



TOWN OF SURFSIDE BEACH ♦ TOWN COUNCIL CHAMBERS

June 28 2011 ♦ 6:30 P.M.

TOWN COUNCIL  
COUNCIL MEETING  
PIER COMMITTEE OF THE WHOLE  
WORKSHOP

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11 **1. CALL TO ORDER**

12 Mayor Deaton called the meeting to order at 6:30 PM. Mayor Deaton, Mayor Pro  
13 Tem Childs and councilmembers Blair, Smith, Dodge, Johnson and Samples were in  
14 attendance. There was a quorum. Staff present: Administrator Duckett; Deputy  
15 Administrator, Fellner; Clerk, Pinnell; and Police Chief, Frederick. Attorney Mr.  
16 Moss was also present.

17  
18 Mr. Johnson made a motion to amend the agenda to move the Surfside Rotary  
19 presentation from Item 3 to Item 2 on the agenda and Item 2 to Item 3. Mr. Samples  
20 seconded the motion. **MOTION CARRIED.**

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22 **2. ROTARY**

23 a. *Presentation of Check*

24 Will Thompson, Rotary President, thanked Council and the Town of Surfside, the  
25 police, EMS, Debbie Ellis in the Recreation department and the Public Works  
26 Department for all their help in assisting them with their road race this past year  
27 along with years past. It has been a great effort. 100 percent of the proceeds from  
28 that race go to charitable causes within the community. Mr. Thompson presented  
29 the Mayor with a check in the amount of \$2,000 for the Recreation Department.

30 b. *Request for Date Change of Annual Rotary Race*

31 Mr. Thompson stated that the Rotary does not have a new date agreed upon at this  
32 point in time. The Rotary wanted to seek the approval of Council to have further  
33 discussion with the Recreation Department to push the date to sometime in  
34 March. The past two years there has been bad weather in January and February.  
35 The Rotary feels it would be a mutual win for the club and the Town if they were  
36 to push the race to a more conducive time where weather is great and they can get  
37 more people to the Surfside Beach area. The Rotary is considering having the race  
38 around St. Patrick's Day but they do not want to have it the same time that the  
39 North end has their parade; it would be no later than March 17<sup>th</sup>.

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41 **3. POWERPOINT UPDATE ON THE PIER**

42 Ms. Fellner gave a PowerPoint presentation. The current status of the pier is that the  
43 Town has a 1,811 square foot space that has been vacant since January 1<sup>st</sup> of 2011.  
44 The Town currently has a contract with Chicora to promote and show the property  
45 until July 12<sup>th</sup>. The property is not without new prospect interest; the Town has had a  
46 few prospects within the last couple of weeks. The issues involved are to decide  
47 what, if anything, should be permitted to go into this currently vacant space.  
48 Secondly, determine what the structural limitations are which would constrain the  
49 Town and, thirdly, to decide whether or not to move forward with a design process, a  
50 phased approach, non-phased approach and also consider fiscal considerations.

52 The pier is a non-conforming structure; it is non-conforming because of a law  
53 regarding linear feet from the ocean. It is non-conforming to us, DHEC, OCRM and  
54 our own shore protection line. Because the structure is non-conforming a change in  
55 the structure or footprint would require Town review; since the legislation passed it  
56 would not require OCRM review; some changes, depending on what the Town does,  
57 may require OCRM review. If the Town chose to build on the eastern half of the pier  
58 it would need OCRM review and approval.

59  
60 Ms. Fellner stated that the Town staff will meet with DHEC and OCRM shortly to  
61 discuss the implications of the new legislation. The meeting will be held at Town hall  
62 and Mr. Blair Williams of OCRM and a supervisor at DHEC will attend the meeting.  
63 The Administrator, Director of Building and Ms. Fellner will attend the meeting on  
64 the Towns' behalf.

