



TOWN OF SURFSIDE BEACH ♦ TOWN COUNCIL CHAMBERS
March 10, 2009 ♦ 6:30 P.M.

TOWN COUNCIL MEETING MINUTES

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1. **CALL TO ORDER**

Mayor Deaton called the meeting to order at 6:30 p.m. stating that this was a business meeting and asked everyone in attendance to conduct themselves in that manner adding that council would do the same. Mayor Deaton, Mayor Pro Tem Truett and Councilmembers Blair, Johnson, Martin, Samples and Childs were present. A quorum was present. Staff present: Administrator Booth; Clerk Pinnell, Finance Treasurer Hursey, Building, Planning and Zoning Director, Donevant and Police Chief Christenson. Attorney Mr. Smith was also present.

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

Councilman Samples said the invocation and Mayor Deaton led the pledge of allegiance.

3. **AGENDA APPROVAL**

Mr. Truett made a motion to approve the agenda as submitted. Mr. Childs seconded the motion. **All voted in favor. MOTION CARRIED.** Mr. Truett made a motion to add tree moratorium, item 7G to the agenda under Business. Mr. Childs seconded the motion. **All voted in favor. MOTION CARRIED.**

4. **MINUTES APPROVAL**

Mr. Truett made a motion to approve the regular meeting minutes from February 24, 2009. Mr. Samples seconded the motion. Mr. Johnson stated that council had received an e-mail from the clerk regarding changes to the minutes to be made and asked for confirmation that these changes were made. The clerk confirmed that they were made. **All voted in favor. MOTION CARRIED.** Mr. Samples made a motion to approve the February 24th, 2009 budget meeting minutes. Mr. Truett seconded the motion. **All voted in favor. MOTION CARRIED.**

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

There were no public comments.

6. **COMMUNICATIONS**

A. ***Media Presentation: Mark McGraw from Time Warner***

Mark McGraw stated that he has worked with Time Warner Media sales for the last 14 years and specializes in resort and attraction marketing and works with the Myrtle Beach Chamber of Commerce and the North Myrtle Beach Chamber of Commerce along with other attractions in the area such as Wild Water Wheels, Ripley's Aquarium and Broadway at the Beach. Mr. McGraw stated that the campaign goal would be to increase awareness of Surfside Beach as a destination within the Grand Strand featuring the 'Family Beach', the pier, activities and special events. Time Warner would like to build some excitement to help the town stand out among the many visitors who visit every year. Mr. McGraw stated that television offers the ability to easily promote the town with campaign dates to be March 30th through October 4th, 2009 adding that the geographic coverage area would be Little River to Georgetown to Conway and they reach 116,000 residential households and approximately 95 percent of the hotels and condos along the beach. Mr. McGraw

52 stated that they proposed a commercial schedule that would cost approximately
53 \$20,156 with the production cost to be \$780,000 totaling \$20,936 adding that
54 encompassed in there is quite a bit of free advertising. There is also a program that
55 includes a five-minute interview segment which could detail perhaps the history of
56 Surfside, the pier or interesting facts that could be brought to all of the visitors. Mr.
57 Martin stated that he does not understand who the target market is and asked if it was
58 the people already staying here. Mr. McGraw stated that it does market those
59 staying in the Grand Strand area but those who are unaware of Surfside Beach and
60 all that the town has to offer with various activities and special events. It would give
61 Surfside Beach awareness as a possible new destination for people to visit and stay
62 in the future. Mr. Booth added that right now Surfside Beach is getting very little
63 advertising in the area and the idea is to focus in on events and draw people to visit
64 and possibly come back the following year. Mr. Samples stated that he assumes that
65 the production planning of \$780 is a one-time charge. Mr. McGraw stated that they
66 would develop a five-minute infomercial that would appear on *Grand Strand Now*
67 and also would include a 30 second commercial which would give an overview of
68 Surfside Beach. It would also include a crawl that would advertise upcoming events
69 and would change as new events come up. Mr. Samples stated that they would
70 definitely want to market their fireworks event and asked how many edits were
71 included. Mr. McGraw stated that he allowed for eight at this time.

