



TOWN OF SURFSIDE BEACH ♦ TOWN COUNCIL CHAMBERS

April 27, 2010 ♦ 6:00 P.M.

TOWN COUNCIL
WORKSHOP
AND
REGULAR MEETING MINUTES

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10 **1. CALL TO ORDER**

11 Mayor Deaton called the workshop to order at 6:05 p.m. Mayor Deaton, Mayor Pro
12 Tem Truett and Councilmembers Blair, Johnson, Martin, Childs and Samples were
13 present. A quorum was present. Staff present: Administrator, Booth; Clerk, Pinnell;
14 Public Safety Director, Christenson, Police Lieutenant Matyjasik; Fire Chief,
15 Packard; Finance Treasurer, Hursey and Parks and Recreation Supervisor Ellis.
16 Attorney Mr. Smith was also present.

17
18 **2. WORKSHOP**

19 ***Public Safety Split to Police and Fire***

20 Mr. Booth stated that the town has been looking at the Public Safety versus the Police
21 Department and Fire Department for a few years. Mr. Booth stated that there is an
22 inability to fund the Public Safety as both police and fire and two years ago two
23 budgets were created; the police and fire department budgets were separated. The
24 command authority was not separated but the organizations were. The concern
25 brought from staff was that the fire department is unable to get grants based on the
26 fact that they are labeled as a Public Safety rather than a separated fire department.
27 Staff provided council with information regarding this split proposal. Mr. Booth
28 stated that currently the police and fire staff are unable to play both roles. Mayor
29 Deaton asked the administrator for some history as to why the town organized the
30 police and fire as Public Safety. Mr. Booth stated that he does not know why because
31 he was not here at the time but he was involved in this in other towns. Mr. Booth
32 stated that when this was done 9 or 10 years ago this was the norm at the time; many
33 police and fire departments were moving in this direction in order to “get more bang
34 out of their buck”. It was beneficial to have a police officer be able to perform the
35 same duties as a fireman. Mr. Booth stated that he studied this in Florida but in the
36 community where it was successful it was extremely expensive. Mr. Booth stated “it
37 really came down to, it was one of those communities that the homes started at 10
38 million dollars and they were all CEO’s and so when they were having a heart attack
39 they wanted the police officer to be able to administer CPR immediately and that’s
40 the reason that that was done but we didn’t go that way in Florida because it was
41 fairly recent. My guess is you did that because it made sense at the time.”

42
43 Mayor Deaton: “To save money?”

44
45 Mr. Booth: “To save money. What has occurred is that there is so much training that
46 is involved. You know it has more than doubled in the last five to seven years. That
47 is training not only for the policemen but also for the firemen and it is becoming a
48 point where one individual can’t maintain both certifications.”

49
50 Mayor Deaton asked about the organizational and command level. Police and fire
51 separating from Public Safety involves a structure change and asked Mr. Booth if this
52 was true. Mr. Booth stated that when he came the fire chief was always the Fire

53 Chief and the Police Chief was always the Public Safety Director and a Public Safety
54 Director, similar to the county, is over the fire and police. Mayor Deaton stated that
55 the current town ordinance is written with an established Public Safety department
56 and he assumes that structural changes were made through the system at that time and
57 asked Mr. Booth if he was informing council that this ordinance has been ignored.
58 Mr. Booth answered that they have not been funded. Mayor Deaton asked who took
59 it upon themselves to not follow the policy and procedure that is in place as an
60 ordinance. Mr. Booth answered that council did when they created their budget. Mr.
61 Booth stated that the council created the budget for both the fire and the police and
62 “at that time it was explained that there was not nearly enough money to fund the
63 training for the police department.”
64

65 Mr. Samples stated that he believes he is correct in stating that when Mr. Booth came
66 on board there were Public Safety officers. Mr. Booth stated this was correct. Mr.
67 Samples stated that part of the history that occurred 9 or 10 years ago was that
68 retention was a problem in the town in terms of police officers. The concept of public
69 safety officers who could affect the town ISO rating was introduced and the pay was
70 increased for dual certified positions. Mr. Samples stated that at some point this
71 changed and it is not clear when or by what authority it changed. Mr. Booth
72 confirmed that there are no longer any dual certified police or fire staff members. Mr.
73 Booth stated that when the budget was created there was no funding available to
74 provide for the training or for the dual trained salaries. Mr. Samples stated that if the
75 actual cost incurred were reviewed as to what was budgeted regarding the police
76 department in the 2008/2009 fiscal year he thinks what will be seen is that the actual
77 expenditures were substantially less than what was budgeted adding that he has
78 trouble understanding the argument being made that the town did not budget adequate
79 funds to support this training. Mr. Booth stated that it is not just training it is
80 overtime costs as well adding that if council wants to continue the Public Safety
81 status the budget could be amended and the funds could be provided to make this
82 happen. Mr. Samples stated that he is just trying to understand. Mayor Deaton asked
83 where the decision came from to not follow the town ordinance and he does not think
84 that council gave the direction to split the two departments. Mayor Deaton asked
85 “who takes responsibility for this decision not to follow policy?” Mr. Booth stated
86 that when he first came and created the budget he took the Public Safety budget and
87 created one for fire and one for police “and so, I guess, that was a decision we all
88 made. Maybe not . . . it was never thrown down that we were going to change the
89 name at that time although it was talked about. This is the first time that anyone has
90 actually come forward with a decision paper.”
91

92 Mr. Johnson stated that although he was not on council at the time he does recall
93 sitting in the audience and listening and added that it did seem like a good idea at the
94 time because everyone was doing it and added that he feels that council at the time
95 thought it was a good idea as well. Mr. Johnson stated that he does not recall any
96 direction given to separate the two but he does believe that there was a decision to
97 split the funding between the fire and the police. Mr. Truett stated that there is
98 history regarding this and it was about getting the most “bang for your buck” and it
99 was about having officials certified for police and fire. There are more training
100 mandates than previously required and Mr. Truett stated that there is no way the town
101 can ever fulfill these responsibilities with the budget the town has had and passed.

