



TOWN OF SURFSIDE BEACH ♦ TOWN COUNCIL CHAMBERS
September 22, 2009 ♦ 6:30 P.M.

TOWN COUNCIL
REGULAR MEETING MINUTES

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1. **CALL TO ORDER**

Mayor Deaton called the meeting to order at 6:30 p.m. Mayor Deaton, and Councilmembers Blair, Johnson, Martin, and Childs were present. Mayor Pro Tem Truett and Councilman Samples were absent. A quorum was present. Staff present: Administrator Booth; Clerk Pinnell, Police Chief Christenson, Grounds Supervisor Newell, Public Works Director Taylor, Treasurer Hursey and Events Coordinator Ellis. Attorney Mr. Smith was also present.

2. **INVOCATION AND PLEDGE OF ALLEGIANCE.**

Police Chaplin Carmen Corella gave the invocation. Mayor Deaton led the pledge of allegiance. Mayor Deaton commented on the anniversary of Hurricane Hugo and that everyone in Surfside Beach worked together and it recovered beautifully from being devastated by the hurricane. Mayor Deaton stressed that if the public is asked to leave by officials during such an event to please take that advice.

3. **AGENDA APPROVAL**

Mr. Johnson made a motion to adopt the agenda as presented. Mr. Martin seconded the motion. **All present voted in favor. MOTION CARRIED.**

4. **MINUTES APPROVAL**

Mr. Martin made a motion to approve the public hearing minutes and minutes from the regular council meeting dated September 8, 2009 as submitted. Mr. Childs seconded the motion. **All present voted in favor. MOTION CARRIED.**

5. **PUBLIC COMMENTS – Agenda Items only – 3 minutes per speaker**

Joe Zoltak, 414 Pine Drive: “My three minute comment is on business item 7A the resolution to closing 1st Avenue. I am going to ask the question and hopefully during your discussion of the matter you will discuss it, is that this appears to be premature unless you’ve already received approval from the South Carolina Parks, Recreation and Tourism Commission in the National Park Service on the land conversion. It also may be premature unless and as far as I know there has not been an ordinance review of the site plan. At the public hearing two weeks ago here it was stated that nothing was received from the County on this yet, at that time, the site plan and the floor plan was already on the town’s website so I trust there’ll be some discussion as part of your decision here to close 1st Avenue to ensure that what is being proposed complies with all of the town’s ordinances. One of the issues I suggest you look at is the stormwater requirements, the setback requirements, there’s a distance from residential property lines and get a determination from our town building official, otherwise, it is very premature. Thank you.”

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6. COMMUNICATIONS

a. *Certificate of Recognition: Eric Simpson, Public Works, 10 Years of Dedicated Service*

Eric Simpson was recognized for his 10 years of dedicated service.

b. *Finance Report*

Mr. Booth reported that the town is one third into its budget; there should be 67 percent remaining and there is 66.6 percent remaining given the town had some up front expenses the town is well within its budget. Hospitality and local accommodations taxes were less than the previous year but the town anticipated being 20 percent lower and it is currently 10 percent lower. The town is still waiting for September and October to come in. The hospitality fund is paying for the fire station and the town is paying cash without borrowing. Mr. Booth reported that the town has done well this year with the pay stations and there have been less parking tickets issued. Mr. Martin stated that there needs to be an update made on the pier enterprise fund; the 2009-2010 pier repairs have been approved but it is not included in the annual budget for the pier. Mr. Booth stated that he will present a budget amendment. Mr. Booth stated that money is being generated from the rents and parking at the pier and repairs will be paid with these funds. There is no current reserve in this fund since it is the first year the enterprise fund has been in place but the town should begin accumulating a reserve going forward.

c. *Recreation*

Mr. Booth reported that the town will be providing basketball this year. The town had a beach sweep with 150 people having attended. The town beach is kept clean year round but some trash does accumulate on the burms and crossovers.

Mr. Childs commended Public Works for the clean beaches and thanked the chief for the night patrol in helping to control the fireworks. Mr. Childs stated that they counted 3,000 cigarette butts during the cleanup. Mr. Childs asked Mr. Booth about improving the crossovers stating that this was discussed a year ago and asked if the town was still on track with this project. Mr. Booth stated that this year the town will do the 4th Street South crossover and that it will be done in-house; the other crossovers were put on hold due to the reduction in ATAX funds. If the ATAX comes in better than anticipated this will be one of the major projects to continue with.