65  
66 Ms. Fellner stated that the Town is limited on uses. Council had requested staff to  
67 investigate the limitations for that area. The maximum building height in the C-3  
68 amusement commercial district is 55 feet; this would allow for the erection of a two  
69 story amenity structure. Council was also interested in the grandfathering issue; if a  
70 structure remains exactly the same any use that is currently permitted in the C-3 zone  
71 is permissible. Any structural change, however, would mean the loss of all  
72 grandfathering including need to come into ADA compliance, need for code  
73 compliance including electric, etc., and need for an asbestos inspection report. Even  
74 if the property was just renovated the asbestos inspection report would be required.  
75 Permitted uses in the C-3 are: hotels, motels, tourist homes, theaters, billiard or pool  
76 halls, bowling alleys, skating rinks, shooting galleries, piers, amusement arcades,  
77 restaurants, lounges, retail sales, real estate offices and similar activities not  
78 specifically mentioned; anything not specifically excluded could be included.  
79 Transient short-term rental uses would be subleases less than 30 days; these are  
80 generally people who have property that are renting it out for a week to tourists  
81 coming into Town.

82  
83 Ms. Fellner stated that after understanding the zoning ramification the Town moves  
84 forward by discussing the project with one of the Towns' engineers, namely DDC.  
85 DDC has designed several piers and Mike Wooten is LEED (Leadership in Energy  
86 and Environmental Design) certified. DDC recommends CHAO and Associates  
87 from Columbia for structural stability review. CHAO has been an on-call structural  
88 engineer for USC for almost 20 years; this is the firm that engineered the stabilization  
89 of the existing USC stadium. For architectural design, if the project has a vertical  
90 component, meaning if the structure goes up multi levels, DDC would recommend  
91 Jim Hubbard of Pegram and Associates; this is the firm that designed the restaurant,  
92 gift shop and other features which support the new sky wheel in Myrtle Beach. They  
93 were consulted on the sky wheel because it is supported on a pier type structure. In  
94 regards to the structural engineering proposal, staff has asked DDC to proceed to  
95 obtain a proposal from CHAO. The scope of service for Phase I includes providing a  
96 cursory visual site observation of the existing structures and condition, conducting 5  
97 percent limited non-destructive hammer testing and wood coring to examine the  
98 structural integrity of the piles and providing a written report outlining the structural  
99 deficiencies noted and repair recommendations. The estimated fee for this is \$7,500.  
100 Ms. Fellner stated that this report will just inform the Town what it has and how

101 sound the structure of the pier is. The scope of service for Phase II includes, based on  
102 field observation and evaluation (what they find in the prior testing), they will suggest  
103 further non-destructive testing methods to obtain the pile load during capacity. The  
104 fee for the Phase II would be provided after the Phase I is completed since they do not  
105 know what they would find in Phase I. They would report to the owner (the Town) as  
106 requested and the geotechnical report, site topographical survey, architectural  
107 engineering report are not included in their scope of services. The immediate steps  
108 would be to get direction from Council regarding what they want to see immediately  
109 done with the space currently vacant and if Council wants staff to move forward to  
110 ask the Town engineer to engage CHAO and Associates to determine the structural  
111 integrity of the pier. The longer term request would be to get direction from Council  
112 whether or not to move forward with the design process, a phased approach, a non-  
113 phased approach and also the economic considerations that go along with that which  
114 would require some research; the Town would first have to know what it has prior to  
115 moving forward. Phase I would need to be completed initially to see what the Town  
116 could do and what they would cost.