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73 Mr. Booth stated that these funds are sitting in the Chamber of Commerce and asked
74 for permission from council to move forward. Mr. Samples asked Mr. Booth if he
75 had discussed this with the Chamber and Mr. Booth replied that he had not discussed
76 this directly but had discussed using the money and where to direct it. It was
77 confirmed that this is money that the Chamber is holding for the town and waiting
78 for direction on how to use it. Mr. Samples made a motion to accept the proposal to
79 use Time Warner as presented. Mr. Childs seconded the motion. Mr. Johnson asked
80 for confirmation on these funds being used. Mr. Booth stated that the Chamber takes
81 5 percent of the money the town gives them and they hold it for the town to use
82 towards marketing. The town had used it in the past for flyers and will probably
83 make new flyers next year. Mr. Johnson stated that he would feel more comfortable
84 speaking to the Chamber of Commerce before he voted on this. Mr. Martin stated
85 that he would also like to see other options that are better targeted to bring people
86 into town. Mr. Truett stated that he agrees with Mr. Martin in that the people they
87 plan on marketing are already here and added that when he goes on vacation he is
88 not watching television in his room and that this is a huge amount of money and that
89 he also feels that the production should have been included and that there are other
90 ways to market to bring new people in. Ms. Blair stated that she would not oppose
91 her colleagues requests to hear other options but added that from experience she
92 knows that the town will not get a lot for this money outside of this market. Ms.
93 Blair added that there is a civic matter she volunteers in and they get local
94 advertising as a trade out for this event and the market value of that is \$18,000 and
95 that is just running the ad along the Grand Strand for one local event. Mr. Samples
96 stated that Ms. Blair makes an excellent point and he too has had personal experience
97 with non-profit advertising in the area and this is one of the reasons that they are
98 lucky to have a Myrtle Beach Area Chamber who does not just advertise Myrtle
99 Beach but the Grand Strand and added that although people do not sit in their hotel
100 rooms all day they do tend to flip through the channels to see what is going on in the

101 area and if someone were visiting the Grand Strand for the first time they really do
102 not know what is available and this does provide the town an opportunity to bring
103 more people into the Family Beach. **Ms. Blair, Mayor Deaton, Mr. Samples and**
104 **Mr. Childs all voted for and Mr. Johnson, Mr. Martin and Mr. Truett voted**
105 **against. MOTION CARRIED.**
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107 **B. Presentation of Engineers**

108 **i. RPM**

109 Mr. Berry Still, Director of Development introduced himself and also
110 introduced Kevin Barnes, Office Manager; James Smith, Director of Surveys;
111 and Brian McMullen, Director of Construction. Mr. Still gave his
112 PowerPoint presentation. Mr. Still stated that RPM represents diversity by
113 offering a lot of services with quality. RPM has offices in Myrtle Beach and
114 also has one in Lexington and they also have a couple other offices in
115 Columbus Ohio, Richmond and Charleston. RPM has grown 120 percent in
116 the last three years and provides responsive, quality work. There are 62
117 permanent employees in their offices. 39 are in South Carolina with 20 in
118 Myrtle Beach. Mr. Still stated that they have qualified and certified
119 employees and provide full service. They perform surveying, stormwater
120 services with water quality being a very important issue, civil design and
121 master planning, commercial construction, video pipe inspection which helps
122 inspect the current inventory and really look at the conditions of that
123 inventory, transportation design which is his expertise and transportation
124 management. Mr. Stills added that they have state and federal agency
125 involvement and added that he is aware that everyone is interested in the
126 stimulus package right now and with that is a lot of federal compliance issues
127 that come with this money and his company is very well versed in the
128 compliance of these documents. Mr. Still reported that RPM offers a one-
129 stop shop type atmosphere and then presented council with some of the
130 projects they have done.

131 **ii. Tych & Walker**

132 Mr. Michael Walker introduced himself stating that they are an architecture
133 firm located in Murrells Inlet and have been in practice for 15 years. Mr.
134 Walker stated that he has been in the area since 1983 practicing architecture
135 with several local firms and started his own firm with Mr. Tych in 1995. Mr.
136 Walker stated that as architects they do everything from screen porch
137 additions to large new judicial centers and they coordinate and collaborate
138 with their engineers on civil, mechanical, plumbing, electrical, structural and
139 landscaping. They also do space planning and offer a lot of various options.
140 Mr. Walker reported on the various projects he has worked on and added that
141 they are small, local and have repeat clients. They also offer 3-D capabilities
142 and when it comes to space planning an individual could actually see what
143 the project would look like once it was done. Mr. Walker stated that they
144 have worked on LEED certification issues and take pride in all they do.

145 **iii. Earthworks Group**

146 Steve Strickland from Earthworks introduced himself. Mr. Strickland stated
147 that they are about taking the town's vision and putting it into play. Mr.
148 Strickland stated that Earthworks started in 1996 and that he is from the
149 Murrells Inlet area adding that the marshwalk was one of the things that got

150 him onto the private side. Mr. Strickland stated that this was a project that
151 made Murrells Inlet what it should have been and what it is today. Mr.
152 Strickland stated that everyone at Earthworks are Grand Strand natives and
153 began by doing civil and environmental work then got into buildings because
154 of wind design requirements and hurricane forces and then added surveying
155 along the way and then added construction management to their portfolio.
156 They provide watershed services by fixing drainage. They provide
157 environmental services and GIS making sure they know where the parts are
158 and how they fit together. They provide municipal infrastructure services
159 that includes the water, sewer, drainage and sidewalks. They provide
160 building design services from a renovation to an addition to residential to
161 commercial and also provide survey, full service and construction
162 management.

