Councilman Martin  
460 has been submitted and it has been agreed that Surfside Beach would like to create an  
461 environmental parking lot, which would include pervious concrete and a rain garden. Mr. Booth  
462 stated that a new plan would be developed soon. Mr. Booth stated that he is implementing  
463 mandatory deposit for all employees stating that some employees are currently unable to get  
464 checking accounts and the town will assist them in getting these. This should also assist them in  
465 managing their finances better as well. Mr. Booth stated that both he and the Mayor have spoken  
466 with DHEC regarding the planned Deerfield development and they made it clear that they do not  
467 want anymore stormwater to come to Surfside from that development. Mr. Booth stated that our  
468 citizens should not have to pay for another developments profits. Mr. Booth stated that regarding the  
469 meter contract council directed staff to go forward with the contract but to renegotiate it. Mr. Booth  
470 stated that he has presented council with the renegotiated contract and, besides the few changes  
471 the lawyer has suggested to make, he wanted to know if council would like to move forward with this  
472 contract. Ms. Tuttle stated that she did not support this contract at the last reading and stated that  
473 she still holds the same concerns and believes that what we need to do is hire a collection agency to  
474 retrieve these past due ticket funds. Ms. Tuttle stated that she feels that this contract is quite  
475 ambiguous for what it will do and not do for the town. Mr. Martin stated that he was concerned about  
476 the changes that have been made on the contract since the last version. The current version states  
477 now states that, although we could get out of the contract in 30 days, if we do then we just bought a  
478 \$22,000 van that we don't need and were not looking for along with some other capital equipment.  
479 Mr. Martin stated that he was not comfortable with this contract the way it is written. Mr. McKown  
480 stated that one of his concerns is that, after speaking with one of the meter staff, he was told by this  
481 staff person that he personally wrote 1,300 tickets this year and a majority of them were not at the  
482 meters in the parking lots, so Mr. McKown stated that his concern was, how would these other

483 tickets be addressed. Mr. Booth stated that he is asking for council to either approve the contract or  
484 allow the hiring of an individual to handle the collection of all of these tickets due to the overwhelming  
485 effect they currently have on our court. Mr. Booth stated that this person would be in place of a  
486 collection agency and they would handle the entry of each ticket and would also follow up on past  
487 due collections with letters. Mr. McKown asked if this could be discussed at the budget retreat and  
488 Mr. Booth stated that we have a problem now and it should be addressed as soon as possible. Mr.  
489 Booth stated that this person would pay for them self with the money they collect and Mr. McKown  
490 stated that he would agree to this if the person would collect enough to help pay their salary. Mr.  
491 Truett stated that he agrees with Mr. McKown and would like to see this problem resolved in house.  
492 Mr. Truett stated that he would prefer to give the court more staff assistance than contract outside.  
493 Ms. Hiatt wanted clarification that Lanier handled only metered parking tickets and not these other  
494 parking violations. Mr. Booth stated that they would handle only metered parking. Mr. Martin  
495 stated that a part of the current problem is the backlog and if we could hire someone temporarily to  
496 get us caught up then he would agree to this. Mr. Booth stated that it is more than just a backlog; it  
497 is dealing with the parking tickets on a daily basis. These tickets have overwhelmed the court to the  
498 degree where financial statements are being delayed. Ms. Tuttle asked if the position would be a  
499 part-time position and Mr. Booth answered that he could see this position as being available for 6  
500 months. Ms. Tuttle stated that the current situation in the court is due to the vast amounts of clean  
501 up they are doing but once they get caught up then the parking ticket situation would not be where it  
502 is now so she supports hiring someone for this position. Mr. Truett stated that the backlog is going to  
503 be based on how far we go back on these tickets and Mr. Booth stated that we would probably go  
504 back two years. Mr. Samples stated that he is glad that we reconsidered and are not going with the  
505 Lanier Services and stated that just for future reference when council asks staff to renegotiate that  
506 means that it needs to be brought back a contract at a lower price and not a higher price and he was  
507 referring to the portion in the contract stating that if the Town terminated the agreement after thirty  
508 days the company would own the equipment referred to earlier by Mr. Martin unless we maintained  
509 an agreement until the year 2012. Mr. Samples stated that on August 22<sup>nd</sup> the Municipal Court  
510 Association Conference, being held in Myrtle Beach, would be spending half the day discussing  
511 traffic court issues and would encourage Ms. Wentz and Mr. Booth to attend. Mr. Samples stated  
512 that one of the items mentioned in the Lanier contract was the proposed use of a handheld device to  
513 assist in the ticket writing process and mentioned that this may be worth looking into for us to use  
514 ourselves. Ms. Hiatt asked if one employee was enough to take care of this parking ticket issue and  
515 Mr. Booth stated that it was. Mayor Hyman stated that council should really make a decision on this  
516 tonight since Administrator Booth stated that it is a situation that needs to be handled sooner rather  
517 than later. **It was the consensus of council to approve the hiring of someone to handle the  
518 parking tickets.**