Mr. Booth reported that the town will hold its annual Family Festival on October 3rd. A Skyhounds disc throwing contest will be held for dogs this coming weekend. Mr. Johnson asked about the End of Summer Celebration that was cancelled and asked if the town had to pay the band and if there was any plan to reschedule. Mr. Booth stated that the town paid the band half price and the town will have a cookout to use some of the food purchased. There was no plan to reschedule since there are many other upcoming events; leftover supplies from the cancelled event would also be used at future events.

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d. Public Works Report

Mr. Booth reported that Public Works had a great year; they did a great job maintaining the beach. The town will begin a maintenance program and will start looking at the roads. The town will be going out for a fair amount of CTC funds. 10th Avenue will be one of the major paving projects due to the bridge being located there; a box culvert will be installed. The town is looking to work on doing some projects in-house.

Mr. Johnson asked about the 50/50 projects. Mr. Booth reported that these projects will start up again in October. Mr. Booth stated that the town would like to see more people participate in this program; it helps maintain the debris in the ditches. Ms. Blair asked how often the banners in the median get changed out. Ms. Ellis stated that the welcome banners stay up all year and the town puts Christmas banners up each year and they are changed out as they get worn or ripped. Ms. Blair stated that some of the blue banners are looking ragged. Ms. Ellis stated that they cost \$100 each.

e. Administrators Report

i. Walking Trail Passive Park

Mr. Booth reported that one of the reasons 1st Avenue is being closed is to extend Passive Park; it will connect two areas. The town received a grant for this walking trail. Mayor Deaton stated that the exercise trails in the park will be senior friendly.

Mr. Booth stated that the plan is to construct a deck over by the pier. The construction will be done in-house; it will be a good location for bands to set up during events; it also provides another area for tourists to visit. There will be some removable umbrella tables set up in that area. This will also provide an area for those who have businesses for their customers to go and sit. The town already has the materials and it will use in-house labor. The town may need to use a part time contractor to assist in supervision of the project and that cost will be minimal and there will be no need to come back to council for approval. There is no cost over \$5,000 involved. Mr. Childs asked about an awning being placed over the deck. Mr. Booth stated that the town is looking into this; it would need to meet all necessary requirements. Mr. Childs suggested use of a retractable awning. Mr. Martin suggested giving clarity as to its location. It was confirmed that the deck would go against the wall of the building as you face the ocean to the left of the pier entry and it would go along that wall and the entrance ramp.

Mr. Booth reported that the pier will be closed in December to do repairs. The plan for the future is to keep the pier open year round but it will be closed this season to perform the repairs on the pilings. The town will also perform maintenance on the boards of the pier as well. Mr. Childs asked about extending the pier at some point in time. Mr. Booth stated that the town is still looking at stimulus funding. Mr.

146 Booth stated that stimulus funding for the fire station has also been
147 extended until the middle of October.
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149 Mr. Johnson stated he has a concern with closing the pier in December
150 with many tourists coming to the beach during Christmas and New
151 Years and asked if the closing could be extended. Mr. Booth stated that
152 he does not have an answer at this time and stated that there is currently
153 legal discussion regarding the pier. Attorney Mr. Smith stated that he
154 could give an update to council at an executive session but the matter
155 would not be resolved by the next council meeting.
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157 **7. BUSINESS**

158 **A. *Resolution #09-087 Closing of 1st Avenue***

159 Clerk Pinnell read the resolution that is on file. Mr. Childs made a motion to adopt
160 the resolution. Mr. Johnson seconded the motion. Mr. Johnson stated that some of
161 the points brought up earlier were relevant points but the town needs to move along
162 on this project. Mr. Martin stated that there are benefits to the town in addition to the
163 impact of the library. This resolution also increases the flow of Passive Park which
164 is a plus for the town as well. **All present voted in favor. MOTON CARRIED**

165 **B. *Decision Paper: Dog Park***

166 Mr. Booth reported that the cost of the fencing is \$4,200 as opposed to the \$5,000
167 presented. Most of the costs of the dog park are from grants. Since the town has
168 many restrictions on dogs there is a need for an area for dogs to run. Mr. Booth
169 reported that this is not just going to be a dog park but the town will host seminars
170 for shots and education as well. Mr. Martin stated that one of the main issues the
171 town will address is maintenance. Mr. Booth stated that the town will plant grass in
172 the dog park area and there will be receptacles and bags placed around. Mr. Martin
173 made a motion to approve the dog park as submitted. Ms. Blair seconded the
174 motion. Mr. Johnson asked how the town will maintain the park. Mr. Booth stated
175 that Public Works will maintain it every day. Mr. Booth stated that the park will not
176 be lit and it will be locked each night. **All present voted in favor. MOTION**
177 **CARRIED**
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179 **8. PUBLIC COMMENTS**