102 Mr. Truett stated that the training alone would cost 300,000 to 400,000 dollars and in
103 addition there would need to be personnel added to cover while staff is in training.
104 Mr. Truett stated that the town can no longer afford to operate as a Public Safety
105 department adding that operationally nothing changes. Mr. Booth stated that this
106 town was moving down that path when he first arrived. Ms. Carmen Burke was the
107 Public Safety director when he first came to the town and this was one of her issues;
108 she was unable to do the training and provide enough officers qualified to do both.
109 Mr. Andy Christenson continued with this path when he arrived. Mr. Johnson stated
110 that he does not feel that there is any disagreement that the current Public Safety is
111 not working and that it needs to be split but the big question is looking at the
112 operational aspects of the two departments. The council would need to make sure
113 everything is running smoothly and he agreed they needed to be split. Mr. Samples
114 stated that he had some questions which he wanted to direct to the Fire Chief. Mr.
115 Samples asked Chief Packard what, if any, is the impact of splitting Public Safety
116 and/or doing away with PSO's on the ISO rating. Chief Packard answered "Nothing
117 at all. When we had our last ISO in September of 2007 we were stand alone. We
118 took no credit for the Public Safety officers because if we had the amount of training
119 that was required for them, they did not have it and therefore, that would have taken
120 those additional Public Safety officers, put them in the mix with the fire department
121 which would have brought the average training hours down. We would have
122 remained a 4 or possibly have gone back to a 5."

123
124 Mr. Samples asked what, if any, is the impact of splitting Public Safety on the staffing
125 requirements for the Fire Department? Chief Packard answered that the staffing
126 requirements remain below what is acceptable for the State of South Carolina as well
127 as NFPA which requires a *two in, two out*. Chief Packard explained that *two in, two*
128 *out* means that for every person that is inside fighting a structure fire there must be
129 that many people outside prepared to go in to save those individuals. Mr. Samples
130 asked what the impact would be on the fire budget if the town splits Public Safety.
131 Chief Packard stated that he does not know if there is an impact on the fire budget
132 other than he would be able to apply for federal funds through the safer grant which
133 would allow the fire department, for two years with an option for a third year, to hire
134 personnel at no cost to the town. Mr. Samples asked "what, if any additional costs
135 in the department or outside the department would the town experience?" Chief
136 Packard stated that he does not know if there would be any. Mr. Samples asked Chief
137 Packard if he was sure. Chief Packard stated that if the two were split he would be
138 operating the same as he is today and added that regarding the amount of money he
139 does not know if he can answer this. Mayor Deaton stated for clarification that the
140 Chief reported that currently he is operating below the standard of personnel and he
141 would translate this to mean that he would need additional fire personnel. Chief
142 Packard agreed this was true. Mayor Deaton stated that these are all aspects the town
143 would need to weigh very carefully if the Public Safety is to be restructured into two
144 departments. Chief Packard stated that they are working below the standards of full
145 time personnel adding that currently the town has 25 volunteers; the volunteers
146 currently subsidize the full time personnel. The volunteers supply the manpower
147 once the full time person gets on location and makes the decision on what he is
148 looking at and at that point he may call for mutual aid assistance which comes from
149 Murrells Inlet, Myrtle Beach or Horry County.

150

151 Mayor Deaton stated that there was good extensive coverage of comparisons to Police
152 Departments in other surrounding areas and asked if council could get a Fire
153 Department comparison. Chief Packard stated that there is no one with one person on
154 a shift that they can compare themselves to. Mayor Deaton stated that he is sure that
155 there are other geographical and demographical areas to compare to. Chief Packard
156 stated that the only place he can think of is a city in Laurens County in the upstate.
157 Chief Packard stated he can find a town with similar demographics but none with
158 similar personnel.

159
160 Ms. Blair stated that she is aware that the fire department would be working below
161 staffing or state requirements and asked, if there was a split, would he be losing
162 anyone pulling double duty at the police department or would Chief Christenson lose
163 staff? Chief Packard confirmed that no one is performing double duty at this point. It
164 was confirmed that no one hired in the last 3 years has inquired about being trained
165 for both police and fire. Chief Packard stated that in five years he has only had one
166 person leave and that was due to the retirement of Mike Lewis. Chief Packard
167 confirmed that there is a grant available that may help in filling the need for
168 additional staff. Mayor Deaton asked Chief Packard if he had ever operated as a
169 Public Safety department. Chief Packard has been with the town five years and he
170 confirmed that when he first came to the town he did operate as Public Safety from
171 2005 until the early part of 2007. Public Safety Director Christenson stated that he
172 started with the town May 2007 and his department has never operated as Public
173 Safety adding that the training mandates were too high and when he first started he
174 went to administrator Booth to inform him that it was operationally impossible to
175 staff and the town could not afford to keep the Public Safety status. Mayor Deaton
176 asked if council was ever presented an amendment to the ordinance. Mr. Booth stated
177 that when the budget was split council had informed the administrator that they were
178 not ready to make the change and wanted to keep the Public Safety status. Mr. Booth
179 stated that this is not the first time it has been presented to council for consideration.
180 Mayor Deaton stated that this is the problem in that nothing has been changed
181 through an ordinance and council needs to determine what authority figure made the
182 change and how it occurred. Mayor Deaton stated that he does not mind moving
183 forward on this and agreed it is probably a good idea but he has a problem with the
184 history of this and why operation, policy and procedures were not followed.

185
186 Mr. Martin stated that he feels that the situation has evolved and the original intent of
187 council was to save money and saving money at the top was very important. There
188 would be fewer direct reports and direct reports are the highest paid people in these
189 departments. Mr. Martin stated that the world has changed and as this change took
190 place the town was not adjusting policy. The council kept the viewpoint of Public
191 Safety by having a Public Safety Director but veered away from having Public Safety
192 officers by how the council budgeted. Council did not agree to stop Public Safety, it
193 veered away by not funding it the way it needed to be funded but kept the Public
194 Safety director title. Mr. Martin stated that the town is currently working as a fire and
195 police department and the Public Safety director has become the police chief. Staff is
196 coming to council to ask for this change to be made.