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164 Earthworks got their start in Surfside doing watershed projects and were
165 given the job of reducing in home flooding and when they got there in 2001
166 there were some flooding issues. They have worked on the Melody basin and
167 are presently at the Myrtle basin and still have an outfall that is a problem
168 that needs to be corrected. Mr. Strickland stated that along the way they
169 spent money fixing the problem but they looked towards the water quality
170 issues and made a decision through the stormwater committee and town
171 council to spend extra to do things that would improve the water quality and
172 infiltration system along Ocean Boulevard. Mr. Strickland reported on
173 projects completed, the Melody basin with two outfalls one on 13th South and
174 one out to the creek and on Floral basin a single outfall and then Myrtle basin
175 which is being completed. Mr. Strickland stated that they also provide the
176 GIS service and took the town's mapping information and put it in with the
177 zoning information and all of the FEMA requirements and made it into one
178 nice neat map which is about 5 feet long. Mr. Strickland stated that they
179 worked with the town NPDES Phase II program and worked with the
180 stormwater committee to revise the town stormwater ordinance to meet the
181 NPDES requirements and are currently working with the Building and
182 Zoning Department to help implement the stormwater program. Mr.
183 Strickland stated that his company has also worked with the town on several
184 different grants. OCRM had some comments on the Beach Front
185 Management Plan and Earthworks went through it and fully updated it in
186 2002 and it was utilized to get some funds for the town. Mr. Strickland stated
187 that they are currently working on improvements to the pier and Yaupon
188 parking lot. Mr. Strickland stated that they also do building design and have
189 done many projects both commercial and residential up and down the beach
190 including restaurants and offices and have used a variety of materials. Mr.
191 Strickland stated that they use low impact materials and are concerned with
192 energy efficiency, quality and durability; they believe in buildings that will
193 last. Mr. Strickland stated that they also provide construction management.

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195 **C. Building, Planning & Zoning Report**

196 Mr. Booth reported that building permits are down and the building department has
197 become more proactive in code enforcement with signs, banners and zoning
198 violations and have specifically been investigating a number of complaints with trash

199 behind commercial buildings, open displays and derelict vehicles. Mr. Booth stated
200 that one area he has directed them to look at is that there has been a rash of
201 vandalism and graffiti. Mr. Booth stated that it is a three pronged approach to get to
202 the kids. Code enforcement is one, Mr. Taylor and himself are talking to the kids
203 and he is trying to tell them that if there is something they want to organize like a
204 skateboard park then they should come to council but if they continue to graffiti and
205 vandalize they will not get anything. Mr. Booth reported that the Planning
206 Department and Planning Commission has completed the review of Article I of the
207 zoning ordinances. Mr. Samples asked if they are working on the Surfwalk at Ocean
208 Blvd on 16th Avenue adding that the backside is rotted out and none of the balconies
209 are useable. Mayor Deaton asked Mr. Samples to meet with Ms. Donevant to get an
210 update on the status of this building since it is not an agenda item.

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212 ***D. Public Safety Report***

213 Mr. Booth reported that the town is in the process of hiring an officer that would be
214 in place on the 1st of April and added that the two safety officers that will be doing
215 infraction enforcement on the beach would be in place April 1st as well. Mr. Booth
216 stated that the bike patrol officer will be going through training and will be in place
217 for the summer season. Mr. Booth reported that there were two major arrests
218 involving golf carts. Mr. Booth stated that Mr. Christenson would be going to try to
219 get some stimulus money on Thursday. Mr. Booth reported that the police have been
220 very active in pursuing the acts of vandalism and graffiti adding that there are plenty
221 of programs for the kids and they really do not need to be out doing this but if it is
222 because they do not have a certain thing they need than they need to organize and go
223 for it instead of taking it out on the bathrooms and walls. Mr. Childs stated that he
224 has been following, with great interest, the stimulus money that is going to the local
225 police departments and sheriffs and at first he was disappointed to see that they were
226 not on the list of recipients to any of the money but has, in further research, seen
227 where the department of Public Safety would receive an additional 23.2 million of
228 which most will go to local agencies through competitive grants and he talked to the
229 chief who has said he is going up Thursday and will try to get funds.

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231 ***E. Administrator's Report***

232 Mr. Booth reported that the town will need to lower Dogwood Lake and it will be
233 done slowly. It is being lowered so that they can get into Palmetto and at the same
234 time they will perform some maintenance work on Dogwood. The water has been
235 filled up with debris so they will dig out about 50 feet of that and then they will
236 spray to get beneath the vegetation and kill it. Mr. Samples asked what the plan for
237 the lakes that have already been dredged regarding aerators. Mr. Booth answered
238 that they are now in the process of ordering fountains. They put the aerators in while
239 they await the arrival of the fountains. Mayor Deaton added that they are not just
240 decorative fountains; they serve a very important purpose as far as water quality
241 goes. Mr. Childs asked if the town was going to install a vegetated sock on
242 Dogwood or if a retaining wall was going to go in. Mr. Booth answered that a sock
243 would be installed there and the town is looking at doing another one over on Myrtle
244 Lake over by the condo area. Ms. Blair asked if the fountains would be in prior to
245 when the heat of the summer strikes and Mr. Booth answered that they would adding
246 that the electrical is already there. Ms. Blair stated that along with the water quality
247 it is a great asset for mosquito control.

