



TOWN OF SURFSIDE BEACH ♦ TOWN COUNCIL CHAMBERS  
October 23, 2007 ♦ 6:30 P.M.

TOWN COUNCIL MEETING MINUTES

1  
2  
3  
4  
5  
6  
7  
8 **1. CALL TO ORDER**

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

14  
15 **2. INVOCATION and PLEDGE OF ALLEGIANCE.**

16 Mr. Truett said the invocation. Mayor Hyman led the Pledge of Allegiance. Mayor  
17 Hyman welcomed all in attendance including Senator Ray Cleary and Representative  
18 Nelson Hardwick.

19  
20 **3. MINUTES APPROVAL**

21 Mayor Hyman asked for approval of the minutes from the September 25, 2007  
22 Regular Meeting. Mr. McKown moved to approve the September 25, 2007 Regular  
23 Meeting minutes as submitted. Mr. Truett seconded. **All voted in favor. MOTION**  
24 **CARRIED.**

25  
26 **4. PUBLIC COMMENTS – Agenda Items only – 3 minutes**

27 There were no public comments.

28  
29 **5. COMMUNICATIONS**

30 **A. Presentation of \$20,000 Grant check for Beautification - Senator Ray Cleary and**  
31 **House Representative Nelson Hardwick**

32 Senator Ray Cleary stated that he wanted to present the check in person and that he  
33 wanted to let the residents of Surfside Beach know that it was through the efforts of  
34 Mayor Hyman and Councilman McKown in keeping up with the beautification grant and  
35 keeping them informed of their plans for the grant that the Town was awarded the  
36 \$20,000. Representative Hardwick stated that it was an honor and a privilege to serve  
37 the residents of Surfside Beach and asked the residents to contact him at any time to  
38 discuss anything that is on their minds. Senator Ray Cleary and Representative Nelson  
39 Hardwick presented the Mayor with the \$20,000 beautification check. Mayor Hyman  
40 stated that Senator Cleary has done more for Surfside Beach, the Grand Strand and  
41 Georgetown in his few short years in Senate than they had received from the previous  
42 Senator that held the same position for years and years and stated how much he  
43 appreciated him and his efforts. Senator Cleary stated that the Mayor and Council did a  
44 great job representing their Town. Mayor Hyman stated that Representative Hardwick  
45 keeps the Mayor very well informed on various issues going on and has asked him for his  
46 opinion on various matters as well and appreciates all his efforts.

47  
48 **B. Finance Report**

49 Ms. Hursey presented her report that is on file. Ms. Hursey reported that the Town's  
50 six-month position is very favorable. The revenue and expenditures are currently where  
51 we expect to be at this time of year; we have achieved approximately 50 percent of our  
52 revenue and we are at about 52 percent of expenditures to date, which is right on track  
53 for our 6 month position. Mr. Hursey reported that the Town's net operating revenue is  
54 currently at approximately 400,000 dollars. There were no questions from Council  
55 regarding Ms. Hursey's report.

56 Robert Harper of the auditing firm Harper, Poston & Moree presented the executive  
57 summary of the Town's financial statement for the fiscal year ended March 31, 2007. Mr.  
58 Harper stated that his firm has completed the audit report for the Town of Surfside Beach  
59 and gave a brief summary of this report. Mr. Harper reported that a clean opinion was  
60 issued on the Town; there were no exceptions to the audit and the Town had the best  
61 type of opinion it could receive. Mr. Harper stated that the statement of net assets is  
62 based on GASB 34, which combines everything together. This allows council to get a  
63 picture of where the Town stands with total net assets. Mr. Harper reported that the  
64 Town has approximately 16,366,000 dollars in total assets; the total liabilities are  
65 approximately 3,139,000 dollars and under the GASB 34 model the difference between  
66 the assets and the liabilities, which is referred to as net assets, is the value of the Town.  
67 Mr. Harper stated that the first group of net assets are investments in the Town's capital  
68 assets such as the Town Hall building and equipment used and then there is restricted  
69 assets which means that this is money which is earmarked for something to be used in  
70 the future which could include items such as grants; there is also unrestricted assets  
71 which is the true value of the Town on an ongoing basis; these are the assets that are out  
72 there to be managed by Council; this amount is approximately 5,866,000 dollars. The  
73 unrestricted total represents about one third of the total assets of the Town and by any  
74 measure of accountability that is a very strong financial position by any type of measure  
75 one could have. Mr. Harper stated that the statement of activities is also on the GASB 34  
76 format. This puts all of the revenues, expenses and change in net assets together. Mr.  
77 Harper read the total revenues listed on the report, which totaled approximately  
78 6,023,000 dollars, which, Mr. Harper stated, is money that went through bank accounts  
79 and operations of the Town. Mr. Harper reported that in addition to this money there was  
80 also program revenue, which included revenue from services from sanitation, operating  
81 grants and capital grants, which totaled approximately 1,969,000. Mr. Harper stated that  
82 the expenses included governmental activities, the police department, administration, and  
83 business-type activity like sanitation, which gives total expenditures of approximately  
84 5,999,000 dollars. The change in net assets was approximately 1,993,000 dollars; this  
85 amount would be on a positive basis if it were looked at from a strictly business  
86 standpoint. Mr. Harper reported that governmental fund revenues deal with more of day-  
87 to-day operations. Approximately 6,736,000 had been received in this fund. Mr. Harper  
88 pointed out that this report shows where the Town's sources of income come from with  
89 taxes and fees being a little more than half of it. Mr. Harper stated that the Governmental  
90 fund type expenditure shows how the Town manages the taxpayer's money. The total in  
91 this fund is approximately 6,122,000 dollars. Mr. Harper reported that the sanitation fund  
92 operations, in the enterprise fund, are where the Town provides a chargeable service.  
93 Mr. Harper stated that this is considered as a business that needs to operate with a profit  
94 or at least to operate with no losses. Mr. Harper reported that the net income in this fund  
95 was approximately 278,000 dollars, which shows that the sanitation department has  
96 operated in a profitable, reasonable-type manner. Mr. Harper stated that the actual audit  
97 report is more detailed and he suggested that one of the items that Council may want to  
98 look at in this report is the Management Discussion and Analysis; this is where a  
99 Councilmember can see the report from Town Management and it shows what has  
100 happened over the last year and what direction the Town is going in. Mr. Harper stated  
101 that towards the back of the audit report, page 44, is where the general fund is listed and  
102 this shows council the difference between what was budgeted and what really happened.  
103 Mr. Harper reported that all of the variances were reported as favorable. Mr. Harper  
104 stated that the report went very smoothly; there were no issues or problems that came up  
105 that they needed to report to the Mayor or Council. Mr. Harper stated that if anyone from  
106 Council had any questions or needed to contact him or his office on any issues regarding  
107 the audit report they were more than welcome to do so and he would be happy to assist  
108 them and explain anything then needed explained. Mayor Hyman thanked Mr. Harper for  
109 presenting his report and asked Council if they had any questions or comments.

