



TOWN OF SURFSIDE BEACH ♦ TOWN COUNCIL CHAMBERS
March 23, 2010 ♦ 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, Mayor Pro Tem Truett and Councilmembers Blair, Johnson, Martin, Childs and Samples were present. A quorum was present. Staff present: Administrator Booth; Clerk, Pinnell; Public Safety Director, Christenson, Fire Chief, Packard; Parks and Recreation Supervisor Ellis and Finance Treasurer, Hursey. Attorney Mr. Smith was also present.

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

Mayor Deaton announced that there would be a candidates forum on Sunday, March 28th at 1:30 PM in council chambers. Mayor Pro Tem Truett gave the invocation. Mayor Deaton led the pledge of allegiance.

Mayor Deaton asked the candidates who were in the audience to stand and introduce themselves. Marty Rhoades, Ann Dodge, Rebecca Hiatt and Doug Samples were in attendance and introduced themselves.

3. **AGENDA APPROVAL**

Mr. Johnson made a motion to amend the amended agenda to remove item 7B from a Business item and take it into executive session in order to review the resumes of the public works director. Ms. Childs seconded the motion. **All voted in favor. MOTION CARRIED.** Mr. Truett made a motion to approve the amendment of the amended agenda. Mr. Samples seconded the motion. **All voted in favor. MOTION CARRIED.**

4. **MINUTES APPROVAL** – Regular meeting minutes March 9, 2010. Mr. Johnson made a motion to approve the minutes including the changes previously noted by Clerk Pinnell. Ms. Blair seconded the motion. **All present voted in favor. MOTION CARRIED.**

5. **PUBLIC COMMENTS** Agenda items only, 3 minutes per speaker.
There were no public comments.

6. **COMMUNICATIONS**

a. *Certificate of Recognition: Donation of televisions to new fire department*

Fire Chief Packard reported that this past summer the Surfside Beach Moose Lodge and Surfside Freddy's held golf tournaments to benefit local fire departments and police departments in Surfside Beach. After speaking to the departments it was agreed that there was a need for large flat screen televisions to be used for training and preparation of the towns' emergency operations. The televisions were purchased and installed and the Public Safety Department wanted to recognize the outstanding members of the community for their generous donation. Randy Senft, Larry Gross the Surfside Beach Moose Lodge #2351 and Surfside Freddie's were recognized.

52 Fire Chief Packard recognized Captain Mike Lewis for 22 years of service to the
53 Town of Surfside Beach and announced his recent retirement. Chief Packard
54 reported that Mike Lewis would continue as a volunteer fire fighter for the town.
55

56 **b. Finance Report**

57 Mr. Booth reported that the general funds and operating expenditures are in line
58 with the current year; 11 of the 15 budget months have passed. The town
59 revenues were reported as being higher than anticipated for this time of year.
60 There is \$63,000 in building permits that were not anticipated; this includes a
61 \$10,000 cost in plan reviews. The town has a small shortfall of approximately 6
62 percent in salaries due to the town not laying off 5 individuals or having 5
63 individuals leave. Mr. Booth reported that this will be addressed towards the end
64 of this budget year. Mr. Booth added that property taxes have increased and that
65 a payment has been made from the pier fund to the general fund. Ms. Blair asked
66 about the decrease of 7 percent in business licenses and if this was due to loss of
67 businesses or slow collections. Mr. Booth stated that it was due to all of these
68 reasons and steps are being taken to collect. Ms. Blair asked about the activity
69 on the 20 new accounts and asked Mr. Booth if he could tell her about the
70 difference between new business in town and new business out of town. Ms.
71 Hursey explained that the in town businesses are businesses already in town and
72 the out of town is primarily contractors that do work in town but are not located
73 in town. Mr. Booth stated that comparatively along the Grand Strand Surfside
74 Beach is doing much better than any other community. The town did budget
75 quite a bit less and therefore the town is in a better position.
76