117  
118 Mr. Childs stated that he would like to make a recommendation to direct the  
119 Administrator to contact an architectural engineering firm to present Council with  
120 preliminary renderings with cost estimates of a one story, two stories, and a one story  
121 with the possibility of a second floor for future construction of a pier restaurant. The  
122 reason he added the one story with future construction was that he has been involved  
123 in projects like this; they make the first story structurally sound which is relatively  
124 inexpensive when they are building the first story and then a second story could be  
125 added on without much interference to the first floor at a later point in time. Mr.  
126 Childs stated that he believes everyone is in agreement that they want a restaurant in  
127 that location. Mr. Johnson stated that before Council proceeds with approving the  
128 recommendation he would like to go back to the last workshop where they asked staff  
129 to come back with recommendations or information on what could or could not be put  
130 in the space regarding the Pier Outfitters lease. Ms. Fellner stated that the Town has  
131 received an opinion from the attorney and the opinion is that the Town should not  
132 compete with its own business; it would be inappropriate. The Town could place any  
133 of the items listed previously in the presentation but the Town would not want to put  
134 something that would compete with the existing business on the pier; the Town would  
135 not want an ice cream shop, bait shop or t-shirt shop. It is the attorneys' opinion that  
136 this is implied in the lease. Mr. Johnson stated that since Council did not see the  
137 lease and was not involved with the lease so he was not sure what could be done in  
138 that space. Mr. Johnson stated that he agreed that the Town would not want to  
139 compete with itself. Ms. Fellner stated that anything allowed in the C-3 would be  
140 permissible. Mr. Samples stated that the Town could serve food. Ms. Fellner stated  
141 that it would not have to be a previous use. Mr. Samples stated that Pier Outfitters  
142 sells snacks. Ms. Fellner stated that as long as the Town is not competing to injure or  
143 hurt the other tenant it would be allowed. There are a lot of other short-term  
144 temporary use options available. Mr. Duckett stated that he wanted to add that while  
145 there are options, the power, plumbing, HVAC all have to be dealt with prior to  
146 putting anything in that space; the space is not currently turnkey ready. Mr. Samples  
147 asked if anyone has gone into the space as requested at the last pier meeting to see if  
148 the HVAC or water works or if the electric works. Mr. Samples stated that he  
149 believes that Ms. Donevant was going to inspect this. Ms. Fellner stated that Ms.

150 Donevant has not completed the inspection; she is not present this evening due to her  
151 husband having surgery today. Ms. Fellner stated that it is her understanding that the  
152 electric and items of this nature are not up to code but they currently work. There is a  
153 plumbing issue that has to be resolved. If the Town was to renovate in any way it  
154 would need to perform an asbestos inspection. Mr. Samples stated that in that event,  
155 had any renovations been intended by the Town or other parties, an asbestos  
156 inspection would have had to have been done. The Town has no idea of the outcome  
157 he presumes. Ms. Fellner stated this was correct. Mr. Samples stated that he would  
158 like to make a point. The point is that this is the first time that any of Council has  
159 heard that if the Town makes renovations in the pier building an asbestos  
160 investigation would need to be performed and Mr. Samples added that he assumes the  
161 Town would have to mitigate, if asbestos is found, and this is not cheap to mitigate.  
162 Mayor Deaton added that this is just the beginning process; this information was not  
163 available previously. Mr. Samples stated that he is suggesting that this would have  
164 set the Town up for a claim in the event it signed a contract. Ms. Fellner stated that  
165 in order to renovate this would be part of the code process; this is something that must  
166 always be done. Ms. Fellner stated that the buildings at the pier are 45 years old  
167 which means the likelihood of asbestos is very high. Mayor Deaton stated that the  
168 Town has just recently assumed this responsibility, therefore, the possibilities would  
169 have been, possibly, in a private investors hand but now the Town has assumed this  
170 responsibility and the Town is currently in a fact finding mission to find out the  
171 details and to find out what the Town will be facing because these are taxpayer  
172 dollars the Council will be spending so they need to know exactly what the costs will  
173 be. Mr. Samples stated that before any direction is given the Town needs to  
174 determine if asbestos is going to be an issue, whether the space is renovated or torn  
175 down. Mr. Samples stated that if no structural changes are made then the Town does  
176 not have to do the asbestos testing. Ms. Fellner stated that this would apply if no  
177 structural changes or renovations were performed. Mr. Samples stated that he would  
178 suggest Council determine the scope to see if it is an issue in terms of the integrity.  
179 Mr. Sample asked if Phase I included the entire pier or just the restaurant. Ms.  
180 Fellner stated that it is for the structural area of the pier. Mr. Samples asked if this  
181 includes an asbestos testing. Ms. Fellner stated that it does not include asbestos.  
182 CHAO does not do asbestos testing this would be a different company and this would  
183 be a whole different process. Mr. Samples asked if Council could get a time table  
184 adding that he feels this is necessary to delineate some of these events. Ms. Fellner  
185 stated that CHAO had been asking if the Town was going to move forward with this  
186 and Ms. Fellner explained to them that this would be a decision for Council to make;  
187 they are currently waiting for the approval to move forward. Ms. Fellner stated that  
188 she can provide a time table on anything that Council approves.