110 Mr. Martin thanked the auditor for coming and presenting their report stating that he  
111 believes that this was the first time an auditor actually presented their report in person.  
112 Mr. Harper joked stating that the reason they do this is because they want to come back  
113 again. Mr. Harper stated that they do appreciate the opportunity to work for the Town  
114 and complimented Ms. Hursey on her cooperation and help during the audit.  
115

### 116 **C. Public Works Report**

117 Director Kirk presented his report that is on file. Director Kirk reported that the  
118 sanitation department has a Thanksgiving schedule which will include: Monday through  
119 Wednesday they will be on the regular garbage collection and there will be no recycling  
120 on that Thursday, Thanksgiving Day; Friday there will be no residential services.  
121 Commercial accounts scheduled for Friday, November 23<sup>rd</sup> will be serviced on Saturday,  
122 November 24<sup>th</sup>. Director Kirk reported that the moby cart bids went out today and they  
123 advertised everywhere they could with some mailings being sent directly to suppliers.  
124 Director Kirk stated that the Cherrington Beach Rake came in this past week and the  
125 representative from Cherrington along with one of the engineers came out and  
126 demonstrated the use on the beach and Director Kirk reported that it works very well and  
127 we that they will be getting additional screens in so that it can be used in other capacities.  
128 Director Kirk stated that this rake would prove to be beneficial for the Town. Director Kirk  
129 stated that they have been working on getting the seaweed that has washed up on the  
130 beach cleaned up. Director Kirk reported that the Myrtle Basin projects that have been  
131 approved are just about wrapped up and should be done by the end of October as  
132 previously planned. Director Kirk reported on paving, stating that Hollywood Drive has  
133 been overlaid from Surfside Drive to 10<sup>th</sup> Avenue South, 3<sup>rd</sup> Avenue from Highway 17 to  
134 Hollywood, 10<sup>th</sup> Avenue South from Highway 17 to Ocean Boulevard and a section of  
135 Poplar Drive from 10<sup>th</sup> Avenue South to 8<sup>th</sup> Avenue South and a section of 15<sup>th</sup> Avenue  
136 North from Ocean to Palmetto was also done and it was all done with CTC funds.

137 Director Kirk stated that he attended a green asphalt presentation, which was put on  
138 by Rock Hill Boggs Paving. Director Kirk stated that 50 percent recycling materials are  
139 being used in this process and he was very impressed with the presentation. Director  
140 Kirk stated that if everyone in the United States used this it would save one entire week  
141 of imported oil and 250,000 tons of stone from having to be mined. Director Kirk stated  
142 that he, all street personnel, Building Director Donevant and Building Inspector O'Quinn  
143 participated in an all-day pervious concrete seminar. Directors Kirk, Donevant, Inspector  
144 O'Quinn and Supervisor Myers all received their certification. Director Kirk reported that  
145 the lake levels have gotten to the point where they can get back out in the boats and pick  
146 up the trash. Director Kirk stated that State Management was just out the other day  
147 spraying the lakes for the vegetation growing on the lakes. Director Kirk reported that  
148 preparation for basketball registrations is scheduled for November 10<sup>th</sup> at the Civic  
149 Center and that the Family Festival was a huge success with 108 vendors participating;  
150 they estimated that approximately 13,000 people attended. Director Kirk reported that 40  
151 employees went to the health exam fair the other day for flu shots and they also had a  
152 great turnout for the Heartwalk with a total of 38 participants from the Town. Director Kirk  
153 reported that the Halloween party would be held Tuesday, October 30<sup>th</sup> from 6 to 7 PM  
154 and the Veterans Memorial Service would be held Sunday, November 11<sup>th</sup> at 2 PM.  
155 Director Kirk asked who from council was going to ride in the Holiday Parade. Mr.  
156 Samples, Ms. Hiatt, Mayor Hyman, Ms. Tuttle, Mr. McKown and Mr. Booth confirmed  
157 they would ride in the parade. Mr. Martin and Mr. Truett stated that they would get back  
158 to Director Kirk on their schedules.