197

198 Mayor Deaton asked Clerk Pinnell to read the letter from the town attorney regarding
199 the Public Safety split. The letter urged council to fully investigate any and all
200 financial implications of this proposed change.

201
202 Mayor Deaton closed the workshop and called the regular meeting to order.

203
204 **3. INVOCATION AND PLEDGE OF ALLEGIANCE.**
205 Councilman Truett gave the invocation and the Mayor led the pledge of allegiance.

206
207 **4. AGENDA APPROVAL**
208 Mr. Samples made a motion to approve the agenda. Mr. Johnson seconded the
209 motion. **All voted in favor. MOTION CARRIED.**

210
211 **5. MINUTES APPROVAL** – Regular meeting minutes April 13, 2010. Mr. Truett
212 made a motion to approve the minutes as submitted. Mr. Childs seconded the motion.
213 **All voted in favor. MOTION CARRIED.**

214
215 **6. PUBLIC COMMENTS** Agenda items only, 3 minutes per speaker.
216 *Tom Dodge, 15th Avenue North:* “We’re recognizing MaryLynn Stalnaker tonight
217 and I just wanted to say I’ve known MaryLynn at least 16 years now. She is not a
218 good employee; she is a great employee and I think that we need more employees like
219 her. She’s a wonderful person. Thank you.”

220
221 **7. COMMUNICATIONS**

222 **a. Recognition MaryLynn Stalnaker**
223 Ms. Stalnaker was not available for the recognition. She was busy working with
224 the ball teams that evening and could not make it.

225
226 **b. Finance Report**
227 Mr. Booth stated that the business licenses are down 7 percent but this is up
228 from what the town projected. The hospitality and Atax are down 8 to 13
229 percent and this is still better than what was anticipated. The town is up
230 \$102,000 in property taxes and the town is substantially up \$148,000 for
231 permits. The town only budgeted \$40,000 to \$50,000 for these. The town is
232 down 5.5 percent in the budget for employees; the town decided not to let 5.5
233 people go and the town has continued to fund them. There will still be a
234 balanced budget at the end of the year since the town did not spend money on a
235 few other items. Mr. Booth reported that 5 percent is well below so the town
236 saved money along the way. Mr. Samples stated that he is glad to hear that the
237 budget will be balanced; between now and the end of the year there is some
238 work to be done on the general fund. There is 20 percent of the year remaining
239 in the general fund and there is about 15 percent remaining in budget authority.
240 The town is headed into a point, the summer, where it gears up and wished the
241 administrator good luck. Mr. Booth stated that the town stops spending about
242 this time and most expenses will go to employees and taking care of the tourists.

243
244 Mr. Booth reported that he would like council to have a workshop at 6 o’clock
245 the second meeting in May. The workshop would include going over
246 substantial changes to the budget from when it was originally presented. The

247 major adjustments are Surfside Drive which needs to be put off until the next
248 budget year; the 4th Avenue crossover is on this years' budget and this will be
249 moved to next years' budget as well. A few items will be added to the budget,
250 there is a \$13,000 forestry grant; \$160,000 was received in CTC funds, Ocean
251 Blvd. engineering of \$120,000 needs to be added even though it is reimbursable.
252 The pier enterprise fund needs to be re-budgeted for the following year for the
253 repairs, lake enhancements also need to be addressed. Mr. Martin asked about
254 the \$15,000 for pier repairs from the pier enterprise fund approved at the last
255 meeting. Mr. Booth stated that the pier fund is doing well and the \$15,000 for
256 repairs is available in this fund. Mr. Samples stated that the end of the year
257 report will show where it is. Mr. Martin stated that part of the reason is that part
258 of the work that was going to be done is being postponed until the next fiscal
259 year. Mr. Booth stated that the money put aside for the pier piling project will
260 not be used this year; it is being moved to next year. Mr. Booth confirmed that
261 no funds needed to be transferred from the general fund or any other fund. Mr.
262 Booth stated that this fund is paying the general fund back both interest and
263 principal. Mr. Samples stated that the fact is that the only reason it is paying it
264 back, is because the town is not abiding by the dates that were approved by
265 council in the budget for the payback. Mr. Booth stated that this is true but it is
266 being paid within the same budget year. Mr. Samples stated that the end of the
267 year the audit is done and the town will know where it is in the enterprise fund.
268 Mr. Booth stated that \$100,000 needs to be added for another bulkhead and this
269 is a 70 percent match by the county adding that this will move forward fairly
270 soon. Mr. Samples asked about the \$93,000 reimbursement by Santee Cooper
271 for some underground projects. Mr. Booth confirmed that this was associated
272 with the fire station. Mr. Samples asked of there was any further reimbursement
273 due the town. Mr. Booth stated that the town is going to pave an alley and
274 Santee Cooper will reimburse us for this. Mr. Samples stated that he is trying to
275 get a feel for what other additional funds the town will be getting in. Mr.
276 Samples stated that the underground wiring project associated with the fire
277 station was estimated to be an approximate \$300,000 project. Mr. Booth agreed
278 that this was the original estimate but it did not come to that amount it came out
279 to approximately \$112,000. Mr. Booth stated that the town will get
280 approximately \$6,000 back for the alley paving.

281
282 Mr. Samples asked what the contract for the fire station came to was it 2.4
283 million? Mr. Booth stated that he would have to work all of the funds out.
284 Mayor Deaton stated that the predictions as far as income for the town are fairly
285 accurate. Mr. Booth stated that he believes that Surfside is the only government
286 agency not cutting back.