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i. Beautification Workshop

Mr. Booth reported that this workshop was very successful adding that this is a very active group with numerous projects being discussed. Mr. Booth stated that the crossover by 17 and Surfside Drive will go in this week and they are also beginning work on the Yaupon parking lot. Mr. Booth reported that the businesses were very excited about doing something with their facades especially if the town was going to participate.

ii. Planning & Zoning Tree Hearing Update

Mr. Booth reported that the Planning Commission is still working with the tree ordinance and they will need to have additional workshops adding that they were unable to come up with any kind of consensus. Mayor Deaton asked if Mr. Booth was talking about “a” workshop or multiple workshops. Mr. Booth stated that they would see how the first one goes and Mayor Deaton stated that the only problem is that council is going to have to extend the moratorium and the only reason that council went to the Planning & Zoning is that it is required by law. Mr. Booth stated that after being at the Planning & Zoning meeting he is not really sure that they are going to have a recommendation by the next workshop because there were many different opinions.

iii. Efforts to get Stimulus Funding

Mr. Booth reported that on Thursday he will be meeting with the Chief of Staff, Ed Gunn, about the stimulus funding and how the town can get the fire station put in because it is a shovel ready project and that there are two other projects he has. Mr. Booth stated that he wants to get in line for the funds and wants to find the mechanism to get these funds.

Mr. Johnson stated that he had heard that tomorrow the Governor was going to announce how he plans to distribute the stimulus money to the State and the State agencies. Mayor Deaton added that they have also e-mailed all of their legislators regarding their needs and they have also hand delivered letters adding that they are “the squeaky wheel at this point in time.” Mr. Samples stated that he had heard on the way to council this evening that the Governor has decided to take the 700 million dollars and apply it against unfunded liabilities adding that he is looking at things like pensions.

7. BUSINESS

A. First Reading: #09-0659 Adopt 2009/2010 Fiscal Year Municipal Budget

Mr. Truett made a motion to approve the first reading of 09-0659. Mr. Samples seconded the motion. **All voted in favor. MOTION CARRIED.**

B. First Reading: #09-0660 Adopt Fiscal Year 2009/2010 Tax Millage

Mr. Booth stated that there is no increase in millage. Mayor Deaton stated that it is currently at 44 mills which is very impressive. Mr. Samples made a motion to adopt

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295 fiscal year 2009/2010 tax millage. Mr. Johnson seconded the motion. **All voted in**
296 **favor. MOTION CARRIED.**

297 C. *First Reading: #09-0661 Establish New Fiscal Year for the Town*

298 Mr. Booth stated that this has been accepted since council has accepted the budget
299 but to be legal they wanted to place an ordinance to establish the new fiscal year.
300 Mr. Truett made a motion to adopt the new fiscal year. Ms. Blair seconded the
301 motion. Mr. Samples stated that undoubtedly this will pass, it was discussed at the
302 budget retreat but he is 100 percent against changing the fiscal year without changing
303 the election date. Mr. Samples stated that the town has elections the first Tuesday of
304 April every other year and what this change will do is have a new council adopt a
305 budget prepared by the previous council and he does not feel that this is a smart thing
306 to do. Mr. Truett asked Mr. Booth to explain why the initial proposed change came
307 about. Mr. Booth stated that the town is off cycle with the State and every other
308 government agency in the State and because of that the town is unable to get a lot of
309 the information that they need and they currently do a lot of guessing and estimating
310 on how much money the town will get in and the town is also out of sync when it
311 goes for grants and it is also out of line with the Accommodations Tax funds. Mr.
312 Martin stated that he is not as concerned about having new people on council
313 because they are not new people to the town and although the council currently has
314 four new members including the Mayor from the last election, the Mayor had served
315 previously and he knows that the other members are quite familiar with the town and
316 he trusts the people of the town to elect people who are capable of stepping right in
317 and getting to work.

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319 Mr. Samples stated that the challenge in having to use estimates has served the town
320 very well for over 40 years and the fact that the town has a 44 mill tax, one of the
321 lowest around, says something and added that “if it ain’t broke don’t fix it”. Mayor
322 Deaton stated that the town’s form of government is a council form of government
323 and by ordinance they delegate the authority and responsibility of day-to-day
324 operations to the administrator and staff of Surfside Beach who actually created the
325 budget. Mayor Deaton stated that council takes a lot of credit but the fact is staff has
326 created the budget with the direction of council and added that he is not demeaning
327 anyone on council but the responsibility has been delegated to staff and if the town
328 changed the election date the options would be to either reduce the current terms by
329 6 months or increase the terms by a year and a half and that he would not like to
330 “open up that can of worms by any means”. Mayor Deaton stated that Surfside
331 Beach is not the same town it was 40 years ago, it is a more modernized town and it
332 is more proactive and it has come along way and he is very proud to be a resident
333 and a representative of this town. **Ms. Blair, Mr. Johnson, Mr. Martin, Mr.**
334 **Truett and Mayor Deaton all voted for. Mr. Samples and Mr. Childs voted**
335 **against. MOTION CARRIED.** Mr. Samples stated that he is proud to live in this
336 town and to serve also and the fact that he took a different position he hopes that the
337 Mayor did not mean to infer otherwise. Mayor Deaton stated that he did not mean
338 anything by his comment and added that there is nothing personal ever in this
339 meeting, it is a business meeting and told Mr. Samples that he would have plenty of
340 time to speak during his comments if he so chose.
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D. *Second Reading: #09-0656 Parking Ordinance*