77 **c. Public Works Report**

78 Mr. Booth reported that the town will have a small landscape demonstration
79 project on Ocean Blvd. by 4th North; the town will plant 3 or 4 palm trees in that
80 area. This will demonstrate what Ocean Blvd. could look like with palm trees;
81 this will also help control some of the parking problems. The project will cost
82 less than \$1,000 and reiterated that it is just a demonstration. Mr. Booth reported
83 that the Ocean Blvd. underground wiring project is currently being designed; it
84 will be ready once the Seaside Drive project is completed. Another fountain will
85 be installed at Cherry Lake the second week of April. The 50/50 project for the
86 outfall on 4th North will be brought to the stormwater committee; it would then
87 be brought to council and then the homeowners association; this will take about a
88 year and the initial estimate is \$100,000 with the homeowners paying for half.
89 There are 50/50 projects which include placing piping on the ditches in front of
90 the houses with approximately 15 owners who signed up and the town had
91 already completed 7 adding that some of the projects were fairly significant. Mr.
92 Booth reported that this project does a lot for stormwater and the public. The
93 street paving projects on 10th North, 11th North and portions of Dogwood will
94 continue once Mr. Booth gets the approval after next months' meeting with CTC.
95 Mr. Booth reported that the town had to go back out for bids on the Floral Lake
96 project because there were no qualified bidders. In 3 weeks the bidding package
97 will come back and it will be presented to council. Mr. Truett stated that
98 residents can pick up topsoil the 3rd Saturday of each month and asked if this
99 could be changed and if individuals could pick it up during business hours
100 Monday through Friday by appointment. Mr. Booth stated that the town could

101 probably provide a person to supervise and individuals could make appointments.
102 Mr. Booth stated that this will be put on the web. There was a consensus of
103 council to provide this to the public. Mr. Booth stated that the town has 40 cubic
104 yards of topsoil and he is getting to the point where he would need permission
105 from council to offer it for sale to commercial operations; the town has much
106 more material than it will ever use. Mr. Childs thanked Mr. Booth for finally
107 getting a fountain for Cherry Lake adding that he has been asked by the public
108 often about getting a fountain in that lake. Mr. Booth stated that the town is
109 putting them in based on receipt of funds. Mr. Martin stated that the fountain on
110 Floral Lake looks great and asked if there was a plan to place the other bubblers
111 in the fountains. Mr. Booth stated that this is the plan. Mr. Martin asked about
112 the status of the sidewalk on South Poplar. Mr. Booth stated that the town was
113 waiting for permission and now they have it. He wants to put all the projects
114 including the paving together and bid them out. He is waiting until after the CTC
115 meeting to move forward. Mr. Booth added that the project had been modified
116 slightly due to a large ditch; this is a state road and it is on the list for the town to
117 take over eventually. Ms. Blair stated that she had a resident speak to her about
118 the palmetto trees at the north end of Floral Lake needing trimming and
119 understands that Mr. Newell has looked at these and will put them on his
120 schedule and address this. Mr. Booth stated that he would. Ms. Blair asked if
121 the fire ant control includes the puppy palladium dog park. Mr. Booth stated that
122 it would and added that the town will be expanding the larger dog park; staff is
123 taking out the cocina and putting in grass. Ms. Blair congratulated Willie and
124 Robert for going for their pesticide application licensing.

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126 **d. Recreation Report**

127 Mr. Booth reported that the town has an upcoming Easter egg hunt and the town
128 can always use volunteers. Art in the Park and Taste of the Beach will be held
129 April 24th. The town is going to set an open house date for the fire station soon
130 and reported that it should be some time in April or May. The town will start
131 putting together flyers for the community garage sale in May. This will be for
132 people in town to sell their items. Mr. Johnson stated that he was surprised to see
133 that the town hosted a women's college softball tournament in March and he
134 would have liked to have attended if he knew about it and asked if it was
135 advertised. Ms. Ellis stated that the field was rented by an outside group.