159 Mr. McKown stated that the claw on the truck that picks up lawn debris removed one  
160 of his bushes in error. Director Kirk asked if the lawn clippings were in bag because if  
161 they are in a bag they usually have no problem with the claw hitting the ground. Mr.  
162 McKown stated they were in a bag. Director Kirk asked what type of bush it was and Mr.  
163 McKown answered that it was Pompass Grass and Director Kirk apologized for the error.  
164 Mr. Truett stated that he witnessed the truck the other day by his house picking up debris

165 and this operator was removing the debris very gently. Ms. Hiatt complimented the  
166 efforts behind the Family Festival stating that it was a wonderful event and she has  
167 received many good compliments on it. Mayor Hyman stated that this has always been a  
168 good event for Surfside Beach.  
169

170 **D. Building, Planning & Zoning Report**

171 Director Donevant presented her report that is on file. Director Donevant stated that  
172 91 permits had been issued for the month of September with a valuation of 733,100  
173 dollars. Permit fees were \$5,740.15 and there were 127 inspections. Director Donevant  
174 reported that the Planning & Zoning Commission had a Public Hearing to try to get some  
175 public input on some visioning for Surfside Drive and the Town's business section. This  
176 was the end of the report and Director Donevant asked if Council had any questions. Mr.  
177 Samples stated that approximately a week ago Saturday there was some nice music  
178 going on at Dagwood's and asked if this was a special use permit and if so what was the  
179 cost. Director Donevant stated that they had an Octoberfest and they got a permit for this  
180 event; the cost is 20 dollars for a tent.  
181

182 **E. Public Safety Report**

183 Director Christenson presented his report that is on file. Director Christenson stated  
184 that there are several employees involved in training with some of the Supervisors having  
185 attended a Front-Line Supervision Seminar and also a Gang Task Force Seminar in  
186 Conway. Director Christenson reported that the Training Lieutenant is currently attending  
187 the South Carolina Criminal Justice Academy for the next two weeks, taking a Defensive  
188 Tactics Instructors course; he will then be able to train the others upon his return.  
189 Director Christenson stated that this officer would also be attending a Field Training  
190 Instructors Supervision School to make sure we meet all of the training mandates.  
191 Director Christenson stated that we have two employees that are brand new to law  
192 enforcement; one more than the other; one will be attending the South Carolina Criminal  
193 Justice Academy for ten weeks to get certified in the State of South Carolina; the other is  
194 previously certified so she will only need to attend a three weeks legal portion of the  
195 Academy. Director Christenson stated that his department has just completed their EVO  
196 (Emergency Vehicle Operations) training, which was done in conjunction with the  
197 Georgetown County Sheriff's Office at the old runway in Georgetown. Director  
198 Christenson stated that they were very fortunate to be invited to the training since they do  
199 not have a place to do this sort of training. This training allowed them to meet their yearly  
200 mandate on this type training. Director Christenson stated that the Surfside Beach Police  
201 Department had increased their holding fees and they have already seen an increase in  
202 funds received; they had netted an additional \$727.50 the first month alone with the total  
203 received being \$1,697.00. There were 97 individual brought through their facility by other  
204 agencies. Director Christenson stated that the Fire Department performed a hands-on  
205 demonstration showing how to put out fires at the Family Festival. Director Christenson  
206 gave kudos to Captain Miller and our Victim's Advocate Alaina Powers for taking a hit  
207 with a Taser in a demo at the Family Festival. The Victim Advocates had to take the hit  
208 to get certified but she opted to do it in front of everyone. Director Christenson stated  
209 that they handed out goody packs to all of the children and it was very well received and  
210 agreed with the Mayor in that this event is a great event for the Town of Surfside Beach.  
211 Director Christenson stated that he included, in his report, a paragraph on a recent  
212 narcotics investigation, which shows a good example of how our Greg Hembree 15<sup>th</sup>  
213 Judicial Circuit Drug Task Force is working. Director Christenson stated that he did not  
214 want to go into detail but wanted the Council to take note that this is a very powerful  
215 entity that is reaching well beyond the realm of the City limits of Surfside but it effects the  
216 City limits of Surfside tremendously. Director Christenson stated that he and resident Mr.  
217 Bob Childs attended a press conference at the solicitor's office in Conway where  
218 information was discussed regarding an arrest involving a kilo of cocaine found on three  
219 illegal immigrants in Soccastee. Director Christenson stated that if anyone did not think

220 that these drugs were making it to the Town limits of Surfside Beach and through it they  
221 would be wrong, because they were, in some facet, and wanted to stress what an  
222 important program this was. Director Christenson stated that a kilo of cocaine is street  
223 valued at about 400,000 dollars. Director Christenson reported that these individuals  
224 were arrested and will be deported back to their country. Director Christenson reported  
225 that there was a domestic related stabbing where they also found illegal marijuana plants  
226 growing. Director Christenson stated that the Fall Motorcycle Rally incurred two major  
227 accidents with one death, a local resident from Murrells Inlet. Director Christenson  
228 reported that the new police vehicles are equipped and on the road with the old vehicles  
229 being prepped to be put on GovDeals.com to sell. Director Christenson stated that on  
230 October 14<sup>th</sup> at 11 PM three individuals were apprehended at the Pier with a 30 second  
231 response time in the Days Inn parking lot. These individuals were looking for someone to  
232 carjack; they were wanted in Aberdeen North Carolina and they were listed in the  
233 National Criminal Information Center, which is commonly referred to, as NCIC, and they  
234 were wanted for committing violent felonies including robbery, kidnapping and motor  
235 vehicle theft. These three individuals were part of a six-person ring and all six have since  
236 been captured; one was a juvenile, which tied up the process. Director Christenson  
237 stated that this is one of the benefits of living in a municipality; response time is quicker  
238 as opposed to the County. Director Christenson stated that he had also included a copy  
239 to Council of the latest issue of Law Publications, Drug Abuse and Drug Awareness  
240 magazine which is a very mission related program done in cooperation with Law  
241 Publications of the South Carolina Police Chief Association and Surfside Department of  
242 Public Safety and the local businesses in town; there were 21 businesses that helped  
243 fund this; there was no cost to the Town and we have received 1,500 copies which are  
244 being distributed throughout Town, especially to the businesses that contributed.  
245 Director Christenson stated that his department would be presenting the businesses that  
246 contributed with a certificate of community service on behalf of the Town of Surfside.  
247 Director Christenson stated that the Department of Public Safety would be taking some  
248 proactive measures to ensure that Halloween goes off as safely as it possibly can and  
249 they will have an extra unit out from 6 to 10 PM. Director Christenson stated that he  
250 wanted to remind everyone that the golf cart parade would be October 27<sup>th</sup> at 4 PM and it  
251 will go from 15<sup>th</sup> Avenue South to the Pier.