519 Mr. Martin asked Mr. Booth about the building against the road that was being done that they  
520 had spoken about previously and Mr. Booth stated that a report would be provided to council  
521 regarding Jamin' Leather and a structure that is close to the road and why it was permitted right after  
522 the meeting tonight. Mr. Truett asked, in reference to the Deerfield development, was it ever  
523 proposed that this development would be opening up any of the three access points onto 544 from  
524 the north side of Deerfield to alleviate potential problems, if we have 670 units go in? Mayor Hyman  
525 stated that they are not interested in doing that because they had paid for those roads and they are  
526 obligated to maintain those roads up; they are not public roads. Mr. Truett stated that if this current  
527 development is looking for our help then they need to be open minded to opening up some of those  
528 access roads. Mr. Booth stated that DOT has asked for a letter outlining areas they need to look at.  
529 Mr. Truett stated that if you look to the south of the light in front of Prestwick there is an open lot that  
530 will lead into that development that could potentially be a good access right out to a light onto 544.  
531 Mr. Truett stated that we needed to explore all options because we do not want 1,200 additional cars  
532 coming onto the frontage road. Mr. Booth agreed and stated that there are two planned  
533 developments going there so we need to watch these proposed expansions very closely because it  
534 does effect our community. There was some additional discussion from council regarding the  
535 proposed north and south course developments. Mayor Hyman stated that council had previously  
536 approved a Surfside Village development, which would add to the situation. Mr. Samples requested  
537 that Mr. Booth write up a summary of the impending developments discussed this evening so that  
538 council can review this situation.

539 Communications section was then closed.

540  
541  
542

## 6. BUSINESS

### A. Ordinance- 2<sup>nd</sup> Reading-Smoking Ban in Public Places (Councilwoman-Judy Tuttle)

543 Ms. Tuttle thanked everyone for coming out and thanked those in attendance for their time and  
544 energy expended and the valuable information they have provided. Ms. Tuttle made a motion to  
545 adopt the 2<sup>nd</sup> reading with the following amendments 1) ban to include recreation facilities and public  
546 parks 2) delete section 7-118 Waivers and 3) the implementation date would be effective October 1,  
547 2007. Mr. Samples seconded the motion. Ms. Tuttle stated that she would like to follow-up on the  
548 amendments stating that the amendments are based on information received and discussions made  
549 between the Mayor Pro Tem, the Administrator and various municipal officials.

550 Mr. McKown stated that this has been a difficult issue for council and he, personally does not  
551 smoke and never has smoked but is in agreement that second-hand smoke is a serious issue. Mr.  
552 McKown stated that he has a few concerns and one of them is that this ordinance focuses on  
553 specific businesses, which are a few bars and restaurants since the three major restaurants in town  
554 are already smoke free. Mr. McKown stated that he hopes that there is a compromise here with  
555 everybody involved. Mr. McKown stated that Miss Tuttle did do a good job cleaning up the original  
556 version by deleting section seven, this needed to be done because it stated that for a 100 dollars the  
557 bar owners could extend smoking in their facilities for 90 days. Mr. McKown stated that another  
558 concern he has relates to the cigarette butt situation that was brought up by Mr. Ricks. Mr. McKown  
559 stated that he lives by the beach and the cigarette butts on the beach is a big issue with thousands  
560 being left behind by smokers. Mr. McKown stated that he agrees with Mr. Ott, "if we're going to do  
561 this, let's just go after everything and let's do it right." Mr. McKown stated that he would like to  
562 amend the amendment to further read that you can't smoke within 30 feet from the front of a public  
563 building per this to the ordinance, explaining that if the ordinance was going to protect him from the  
564 places he did not go, such as the smoking bars and restaurants, than why not protect him from the  
565 places that he does go, like to the town hall for meetings. Mr. McKown stated that the second item  
566 he would like to add as an amendment was to not allowing smoking on the beach or the beach walk-  
567 overs. Mr. McKown stated that the last item he would like to add was to make the few bars and  
568 restaurants exempt from the ordinance. Mr. McKown stated that he didn't build any of these  
569 businesses and if these business owners wanted to allow smoking then they should be able to.