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137 **e. Administrators Report**

138 Administrator to Attend CTC meeting 4/13 will not be at council meeting

139 Mr. Booth asked council for permission to not attend the April 13th meeting.
140 He has a meeting scheduled with CTC; there is \$160,000 that he would like
141 to ask for at this meeting. Ms. Samples asked Mr. Booth to explain what
142 CTC funding is. Mr. Booth stated that CTC stands for County Transportation
143 Council and they get a fair amount of money from the state that comes down
144 from the federal government and the town asks them for funding for specific
145 projects. These projects usually include state roads but are also open for
146 other types of projects as well. The town has been requesting funds to pave
147 state roads to then take over. 10th Avenue is currently a problem; it has a box
148 culvert and the timbers underneath are somewhat rotted and the town is
149 concerned about this and it is time to replace this and redo the road along

150 with 11th and some of the others. The plan is to also put in some sidewalks.
151 There was consensus of council for the administrator to not attend the
152 meeting.
153

154 **7. BUSINESS**

155 **a. Resolution #10-093: Recognize Front-Line Employees Week 4/11/10 –**
156 **4/17/10**

157 Town Clerk Pinnell read the resolution. Mr. Truett made a motion to adopt the
158 resolution. Mr. Martin seconded the motion. **All voted in favor. MOTION**
159 **CARRIED.**
160

161 **b. Decision Paper: Public Works Director**

162 This item was moved to Executive Session.
163

164 **8. DISCUSSION**

165 ***Carolina Marine Construction: Project at the Pier***

166 Mr. Booth reported that this project has been challenging and added that the engineers
167 have been there during the entire project. Carolina Marine started late due to other
168 projects they already had and now they are at an impasse. One piling has been put in
169 and a few dozen bolts have been put in and they can no longer move forward with the
170 equipment they have. They are concerned with using the 20,000 pounds of equipment
171 on the pier even though the engineers have assured them it may work they do not want
172 to take the chance. Mr. Booth stated that the town is at a point where they need to sever
173 the relationship and due to the season coming up the town needs to move forward. The
174 pier is currently sound and the engineer was available to elaborate. Mr. Booth reported
175 that the town would need to put in additional bolts but this should hold the pier for the
176 next couple of years. Mr. Childs asked the engineer to come forward. Engineer, Mr.
177 Steve Strickland from Earthworks came forward. Mr. Childs asked Mr. Strickland if the
178 pier would be safe for tourists and residents to use until the following fall. Mr.
179 Strickland stated that the weight of people walking on the pier is insignificant compared
180 to the weight of the crane that is currently residing on the pier. Mr. Strickland explained
181 that there are 2 issues; one is a normal maintenance issue “when that pier was
182 reconstructed after Hugo they used galvanized bolts; in that environment 20 years is
183 about how long galvanized bolts work. Our observation of the actual bolts is that you
184 have some nuts that are maybe 25 to 30 percent of it is rusted away. The bolts are
185 pinned in place; the bolts are not functional in that the nuts won’t back off; they’re
186 basically fused together. That’s what is holding those nuts on; it’s one solid mass now,
187 it’s not a bolt and a nut, it’s a fused piece of metal. Long term maintenance means that
188 you’re going to have to replace pretty much every bolt that’s out there. There’s some
189 that aren’t in bad shape but there’s others that need to be replaced this year. The second
190 issue that you have is that out of the entire load of pilings that was delivered to this job I
191 think we found 5 out of somewhere on the order of about two or three hundred that did
192 not receive adequate treatment when they were pressure treated to resist marine
193 organisms. Not unusual, Garden City Pier had a similar circumstance that they had one
194 or two truckloads of piles out of all of the piles that were used to construct that pier that
195 did not receive adequate treatment which meant that marine boring organism, worms,
196 were able to go into the wood and chew on it and it didn’t kill them because they just
197 proceeded to go through and perforate those woods that weren’t adequately treated.
198 Same things happening here, we found 5 out of a couple hundred that need to be

199 replaced. This was brought to our attention when we had one pier snap off or snap at the
200 base. The pier is structurally sound. As far as people walking on and off of it; it's not
201 going to be a problem. We do want to look at the one area where the pier, where the
202 piling needs to be replaced to determine whether we need to add additional bracing or do
203 what we had done last year and just cordon that one small area off but in terms of the
204 overall pier, it's functional, there's nothing wrong with the pier other than it needs to be
205 re-decked, but again, you've got to address the ongoing maintenance issues and the bolts
206 are part of it."