189  
190 Mr. Samples referred to Mr. Childs' recommendation asking what the preliminary  
191 rendering would do for the Town besides give the Town a picture. Ms. Fellner stated  
192 that a preliminary rendering is a picture; it's to give a vision of what the engineer or  
193 architect sees. Ms. Dodge stated that the Town is accepting the recommendation to  
194 go with CHAO and asked if the Town has considered other firms for this project. Ms.  
195 Fellner stated that DDC, who has proven in difficult projects to be the engineer  
196 choice for the Town at this moment, since they are the Town Engineer the Town,  
197 usually yields to their recommendations on which they use in these matters.  
198 Traditionally, and it does not always have to be this way, but this work is usually

199 billed through DDC and they oversee that work to make sure this contractor has done  
200 what they say they would do. The Town does not have an engineer on staff to  
201 oversee such an involved project. The Town can review the contracts and follow up  
202 but for projects this involved the Town must rely on a Town engineer. CHAO is the  
203 company that DDC works with traditionally on jobs of this scope adding that this is  
204 not a small job putting structures on a pier; the liability issues are huge. The Town  
205 needs to rely on people who understand engineering that goes with pile loads. Ms.  
206 Dodge stated that she understands what Ms. Fellner is saying but she was just  
207 wondering if there was another firm that does the same type of work with a lower  
208 price in order to save money for the Town. Ms. Fellner stated that the issue with this  
209 is that there are a few companies in the area that do pier construction but this is not a  
210 one person project; this type of project is a team approach. An architect is needed  
211 along with a regular engineer to spear head the vision and draw out the schematics  
212 along with a structural engineer like CHAO adding that he is the best in this area at  
213 what he does. Mr. Childs stated that the reason he put the renderings in was that he  
214 did not want to get the Town right away into expensive drawings; renderings usually  
215 come along with cost estimates; they would just be a way to give Council some  
216 direction. This would be the most inexpensive way to go with professional advice.  
217 Ms. Blair stated that at some point Council will want to see some renderings and  
218 pictures and feels that all three of these suggested items are things everyone would  
219 like to see but she was just wondering if the Town is putting the cart before horse; if  
220 the Town does not know the structural stability why would Council need to see  
221 renderings. These should not be provided until it is known what the pier will hold.  
222 Ms. Blair stated that she believes the asbestos would fall under an environmental  
223 remediation firm. Mayor Deaton stated that the Council should probably look at  
224 Phase I first. Mr. Johnson stated that he agrees that Council needs to decide whether  
225 the Town should use the existing structure or remove it and start from scratch. Mayor  
226 Deaton stated that the Town cannot do that until an evaluation of the structure  
227 stability is done. Ms. Fellner brought up Phase I on the screen again for Council to  
228 view.

229  
230 Mr. Harbin from the audience asked if a mandatory investigation of asbestos is  
231 necessary if only the flooring is changed. Mayor Deaton stated that asbestos could be  
232 in the HVAC, in the piping or insulation; there are several places it could be found.  
233 Mayor Deaton stated that the Town is probably looking at a major investment here in  
234 the future. Mr. Curtiss from the audience stated that he believes asbestos is  
235 mandatory on buildings over 25 years old.