570 Mayor Hyman stated that there was an amended motion on the floor and Ms. Tuttle stated that  
571 exempting the bars and restaurants basically eliminated the ordinance (there was applause in the  
572 audience). Ms. Tuttle stated that she would second this motion if the bars and restaurants remained  
573 as originally written. Mayor Hyman stated that this is not up for discussion and that he needed a  
574 second on the motion. Ms. Hiatt seconded the motion. The item was now up for discussion. There  
575 was confusion as to how the amended motion read and Clerk Pinnell was asked to read it back. Mr.  
576 Samples stated that he would recommend that council focus on one step at a time and would not  
577 support the motion to amend the original motion (applause in audience). There was no further  
578 discussion. **Mr. McKown and Ms. Hiatt voted in favor. MOTION DENIED.**

579 Mayor Hyman stated that council was now in discussion on the original motion with changes.  
580 Mr. McKown stated that he would like to make the motion that Ms. Tuttle requested which was to  
581 keep the 30 feet from the entrances and not allow smoking on the beach or the beach walkovers and  
582 drop the third exemption of bars and restaurants. Ms. Tuttle seconded the motion. Mayor Hyman  
583 then opened this up for discussion. Mr. Samples stated that we already had a law against littering on  
584 the beaches and he would not support this amendment either. Mr. McKown stated that he was  
585 confused and that he though that this ordinance wasn't about littering but about the health concerns  
586 of second-hand smoke. Mr. Samples stated that Mr. McKown was missing the workplace issue.  
587 Mayor Hyman stated that Mr. Samples has already commented and did not currently have the floor  
588 and asked for discussion from other council members. There were no other discussion comments  
589 from other council and Mr. Samples continued to state that his mother was a waitress for over 30  
590 years and she went where the money was and, although he is not saying that it was due to second  
591 hand smoke, he lost his mother at too early of an age. Mr. Samples stated that he knows "what it is  
592 to have somebody who works in a restaurant and a bar to make as much money as they can to bring  
593 home". Ms. Hiatt stated that she does not smoke and does not like to sit next to a smoker but she  
594 does not feel that council has the authority to decide this. Ms. Hiatt stated that it should be the  
595 decision of the people of the town (applause in audience). Mr. Truett stated that we do have a litter  
596 law and challenged staff to come up with a plan that will help to eliminate the cigarette butt trash that  
597 will follow the effect of this ordinance. Mr. Truett stated that he agrees with Mr. Samples in that the  
598 ordinance that was originally written would be the one he would support. Ms. Tuttle addressed the  
599 comment that council does not have the authority in that this is the reason the community was  
600 incorporated was "to create laws and ordinances to determine what we want our community to be".  
601 (applause in audience). Mr. McKown stated that he tried to represent the bar owners and restaurant  
602 owners because they built those businesses up themselves and he feels that council is targeting this

603 very small group and that he is sure that if the Supreme Court rules against this then all of these  
604 business owners will have a Class Action Suit against the town to try to show how much money they  
605 lost. Mr. McKown stated that "since we're in this position and we have to compromise as best as we  
606 can and if we're going to do this that's why I want to go ahead with the amended motion." Ms Tuttle  
607 stated that she commended Mr. McKown for his progressive thinking and wanted to add that "the  
608 Municipal Association would defend the lawsuits as they are doing with another municipally" and in  
609 addition, the argument would be that "the State has given us home rule and under that statute, one  
610 of the conditions that is part of that statute is that we preserve, municipalities preserve the health and  
611 that is your defense and that is your argument for home rule and I think the municipalities will prevail  
612 on that issue." Mayor Hyman stated that this was enough discussion on this and asked for whoever  
613 was in favor to say aye. There was some discussion and confusion as to what the amended motion  
614 stated and Clerk Pinnell was asked to read it. The amended motion was to exclude section 7-118  
615 Waivers, include parks and recreation areas, beaches and beach walkovers and smokers must be  
616 30 feet from the doorway of a non-smoking place.