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208 Mr. Martin asked how small of an area must be cordoned off. Mr. Strickland stated that
209 last year they cordoned off an approximate 8 foot by 16 foot area and the area would be
210 the same. This would be the area where the piling had snapped off. It is currently
211 supported, the load has been transferred back to the adjacent pile but for them to be
212 completely comfortable they would suggest cordoning off the one area. It was
213 confirmed that this area is on the south side approximately two thirds the way out on the
214 pier. Mr. Strickland stated that it would affect the fishermen minimally. Mr. Strickland
215 stated that the pier in that area is approximately 16 to 20 feet. About a third of the area
216 would be cordoned off; people could still get by. Mr. Booth stated that this would be
217 fixed in the fall. The planking would need to be removed to do repairs and then placed
218 back. Mr. Childs made a motion stating that "because the current contractor Carolina
219 Marine has not performed the work on the pier according to what the terms of the
220 contract are, I would like to move the at Carolina Marine be declared in breach of the
221 contract that that Carolina Marine remove all equipment from the pier worksite in order
222 that a new contract may be awarded after the upcoming tourist season". Mr. Samples
223 seconded the motion. Mr. Johnson asked if the decking will still be replaced on the pier.
224 Mr. Booth stated that the town currently has an individual replacing the boards and he is
225 working fairly fast and the plan is to keep him; he is currently replacing about 10 feet a
226 day and he will not interfere with the public use of the pier. Mr. Booth stated that the
227 town currently has all of the materials to replace the boards. Mr. Johnson asked if
228 Carolina Marine has indicated to the town that he wants out of the contract. Mr. Booth
229 stated that the contractor met with him and the attorney and many issues and damages
230 were discussed. The town was very concerned with the contractor not finishing the
231 project on time and he indicated that he would be happy to be let out of the contract. It
232 was confirmed that Carolina Marine has not been paid any money for this project. Mr.
233 Samples asked the attorney if this was all in order and legal. Mr. Smith confirmed this
234 adding that the original contract calls for completion by March 1st and Carolina Marine
235 was mailed a letter by the attorney placing him on notice that he was in breach of the
236 contract and he an opportunity to cure that breach by March 26th and after a meeting the
237 contractor implied that he wanted out of the contract; he did not have money to pay the
238 town the liquidated damages of \$500 per day from March 1st. Mr. Samples asked if this
239 was similar to a termination by default. Mr. Smith stated that this is exactly what it
240 would be; breach of contract. Mr. Smith stated that the town may send a letter
241 demanding the liquidated damages for an amount from March 26th and from which time
242 it takes for him to clear all of his equipment. Mr. Martin asked when the equipment
243 would be expected to be cleared out. Mr. Booth stated that the contractor was currently
244 in the process of doing this and expects it to be done by the coming weekend. Mr. Truett
245 stated that he heard that it should be done by this weekend and he wanted everyone to
246 understand that the following weekend was Easter weekend and he wanted to make sure

247 that all of the equipment is off by this weekend; before Easter weekend. Mr. Booth
248 stated that he would make sure it was done. **All voted in favor. MOTION CARRIED.**
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250 **9. PUBLIC COMMENTS – Agenda Items only – 5 minutes per speaker**