287
288 c. Public Works Report

289 Mr. Booth reported that sanitation is going well. 50/50 projects have now come
290 to an end with the start of the busy summer season coming up. Sanitation and
291 trash will be a priority with the tourists. Mr. Booth stated that there is a
292 demonstration project being done on Ocean Blvd.; palm trees are going up at 4th
293 North and Ocean Blvd. This will give the town an idea of what can be done
294 with Ocean Blvd. No Parking signs will be put up in a number of places on
295 Ocean Blvd. to stop people from parking on it as it is a safety hazard and the

296 public does not like it nor does the town. The town would like to see people use
297 the parking lots. The town is in the process of putting in sod at the dog park and
298 it should be open next week and irrigation will go in next Friday as well. The
299 street department will move the fence to make the large dog park a little larger.
300 The pier is moving along; Saint James High School students made the town
301 park benches and they will go onto the pier once most of the decking is down.
302 The structure at the end of the pier is in poor shape and designs and cost will be
303 brought to council to place a gazebo in that location adding that it will make the
304 area more attractive and enhance the fishing. Mr. Samples asked if this would
305 be added to the budget. Mr. Booth stated that this should not be a large
306 expense.

307
308 Mr. Samples asked about the federal approval for the transfer of the library
309 property and asked when the town will pursue the Passive Park which has
310 parking spaces associated with it. Mr. Booth stated that this needs to be turned
311 over to the attorney to create the parking on 1st Avenue. There was some
312 confusion as to which park was being referenced. The park and parking being
313 questioned was the property on the corner of Surfside Drive and Poplar across
314 from the Sundown Restaurant. Mr. Booth stated that the town has an agreement
315 with the county and once the property is transferred he will speak with Mr.
316 Barnard to get funding from the county to put the park in. It was confirmed that
317 DDC designed a plan for the park area.

318
319 Mr. Truett asked about the topsoil. It is currently being provided the third
320 Saturday of each month and he had asked previously if people can make an
321 appointment to get it on other days. Mr. Booth stated that as long as citizens
322 make an appointment it will be provided. Mr. Truett stated that the public
323 works report states that residents can load up topsoil between the hours of 8 AM
324 to 3:00 PM at Scipio on the third Saturday of each month. Mr. Booth stated that
325 it is open between those hours but residents can also make an appointment; the
326 town can either deliver it or make other arrangements.

327
328 **d. Recreation**

329 Mr. Booth reported that the town plans on having a yard sale and there have not
330 been many participants at this time and would like permission from council to
331 open it up to citizens outside town limits. **There was a consensus of council.**
332 Mr. Johnson asked Mr. Booth to make sure the town adheres to the yard sale
333 sign ordinances.

334
335 **e. Administrators Report**

336 **i. Fire Station update: Report on repairs**

337 Mr. Booth reported that DP3 will attend the next council meeting to
338 explain how some of the fire station issues will be addressed. Mr. Booth
339 reported that the major problem is the floor. The contractors attempted to
340 patch the floor but it does not look good. He believes that it has to do with
341 how they mixed the color stain or dye. Mr. Booth stated that he has not
342 found the solution but it should be up to the architect to find the solution.
343 Mr. Childs stated that the floor is a mess and wondered if the architects
344 have any suggestions on repairs. Mr. Booth stated that it is the
345 responsibility of the contractor and architect to come up with a solution.

346 Mr. Booth stated he has made a few calls and the town will not accept it as
 347 it is. Mr. Martin asked if this was concerning the surface or if the
 348 structure of the floor needed to be addressed. Mr. Booth stated that this is
 349 a good question “we’ll have a testing outfit go there and do a small bore
 350 and find out really what the structure of that cement is. Now I’m
 351 concerned.” Mr. Booth stated that the town is holding back money and
 352 will not give any CO’s until this is fixed. Mr. Samples asked when the
 353 test results will be back. Mr. Booth answered that the town is doing the
 354 test results this week and DP3 will be at the next meeting. Mr. Booth
 355 stated he is hoping that they have an answer for the town at this meeting.
 356 Mr. Booth reported that there was an elevator problem that got fixed and
 357 there is an electrical bunker that does not meet Santee Coopers
 358 requirements and these need to be taken up and redone. There are also a
 359 myriad of small problems that can be taken care of easily. Mr. Booth
 360 stated that until they fix these problems the town will not take the
 361 building. Mr. Martin stated that he does not understand; the town
 362 currently has fire trucks in the station and people are using the building.
 363 Mr. Booth stated that the town is using the building but they have not been
 364 given a CO. Mr. Booth stated that the Building Department has allowed
 365 the employees to occupy the building without a CO. Chief Packard
 366 explained that due to the construction schedule and for the contractors to
 367 stay on the construction schedule the contractors asked if they could move
 368 into the new building so that the old building could be torn down.
 369

370 **Chief Packard:** “We approached Jackie (Building Director, Ms.
 371 Donevant), the contractor as well as the architect approached Jackie to
 372 receive a temporary certificate of occupancy which would allow us to
 373 move into the building. Up until this point, since we had no CO we had
 374 been living in the building a couple of three months while Mashburn
 375 Construction and DP3 were continuing to pay the operational costs for gas
 376 and electric and all that.” It was confirmed that the fire department has a
 377 temporary certificate of occupancy.
 378

379 **ii. Golf Cart Parade**

380 Mr. Booth stated that the town is looking for permission from council to
 381 have a golf cart parade on Memorial Day. It will begin at Legends and go
 382 down to Memorial Park. It was confirmed that the parade would end at
 383 the Veterans Memorial with a ceremony. Mayor Deaton asked if there
 384 were any budgetary items involved; any additional police or personnel
 385 involved. Mr. Booth answered that the on duty officer will be available.
 386 **There was consensus of council to have the Memorial Day golf cart**
 387 **parade.**
 388

389 **iii. Street Lights Seaside Drive**

390 Mr. Booth reported that a number of street lights have been added and the
 391 work is reimbursable by Santee Cooper. Mr. Truett stated that the reason
 392 this is being brought to council is that when North and South Seaside were
 393 constructed there were only 3 lights on the entire north end of Seaside and
 394 there was a light every 400 feet. When 14th Avenue South was constructed
 395 this was supposed to be the model and there is a light every 150 feet. In
 396 order for the town to stay within the model this is what the addition of
 397 lights being proposed is for. Mr. Johnson stated that years ago there were
 398 concerns with lights shining inside homes and asked if these will be lower
 399 than the previous lights and will not pose a problem. Mr. Booth stated that
 400 they are considerably lower and this should not cause a problem. Ms.