617 **Ms. Tuttle, Mr. Martin, Mr. Truett, Mr. McKown and Mr. Samples voted in favor of**  
618 **amendment. Mayor Hyman and Ms. Hiatt voted against. AMMENDMENT CARRIED.**

619 Mayor Hyman stated that he believes in the freedom of choice and those councilmembers who  
620 have never been in business for themselves don't understand what it is to make a dollar that enables  
621 you to pay people off at the end of the week. Mayor Hyman stated that he is a non-smoker and feels  
622 that we are targeting a few businesses and he does not think that this is right. Mr. Hyman stated that  
623 we live in a free nation and Surfside Beach is only 2 miles square and if this was a County ban than  
624 he would be more than happy to go along with it but since it is not, he feels that people will go  
625 elsewhere and our businesses will lose their customers. Mayor Hyman stated that the beach doesn't  
626 even belong to Surfside Beach and that it is federally owned and that he does not agree with any of  
627 this ordinance. (applause in audience) **Ms. Tuttle, Mr. Martin, Mr. Truett and Mr. Samples voted**  
628 **in favor of motion. Mayor Hyman, Ms. Hiatt and Mr. McKown voted against. MOTION**  
629 **CARRIED.** (applause in audience).

#### 630 631 **B. Issue paper-Dredging Floral Lake**

632 Mr. Booth presented the issue paper on file. Mr. Booth stated that staff was requesting to go  
633 forward with the bid process for Floral Lake. Mr. Booth stated that we currently have 300,000 dollars  
634 for this and the bid may come in a slight bid higher but it would still be within what we could afford.  
635 **Mr. McKown made a motion to accept the request to go out for bid for Floral Lake.** Mr. Truett  
636 seconded the motion. This was now up for discussion. Mr. Truett asked if we could possibly include  
637 all of the lakes in one bid. Mr. Booth stated that we currently have money to proceed with Floral  
638 Lake but needs approval for additional funding for the other lakes. Mr. Truett stated that is was  
639 agreed upon previously that we would bid these all out together and Mr. Booth agreed with that  
640 stating that they would be but he needed to present it to council separately since they are two  
641 different requests. Mr. Samples wanted to clarify that proceeding with the bid process would include  
642 advertising publicly with a spec package and Mr. Booth stated that this is how it would be done. **All**  
643 **voted in favor. MOTION CARRIED.**

#### 644 645 **C. Issue Paper-Dredging Holly Lake, Myrtle Lake, Palmetto Lake, Cherry Lake & Magnolia** 646 **Lake**

647 Mr. Booth presented the issue paper that was on file stating that we currently have spent  
648 1,000,000 on the Myrtle Basin project, which leaves 600,000 dollars that we have uncommitted at  
649 this time. Mr. Booth asked council how many additional lakes they would like to see cleaned out.  
650 Mr. Booth stated that the request would be to clean out the remaining small lakes except for  
651 Elizabeth and Dogwood, which would entail much more work. Mr. Booth stated that he feels that the  
652 County has some responsibility for Elizabeth and they will try to get assistance from them for that.  
653 **Mr. Truett made a motion to approve the bid process on Holly, Myrtle, palmetto, Cherry and**  
654 **Magnolia Lakes.** Ms. Tuttle seconded the motion. This was now up for discussion. Mr. Samples  
655 wanted to confirm that upon approval of this issue paper only one solicitation, which would identify  
656 each lake and include individual line items, would be performed. Mr. Samples asked if a schedule  
657 would also be included. Mr. Booth confirmed by stating that both low-impact and high-impact  
658 scenarios would be included. Mr. Martin stated that Myrtle Basin has not yet been completed and  
659 asked Mr. Booth if we have a number as to how much the remaining portion would cost, especially  
660 relating to the outfall. Mr. Martin stated that he was concerned that we would spend the money we  
661 have on the lakes and have nothing left to complete Myrtle Basin. Mr. Martin indicated that he wants  
662 to get the lakes done but he just wants to make sure we have the funds for both. Mr. Booth stated