Mr. Booth stated that this ordinance makes the parking ordinance an infraction to have a parking ticket and also gives the authority to boot cars. Mr. Childs made a motion to adopt second reading of 09-0656 parking ordinance as written. Mr. Truett seconded the motion. Mr. Childs stated that he had spoken with the Chief and that everyone knows that it is against the law to park on the sidewalk but there are still a surprising number of people who do park on the sidewalks. Mr. Childs stated that he has had a number of people come up to him and complain about the situation on Ocean Blvd. where people are forced to go around vehicles while they are out for a walk. Mr. Childs stated that now that the town will have an officer on a bicycle he believes that the officer should go up and knock on the doors and ask the individuals to please move the vehicles off the sidewalk adding that many residents do not feel comfortable calling the police about these situations and added that this is something that he would like to see the officer take care of. Mr. Booth stated that since the town will be taking over Ocean Blvd they will post “no parking” signs and this should stop many people from parking on the sidewalks and would also allow the police officers to write criminal tickets. Mayor Deaton asked if there was any objection to direct this kind of friendly manner policy. There was a consensus to the direction of Mr. Childs.

Mr. Truett asked when the registration of golf carts would be. Mr. Christenson confirmed that the police department would register the golf carts from 8 am to 5 pm, Monday through Friday and that people would need to bring their golf carts in to register them. Mr. Christenson explained that the police want to place the registration stickers on the golf carts. Mr. Booth stated that the registration sticker also includes all of the golf cart rules. Mr. Johnson stated that for the public’s information the parking ordinance is just one piece of the puzzle adding that the town does have a parking problem and that the town would be looking at the overall parking problem in the near future. Mr. Johnson stated that the town has cut down the parking from the corner from 50 feet to 30 feet which would allow more people to park in certain areas and added that placing “no parking” signs on Ocean Blvd would “open another can of worms” by not allowing places for people to park there. Mr. Booth stated that he would not be blocking off all parking on Ocean Blvd but feels that there are approximately 60 spots along Ocean Blvd that could be used and that perhaps the following year they could put up ‘paid parking’ and added that there are areas where people park on sidewalks and those areas would need “no parking” signs. Mr. Johnson stated that he was just saying that this was just one part of the puzzle. **All voted in favor. MOTION CARRIED.**

E. *Second Reading: #09-0657 Zoning Text Amendment Non-Conforming Buildings*

Mr. Booth reported that this ordinance request originally came from the Zoning Board and the previous ordinance had restricted individuals from adding onto a building that was non-conforming and this revised ordinance allows an individual to square off the building adding that they would not be allowed to build into the right of way, it is just allowing them to square off their building. Mr. Samples made a motion to approve the second reading of 09-0657. Ms. Blair seconded the motion. Mr. Martin asked if council received the revised version of the second page that was

388 e-mailed. Council verified that they all received the revision. **All voted in favor.**
389 **MOTION CARRIED.**

390 F. ***Second Reading: #09-0658 Per Diem***

391 Mr. Booth reported that this ordinance change just puts the per diem in with the State
392 rate. It allows council to not have to keep receipts but it keeps the amount restricted
393 to what the State allows which is not a great amount. Mr. Johnson made a motion to
394 approve the second reading of 09-0658. Mr. Truett seconded the motion. Mr.
395 Samples asked for confirmation that this was only for overnight travel and Mr. Booth
396 confirmed that it was. **All voted in favor. MOTION CARRIED.**

397 G. ***Tree Moratorium Extension***

398 Mr. Truett made a motion to extend the tree moratorium for 30 more days adding
399 that hopefully it would be the last 30 days. Mr. Martin seconded the motion. Mr.
400 Johnson stated that he believes that we all saw this coming. Mr. Truett stated that he
401 would like to challenge staff and the Planning & Zoning Commission to bring some
402 kind of recommendation soon. Mr. Booth stated that the commission has different
403 opinions. Mr. Truett added that the commission has 30 days. Mr. Booth stated that
404 if the Planning Commission cannot come up with a recommendation then he would
405 bring it back to council. Mr. Samples asked if they have to wait until the next
406 Planning & Zoning meeting. Mayor Deaton stated that he believes that by law if the
407 Commission fails to come to a decision within 30 days then it comes back to council.
408 Mr. Booth stated that he would ask for a vote at the next Planning & Zoning
409 meeting. Mr. Samples stated that currently the Commission meets once a month and
410 asked if the plan was to wait until the next monthly meeting and Mr. Booth answered
411 that this was the current plan. Mr. Booth stated that he could certainly ask the
412 Planning & Zoning Commission to meet earlier. Mr. Truett made a suggestion for
413 the Commission to meet prior to the 1st of April. Mr. Booth stated that he would
414 have Jackie e-mail the Commission members to meet earlier. **Ms. Blair, Mr.**
415 **Johnson, Mr. Martin, Mr. Truett, mayor Deaton and Mr. Childs voted for the**
416 **extended moratorium and Mr. Samples voted against. MOTION CARRIED.**