251 ***Don Craig, 1011 Cedar Drive North:*** “As we proceed forward and according to a
252 statement in today’s Sun News to select a new director of the Public Works Department,
253 just a few concerns, I hope the council has already considered. The last incident that we
254 had, certainly very devastating to our town, very unfortunate, something that concerns
255 me if we move forward to seek somebody new, as I understand the direction, the council
256 would approve whoever would be selected and looking at what’s in the paper and I know
257 a lot of that’s heresay, some of it perhaps not true but I would hope that as we move
258 forward that the council might consider that if you have the power to determine whether
259 somebody’s hired or not that you would also have the power to decide whether that
260 person is dismissed or not and I know our town administrator has a lot of responsibility,
261 a lot of things on his plate and the last incident we had he had suspended, as I understand
262 it, the individual but when we look at the situation a vehicle was used for personal use.
263 Individuals in the vehicle that should not have been in there; should somebody have
264 been hurt this town could have been sued, we would have been in a lot of trouble and
265 perhaps I’m wrong and if I am I apologize but as we move forward in hiring somebody
266 else for this position I would hope that this council might consider you’re responsible for
267 hiring, it might be wise for us to consider that the town administrator, if he feels like
268 somebody should be terminated from their position, a department head, that this might
269 be brought forward to the council with the town administrator’s suggestion; we might
270 need to fire this person, terminate their employment, that the council would be
271 responsible for that decision so we would not be in any legal problem and then that
272 would relieve the one person, the town administrator, from having to make that sole
273 decision. You have the right to hire as a council so, t me, it would certainly come back
274 to the council to have the right to dismiss that person if the deemed that is what should
275 be done so I would hope that that might be considered as we move forward in hiring new
276 department heads. The council, I think, is doing a very good job but we might go a step
277 further in clearing up this issue, the council has the right to hire but we also should have
278 the right to stop the relationship with department heads if that is deemed necessary by
279 the town administrator so I hope this would be considered as we move forward with
280 hiring department heads. Thank you.”
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282 **10. COUNCIL COMMENTS**

283 ***Mr. Childs:*** “There’s a few fisherman here, I know you’re happy to hear that the pier
284 will be opened very soon. Get back to that fishing, Good luck. Thanks.”
285

286 ***Mr. Samples:*** “Thank you all for coming tonight. Just wanted to remind, reiterate what
287 the mayor said earlier about the candidate forum on Sunday. I hope you’ll be here, I
288 know that we have a lot of candidates here and it should be useful. Also don’t forget
289 Election Day is April 6th, Tuesday. Happy Easter to everyone.”
290

291 ***Mayor Deaton:*** “Also, we got an e-mail today, I believe from the Chamber of
292 Commerce. Is Faye still here? Faye Creele? Faye, that’s April 1st at the Holiday Inn in
293 Surfside? at four o’clock there’s going to be a candidate forum sponsored by the
294 Chamber of Commerce and the Myrtle Beach Hospitality Association, so that will be at
295 four o’clock at the Holiday Inn, Surfside Beach, April 1st.”

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Mr. Truett: “Everyone got a Census form, make sure we fill them out. The funds that we get back from the government are based on our populations so it’s very, very important that we send those forms back in. I appreciate everybody coming and travel safely home.”

Mr. Johnson: “Good evening ladies and gentlemen, thank you for coming out, I’ll keep it short and sweet. Thank you, this is your town, call us. Thank you.”

Ms. Blair: “Ditto on that. Thanks for coming out, I know you’re all enjoying, as we are, a little bit of warmer weather and the hint of Spring and some flowers popping through. It’s been a long cold winter especially so for us who are not used to it so let’s get out and enjoy seeing each other on the streets and walking pets and riding bikes and remember the family atmosphere that we have here and how blessed we are to live here. Thank you for coming and I know he had to leave but, of course, I know we all extend our greatest thanks and congratulations to Mike Lewis for all that he’s done and all he’s meant to us and don’t forget when you see him to shake his hand and thank him as well. Let us know if there’s anything we can do, we can’t help you if we don’t know what your concerns are so it’s easy to sit and point fingers but if you’ll come to us and let us try to help we’ll certainly do what we can. Thanks for coming and I hope you have a great week.”

Mayor Deaton stated that the purpose of moving the item into executive session is to review the resumes. Mr. Johnson stated that he also wanted to discuss the top 10 candidates.

Mr. Johnson made a motion to go into executive session. Mr. Samples seconded the motion. **All voted in favor. MOTION CARRIED.**

11. EXECUTIVE SESSION

12. REGULAR SESSION

Mr. Johnson made a motion to delay appointing a Public Works Director until the next meeting in order for council to review the 10 applicant resumes that the town received and had been interviewed by the town administrator. Mr. Samples seconded the motion. **All voted in favor. MOTION CARRIED.**

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13. ADJOURNMENT

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

Approved: April 13, 2010

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. 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.