252 Mayor Hyman thanked Director Christenson for all he is doing with Public Safety and  
253 stated that the Town is very proud of their Police and Fire Departments. Mr. Martin  
254 stated that the awareness magazine is very impressive and asked if it is being distributed  
255 to the schools; mentioning that it seemed like a natural place for them to go. Director  
256 Christenson stated that some would be taken to Seaside Elementary School and some  
257 would probably go to Saint James Middle School.

258 Director Christenson stated that he wanted to commend the officer for doing an  
259 outstanding job during the shooting incident that occurred on North Myrtle Drive. Mr.  
260 McKown stated that he wanted to make a comment about Captain Miller in that he must  
261 really love our Town since he has already been certified with the taser but chose to  
262 volunteer in the demo anyway. Mr. McKown commended Captain Miller for being a team  
263 player and mentioned that he has now been with the Town for ten years. Ms. Tuttle  
264 stated that the Crime Watch program has been reinstated and the last one was a very  
265 informative program but wanted to mention that the concern that the residents in  
266 attendance had was that they would like to see more of a police presence within the  
267 community. Director Christenson stated that he did not understand what she meant and  
268 Ms. Tuttle clarified that they would like to see more officers patrolling the streets. Director  
269 Christenson stated that the Town is only three miles and their constant presence should  
270 be noticed. Ms. Hiatt stated that she noticed a police car go by around 6 or 7 times while  
271 standing outside the River City Café with a friend. Director Christenson stated that one of  
272 the good things about having a young police department is that they are very aggressive.  
273 Director Christenson stated that there was a rap video made by a rap group in Myrtle

274 Beach that mentions they don't stay long in Surfside because the police are rolling heavy  
275 in Surfside, which he believed complimented our Town.  
276

277 **F. Administrator's Report**

278 Mr. Booth presented his report. Mr. Booth showed photos of Mr. Zoltak's ditch, located  
279 on 1<sup>st</sup> Avenue, that was being filled in and the Myrtle Basin project. Mr. Booth reported that  
280 the streets project would continue with funds being used from both the Town and the State.  
281 Mr. Booth stated that they are looking at the new roads to last twenty years. Mr. Booth  
282 reported that he would be modifying the smoking ban ordinance wording which should state  
283 30 feet from the front door of the building and it will be enforced from complaints received  
284 and expects all business owners to comply and enforce this ordinance; after a second  
285 complaint the owner will get a citation. Mr. Booth stated that signs have been placed on the  
286 beach and the Police Department will be enforcing the ordinance there; it will be done in a  
287 cordial manner as a consideration to our guests. Mr. Booth reported that the architect would  
288 be presenting his proposal at the next council meeting; the vision and cost will be discussed.  
289 Mr. Booth stated that the trees along Surfside Drive are pushing up the sidewalks and they  
290 plan on trying out some new type trees along this road to see what would look and be best  
291 for this area. Mr. Booth reported that Planning & Zoning had a Public Hearing and there  
292 were many business owners who suggested that we look at redeveloping Business 17. Mr.  
293 Booth stated that we would need to look at establishing architectural standards with part of it  
294 being the paint choices businesses can use. Mr. Booth stated that the budget meeting is  
295 scheduled for a day and a half and lunch and breakfast would be provided.

296 Mr. Booth reported that some of the lakes do not require permits to dredge so they are  
297 looking at doing these soon but others will require permits. Mr. Samples asked for  
298 verification of which lakes they were referencing. Mr. Booth stated that Floral is a lake that  
299 would need a permit because it drains directly out. Director Kirk stated that Myrtle and Holly  
300 would also need to be permitted. Director Kirk stated that they plan on meeting with the  
301 Army Corp soon regarding Lakes Cherry, Palmetto and Magnolia to see if they are true  
302 retention ponds that do not require permits. Mr. Booth stated that very few people have  
303 cleaned out retention-lakes that were built so this will be a pilot program to see how well it  
304 goes. Mr. Samples stated that the Town has a combination of both natural and man-made  
305 lakes so it would only make sense to go into the man-made lakes and clean them out. Mr.  
306 Martin asked about DHEC and OCRM involvement. Mr. Booth stated that DHEC and OCRM  
307 pushed it off to the Corp of Engineers to be responsible for this determination. Director Kirk  
308 stated that all that DHEC and OCRM does is, once it is approved, as a jurisdiction of water,  
309 by Army Corp of Engineers, they certify it and approve it. Ms. Hiatt asked if staff was  
310 working on trying to get some funds from the County or grants on Lake Elizabeth and Lake  
311 Dogwood. Mr. Booth stated that he and Director Kirk are going to first take the boat out on  
312 the lakes and map them. Director Kirk stated that the County has already started digging the  
313 pond and are halfway done; they will also be piping in the complete ditch all the way down  
314 the side of the bowling alley so that will get rid of all the trash problems and maintenance that  
315 we currently have that were caused by this. Mr. Booth states that Lake Elizabeth and  
316 Dogwood really need to be mapped out to find out what actually needs to be done.