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418 **8. DISCUSSION**

419 *Open Burning in Public: Councilman Martin*

420 Mr. Martin stated that the reason he asked to bring this up for discussion was due to an
421 occasion in December where he thought there was a house on fire in his neighborhood
422 and he asked Fire Chief Packard to look into it and it turned out that someone was
423 burning leaves and brush two blocks away and the smoke was so thick that he really
424 thought one of his neighbors houses was on fire. Mr. Martin stated that he feels that the
425 town has become sufficiently populated and is now considered an urban area and
426 beleives that you cannot do things here that you can do out in the country and would like
427 the town to be more strict with open burning and added that he is talking about leaves
428 and brush and not someone's fireplace or barbeque. Mr. Martin stated that our current
429 ordinance is based on the 2006 International Fire Code and in the first paragraph it states
430 under general that "a persn shall not kindle or maintain or authorize to be kindled or
431 maintained any open burning unless conducted and approved in accordance with this
432 section". "Prohibited Open Burning. Open burning that is offensive or objectionable
433 because of smoke or odor emissions or when atmospheric conditions or local
434 circumstances make such fires hazardous shall be prohibited." Mr. Martin stated that the

435 way he reads this is that given this small town and with the amount of people the town is
436 covered under this code to not allow burning but that the rest of the code goes on to
437 allow permits and permits have been allowed. Mr. Martin stated that the clerk had
438 provided additional information to council that contained general information on smoke
439 and health “smoke from land clearing burn piles, leaves and brush, is composed of fine
440 particles and a toxic mix of carcinogens that are hazardous to human health. Fine
441 particles are associated with serious health effects as the tiny size of these pollutants
442 allow them to be easily inhaled by passing the immune system and proceeding deep into
443 your lungs where they can cause respiratory and cardiovascular problems including
444 premature death.” Mr. Martin stated that there are other things that could be done with
445 leaves adding that the town picks up leaves if they are bagged, they can be curbed, they
446 can be chipped or composted. Mr. Martin stated that he is recommending to council a
447 town policy that says, per section 307.1 and 307.11 and given the size and density of the
448 town, that the policy would be to not allow permits for open burning.
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450 Mr. Samples made a motion to suspend the rules to have open discussion. Mr. Childs
451 seconded the motion. Mr. Childs stated that in yesterday’s paper there were headlines
452 that read “Fires Light Up Strand” and added that he sympathizes with Mr. Martin adding
453 that he feels that he is completely correct on this. Mr. Childs stated that also under the
454 2006 International Fire Code number 304 it stated that “vegetation, weeds, grass, vines
455 or other growth that is capable of being ignited and endangering property shall be cut
456 down and removed by owners or occupants.” Mr. Childs stated that this similar item
457 came up not long ago stressing that he does not want to cut trees down he just wants to
458 see some of the undergrowth that has been in the lots for years to be removed adding that
459 there have been reported brush fires on the Strand. Mr. Childs stated that the town has
460 been lucky in that the town has not had brush fires but there are many people with homes
461 right next to wooded lots and he feels that they are a danger and could be ignited at night
462 by a careless smoker. Mr. Childs stated that he feels that if council were to adopt the
463 one item then it should consider the other section as well.
464

465 Mr. Truett stated that he agrees with Mr. Martin adding that the town does provide curb
466 pickup of limbs or leaves and that it could also be composted and that there are
467 situations that should be allowed adding that he has a small pot bellied stove in the yard
468 where he puts a log in once in a while and that is not what council is talking about; they
469 are talking about lighting a large pile of leaves or piling them in a ditch and letting them
470 burn all night and smoulder. Mr. Johnson stated that he is not aware of a large problem
471 of the open burning of leaves in town and understands that this is a small town and also
472 understands that there are lots that are overgrown. Mr. Johnson stated that he does not
473 see a problem. Ms. Blair stated that she does not have a problem with banning open
474 burning and feels that open burning is not necessary adding that she is not privy to it
475 much around her neighborhood and has not had any problems with it in the past. Ms.
476 Blair stated that she agrees with Mr. Johnson on the clear cutting in that council would
477 be “opening another can of worms” by trying to require people to clear and maintain
478 these lots adding that underbrush grows back very quickly. Ms. Blair stated that at her
479 job they get many complaints on underbrush in lots and it is not usually fear of fire but
480 fear of vector, vermin, mice and snakes that might inhabit those areas. Ms. Blair stated
481 that if the lot was ever cleared then allowed to grow up again it would become an issue
482 to get owners to maintain it and added that she does not feel that council should enforce
483 this but agrees to banning open burning. Mr. Samples stated that he understands the

484 concern of open fires and agrees with Mr. Johnson where he does not view it as a
485 significant problem adding that he has a neighbor who burns wood in his fireplace
486 whenever it is cold and there are chances of fires starting in chimneys if they are not
487 cleaned but added that he would defer to the majority. Mr. Martin clarified that he was
488 not talking about fireplaces or clearing lots he was just talking about open burning of
489 leaves and brush. Mr. Samples asked if an individual would currently need to get a
490 permit and Mr. Booth stated that they would. Mr. Samples added that the permit is also
491 specific as to the time frame they can actually burn and Mr. Booth agreed that this was
492 correct.