236  
237 Phase I was reviewed once again. Mayor Deaton asked if there was any opposition to  
238 proceeding with Phase I. Mr. Johnson stated that he looks at this and thinks 'parking  
239 study' adding that he is concerned with the price. This is not his field and he has no  
240 idea of what something like this costs; this may be a good price. Mr. Samples stated  
241 that previously the Town contracted with DDC and then they farmed it out to Land  
242 Art for much of the study. Mayor corrected Mr. Samples saying "parts of it". Mr.  
243 Samples disagreed. Mr. Samples asked staff if they knew who did Second Avenue  
244 Pier which was done a year ago. Ms. Fellner stated that she could get this  
245 information for Council adding that she did send e-mails out and is currently waiting  
246 for information. Mr. Samples stated that they had to perform the same type of  
247 structural work. Mayor Deaton added that it also was a 2.2 million dollar project.

248 Mr. Samples stated that the building is very impressive from the outside but he saw a  
249 lot of wasted usable square footage inside. Ms. Fellner stated that she feels under the  
250 sky wheel would be a better representation of their work. Mr. Samples stated that the  
251 Town needs to move forward on the structural end. Mayor Deaton asked if there was  
252 any opposition to moving forward with Phase I. Mr. Samples was concerned with the  
253 timing of Phase I questioning how long it would take them adding that Council met a  
254 month ago to discuss the pier previously and staff was asked to look at simple things  
255 and this has not happened. Mr. Samples stated that it is almost July and if Council  
256 takes another month to receive a report on Phase I he feels this will take a long time  
257 to complete. Ms. Fellner asked which items have not been addressed. Mr. Samples  
258 stated that he specifically asked if anyone had gone into the building and checked to  
259 see if it was usable on a temporary basis. Mr. Duckett stated that he had concerns  
260 over the HVAC, electric and plumbing. Mr. Samples stated that his point is that he  
261 expected to attend this meeting, a month later, and that those questions would be  
262 answered. Mr. Samples stated that these are the standards that he works by. Mr.  
263 Duckett stated that he can tell Council, without any doubt, that there are major  
264 plumbing, electrical and HVAC issues. The electrical boxes were looked at by the  
265 Town inspector; it is just a matter of how much money the Town wants to spend and  
266 which Phase to begin with. Does Council want to look at structure first? Mr. Duckett  
267 stated that unless he misunderstood Council he did not think that Council would want  
268 to spend a lot of money to put a temporary business in the space for a month or two  
269 this summer. Mr. Samples stated that he appreciates the comments but his point is  
270 that Council doesn't even have that information to even consider. The Council has no  
271 idea what A, B or C is going to cost because it has not been brought to Council. Mr.  
272 Samples stated that he is asking that staff does what Council asks them to do at the  
273 last meeting. Mayor Deaton stated that he believes this information is included in the  
274 schedule of the service of Phase I. Ms. Blair asked if Council is looking at something  
275 temporarily through the summer and then starting up on the big project for the future  
276 renovation of the pier. Is Council ruling out, at this point, doing anything temporarily  
277 and just concentrating on the proposals to look at the big project. Mayor Deaton  
278 stated that he feels Council needs an evaluation even prior to placing a temporary use  
279 there. Ms. Blair asked if an evaluation does need to be done. If something is placed  
280 there temporarily without changing anything for two or three months could it not be  
281 done? Ms. Blair asked "are we looking, are we discussing trying to do something to  
282 bring in some money or put some activities out there through the summer at the same  
283 time we could be working on the long term goal or are we now setting forth on the  
284 long term goal? Are we working on both at the same time? What are we doing?"  
285 Mayor Deaton stated that he feels it is paramount the Town performs an evaluation  
286 for safety. Ms. Blair asked Mr. Samples "so what you're saying is we don't know  
287 right now what we can do temporarily because we don't know the scope of repairs  
288 that need to be done?" Mr. Samples stated that a month ago when Council met there  
289 were some ideas related to temporary uses for the summer. There were concerns over  
290 issues such as mold and he presumed that since it was in good working order last  
291 November that the electric was passable, the water was drinkable and the air  
292 conditioning may or may not be satisfactory. Mr. Samples stated that the need for  
293 those services vary depending on a temporary use. At the last meeting concerns were  
294 raised regarding the Pier Outfitters lease and tonight Council has learned that as long  
295 as the space is not in direct competition there are allowable uses. Mayor Deaton  
296 stated that Council is not qualified to speculate and he feels that until the space is