317 Mr. Booth stated that the archives are going to be the next major project to be done. Mr.  
318 Booth stated that he is concerned with the present location and condition of the archives and  
319 it really needs to be addressed. Mr. Booth stated that he will be utilizing the help of the new  
320 part-time employee for ticket collections to help with this project; this person would be  
321 instructed on what documents we need to retain and what we need to get rid of and once  
322 these items are separated, prior to discarding, they would be reviewed by the directors and  
323 the administrator. Mr. Booth stated that we want to make sure that we keep everything of  
324 real value; items that we need. Mayor Hyman asked how we were planning on storing the  
325 documents. Mr. Booth stated that we would be using Iron Mountain, which is a storage  
326 facility that can store our documents for us and we can retrieve them by the following day.  
327 Mr. Booth stated that the cost to retain these documents would cost less than constructing a  
328 facility to house them. Mr. Samples asked if the files were currently well organized. Mr.

329 Booth stated that it is a mess and it is dusty and there are many old files. Mr. Samples  
330 asked what volume we are talking about and Mr. Booth stated that the volume is larger than  
331 the current Council Chambers area. Mr. Booth stated that this will be a major project and  
332 must be done and we will copy important documents on CD's; we will also be placing  
333 documentation that we may need access to more frequently on CD's as well. Mr. Booth  
334 gave an example that if there was a court case that needed to determine if this Town  
335 incorporated in the correct manner we would need to have that documentation. Mr. Booth  
336 reported that Halloween would be 6 to 8 PM. Ms. Tuttle stated that she attended the  
337 Planning & Zoning Public Hearing and was very impressed with the professionalism of the  
338 Commission and staff. Ms. Tuttle commented that the room was full of residents, primarily of  
339 business owners and property owners on Surfside Drive and they had some very legitimate  
340 concerns and she thought they were very well addressed. Ms. Tuttle stated that what she  
341 learned from our existing businesses is that they feel that they need attention prior to our  
342 developing new business zones. Mr. Booth stated that this is what he was trying to say  
343 earlier in that we need to take a look at Business 17 and come up with an architectural  
344 standard. Mr. Booth stated that the important thing is that they know that we are including  
345 them in every step of the way during this planning process.

346 Ms. Tuttle asked how the planned smoking ban enforcement compares to the  
347 enforcement of other Town ordinances and asked if this is the only ordinance that will not be  
348 enforced by our Police Department. Mr. Booth stated that it would be enforced by our Police  
349 Department on the beach; the Police are not restricted from enforcing any of the Town  
350 ordinances but generally Code Enforcement enforces many of our ordinances. Ms. Tuttle  
351 stated that she was unaware of this and thought that all of our laws were directly enforced by  
352 the Public Safety Department. Mr. Booth stated that this is why we have Code Enforcement  
353 and Ms. Tuttle stated that she thought this primarily dealt with building. Mr. Booth stated that  
354 it also includes any nuisance type ordinance as well and has a different type ticket issued but  
355 also goes through the court. Ms. Tuttle stated that she does not agree with individuals  
356 having to fill out written complaints and Mr. Booth stated that he would be filling out the  
357 complaint forms on complaints that come in to the Police Department and Town Hall and it  
358 would be kept on file; it would allow him to track various complaints and it will be used as a  
359 follow up to these complaints as well. Mr. Booth stated that our main goal is to try to get the  
360 owner's of the various workplaces to comply. Ms. Tuttle asked who the Code Enforcement  
361 Officer was and Mr. Booth replied that he was the Code Enforcement Officer and Ms. Tuttle  
362 asked if he worked 24/7 (chuckling in audience). Mayor Hyman stated that we receive  
363 complaints on the dog waste, which is an ordinance, all of the time and we would need to  
364 use common sense and judgment when it comes to enforcing some of our ordinances. Ms.  
365 Tuttle stated that her concern was, were we being consistent with how we are enforcing our  
366 ordinances or are we handling the smoking ordinance differently. Mr. Booth stated that we  
367 are being consistent. Ms. Tuttle asked why we were now requesting signatures on  
368 complaints when we have acted on anonymous complaints in the past. Mr. Booth stated we  
369 are not asking for signatures; it would be for the benefit of keeping track as to how many  
370 complaints are made on a particular workplace. Ms. Tuttle agreed that this would keep the  
371 Town out of neighborhood squabbles if everyone with a complaint were required to at least  
372 give their name; this may be a good policy. Mr. Booth stated that we are more reactive than  
373 proactive in dealing with our ordinances. Ms. Tuttle reiterated in stating that as long as we  
374 are consistent; not proactive but consistent and treat every ordinance the same. Director  
375 Donevant stated that this is what we have been doing, once we receive a complaint, we write  
376 letters acknowledging the complaint and if the complaint continues we write a summons. Ms.  
377 Tuttle asked Director Donevant if she was an employee of the Town when Burkhold  
378 performed their report and Director Donevant stated that she was not. Ms. Tuttle stated that  
379 there was a recommendation that the Building Department be combined with Public Safety  
380 for this very reason. Director Donevant stated that she believes that Code Enforcement is a  
381 different area than Public Safety in that it deals with more of nuisances and is dealt more with  
382 letters and warnings to try to resolve. Ms. Tuttle asked if it is being suggested that there is a  
383 difference between an ordinance, which is a law that takes two readings, and a policy? Mr.