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494 Attorney Mr. Smith stated that a policy cannot have a penalty so if the town wanted to
495 ban something then it would require an ordinance. Mr. Smith stated that there are a few
496 conflicts in the code in that in 307.3 it authorizes the fire official to order the
497 extinguishing of the fire but feels that town staff should be able to order an
498 extinguishment and not just the fire official. Mayor Deaton asked of council would
499 consider adding this to a workshop issue to clarify direction. There was a consensus of
500 council to add this item to a workshop. Mr. Booth stated that the town is also working
501 on creating a parking plan. Mayor Deaton explained that the town is currently going
502 through all of its ordinances methodically.

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9. PUBLIC COMMENTS

506 *Beth Kohlmann, 7th Avenue South:* “I just wanted to comment about the kids coming
507 forward for their skate park. I think that you need to think about pushing through that
508 recreation committee because if the kids do come in from that carrot you’re dangling,
509 what are you going to tell them? Where do they go? They have to have more than, you
510 know, ten year old kids, if they come in here, and I’m sure you could get a bunch of kids
511 to come in for different ideas and it’s great that the kids would do that but then you’re
512 going to have to know what to do with it. You just can’t say “ok”, you know, and I think
513 that a lot of it has to do with the parents, that we’ve overindulged our children and
514 there’s not a lot of supervision out there but you know what, there are a lot of great kids
515 in Surfside and those are the kids that are sitting home going ‘mom, can you play
516 basketball with me, please, can you throw the ball around with me , please’ because you
517 know that ‘plenty of activities’ things you’re talking about, I’d like you to give me that
518 list. There’s not really ‘plenty’. There’s bocci courts, there’s horseshoes but I know my
519 kids, I have five kids, they don’t want to play bocci, they’ll do it because that’s what we
520 do, we’ll say ‘come on let’s go play bocci’, but let’s be realistic, they want to play
521 basketball, they want to skateboard and I think that what’s going on with that graffiti is a
522 horrible thing and I would like to think that the parents would educate their children but
523 I think as a community and as parents and as a town I think that if you involve these kids
524 and make it, if you research this and you see what other towns across the country have
525 done and I’ve done that, if you involve these kids and make them proud of where they
526 live and make it their park then you’re going to take that group of kids that’s doing that
527 graffiti and the kids that aren’t doing it, and you have to blend them because they have to
528 live here, so it would make it a lot easier and I’m proud to say that you don’t know my
529 kids, right Andy, you don’t know them, I’m proud of that and not to say you’ll never run
530 into them but they better not, but I think if you involve them, I think that that’s the big
531 thing for kids and I know as a kid myself if I was involved in something I was proud of
532 it and I think as adults you’re proud of what you do and I think that’s going to keep the

533 kids a little bit more busy than the horseshoes and also parents need to take their kids to
534 these establishments, like go to Seadogs with your kids and say “these are my kids, if
535 they’re ever doing anything feel free to let me know about it”, you know, bring them
536 down there, let them know that the town, the people in the town, know who you are, this
537 is where you live and we’re all watching you and I think there are ways to work that
538 through with the kids and involve them with the senior citizens as well. There’s plenty
539 of great things you could get kids and seniors involved in together so this way when
540 they’re out in the street and they see these older people they’ll be a little bit more
541 respectful, because we all know that’s going out the window too with a lot of kids, not
542 all of them, remember, I don’t want to generalize children, but I think that would make
543 a big difference when they come to you and say ‘ok Mr. Booth we’re here’ because you
544 know what Mr. Booth, I could get a lot of kids up here and I don’t want to do that unless
545 you’re ready for it, so I would like to see the recreation committee really put forward and
546 I think that it’s a really important thing and we’re coming into the summer months and
547 there’s so many great things here and a lot of great ideas and thank you very much.”
548

549 *Mike Walker, Tych & Walker:* “I just wanted to add one thing, you had talked a little
550 about stimulus money and I just wanted to give you some input on several projects we’re
551 doing right now with other municipalities, there is money, supposed money available,
552 through the office of energy for renovations of existing buildings when it relates to roof
553 structure, windows, insulation, HVAC systems, etc. so if there’s anything you’re
554 thinking of in that nature you might like to look at that avenue.”
555