663 that the outfall will cost approximately 1,000,000 dollars and that is why they were proceeding with  
664 the request for a grant. Mr. Martin asked what would happen if we did not get the grant and Mr.  
665 Booth stated that we would then need to look at other options such as a stormwater impact fee or  
666 continuing ad valorem tax or a property tax and this would be looked at next year. Mr. Martin stated  
667 he was concerned with the delay on this since we were sending all this water towards the ocean and  
668 then it comes to a blockage and Mr. Booth stated that they would be doing some work to make sure  
669 that all the water flows but his biggest concern is the current size and that it would not withstand a  
670 storm. The alternate location was looked at as well. Mr. Booth stated that a large pipe would be  
671 installed to cover this so that it would not cave in. **All voted in favor. MOTION CARRIED.**

672  
673 **D. Issue Paper-Surfside Beach Pay Plan**

674 Mr. Booth presented the issue paper on file. Mr. Booth stated that this plan gives the tools to  
675 each director so that they can implement evaluations of their employees. This plan gives incentives  
676 and also gives him the tools to deal with the directors in the same way. Mr. Booth stated that we  
677 currently have a great group of directors and he would like to keep them and he wants to be able to  
678 award them and at the same time keep them in line. Mr. Booth stated that this pay plan is less than  
679 previous pay plans that council has been presented with and after working with the directors they  
680 have come up with the absolute minimum they can offer while still keeping everyone satisfied. Mr.  
681 Booth stated that this has no impact on the budget; funds were found within the Town. Mr. Martin  
682 moved to approve the Surfside Pay Plan as presented by the Administrator. Mr. Truett seconded the  
683 motion. Discussion on this item was now opened. Mr. Martin stated that he had a meeting with Mr.  
684 Booth and went over this plan in detail with him and thinks it is an excellent plan in that it creates  
685 incentives and gives praises where they are needed. Mr. Booth stated that he believes that the staff  
686 and council is working as a much more coherent organization and although council does not always  
687 agree on issues it is clear to him that it is a group trying to move forward and accomplish things for  
688 the town. Mr. Booth stated that as a group he feels that we are all working very well together to look  
689 forward; we want to fix roads, fix stormwater and clean out ditches. Mr. Samples stated that he  
690 wanted to commend Mr. Booth for his efforts in the report. Mr. Samples stated that as long as all of  
691 these pay increases are in our budget than he is all for it. Mr. Samples asked Mr. Booth about the  
692 retirement section and wanted to make sure that there were no adverse personnel actions involved.  
693 Mr. Booth stated that a few positions in the sanitation area might be eliminated. Mr. Samples would  
694 not want to release a long-time, dedicated employee when they were on the cusp of retirement and  
695 Mr. Booth stated that this would not be done. Mr. McKown stated that we have a great staff,  
696 especially with the current directors that we have. Ms. Hiatt had a question regarding the  
697 department heads authority. Mr. Booth stated that the administrator recommends and the manager  
698 hires and fires and he knows that the department heads would bring a situation like this it to the  
699 attention of council. **All voted in favor of the motion. MOTION CARRIED.**

700  
701 **7. PUBLIC COMMENTS – General. – 5 Minutes**

702 Ann Westcott 413 Cedar Drive North: "The first reading of this ruling, you did not include the  
703 beach. The second reading, we come back here and now the beach is included. I think I've seen  
704 this tactic before. The first reading on the bike path was for 17<sup>th</sup> Avenue North; the second reading  
705 was for 5<sup>th</sup> Avenue North. If it had not been for the fact that it was in the Sun News that morning, you  
706 would have gotten away with it and I think this is a totally underhanded tactic to use. If you're going  
707 to make it for the beach then why didn't you have the courage to say that in the beginning; as far as  
708 I'm concerned, I can't remember exactly who said it, but this is the 'tyranny of the majority'. Thank  
709 you."

710 Ken Laukhuff 411 7<sup>th</sup> Avenue North: "I just wanted to commend Brian Kirk here, each time I  
711 called him about a problem, where I live, Palmetto Lake, the cleaning of it, and I have pictures, prior  
712 to the 4 inch rain, but the homeowners who's signatures appear below request that Surfside Beach  
713 Town Council act promptly on the matter of cleaning and dredging Palmetto Lake."