401 Blair stated that she assumes this was an error and asked if there would be
402 a closer eye on projects in the future. Mr. Booth stated that the gentleman
403 who made the decision is “no longer with us” and the project is still
404 ongoing and this was an adjustment that needed to be made. Mr. Childs
405 stated that at the Santee Cooper meeting they were made aware that no
406 changes are to be made other than those made by council and no staffer
407 will decide on their own that they will put lights somewhere else; all of
408 these decisions will go through the committee or approval of council. Mr.
409 Martin stated that he believes the misunderstanding was that they were
410 going to place lights where they currently were located rather than
411 following the model plan on 14th South; this has now been cleared up and
412 Mr. Martin added that he does not feel that the town will have this
413 problem again.

414
415 **iv. Skate Park Preliminary Plan**

416 Mr. Booth stated that council has some plans and there are two ways the
417 park can be done. It is 2,700 square feet and if a pad is put down the cost
418 would be approximately \$30,000. The location was discussed. There
419 were possibly two proposed areas to consider. The other was a 2,500
420 square foot area by the cleaners. There was the placement of DHEC
421 required wells to consider. Mr. Booth stated that if wells needed to go
422 down then bollards could be placed around them. Mr. Truett questioned
423 the \$30,000 cost. Mr. Booth stated that the cost is based on \$110 per
424 cubic yard of cement. Mr. Truett stated that this comes to less than
425 \$10,000. Mr. Booth stated that there are other costs involved such as
426 fencing. Mr. Truett stated that the concept he was envisioning was doing
427 the same set up which is currently on 13th Avenue and he did not envision
428 the rendering provided by Earthworks. Mr. Childs agreed that the
429 equipment from 13th S. would be brought to the other location and this
430 other concept including built in half pipes was never discussed. Mr. Booth
431 stated that Mr. Strickland who was at the last meeting may have heard
432 differently adding that he was a skater when he was young. Mr. Childs
433 stated that he would like to go back to the flat pad and bring the fence and
434 equipment to the new location. Mr. Booth stated that he will make sure
435 that Mr. Strickland understands. The clerk was asked to read the e-mail
436 from Bobby Moore at Earthworks regarding the alternate area. Mr. Booth
437 stated that he will have Earthworks give the pros and cons and it was
438 recommended by a professional to just put in a pad adding that most skate
439 parks are 15,000 square feet and this is just 2,500 so his recommendation
440 was to just do it in concrete to reduce the noise level. Mr. Martin asked if
441 the town has looked at pervious concrete. Mr. Booth stated that this is a
442 little rougher surface and would ask Earthworks to look at it. Mr. Samples
443 stated that he believes it was in November when council approved the staff
444 recommendation to install those monitoring wells and according to the
445 DHEC letter he thought he recalled that the town had 60 days to install
446 them. Mr. Booth stated that the town did put some wells down and the
447 town is supposed to put more down after the installation of the fire station.
448 Mr. Samples asked if this was in addition to what was previously
449 approved and Mr. Booth answered “I believe that is correct but I will
450 make sure it is verified.” Mr. Booth confirmed that Earthworks would be
451 at the next council meeting.

452
453 **v. MASC Annual Meeting**

454 Mr. Booth reported that the annual meeting will be held July 15th through
455 the 18th and it will be held in Charleston.

456

457 Mr. Booth congratulated Rod Smith for his recent success in the recent
458 runoff election. He was unable to be at the council meeting; he was
459 attending a Solid Waste board of directors meeting. Clerk Pinnell read a
460 note left by Mr. Rod Smith. The note stated that he was honored to have
461 been selected to represent the town on town council and that he looked
462 forward to working with the town staff, council and residents over the next
463 four years.

464
465 **8. BUSINESS**

466 *a. Decision Paper: Police Jet Ski Purchase*

467 Mr. Booth reported that the town went out for bids and there were no
468 responses. The request is from staff for council to give authority to go out to
469 get quotes or to go back out for bid. Mr. Booth reported that there is a need
470 for a jet ski being that the busy season is coming. Mr. Deaton asked if the
471 Public Safety could negotiate with the beach service contractor to allow the
472 use or provide the use for a jet ski as part of their obligation to use our beach
473 and run a lucrative business operation. Mr. Samples stated that he feels this is
474 a worthwhile effort adding that council has been very generous with this
475 franchisee. Mr. Johnson asked where the jet ski would be housed. Mayor
476 Deaton stated that the logistics would need to be worked out. Public Safety
477 Director Christenson stated that the police would need a jet ski dedicated to
478 them alone in case they needed it in an emergency. Mr. Christenson also
479 questioned what kind of jet ski would they get and would it be dependable and
480 who would do the maintenance adding that this is life not only to the victim
481 but to the officer rescuing adding that the jet ski is also used for training and
482 for the Regata. An additional beach service person was provided to patrol up
483 and down the beach and this jet ski would be used more often. Last year there
484 were a few drowning in the area. Mr. Martin questioned the model that went
485 out for bid. Mr. Christenson stated that the bid link was e-mailed to 4
486 different vendors and he assumes that these vendors do not want to go through
487 the hassle of a bid process since they did not receive any response. The
488 Yamaha VS1100 deluxe was selected because it was the same one that Myrtle
489 Beach and Horry County use and therefore it keeps the equipment the same
490 for use of any emergency personnel. Mr. Christenson stated that the cost of
491 the jet ski will be less than \$8,000. Mr. Martin asked if Myrtle Beach or the
492 county had a contract the town could piggyback on. Mr. Christenson stated
493 that the town procurement limit is \$5,000 and the county only does bids for
494 items over \$10,000. Mr. Samples stated that the county has a contract and he
495 is sure that they have records that could be brought to council adding that if it
496 is going to be a sole source procurement a case could be made. Mr.
497 Christenson stated that this model is a very popular model and all of the
498 vendors have them. Mayor Deaton stated that he would like Mr. Christenson
499 to come back with some prices and options and if he could open a discussion
500 with the beach vendor as well. Mr. Booth stated that staff could also present
501 the quotes that the county and Myrtle Beach got. Mr. Christenson stated that
502 he has price quotes from the four vendors. Mr. Martin stated that if council
503 had this information tonight they could have reviewed it. Mayor Deaton
504 asked for it to be placed on the next agenda and asked Mr. Christenson to
505 present the information.