384 Booth stated that we enforce ordinances and policies are treated differently; policies are  
385 usually internal; if it has to do with the public it has to be an ordinance. Mayor Hyman stated  
386 that we have spent enough time on this discussion and asked to move on.

387 Mr. McKown wanted the public to know that the Corp of engineers met at the Town Hall  
388 recently regarding beach re-nourishment and stated that staff did an excellent job by  
389 representing Surfside. Mr. McKown stated that they have just dropped the equipment off on  
390 Cypress Road and the plan is to begin the project within the next two weeks with Surfside  
391 being their first project. Mr. Booth stated that it would be interesting to observe with the Pier  
392 being a great place to go and watch. Mayor Hyman stated that the reason they could not  
393 begin this project prior to November was because they had to wait for the Sea Turtles to  
394 hatch and get back out into the ocean. Ms. Hiatt stated that she had also attended the  
395 Planning and Zoning meeting and she thought that the message conveyed to the residents  
396 was that this is not something that will happen any time soon; it will be a long process for this  
397 development plan and she thought that this made the residents feel more at ease. Mr. Booth  
398 stated that it was in the late 70's, early 80's when Greenville began with their vision and they  
399 are just seeing the results now; he realizes that Greenville is much larger than Surfside  
400 Beach but it will take a while to build on a vision. Ms. Hiatt stated that the Town of Beaufort  
401 was developing a mixed-use area and it looks really nice. Ms. Hiatt asked if Mr. Booth could  
402 check on the types of trees they have on Main Street in Greenville. Mr. Truett stated that  
403 DP3 had been in contact with earthworks regarding the availability of aerial photos of  
404 Surfside Drive and the business district and if they could not provide them they had  
405 discussed a price to obtain them. Mr. Truett wanted to stress that Earthworks and  
406 Associates is in possession of such photos and we should not have to pay for new photos.  
407 Mr. Booth stated that this has already been addressed and taken care of. Mr. Booth reported  
408 that the Municipal Association summer meeting will be held in Charleston next year and he  
409 wanted to let Council know that we will be looking into booking rooms at a hotel close to the  
410 conference location and we will be booking them earlier to assure we get something close  
411 by.

## 412 **6. BUSINESS**

### 413 **A. Ordinance-First Reading – #07-0634 – Selling & Distribution of Alcoholic** 414 **Beverages**

415 Mr. Booth stated that he was requested by Council to look into this ordinance. He looked  
416 into other Towns and Cities that have implemented a similar ordinance and he is now  
417 presenting it to Council this evening. Mr. Booth stated that the State allows hard liquor sales  
418 until 2:00 AM and then does not enforce the sale of beer or wine after 2:00 AM. This  
419 ordinance will limit the sale of beer and wine after 2:00 AM as well. Mr. Booth stated that this  
420 ordinance originated from Charleston and has already been challenged and won; it gave  
421 Council the right to restrict these sales after 2:00 AM. Mr. Samples made a motion to accept  
422 this ordinance. Mr. Truett seconded the motion. Mr. Truett had a question as to why Sunday  
423 was not included in the ordinance; as written it would allow the consumption of beer and wine  
424 after 2:00 AM on Sunday morning. Mr. Booth stated that he would look into this and we  
425 could change it. Mr. McKown stated that he agrees with Councilman Samples in that nothing  
426 good happens after 2:00 AM and would approve this ordinance. Ms. Tuttle asked who was  
427 going to enforce this. Mr. Booth stated that the Police would enforce this; it is not a Code  
428 Enforcement issue. Ms. Tuttle asked what the difference was. Mr. Booth stated that the  
429 difference is that alcoholic sales and consumption is in the realm of the Police. Ms. Tuttle  
430 asked how Mr. Booth determined the difference between this ordinance and the smoking ban  
431 ordinance. Director Christenson answered that one is civil and one is criminal. Mr. Booth  
432 stated that if you serve alcohol after 2:00 AM it is criminal. Ms. Tuttle stated that we did not  
433 designate it as that on the ordinance and asked if this is not subjective; a law is a law. Ms.  
434 Tuttle asked that according to the laws of Surfside Beach is it not illegal for you to not pick up  
435 after your dog? Mr. Booth asked if Ms. Tuttle wanted the Police Officers to go into  
436 restaurants and arrest people? Mayor Hyman stated that we had enough discussion on the  
437 Smoking Ban ordinance and we need to get back to the ordinance we have on the table. Mr.  
438

439 Samples stated that he had spent some time this afternoon with Director Christenson to  
440 make sure that this ordinance is something he believes in and it was made clear to him by  
441 Director Christenson that we do not want to be the only place in the County during certain  
442 events and biker festivals where we're known as the only place you can get drinks after 2:00  
443 AM. Mr. Samples stated that he appreciated Director Christenson's forthrightness and fully  
444 supports this ordinance. Ms. Tuttle stated that she wanted to clarify what she was talking  
445 about earlier and stated that she is not comparing drinking and smoking; she is comparing  
446 ordinances. Mr. Booth stated that code enforcement takes those ordinances that can be  
447 enforced; alcohol consumption is not one of them; this is a police matter. Mr. Booth stated  
448 that he agrees that it is a little confusing to see what Code Enforcement does enforce but  
449 generally if it is a criminal offense it is the police. **All voted in favor. MOTION CARRIED.**  
450