714 Denise Richbourgfitz, American Cancer Society, Horry County: "I just want to commend council  
715 for what you have done tonight. You have taken a very bold step and a greatly needed step, in  
716 Horry County by becoming the first community to go smoke free and we appreciate Bill McKown for  
717 adding the beach back into the ordinance, which was originally in the ordinance. We thank you for  
718 voting for this ordinance and for saving lives. Your American Cancer Society has long stood and  
719 long known the effects of smoking and it's direct link to cancer. We also know, now, with the 2006  
720 Surgeon General Report, the direct effects of second-hand smoke and its direct links to cancer and  
721 other, many other diseases, such as heart disease. So we thank you for preventing these deaths,

722 for taking into account the public health of your citizens and we just appreciate what you've done  
723 tonight. Thank you."

724 Sue Wall Poplar: "First of all I was wondering, are there going to be more readings on that  
725 smoking ordinance?"

726 Mayor Hyman: "No ma'am."

727 Sue Wall: "Okay, well then, technically you nullified the whole ordinance. If you check with your  
728 Roberts Rules of Orders, with the amendments and something was voted on and voted down and  
729 then you switched something else around, so technically, if you follow Rules of Order, you voided out  
730 the whole thing, if you're going to do it legally and you're talking about trash and butts on the beach  
731 and all that, as I mentioned the first time I was here, two weeks ago, New York, New Jersey, all of  
732 these states, they throw their garbage into the ocean, now are we going to fine them when cigarette  
733 butts role up, on the ocean? Because if you're going to fine me then I suggest you fine them and  
734 also, you don't own the beach, federal government does, so I can smoke there and it's sad to say  
735 that you think that your police force has nothing to do but run around and chase down people who  
736 call up and say 'she's smoking' and by the time they get there, they can't do anything because the  
737 cigarette's out. Now I can give you a boatload of issues that I'd rather see your police work on, one  
738 being failure to yield, which is killing your people, but they don't have time because they're chasing  
739 down the guy with the cigarette. I mean, this is ridiculous. What is wrong with you people? Let's kill  
740 everybody in cars. Let the drunks go out there and drive up and down the road and kill people  
741 because your cop is chasing somebody with a cigarette, what part of this makes sense? This is  
742 crazy."

743 Janet Gainey 8<sup>th</sup> Avenue South: "Coming up once again to talk about the parking lot. I'm not  
744 sure if Mr. Booth, if that was the parking lot that you were going to bring in and show us, I'd like to  
745 see that after the meeting, if you don't mind? I didn't see, from where I was sitting that there was  
746 much of a buffer between that lot and the lot where I'm at, in fact I didn't see much at all, of a buffer  
747 there, but maybe it's there, I don't know. So to bring back again, I actually own, also, the property  
748 located adjacent to this new parking lot that Surfside is going to have. It's the first home on Surfside  
749 Drive on the left as you are heading towards the ocean, and back in 2003, I along with another  
750 applicant, had requested that area to be changed, a zoning change to either be mixed use or some  
751 type of commercial property and at that time I was told, actually, you asked me to wait, okay? 2004  
752 we had a hearing, a public hearing with Planning & Zoning and at that time you asked me to wait.  
753 You said basically that Surfside needs a plan. I heard Mr. Booth make some comments on other  
754 issues tonight and said it's a 'right now problem' and we need to look forward, let's look forward for  
755 Surfside Beach. I think an urban village type of concept or a mixed use on Surfside Drive would be  
756 moving forward for Surfside Beach. Staff, there has been some confusion about that property that's  
757 now going to be a parking lot for Surfside, one of them was that it's already now a C-2, when did that  
758 happen? If that's the case. I don't believe it is, otherwise myself and the other applicant would  
759 request that it be changed but from talking with staff who has helped me out here, they're telling me  
760 that on August the 7<sup>th</sup> the Planning and Zoning meeting will have this issue up on their agenda for  
761 discussion so I welcome anybody who's interested in the possibility of this Surfside Drive making a  
762 gateway for an urban village, please come join me, let's talk about it, let's see how we can go with  
763 the future of Surfside Beach because I think it would be a great gateway for Surfside Beach. Thank  
764 you very much. August the 7<sup>th</sup>."