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b. *Decision Paper: 4th Avenue South Crossover Project*

Mr. Booth reported that once the contractor is selected he will be informed that he would not start until after the season. There was a question regarding selecting a contractor and delaying the start date. Mr. Booth stated that if council chose a contractor tonight he would then contact the contractor to let them know the start date is delayed. If this decision is delayed until after the season then the town would probably have to go back out for bid again. Mr. Truett made a motion to select Sellers General Construction Company. Mr. Samples seconded the motion. Mr. Johnson stated that he had requested this item be postponed from the previous meeting due to the administrator not being at the meeting and his biggest concern was when the construction would begin; he did not want the construction to interfere with the season. Mr. Booth stated that this is where the beach service is stationed and it would interfere with his business and that the town would just replace some boards to maintain it through the season. It was confirmed by Mr. Booth that it is currently structurally sound and could hold the vehicles. **All voted in favor. MOTION CARRIED.**

c. *Decision Paper: Public Safety Split; Police and Fire*

Mr. Truett made a motion to take staff recommendation to separate police and fire. Mr. Martin seconded the motion. Mr. Childs stated that he has some changes to the drafted ordinance. Mr. Childs recommended a change to section 11-25 the police department of the town shall consist of one chief appointed by the town administrator to insert “with approval of the town council”. Section 11-29 *fire chief responsibilities to administrator; duties prescribed* the fire department shall consist of one chief appointed by the town administrator with approval of town council. Section 11-30 *Emergency Operations Center; control and planning* the Town Administrator be struck and the Town Mayor be inserted. The reason the mayor was put in place of town administrator was that in the event of an emergency the mayor is in charge. Mr. Smith stated that if the mayor would like to fulfill other duties he could instruct the town administrator. Mayor Deaton stated that a lot of work needs to be done regarding this change. There needs to be structural changes made and a lot of decision making to be done during this process. Mayor Deaton stated that the town will be making two departments out of one and recommended that due diligence be done. Mayor Deaton stated that the fire department stressed a need to upgrade the town personnel in the fire department. Mayor Deaton stated that council needs to look at both police and fire departments very carefully and restructure them and make sure that they are state of the art, quality departments that are fiscally responsible and that are functional. Mayor Deaton stated that this process is not going to be something that will move along quickly; it is not just a name change, these are serious changes to two major departments for the town which is currently labeled Public Safety. Mayor Deaton stated that he hoped that all the due diligence will be done and that staff cooperates with this process. Mayor Deaton stated that he appreciated the police comparisons and would like to see a similar type of comparison to fire. Mayor Deaton stated that he would like to see a comparison to other areas geographically, demographically and fiscally. Mayor Deaton added that he feels that council should take the attorney’s opinion in the letter which recommended that the town study all of the impacts. **All voted in favor. MOTION CARRIED.**

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9. PUBLIC COMMENTS – Agenda Items only – 5 minutes per speaker

Joe Zoltak, 414 Pine Drive: “I hear a lot of discussion, bantering about details on skateboard parks and things like that but for the past two years I never heard any details about what Horry County plans to do to our park. I’m not sure if anybody is aware of what they plan to do to Veteran’s Park. What I calculate, they are going to eliminate about 30 trees; I think some of them may even be live oaks and I urge everybody to not necessarily believe me but take the time and thank you to the transparency of this council, what I’m talking about is all on the town website. Now take the time to look at that and take a walk over to there and just the, take a vision of what you see on those site plan drawings and what it will look like. What I found, again, about 30 trees will be eliminated and I also see that 1st Avenue North will be widened from its current 20 feet wide to 60 foot, to make provisions for what would now be on-street parking. Will the concrete paths that currently cross 1st Avenue now be eliminated, because those paths then are going to have to go through all of these new parking places? It looks to me like those paths are also ADA compliant because they have minimal slopes and not so sure how that’s going to be met but take a look and have everybody imagine what that’s going to look like. I passed out what I found on the Internet for the public to look at. What I found most interesting was, is the notes on what I passed out included project data; Section 17-27 of our stormwater ordinance says on ‘any lot within a residential district the maximum impervious coverage shall not exceed the percentage of the total area of such lot set forth below.’ For the R-2 district that is 45 percent, what Horry County is doing on that site plan is they’re combining two lots owned by two separate entities to try to satisfy that stormwater impervious coverage and even when they combine those two lots they still do not make the requirement of 45 percent. Those notes say that it will be 50 percent but how they’re able to combine two lots with two separate entities to satisfy stormwater coverage, I have never heard that discussed, has that ordinance been changed? Can the public now do the same thing if you don’t have enough impervious area, ask that you share it with your neighbor who has maybe too much impervious area? You don’t have to believe me; go look it up for yourself. Thank you.”

Mark Lazarus, Wild Water and Wheels: “Good evening, hope everybody’s doing well. I’m here for something fun and exciting. You all have too much tension up here, let’s have some fun. Just wanted to come and let the town know that your number one entertainment venue Wild Water and Wheels is getting ready to open up for our 20th season. Twenty years ago we sat here and I don’t know if anybody was on council, Mr. Deaton might have been on it at the time.”