297 evaluated Council does not know how safe the building is. Mr. Samples stated that  
298 he agrees with Mayor Deaton but he feels it would be nice if the Town could place a  
299 short term positive use in that location. Mr. Samples stated that he is more concerned  
300 about the long term solution and would hate to see Council get bogged down with  
301 pipe dreams that may turn out to be unaffordable. The Town needs to determine  
302 whether the pilings are structurally sound; if they can support or if there could be  
303 additional support provided to allow a two story building to be feasible. Mr. Samples  
304 state that he would like to see this enhanced for the long run. There are things that  
305 may need to be done in phases. Mr. Samples stated that he likes the hip roof on the  
306 Pier Outfitters building and if there were a two story building next to it with or  
307 without a hip roof it would be very attractive. Mr. Samples stated that he feels the  
308 Town would like to have a restaurant use but he would like to see if the Town could  
309 have a meeting area that could be rented out to the public; Folly Beach has a large  
310 area they rent on Fridays and Saturdays to the public. Mr. Samples asked about  
311 approval of an observation deck. Ms. Fellner stated that the Town did not get  
312 approval for an observation deck. Mr. Childs stated that it would take a structural  
313 engineer a short time to come up with a report on the pier. The Town has their  
314 inspectors that can look at the electrical and plumbing. Council should have a report  
315 back within a couple of weeks. Mr. Johnson stated that if there is consensus he would  
316 be glad to proceed. Mayor Deaton stated that he likes the idea of Phase I adding that  
317 the Town needs an evaluation. There was consensus of Council to proceed with  
318 Phase I. Mr. Samples commented that this should have already been done. Mayor  
319 Deaton stated that time is of the essence.

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321 Mr. Samples stated that the people on the north end are aware that DDC has been out  
322 surveying 5<sup>th</sup> Avenue and Poplar and he has been asked what they are doing. Mr.  
323 Samples stated that nobody really knows adding that there are priorities in the Town  
324 and the pier is certainly a priority and that is where their effort should be. Ms. Fellner  
325 shared a comment from the CHAO proposal. CHAO noted that they would complete  
326 the project in a timely manner once they receive the authorization. Ms. Fellner stated  
327 that they are ready to go; they were ready to go on June 7<sup>th</sup>. Mr. Samples stated that  
328 Council had a meeting June 14<sup>th</sup>. Ms. Fellner stated that there was no workshop at  
329 that meeting; the pier discussion was not on the agenda for the 14<sup>th</sup>. Mr. Samples  
330 stated that if staff wants to add something to the agenda they should call him. Mayor  
331 Deaton suggested having another workshop meeting once Phase I is completed. Mr.  
332 Johnson added the meeting should be held "as soon as humanly possible after Phase I  
333 has been completed". Mayor Deaton stated that he likes the workshop format and  
334 would discuss splitting workshop and regular meetings in the future.

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336 Mr. Ott from the audience stated that this is a great meeting but it should have been  
337 held prior to the Town purchasing the pier. Mr. Ott stated that the Council took the  
338 taxpayer money and bought the pier that now looks like a lemon and the Town still  
339 does not know what is wrong with it. Mr. Ott stated that he doesn't usually have  
340 criticism for Council but feels this is terrible adding that no one has even looked at it  
341 as of today. Mr. Ott stated that he cannot believe what he is hearing. Mr. Ott stated  
342 that when Council was getting ready to purchase the pier they held secret meetings.  
343 If they had meetings in public previously the public would have known.

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Mayor Deaton stated that he normally does not debate but he wanted to go through the history a little. “When this new council came on, right after I was elected, I was sent to Columbia to negotiate with the transmittal committee for the ATAX committee. They were getting ready to take about one million dollars back from the Town of Surfside Beach that was not spent on beach re-nourishment because the federal government did that. We were allowed to apply that, almost a million dollars, to the purchase of the pier. We loaned ourselves, out of our savings account. They would have taken it back. They were getting ready to take a million dollars back.”