765 Shelby Smith 911 Cedar Drive North: "Mr. Mayor, Council, I would just like to commend you on  
766 the action you took this evening and you did a great thing for our town, I believe, and many people's  
767 lives will be effected in a very positive way. The other thing I want to mention is to the day, I was  
768 here last year, July 24<sup>th</sup>, with a traffic study, not a study, but some points about our traffic and the  
769 four lane road out there, 17, 30,000 a day, that's the load limit. Last year I presented you data with  
770 38,600 and that was a year and a half ago, DOT count, well over the limit for that road, so now  
771 another year has passed and you have all this development that we're talking about, in Deerfield, the  
772 north, the south Course, the other development over there Moon Woods, Surfside, whatever the  
773 name of that is, I would like to recommend now that you approach DOT and have them do a traffic  
774 study and complete it so that you'll have recommendations, the way things are right now, so that,  
775 that can be used to direct the other developments and force them to use 544. We could get this  
776 study done and it would show the kind of traffic load that's on our street and it is dangerous. Several  
777 months ago I was at a meeting and the police officer there, she said, it's a public issue, and it's a  
778 very dangerous situation, the parallel streets and the present load that we have right now, it's a  
779 concern, so I would like to see you approach that and see if we could get a study. We got DOT to  
780 study in two days before Christmas, a little road there on Cedar and 10<sup>th</sup> for that Harbor Light

781 development, I think we could certainly get DOT to study it now, given the, you know the crisis that's  
782 just ahead of us."

783 Mr. Booth stated that this is currently being done.

784 Tom Dodge 15<sup>th</sup> Avenue North: "Just to follow up on Shelby's statement. Today there was a  
785 bad accident on the corner of 15<sup>th</sup> and Surfside. 15<sup>th</sup> and Highway 17, had two police officers tied up  
786 for well over an hour, had the fire department up there for well over an hour, had three Horry County  
787 ambulances for well over an hour, I think we need a light, somewhere up in the north end of town for  
788 people to come across or go across. It's just very dangerous up there and it's tying up our personnel  
789 when they could be somewhere else."

790 Ron Ott 7<sup>th</sup> Avenue North: "Ed Booth, that's who I want, I'm going to challenge you to stop the  
791 trash from coming into Lake Elizabeth. For five years I've been coming here, he failed, he failed, he  
792 failed, he failed, she failed, ok? I've asked every one of them to stop it. Last weekend when the  
793 sock blew off, it was the Mayor's sock by the way, when that blew off, what came in? Trash cans,  
794 whole trash cans came in and hundreds of little bottles and everything and even somebody's cushion  
795 off their chair. Where is it? It's in the bottom of the lake. It's where they're all at. There's tens of  
796 thousands of them in there. I've been coming here for five years. I would like you to tell me and give  
797 me a date. When is this going to stop? When are we going to go over there and put some kind of  
798 grating up on that Bi-Lo ditch because that's where it all comes from. That's all I need. Some kind of  
799 a promise. Thank you. One more thing. We're still smoking in these rooms, right? We got rooms  
800 down there that we're still smoking in, we didn't, we allowed that to go, right? We didn't stop the  
801 smoking in the rooms. Let's get that done too."