Mayor Deaton: “Not twenty years ago.”

Mr. Lazarus: “Not twenty years ago. We hammered out an ordinance and a PDD to allow us to build and operate Wild Water and Wheels and we really appreciated that and I hope that it’s been a great thing for the town and we continue. I hope I’m here another twenty years so we’ll see what happens but we’re real excited about; we’ve got a lot of changes that we’re doing for this next year. The most exciting thing is, I’ve been talking to Mr. Booth about some rides, some entertainment rides, carnival type rides for the area because everybody seems to have to go out of Surfside Beach if they want that type of entertainment. We had that when we originally opened Wild

609 Water and Wheels and then we kind of took it out at the time; the Pavilion was still
610 open, our Grand Prix Amusement Park was open at the time and the competition was
611 somewhat fierce for that type of entertainment at night. Well all that's gone now and
612 we're left standing and so we've decided to bring that back to the Town of Surfside
613 this year so, with that, I've gone out and we're purchasing some rides this year. I'll
614 have; they're not real big rides that were at the Pavilion but they're nice for the
615 children; there's some family rides that we'll have. We'll have, probably in all total,
616 about ten rides; still waiting on the guy with the Ferris wheel that I'm trying to work a
617 deal with; I really want the Ferris wheel bad but hadn't been able to work a deal with
618 him yet but maybe sometime in the future but we'll extend our hours. Generally
619 we've been closing at six o'clock at night except for on the Friday nights when we've
620 been doing our Friday night lives which we'll continue to do again this year with all
621 the entertainment venues that we've had and excitement for the kids but we will
622 probably stay open until about ten o'clock at night; ordinance says we can stay open
623 until eleven but we'll probably stay open until about ten and we'll open the rides
624 actually about one o'clock every day and keep those open and through the night and I
625 actually have one slide, the big slide we put in a couple of years ago that's out front
626 that we may even leave it open at night for people that really want to do something of
627 that sort and just take a ticket for it but we've got that going. We're adding for the
628 first time in twenty years we've brought our food service in house. We've leased it
629 out over the last twenty years. We decided this year the lease was up and we decided
630 to make a change. Seems to be kind of in the air in Surfside Beach right now so we'll
631 see how it goes too, but we're making a change; we're upgrading the food facilities;
632 we're adding some new product. We're going to serve an Angus beef burger this
633 year instead of whatever was being served in the past, but it's going to be a good
634 burger and we're going to have some other things; we bought some soft serve ice
635 cream machines and some frozen drink machines that we haven't had in the past and
636 unfortunately or fortunately we're still non-alcoholic so we won't have to worry
637 about that and in the spirit of the town passing the 'no smoking' ordinance, I don't
638 know if you're aware but two years ago we actually went no smoking in the park
639 except for a couple of designated areas and we've got them well away from where the
640 children are and it has been well received and really have had no complaints at all
641 about it, you know, when we're holding people for five or six hours somebody got to
642 smoke I really didn't want them running out to their car so we give them a nice
643 shaded area that they can go smoke and that hasn't been a problem. We're ending up
644 this week our season pass sales where you can get the best price through the April
645 30th so anybody out there that hasn't gotten your season passes yet please come do it;
646 you can go on-line or come by Wild Water and Wheels; we're there every day, and
647 purchase your pass, we hope to see everybody out there. We're real excited about the
648 upcoming season, we're excited about the new rides that we'll be bringing in and
649 setting up and looking forward to another great year and paying some more
650 hospitality fees to the town of Surfside Beach. Thank you all very much."

651
652 **Bill Black, 9th Avenue South:** "Just a couple of thanks to council for finally getting
653 the separation in motion. Also want to thank a couple of councilmen who will no
654 longer be serving on the council. Thank you gentlemen for the work you did. The
655 job is not easy, believe me, I worked for the government for a lot of years and
656 sometimes it's real tough. I also want to thank Mr. Lazarus for allowing the fire
657 department to use Wild Water and Wheels to do some training and hose testing and

658 some other things and sometimes it's hard to find the space to do the things so we
659 certainly appreciate that. Thank you.”

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661 **Randle Stevens, 412 1st Avenue North:** “What I wanted to comment and I
662 understand you all are going into executive session on the town council review of the
663 town administrator. I want to go over a little bit of that. I want to go back on some
664 history; the administrator that he have now took office on March 1st, 2007; during that
665 time he took office, public works was operating an illegal operation at the location, I
666 believe it's 412 Pine Street, using a residential lot for commercial use and violation of
667 36 laws and ordinances from the date the administrator took his position. It took a
668 year for this administrator to ever do anything about it and it wasn't until he was filed
669 with a lawsuit that this illegal action stopped. The other thing that I've noticed is the
670 administrator showed his true colors and attitude towards the laws and ordinances
671 when he quoted on the town council meeting January, 2008, twenty second, where he
672 said, Mr. Booth stated that he and Ms. Donevant are currently looking to see how
673 much parking we can get out, away with, without breaking the ordinance and have it
674 be a park. This 'away with it', 'getting away with' attitude is just something that we
675 need to get rid of. The administrator on March 24th, 2009 attempted to a quit claim
676 deed of a portion of land of federally protected Fuller Park in violation of federal
677 laws. It wasn't 'till he was, a citizen Joe Zoltak came up and said 'stop that; that it
678 had to go to the proper channels'. We also built a fire department in the spring of
679 2009, sued the property owners on 1st Avenue North in September 30th, putting the
680 cart before the horse. The administrator spent \$214,000 of the taxpayers' money on a
681 parking lot on Surfside Drive and Yaupon Drive; this was a reckless waste of
682 taxpayers' money spent without getting bids. We also have our \$48,500 parking
683 study that borrowed from our 2003 parking study; another waste of taxpayers'
684 money. The administrator authorized two dog parks be built in violation of eleven
685 different ordinances and laws requiring that the Town of Surfside Beach obtain
686 permits as required by law. There is now a, two, actually, two complaints with a
687 South Carolina Labor and License Regulations against the Zoning Administrator on
688 that because those permits were supposed to have been gotten. The dog parks
689 construction also has violated over 60 stormwater management and law as an
690 ordinance of the Town of Surfside Beach. Even though the Zoning Administrator
691 didn't get these permits, you got to remember who her boss is. The Town of Surfside
692 bought a pier for a large amount of taxpayers' money because of the administrators'
693 mismanagement; has caused the taxpayers hundreds of thousands of dollars more
694 money. As you know we lost a Public Works Director because he drank beer on the
695 beach, remember where he came from, he was recommended by our administrator. In
696 closing, I believe our administrator shown a total disregard and disrespect to the laws
697 and ordinances of the Town of Surfside Beach and the citizens in the Town of
698 Surfside Beach. A person who is . . . his job is to enforce the laws and ordinances.
699 He works, as you remember, under our ordinance, under the pleasure of the town
700 council who was elected by the voters. I think the voters' spoke pretty loud in saying
701 that we need some changes. It is this citizen's opinion that the town council needs to
702 evoke ordinance section 2-114, you know what that ordinance is. Thank you.”