451 **B. Issue Paper-New Trash Truck**

452 Mr. Booth stated that we just sold one truck for 25,000 dollars and we currently own a  
453 garbage truck that is larger than what we need. It was purchased a year ago (photos were  
454 presented by Mr. Booth) and it really is more useful as a County truck for larger pick-ups.  
455 Mr. Booth stated that if we sell it we would be able to get most of our money back. It was  
456 purchased for 120,000 dollars and we could probably get 107,000 dollars for it now. Mr.  
457 Booth stated that we also have another truck that we need to sell which we could probably  
458 get 30,000 plus dollars for. Mr. Booth stated that with the sale of these trucks we will get  
459 close to the cost of the truck that we really need. Mr. Booth stated that the new truck would  
460 be similar to the one we just purchased and it would be able to pick up the new mobs and  
461 the recycling. Mr. Booth reported that it took the driver a week to learn the one we currently  
462 have. Director Kirk stated that the budget savings have been included. Mr. Booth stated that  
463 the truck they currently have has saved time and has made the process much more efficient.  
464 Director Kirk stated that there would be no transition process with the purchase of this new  
465 truck; the drivers already know their routes and how to run it. Director Kirk stated that once  
466 they get the 'OK' on this purchase they will mail letters to those areas where it will be used so  
467 that everyone is made aware of the procedures. Director Kirk stated that this will not only  
468 assist in keeping up with the new standards but it allows us to be ahead of the curve on  
469 automation. Director Kirk stated that there are just a few communities, including Charleston,  
470 which have gone fully automated in South Carolina. Director Kirk stated that it has saved the  
471 residents money and we have been able to move staff to assist with the street maintenance  
472 and ditch projects. Director Kirk stated that this truck would also allow the recycling to be  
473 done with little to no effort. Director Kirk stated that we are not going outside of our budget  
474 with this purchase and requested approval from Council. Mayor Hyman asked for a motion  
475 on this item. Mr. McKown made a motion to give authority to Public Works to purchase this  
476 truck. Ms. Hiatt seconded the motion. Mr. Samples stated that he would like to amend the  
477 motion to include that it would be approved under the condition that the purchase would  
478 come simultaneously or after the sale of the two other vehicles. Mayor Hyman asked  
479 Director Kirk how long it would take to get a truck after ordering it and Director Kirk stated  
480 that they could get it within 60 days with one of the trucks getting traded in with the purchase.  
481 Director Kirk stated that once the other truck goes on GovDeals.com it will be sold instantly.  
482 Mayor Hyman stated that he did not see the reason to put that stipulation in. Mr. Samples  
483 stated that it was just confirmed by Director Kirk that it would not be a problem to make it a  
484 requirement. Director Kirk stated that it would be done prior to the purchase anyway since  
485 we need the money to purchase it. Mr. Samples withdrew his motion. Mr. McKown stated  
486 that he wanted to commend staff on the fact that we all make mistakes sometimes and we  
487 made a mistake in the purchase of the truck a year ago and that it is being addressed now  
488 where we can get almost the full value of the truck back by selling it now. Director Kirk  
489 stated that any money we lost on the purchase of that truck we would quickly make back on  
490 the operation of the new one. **All voted in favor. MOTION CARRIED.**  
491

491  
492  
493  
494  
495  
496  
497  
498  
499  
500  
501  
502  
503  
504  
505  
506  
507  
508  
509  
510  
511  
512  
513  
514  
515  
516  
517  
518  
519  
520  
521  
522  
523  
524  
525  
526  
527  
528  
529  
530  
531  
532  
533  
534  
535  
536  
537  
538  
539  
540  
541  
542  
543  
544  
545

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

Mary Mikolajczak 415 3<sup>rd</sup> Avenue South: “Mayor and the Council, I’d like to ask you to please do something about the rats in our drainage ditches. Yes, I think I’ve spoken to the Town Manager before and he made a light of it but it isn’t funny. They’re big rats, I don’t know if they’re rats or not, they’re about this big (showing size with her hands) and they dig tunnels in the sides of the drainage ditches and every time we look there are more of them. I think something maybe needs to be done because the kids will run and sink into the tunnels and somebody’s going to get hurt, so if you can at all help, I’d certainly appreciate it. Thank you.”

Mayor Hyman asked Director Kirk if he had something that would get rid of rats and Director Kirk stated that they are actually muskrats that Ms. Mikolajczak is referring to and they move around all of the time. Director Kirk stated that they would try to take care of this problem as best they can.

**8. COUNCIL COMMENTS**

Ms. Hiatt: “I want to make a comment about the meeting that was cancelled. There was no secret meeting between any Council that cancelled that meeting. I went to the Mayor; I told the Mayor that I wanted to be out of town that week and was there a problem? That’s when I found out that he wouldn’t be in town, Mr. Truett couldn’t be in town and Mr. McKown was planning on being away and I get to go see my daughter about once a year. There was some activities going on that week with my granddaughter, I’ve never got to spend any time with any school function or anything that she has ever had. She was in the homecoming queen, the parade and the homecoming game, she was cheerleading, so that’s where I was at that week and this wasn’t something that was planned between four people. I had nothing to do with the time. I called the Municipal Association; talked to Howard Duvall, asked him what was the proper way to do this since four people weren’t going to be in town. He said to draft a paper like we do when we call a special meeting so that’s what they did, draft a letter and the one’s that weren’t going to be there went to Town Hall and signed that form but if there had been an urgent need for a meeting, then also four council people have called a special meeting, but that wasn’t done. I felt like that it was handled the proper way and the purpose of all of this newspaper and everything, I really don’t understand why that happened but it was handled in the way that the Municipal Association said it could.”