Mr. Ott stated that there is a problem here and Council needs to admit it. Mr. Ott asked where the inspection report for the pier was prior to the purchase of the pier.

Mayor Deaton stated that he is not an inspector and does not know where the report would be.

Mr. Ott stated that Council spent the taxpayers’ money and now it has a lemon.

Ms. Mabry from the audience stated that she visited a town website and they had a pier restaurant similar to that in Surfside Beach and the upstairs had an open air restaurant adding that she thought it looked absolutely beautiful. Ms. Mabry stated that she did not know what the cost was but it was not much different than what Surfside Beach currently has.

Mayor Deaton stated that the 2<sup>nd</sup> Ave pier has an open air upstairs as well.

Ms. Mabry suggested the Town looking into this.

Mr. Zoltak stated that he feels Phase I sounds like it would be a good structural review of the pier. Mr. Zoltak asked if it included the asbestos testing.

Mr. Duckett stated that it did not.

Mr. Zoltak stated that it would be a good idea to consider obstacles the Town may face once it gets the report. (Some of Mr. Zoltaks’ comments were not audible from the back of the room.)

Mr. Dodge stated that staff has had since January to look the pier structure adding that staff hasn’t done anything. Mr. Dodge stated that Council met a month ago, questions were asked of staff and they still do not have the answers adding that he feels that staff, which is overstaffed, should give answers to Council.



388 Mr. Don Craig stated that he has been to couple of meetings where the pier and the  
389 restaurant were discussed. He stated that the Town had an opportunity; a couple  
390 came forward that would have turned the space into a restaurant. There was a  
391 question if the couple had enough money to back it, there was money to back it;  
392 money would be spent to renovate it and the Council turned it down. The money was  
393 there; the backing was there. Mr. Craig stated that all of these items being discussed  
394 would not now be discussed as a Council or as a Town because someone else would  
395 be spending the money. Mr. Craig stated that he is a taxpayer like everyone else in  
396 the room and he feels that the Town should not be having this discussion; it should  
397 have been closed. The money, people, and backing were all there adding that the  
398 restaurant would be operating today and taxes would be paid and money would be  
399 here for the Town and it was all passed up and yet there is a concern about spending  
400 \$7,500; this is nothing compared to the thousands of dollars given away because the  
401 Council turned down somebody that would have come in, spend money and open a  
402 restaurant. Mr. Craig added that this money has been lost and will never be  
403 recovered.

404  
405 Mr. Glenn Curtiss thanked Mr. Duckett for removing the tripping hazard on the  
406 beach. Mr. Curtiss stated that he has asbestos in his lungs and if he is correct, no  
407 matter what the Town puts in the space, even if Cotton Candy is sold for a couple  
408 months he feels that the Town still needs to get the asbestos looked at. Mr. Cahill has  
409 been gone since November and nobody has cleaned there since so he feels there has  
410 to be mold in the building. This is an issue; the hotel next to them had issues with  
411 mold. Mr. Curtiss stated that before Council even thinks about putting anyone in  
412 there inspections should be done.

413  
414 A woman from the audience asked if DDC and CHAOS were the only ones who  
415 could perform this evaluation. Mayor Deaton stated that DDC is the contracted Town  
416 engineers. The woman asked if it would be bid out; the cost is \$7,500 and the Town  
417 could receive a quote of \$5,500. Mayor Deaton stated that the Town has a contract  
418 with DDC as the Town Engineer. The woman asked why CHAO would not be  
419 bid out stating that she thought this was the due process. Mayor Deaton stated  
420 that she would have to speak to the Town attorney about that.