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706 **Buck Ricks, 4th Avenue South:** “The little sketch I have here is the dune walkover
 707 which is right there close to our property. You see I attached the picture there
 708 showing the little place you could sit. This is one on 5th; it’s not very elaborate at all,
 709 it’s just one little addition to the side. One reason I drew the yellow line back so far;
 710 this walkway here comes to be right beside the ramp. I spoke with some people that
 711 said maybe might be concerned about a vehicle coming off the ramp and want to have
 712 separation between the people on the, with the emergency vehicles using the ramp
 713 versus pedestrians so that’s why I put this, you know, got highlighter there, new
 714 walkway; it could actually be brought back to get some separation so if there was
 715 some type of accident, if someone, you know came, you know with an emergency
 716 vehicle and went sliding in the sand because it, you know, has poor traction. Also
 717 another little small thing on the new stairs, I understand, you know, what you all say
 718 but you can’t get your ADA compliance but I was wondering possibly if we might
 719 consider putting a ramp there. So many people have strollers and babies and stuff and
 720 what it will end up being, if you have a ramp there then the people will roll up that
 721 and they won’t get over there where the Public Safety vehicles will be coming. I just
 722 thought maybe if you could just put up, you know, whatever grade you could work
 723 out but like I said those two modifications wouldn’t be very much and then also with
 724 the nature of the rental business there; the little walkway is four feet wide, if someone
 725 is waiting for a jet ski it would be hard for someone to get by so the little seating
 726 place would be nice for somebody to maybe, you know to sit while they were waiting
 727 for one of the jet skis or the parasails but anyway just thought I’d throw that out.
 728 Looks like we got a lot of time to think about it but I hope maybe you all can consider
 729 that because I think it would add to the safety and to the utility of the place and by the
 730 way that bolt of lightning, that’s my mother, she’s had a stroke, I’ll be rolling her
 731 over there with the beach access wheelchair so this is what she wants, that’s why the
 732 lightning popped.”

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 734 **10. COUNCIL COMMENTS**

735 **Mr. Childs:** Thank you Mr. Mayor. Although I know Mr. Truett and Mr. Martin will
 736 be coming back for a short meeting next time I just want to take this opportunity to
 737 thank both of them for their service to the town and all the work that they have both
 738 done and you will, both of you, will truly be missed and hate to see you go so good
 739 luck and whatever you chose to do in the future. Thanks.”

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 741 **Mr. Samples:** “Ditto for me, you know, we’re going to miss you but you can always
 742 come back and volunteer. We’ve got plenty of work that needs to be done so . . .”

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 744 **Mayor Deaton:** “And there’s always public comments.”

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 746 **Mr. Samples:** “I want to thank everybody for coming out.”

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Mr. Truett: “Thank you for all the nice words. One point that was brought up about the library and I want everybody to . . . and I don’t disagree with Mr. Zoltak, there are a lot of things that the County has added in their plan but that official footprint has not been brought back to this council. When we sat and we talked to the County I asked them point blank ‘how many trees will be removed’ and they said ‘zero’, so whatever you see or whatever you pull up that’s their conceptual plan. They will bring it back to this council and this council will decide the final stamp, ok? Everybody drive carefully. Thanks.”

Mr. Martin: “I have nothing to add. Thank you gentlemen.”

Mr. Johnson: “Good evening ladies and gentlemen. Thank you for coming out. Have a good evening.”

Ms. Blair: “Thank you for being here. I just wanted to ditto the previous remarks for councilmen Truett and Martin. I’ve learned a great deal and it’s been my privilege to be able to work with them for two years and I thank them for their patience and understanding with my mistakes and it’s, again, been a pleasure, I’ve learned a great deal and they will be missed. Thank you guys both.”

Mayor Deaton: “Thanks everybody. At this point in time we’re going to move into executive session for FOIA 30-4-70 (a) (1) town council review of town administrator and town clerk. If it’s ok with council I’d like to do the town clerk first. This could be time consuming. You’re welcome to stay. We have no refreshments but I don’t know how long we’re going to be in there but we’re going to take about a five minute break and I think Ms. Blair’s got a trip to go on so we’d like to wish you well and I’ll see everyone else in the chambers in about five minutes if that’s alright.”

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

11. EXECUTIVES SESSION

FOIA 30-4-70 (a) (1) Town Council Review of Town Administrator and Town Council

12. REGULAR SESSION

Mayor Deaton stated that no action was taken in executive session. Mayor Deaton stated that the evaluation of the town administrator will be scheduled for the next council meeting.

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13. ADJOURNMENT

Mr. Truett made a motion to adjourn. Mr. Samples seconded the motion. **All present voted in favor. MOTION CARRIED.** The meeting was adjourned at 9:12 PM.

Approved: May 11, 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.