Mayor Hyman: “You know, I was not going to comment on this but since Becky brought it up, we knew that we would be out of town so why in the world not cancel a meeting instead of not showing up. What if everybody came here and expected to have a council meeting and the four of us were gone, knowing that we would be out of town and everything was done right, the four people that were going out of town said ‘hey, we won’t be here for that council meeting’ and we signed the papers and there’s nothing anywhere that says that you’ve got to be here 100 percent of the time to start with, so be it, whatever, but that’s my comment.”

Mr. Samples: “Well, I’m like you, Mr. Mayor, I don’t think anybody was really going to say anything about the informational briefing that we had two weeks ago. The fact of the matter is a number of folks who attended that briefing, that meeting, in lieu of the regular Council meeting came up afterwards and expressed, I’ll use the word, some delight, with the fact that they were able to have some input or, and discuss, because it was less formal, I mean, obviously we didn’t have a Council meeting, we, but those of us who were here were concerned, as you mentioned about having people show up to a meeting that was previously scheduled and not, you know, and see that the doors were closed and locked and wondering, you know, what kind of party we were off on now after, but in any event, we felt, or I felt and I know the other members that attended felt an obligation to come, we’re paid, show up, whether or not we could take any action, that wasn’t what was really important, I don’t think. The fact of the matter is we represent the people of the Town of Surfside Beach, they hired us to do a job and I understand that it was an unusual circumstance that we were unable to have a quorum and I don’t think there was any, certainly there was no derogatory

546 remarks made, at least in my presence, about the fact that we were having an informational  
547 briefing and it was for the people of the Town to come and express any concerns and I  
548 commend Administrator Booth for, and staff that were here, for doing an outstanding job just  
549 briefing the people as to what was going on in terms of business, so, you know, no harm no  
550 foul, you know, I think it went down pretty well. I wish we had more opportunities to just open  
551 discussion and input from the residents from the Town of Surfside Beach.”

552 Ms. Tuttle: “I agree, I too had not planned to comment on this issue but I too talked to  
553 Howard Duvall and the end of the conversation was ‘well, I thought it was legal’, it’s all a  
554 matter of how you phrase something. We are a Council Form of Government and when you  
555 say ‘yes’, four members, that is the majority that rules, that’s one thing, but when you make  
556 these decisions, when you do the public’s business, out of the public eye that is not a legal  
557 act, the action of the cancellation by four members could be perceived as a Council action of  
558 which it was not. Council actions take place in an open forum, it was a closed-door decision,  
559 it did not comply with open meeting laws. It was an attempt to, resulting in an attempt to  
560 circumvent a quorum and my concerns are these, this is a precedent setting concern of  
561 mine. What is to stop four councilmembers getting together, signing any type of legislation  
562 without the knowledge of full Council.”

563 Ms. Hiatt: “Four did not get together, I haven’t seen Mr. Truett since the last Council  
564 meeting last month, so there were no doors and there were no four council people that got  
565 together. We advertised like Mr. Duvall told us to do. Nobody told me any different than  
566 what he told me the first time. First time I have ever been out of Town when there was a  
567 scheduled meeting. I’ve never missed a Council meeting, a Special Call meeting; I’ve been  
568 at all the budget retreats, I’ve been to the Municipal Association Meeting in the summer and  
569 the winter and this is the first time that I have been out, but I did not know the others were  
570 going to be out and this was a school function, I had nothing to do with that date.”

571 Ms. Tuttle: “Where was the meeting advertised?”

572 Mr. Samples and Mayor Hyman answered “On the marquee.”


573 Mayor Hyman asked to move on with the meeting.

574 Mr. Samples made a motion to go into Executive Session. Mr. Truett seconded the  
575 motion. **All voted in favor. MOTION CARRIED**

576  
577 **9. EXECUTIVE SESSION- Pursuant to FOIA § 30-4-70(a)(1)-** Perform Town Administrator  
578 and Town Clerk’s oral performance review. Mayor Hyman stated that the oral reviews  
579 were very favorable and Council looks forward to six more months and after that time  
580 period Council will perform the annual reviews. Mr. McKown moved to reconvene into  
581 the regular meeting. Mr. Samples seconded the motion. **All voted in favor. MOTION**  
582 **CARRIED.**

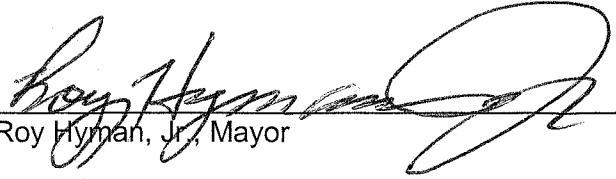
583  
584 **10. ADJOURNMENT**

585 Mr. McKown moved to adjourn the meeting at 9:05 p.m. Mr. Samples seconded. **All**  
586 **present voted in favor. MOTION CARRIED.**

587  
588  
589  
590   
591 \_\_\_\_\_  
592 Sharon Pinnell, Town Clerk  
593


Approved: November 13, 2007

593  
594  
595  
596  
597  
598  
599  
600  
601  
602  
603  
604  
605  
606  
607  
608  
609  
610  
611  
612  
613  
614  
615  
616  
617

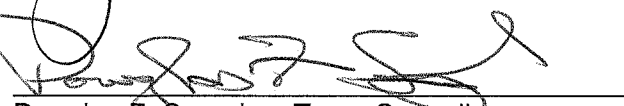
  
Roy Hyman, Jr., Mayor


  
Rebecca J. Hiatt, Town Council

  
William M. McKown, Town Council

  
James S. Truett, Mayor Pro Tem

  
Joseph P. Martin, Town Council

  
Douglas F. Samples, Town Council

  
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.