556 *Brian Lenard, 505 Lakeshore Drive:* “I just wanted you to know that I wrote up a
557 contract today to build a house with the hopes that something would come to fruition
558 with this tree ordinance and I now have to go back to my surveyor tomorrow to see if
559 there is any other way to possibly lay it out and hope that the homeowners will still like
560 the layout of the home and however we have to do, to try to get it done, or else tell him
561 he has to wait 30 days, it’s a beach home so telling him he has to wait for his house until
562 September, I’m guessing he is not going to want that, so I’m hoping that me and the
563 surveyor can work something out. I’ve been to all your town council meetings, I’ve read
564 your town council workshop, I’ve been to the P&Z meeting and nothings gotten done.
565 P&Z, I was at the meeting last week, they didn’t want to change it, that’s why no
566 changes came back to you guys, I mean, they hemmed and hawed and talked a little bit
567 but basically the consensus was they didn’t want to change. I’ve got four other building
568 permits sitting on my desk waiting for something to be done with the tree ordinance so
569 that I can submit my building plans to build four additional houses and as the building
570 department has said, they need the work. I just ask that somebody take the ball here and
571 get something done and get something in place instead of extending, extending,
572 extending. From what I’ve seen on the outside it’s been passed around and passed
573 around and passed around and it is my livelihood to build and to sell and right now, in
574 this economy, if I’m going to lose a sale because we extended the tree ordinance again, it
575 is not something I’m really looking forward to, so I’m just asking that somebody take
576 charge and get this thing wrapped up.”
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578 Mayor Deaton explained that council had to refer the tree ordinance to P&Z by law, it
579 was a requirement and until they are either done with it or the time expires adding that
580 council’s hands are tied and that council wants to expedite this and move forward as
581 quickly as possible.

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Ken Harbin, 322 South Willow: I just wanted to speak briefly on the parking dilemma and I know we have a dilemma. When I go to work, I work on Ocean Blvd, I go down 3rd Avenue South straight towards the ocean, in the summer they're lined up on the right hand side or the south side of 3rd Avenue South, that is when parking places are vacant, there's a number of visitors, they are residents from the west of 17 and possibly in Surfside as well, who see that as free parking. If we're going to have meters let's help support those who actually put money in the meters and let's ticket those who don't. Concerning parking on the Blvd, all of you have been on the Blvd during the summer, I'm there every day during the summer, it is a hazardous place, it is a hard to view place, it is a hard to get out of driveway place, we do not need to line cars up on either side of Ocean Blvd. We do not need parking on Ocean Blvd. If we're going to do anything let's please do it expediently before we have the numbers that come in during the summer when maybe word of mouth will get out, 'no you can't park there', 'yeah, you're going to get ticketed there', and give ample time to issue warnings instead of tickets. There's a real easy solution to get parking in Surfside so in support of the property owners who are trying to sell property and property owners who are trying to rent their property, the easy solution is rent your vacation place in Surfside, don't rent down road, don't rent west and drive here to stay, rent here and you have parking. Certainly by here you have parking so in enforcing the parking and I know the police department is hampered with low numbers, with small staff but if we can enforce this I think we're helping the community; those who park legally, supporting them as well as the property owners and getting more people to come. So we give a free ticket and a free ride to those that are parked illegally. I hope we can stop it."

10. COUNCIL COMMENTS

Mr. Johnson: I would just like to thank everyone for coming out tonight. This is your town and we are elected by you.. Please contact us if you have any questions or concerns, either e-mail or telephone calls and we just thank you again and I would like for you to come back at the next meeting. Thank you."

Ms. Blair: "Thank you all for coming out, it's great to see the room full. I wanted to just say that I sat in on the Beautification workshop, sat in the back and listened and when I came in it was already started and I didn't really know what to expect as far as attendance but I was pleasantly surprised and I hope, I know that some of those committee members are here and I think they were excited too. It was a very good turn out, a lot of our business owners were there. There was a lot of good input. Everyone seemed very excited and Mr. Booth had some great ideas and hopefully we're going to be moving right along with a lot of those things and I was excited and he's rolling his eyes and I don't know why so I hope that doesn't mean he was just jerking our chain at that meeting, but anyway, I was very excited to hear about it and I think we're moving right along on a lot of things and I hope that, you know, our sidewalks and our fountains and our Surfside Drive and 17 ingress, egress will all be a part of the next things that we can brag about. Thank you again for being here and everybody have a great Saint Paddy's day next week."

Mr. Childs: "Ms. Blair he was really not doing . . . he was just so engrossed with agreeing with what you had to say he just didn't know what physical reaction to take. He wants to thank you, I'm sure."

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11. ADJOURNMENT

Mr. Johnson made a motion to adjourn. Mr. Martin seconded the motion. **All voted in favor. MOTION CARRIED.** The meeting was adjourned at 8:05 PM.

Approved: March 24, 2009

Sharon Pinnell, Town Clerk

K. Allen Deaton, Mayor

Joseph P. Martin, Town Council

Vicki W. Blair, Town Council

James S. Truett, Mayor Pro Tem

Douglas F. Samples, Town Council

Mark L Johnson, Town Council

Robert F. Childs, III, 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.