180 ***Ann Dodge, 15th Avenue North***: “I was recently elected chairman of the Concerned
181 Citizens Group that we have just formed. We have had some problems; we wanted to
182 relay that, give people a voice, so now it’s in existence. Also I want to make it very
183 clear we are not, in any way, associated with the Surfside Free Press, I’m sure some of
184 you have seen; the publication that came out, that was not from this group. Our
185 membership is made up of citizens and business owners who reside or have a business in
186 the town limits of Surfside Beach. We presently have 50 members and we’re growing.
187 We are a positive group and believe that all of us share with you the same goals; the
188 betterment of the Town of Surfside Beach, we want to work with each of you towards
189 achieving that goal. We believe that each of you is trying to do a good job and we
190 commend you for your efforts. Maybe some issues you could try harder and do better;
191 we also believe you can maybe take more time in meetings to explain actions which I’ve
192 noticed that you did tonight and I thank you for that and anything that you’re proposing

193 to take an action on; we would like to be aware of that as well. You've got some things
194 to work on but you're doing a great job. The following people serve as our officers for
195 the CCOSB group: Ann Dodge, Chairman; Harry Kohlman, Vice Chairman; Rebecca
196 Hiatt, Secretary; Mary Ann Hunt, Treasurer; Everett Goff, Sergeant at Arms. Yesterday
197 I placed in your mailboxes at town hall a letter introducing this group and a copy of our
198 constitution and bylaws. We are serious; these also contain our mission statement and
199 code of ethics. If I may, I'd like to read our mission statement. Is that all right? 'To
200 preserve and enhance the small town atmosphere of Surfside Beach; to act as a strong
201 community force to ensure that public opinion and sentiment is represented and acted
202 upon by our elected officials; to amplify the civic voice and ensure resident participation
203 in shaping the future of the Town of Surfside Beach'. At our first meeting the group
204 listed a number of issues and we will do that at each meeting. We'll want to bring those
205 before you. We will be addressing them in meetings to come as the members direct. In
206 accordance with our code of ethics only a members of the board of directors, which I
207 have just read to you, our officers, either the chairman or one designated by the chairman
208 will speak as the voice of our group. They will tell you that they are representing
209 CCOSB so there is no question. Also in our code of ethics we address how a member of
210 the group who wants to bring before you a personal matter or concern will behave. They
211 will not be speaking for the group; they will be speaking as an individual and they will
212 make that clear.

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214 There are two issues that we talked about in our last meeting that we want to bring
215 before you and they are the library. We voted overwhelmingly to keep the library in
216 town. Then there was a majority vote to oppose ordinance 09-0678 which you discussed
217 in the last meeting. Wanted to let you know our next meeting is October 1st at 7:00 PM
218 at the library and we welcome residents and business owners who have their business in
219 town limits of Surfside Beach to come and get involved and if anyone of the council
220 wants to attend, you're welcome. Thank you very much."

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222 **Jim Franklin, 24 North Oak Drive:** "I have a bad hearing problem, only hear in one ear
223 and I have a hearing aide in it. Now this may be unique just to me and no one else in
224 this audience. Mayor Deaton, you are the only person that I have understood a third of
225 what has been said in here tonight. Now I understand that the people standing here are
226 addressing council but you're also addressing the people who are assembled here and if
227 I'm the only one that can't here, well, that's ok, but every time I come to a meeting I say
228 'I'm never coming back again because I just cannot understand what people say'. If you
229 would sit a little bit closer to your microphone and speak with just a little bit more
230 volume it sure would be a benefit to me and I would really appreciate it. The lady that
231 just left; she's the only person that I have understood other than the mayor who has said
232 anything up here tonight, now, I hope you'll just take into consideration that there may
233 be some more people in here that also have a hearing problem and would like to know
234 what is being said. Thank you."