802 Buck Ricks 4<sup>th</sup> Avenue South: "Well you've passed the smoking ordinance and I like to  
803 encourage every one of you all to go start eating at Neal and Pam's now. I feel like it's the very least  
804 you can do, you said that's the thing that's kept you out of there. I've been going there for years and  
805 I certainly haven't gone there for the fine dining, but now that the smoking is gone, please come in  
806 and support poor old Neal, he's going to need your help. A couple other things I mentioned the stuff  
807 about the cigarette butts, that's in Wrightsville Beach and just looking at some other things from your  
808 draft minutes from the last meeting, I saw your thing about your parking meters, I may have  
809 mentioned this a couple of years ago, but Wrightsville, they have a system up there, where, they  
810 don't have, I'm sitting here looking at your notes here, you all have approximately 400 meters that  
811 cost anywhere from 150 to 350 a piece, they have a system down there that, it's automated, I think  
812 it's called Lexis, I've got all the contact information, but what it is basically, instead of individual  
813 meters at each park, what they have is one central system and you could put credit cards in it, they  
814 don't have a sign 'go to the beachwear store and get change". It can take coins, it can take dollars, it  
815 can take credit cards and when the people pull up to park they go to this central machine, they get a  
816 ticket, actually, put it on the window so as far as an enforcement officer, he can go around, actually I  
817 see something here about a handheld Clancy System or whatever, the enforcement officer, they  
818 have a thing that they can go by and actually read all these things and see if everything is paid for  
819 that covers, this one machine covers forty parks, if all forty spaces are paid for in full then he doesn't  
820 even have to pull in the parking lot and look, he just knows if it expires, then he pulls in the parking  
821 lot and looks at the time on the ticket. I'm not sure where Wrightsville contracts this out but this  
822 system is available individually, I'm sure you'll have to buy it. It might be something you want to  
823 consider, also another added benefit, it has a solar panel on it, it can be used for a night light when  
824 the power goes out, it's good to have a nice little place, you all talked for years about removing those  
825 wires down at the pier, I think one of the things could probably be put on that parking lot and  
826 eliminate at least one light pole and at least one wire because it would run totally on it's own. Thank  
827 you for your time."

828  
829 **8. COUNCIL COMMENTS**

830 Mr. Martin: "Two things, number one I'd like to correct some wrong information that was given  
831 earlier, I owned a small business, owned and managed a small business for ten years, so that was a  
832 wrong piece of information. Number two the Surfside Drive issue of having that parking lot be a C-2.  
833 Council has never talked about that becoming C-2. We had discussed to doing Surfside Drive, all of  
834 Surfside Drive as a mixed use, so if we're going forward, I think, for one thing, we should have  
835 approval of council to go forward with a particular plan and not just do one lot C-2 and not worry  
836 about the rest."

837 Mr. Booth: "What we're really doing is discussing it with P&Z for them to come back to council  
838 with recommendations."

839 Mr. Martin: "Okay, thank you."

840 Mr. McKown: "I agree with that young lady that lives off of Surfside Drive, I would encourage all  
841 the residents to show up for the August 7<sup>th</sup> Planning & Zoning meeting because I would like to see us  
842 have a master plan. You know, we have a beautiful community here and I like that urban town  
843 concept, I think it's been thrown around up here in the past but we never seem to get around to  
844 doing anything, it would be nice to see if we could get this started."

845 Ms. Tuttle: "The town has just sent out an impressive newsletter and I would like to thank  
846 Sharon for that. Very good."

847 Mr. Samples: "I should have asked this earlier but, with the dredging, are we doing water quality  
848 testing? Prior to that?"

849 Mr. Kirk: "Prior."

850 Mr. Samples: "Could you report that back to us? Thank you."

851 Mayor Hyman: "I learned to appreciate Sharon too, since she's been working for the Town.  
852 She's a very good person to be around. And you know the good part about having town council  
853 meetings on Tuesday evenings? I know at 7:40 the next morning, I'm going to play golf. (laughing in  
854 audience) Hope you all have a good day."

855  
856 9. **ADJOURNMENT**

857 Mr. McKown moved to adjourn the meeting at 8:58 p.m. Mr. Samples seconded. **All present**  
858 **voted in favor. MOTION CARRIED.**

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861 \_\_\_\_\_  
862 Sharon Pinnell, Town Clerk

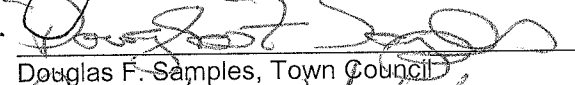
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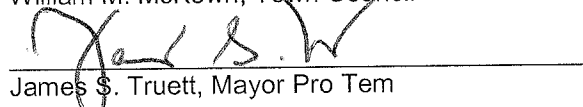
  
865 \_\_\_\_\_  
866 Roy Hyman, Jr., Mayor


867   
868 \_\_\_\_\_  
869 Rebecca J. Hiatt, Town Council

  
870 \_\_\_\_\_  
871 Joseph P. Martin, Town Council

872   
873 \_\_\_\_\_  
874 William M. McKown, Town Council

  
875 \_\_\_\_\_  
876 Douglas F. Samples, Town Council

  
877 \_\_\_\_\_  
878 James S. Truett, Mayor Pro Tem

  
879 \_\_\_\_\_  
880 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.