421  
422 **Mayor Deaton:** "You know government is good at a couple of things, and as far as  
423 I'm concerned the less government the better. Government is good at recreation;  
424 government is good at sanitation, government is good at infrastructure and  
425 government is good at public safety; what we've been thrust into, ladies and  
426 gentlemen, is private enterprise; government's not very good at this and I'm going to  
427 be the first one to say, you know, we have been thrust into an enterprise system. The  
428 pier was set up as an enterprise fund. We have two enterprise funds, our sanitation,  
429 which people pay a fee to have their garbage picked up, the trash picked up and we  
430 have these nice trucks and those are all paid for by the sanitation fees; they're self  
431 sufficient. This pier system was set up as an enterprise fund; it was not set up as a  
432 taxpayer drain or a donor, if you will, so what we've done, we've put ourselves in a  
433 position now that the pier is no longer an enterprise fund. We've diminished the  
434 revenue streams to a point that where taxpayer dollars are going to have to set in and  
435 take the place of the revenue streams that should have been in place already, so, we're  
436 in a debacle and, so, we're not very good at this. I guarantee you trash gets picked up

437 on time; I guarantee that if you call the police they show up on time; if you call our  
438 fire department they're going to be there within two or three minutes. They were at  
439 my mom's house a couple weeks ago and I guarantee if your kid's playing baseball  
440 tonight that those fields are pristine but, you know what? We're not very good at this  
441 and I think it's a shame, it's a shame that we're in a situation that where this  
442 governing body has to try to meander our way through a private enterprise system  
443 which is very difficult."  
444

445 **Mr. Samples:** "We put ourselves in the position we're in, okay, and it's unfortunate,  
446 but we did, and whether it was through accident, poor judgment, poor advice but what  
447 have you, we are where we are, we've got to move forward. What I would say is as  
448 somebody who has been involved in contracts and worked with very, very skilled  
449 lawyers who work contract law, if asbestos was a problem for us it is a problem for us  
450 now, it most assuredly would have been a problem for the private sector tenant who  
451 signed up with the Town and that private sector tenant, I can assure you, would have  
452 had passed that liability back to where it belongs and that is to the owner of pier and I  
453 also know that, I've been through enough claims that once you open the door on a  
454 contract claim, and I know Mr. Hanson would agree with this, many other things that  
455 aren't, may not be closely related, somehow, are made to appear to be related and so,  
456 in the long run this Council's going to do what needs to be done for this Town and it  
457 ain't going to be easy but we accept the responsibility; we know we have an  
458 obligation; we're going to work together so keep coming, keep smiling. We live in a  
459 great Town. What I do want . . . it's just a question that I had and maybe somebody  
460 could help, from staff, could answer it, I understand that we have put a u-turn, no u-  
461 turn sign up on Surfside Drive at Poplar and I got to believe that it's killing some of  
462 the businesses that are on the other side and I hope that somebody can provide an  
463 answer as to how and why because we own that street, right, they're Town roads and  
464 that was something that I'm not aware of and I'm telling you I'm talking to business  
465 people that are leaving Town because, guess what, well you got to drive to the pier to  
466 come back to . . . I'm exaggerating but . . . could we just get a consensus of Council  
467 to take it down until . . ."  
468

469 Ron Meadows of the Village Café stated that his business has dropped 25 percent  
470 since the sign went up. He stated that he would be out of business by the next  
471 meeting. There was some discussion regarding the sign. Mr. Childs asked if it could  
472 be taken down until a decision could be made. Mr. Duckett stated that he had not  
473 seen the sign but would have an answer for council by 9AM the following day.  
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**5. ADJOURNMENT**

Mr. Johnson made a motion to adjourn. Mr. Childs seconded the motion. **All present voted in favor. MOTION CARRIED.** The meeting was adjourned at 7:33 PM.

Approved: July 12, 2011

\_\_\_\_\_  
Debra Herrmann, Town Clerk

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K. Allen Deaton, Mayor

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Roderick E. Smith, Town Council

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Vicki W. Blair, Town Council

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Ann Dodge, Town Council

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Douglas F. Samples, Town Council

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Mark L Johnson, Town Council

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Robert F. Childs, III, Mayor Pro Tempore

**Clerk's Note: This document constitutes minutes of the meeting, which was audio taped. This meeting was transcribed by Clerk Pinnell. 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. When (\*\*\*) is used a section of the transcription is inaudible.**