235 236 9. COUNCIL COMMENTS

237 **Mr. Childs:** Just touching on the beach sweep again. Again, I want to thank Ty and
238 Public Works; you've done a super job. Mr. Christenson, your officers have controlled
239 the fireworks and the debris really well. The thing that bothers me and this is a
240 conservative guest-a-met. There was 3,000 cigarette butts picked up on the beach and
241 you could pick another 3,000 up if you wanted to. I feel that it's almost time to

242 reconsider our smoking ordinance; if we can't enforce it better than that; I get questions
243 probably once or twice a month, what are you going to do about the smoking ban,
244 they're not saying 'what's the administrator going to do, what is the chief going to do', I
245 address this to council, they want to know what we're going to do and time has passed; I
246 think we started on this thing some two years ago; we had court decision and lawyers
247 and attorney generals; this, that and the other; that I think it's kind of been in effect for a
248 little over a year and with 3,000 cigarette butts on the beach we are not doing our job and
249 this has got to be addressed; I am embarrassed to keep giving excuses why we don't stop
250 the smoking on the beach. If we don't want to stop it then I think we should rescind that
251 particular ordinance and another thing, you're supposed to have signage on the doors 'no
252 smoking', well, one place, I went and looked at a couple of them that don't have it, one
253 did have 'no guns allowed', so that's one sign they have but that's another thing that was
254 in the ordinance that it's supposed to be clearly marked and I think a year should give
255 everyone ample time to get used to this and I believe we really got to start doing
256 something now, not ten weeks from now, but now, either that or rescind that smoking
257 ordinance and those people that smoke and leave the butts are the same ones who came
258 before us and said how we were taking away their constitutional rights but yet they
259 continue to trash the beach and it's not right and it should be stopped and I hope it will
260 be stopped. Thank you."

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262 **Mr. Johnson:** "I agree with the smoking situation that we have. It's not only on the
263 beach, I've seen, actually, I've seen more smokers on the beach since the so called 120
264 days ended or whatever that time frame was than I did during the summer season and I
265 think it's simply because there's no, there's no one down there driving up and down
266 looking; there's no presence, excuse me. No police presence down there that I can see
267 and I walk up and down the beach a lot, especially on the weekends and I've stayed
268 down there for five hours at one time and I never saw anybody driving up and down
269 either in the truck or on the ATV so, I mean, you know, sure they're going to smoke and
270 the same thing is going on in the bars and restaurants and there are people in the room,
271 right now, that can verify that just this past weekend they went to an eating
272 establishment to get some food, to take it home and they walked in and it was full of
273 smoke, hello, I mean, really. We have a problem, I think we need, perhaps, to take the
274 complaint element out of the ordinance and make it strictly a compliance ordinance and
275 if we get sued, we get sued, I'm not afraid of a lawsuit because someone can or cannot
276 smoke in a restaurant, but obviously we have a problem and it's got to be addressed.
277 Thank you for coming out. This is your town, and if you have any comments e-mail me
278 at markjohnson@surfsidebeach.org."

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280 **Ms. Blair:** "Thank you all for coming. I'm very excited about the dog park. I think this
281 is a good addition to Surfside and I've heard a lot of positive comments from residents
282 about the addition of the park to the town. I also was encouraged by Mr. Booth's
283 comments that this could be used in the future for events and I know that one of the
284 things we talked about in preparation for this park in the past is that we try to ensure that
285 the dogs that visit there are vaccinated and that no one is put at risk for any type of harm
286 or disease. That being said let me throw out to you as a public interest, invite to you to
287 the State sponsored rabies clinics that will start in October and our local vet, here in
288 town, will be taking part in that and that may be something that we can also sponsor
289 there in the future if we had a vet willing to work with us to come over and hold clinics
290 there and encourage everyone; they're very affordable and certainly required by State

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law so that may open that venue to us to sponsor those which is something we've never been able to do as a Surfside sponsored event either. Again, the town festival is coming up; it's always a great event. Look forward to seeing all of you there and since he's not here to defend himself, Mr. Truett will be in the dunking booth at 11 so you can all be there to watch that so come out and enjoy it with us. Look forward to seeing you and thanks for being here. Travel safely home."

Mayor Deaton: "I would like to thank everybody for coming tonight. It's an exciting time to be in Surfside. As you can see we're doing a lot of things with our amenities, our parks, our green space and it's just a great place to live and I like to say it's Mayberry by the sea and that's exactly what it is, so you all have a wonderful evening. Thank you for coming to our business meeting and I think we accomplished a lot tonight. Good night."

10. ADJOURNMENT

Mr. Martin made a motion to adjourn. Mr. Childs seconded the motion. **All present voted in favor. MOTION CARRIED.** The meeting was adjourned at 7:17 PM.

Approved: October 13, 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.