



TOWN OF SURFSIDE BEACH ♦ TOWN COUNCIL CHAMBERS

August 24, 2010 ♦ 6:30 P.M.

TOWN COUNCIL
REGULAR COUNCIL MEETING

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8 **1. CALL TO ORDER**

9 Mayor Deaton called the meeting to order at 6:30 PM. Mayor Pro Tem Childs and
10 councilmembers Johnson, Blair, Dodge, Smith, and Samples were present. Staff
11 present: Appointed Interim Administrator, Fellner; Clerk Pinnell; Special Events
12 Supervisor, Ellis; Public Works Director, Adair; Finance Treasurer, Hursey; Public
13 Works Executive Assistant, Saleem; Town Mechanic, Bolster and Public Works
14 employee Dave Martin. Attorney Mr. Moss was also present.

15
16 **2. INVOCATION AND PLEDGE OF ALLEGIANCE.**

17 Pastor Mike Boring from First Baptist Church of Surfside Beach gave the invocation
18 and Mayor Deaton led the pledge of allegiance.

19
20 **3. AGENDA APPROVAL**

21 Mr. Smith made a motion to approve the agenda as submitted. Mr. Childs seconded
22 the motion. **All voted in favor. MOTION CARRIED.**

23
24 **4. MINUTES APPROVAL** – Mr. Johnson made a motion to approve the minutes from
25 the special meeting held August 2, 2010 and the regular council meeting held on
26 August 10, 2010. Ms. Blair seconded the motion. **All voted in favor. MOTION**
27 **CARRIED.**

28
29 **5. PUBLIC COMMENTS**

30 *Randle Stevens, 412 1st Avenue North:* “What I want to do is address on the
31 Administrators report, zoning grievance procedure. I went on the website, I couldn’t
32 find anything on what that was going to address or anything, just to make you aware
33 of it, the zoning laws for the Town of Surfside are identical to the State laws; the
34 State code of laws which you’ll find in Chapter 29 of the South Carolina Code of
35 Laws. I think it’s important that the town makes sure that you, when you’re talking
36 about zoning procedures and zoning grievances and procedures, whatever, that you
37 don’t change anything that goes along with the State laws unless you’re still in that
38 ‘whatever we can get away with’ mode that Ed Booth, our former administrator, had.
39 I will address, make sure that with this that we address certain things like, for
40 example, section 17-21 that addresses the code enforcement official to administer and
41 enforce and the town council shall appoint a code enforcement official to administer
42 and enforce provisions of the chapter. In our growing zoning ordinances, that we’ve
43 passed as a town, in the Town of Surfside, we are . . . have a lot of laws in there and
44 these laws basically mirror the State of South Carolina, for example, in chapter 29
45 you will find in it that a municipality agent or department or subdivision that uses any
46 real property owner or tenants within the limits of any county in the State but not
47 within the limits of the municipality is subject to zoning ordinances of the county,
48 that also states that a county or agency, department or subdivision of it that uses any
49 property as owner or tenant within the limits of any municipality in the state is subject
50 to the zoning ordinances of the municipality which simply means that if you’re a city
51 and you build in the county, it’s like if we build at Scipio Lane we have to follow the

52 county ordinances, when the county government, if they build in Surfside they have
53 to follow the municipal laws. Thank you for your time.”

54
55 **6. COMMUNICATIONS: Presented by Interim Administrator Micki Fellner**

56 **a. Presentation: Myrtle Beach Car Club plaque presentation to the town**

57 Mr. Bob Walker from the Myrtle Beach Car Club presented a token of
58 appreciation plaque to the town for allowing the car show on Memorial Day
59 weekend and Mayor Deaton accepted it. Over \$2,000 was raised for the *Cents for*
60 *Soldiers* charity.

61
62 **b. Presentation: Dave Martin, Sanitation Department employee recognition**

63 Employee Dave Martin of Sanitation was recognized for five years of service.

64
65 **c. Finance Report**

66 Ms. Fellner reported that the business licenses and permits totaled 23 new for the
67 month of July. \$25,200 of July's \$30,100 in revenue will be accrued to the fiscal
68 year 2009/2010. Permit revenue for July was \$4,500 which is down \$3,500 from
69 last year which was \$8,500. Hospitality and local accommodations collected in
70 July 2010 has been accrued back to June for fiscal year 2009/2010. The real
71 estate, personal property and vehicles tax collections from Horry County for July
72 2010 were \$27,600 which is up \$6,400 from the same period last year. July 2010
73 enterprise fund revenues are sanitation which collected \$117,200 in service
74 charges which is up from last year which was \$114,600; the pier fund is down
75 slightly, this year it was \$65,200 and last year during the same period it was
76 \$66,800. The auditors will return after Labor Day to complete the 60 day testing
77 and the financial budget amendments for fiscal year 2009/2010 will be presented
78 to council in September and the complete financial report will be issued after the
79 audit and the 60 day accrual period is over.

80
81 Mr. Samples asked about the CTC (County Transportation Committee) funds.
82 Mr. Samples asked if this was currently in the town fund balance. Ms. Fellner
83 stated that it is not; it is done as a reimbursement. Mr. Samples asked when the
84 town planned on doing projects. Ms. Fellner reported that the town is working on
85 permits for the 10th Avenue culvert. Mr. Samples stated that 10th Avenue North
86 has been done 3 times since the last time 11th Avenue has been done; 11th Avenue
87 is a short street and was wondering when 11th Avenue will be done. Ms. Fellner
88 stated that she would have to look at the paving schedule and added that she
89 would like these types of projects to come before the subcommittee. The town
90 cannot change what is currently on the agenda for CTC funds; once they are on
91 the agenda it cannot be changed. Mr. Samples stated that 11th Avenue North was
92 approved by CTC at the same time at 10th Avenue. Ms. Fellner stated that it was
93 not on the list that came back from CTC. Mr. Samples asked for the minutes from
94 the meeting and added that he was assured that 11th Avenue was on the list to be
95 funded. It was agreed Ms. Fellner would look into this.

96
97 **d. Public Works Report**

98 Ms. Fellner reported that in July 732 tons of solid waste was collected up from
99 last year which was 714. The town collected 25 tons of mixed debris and last
100 year it was 35 tons; 98 tons of yard debris was picked up and last year 103 tons

101 was picked up. 64 tons of recyclables was picked up this year and last year there
102 was 57 tons picked up. The crews assisted with the Ocean Expo setup and clean
103 up which included delivery and pickup of moby carts, recycle carts and portable
104 dumpsters. Tables, tents, supplies, barricades and traffic cones were delivered, set
105 up and removed. The new knuckleboom is being retrofitted with radio, strobes,
106 etc. and should be in service within a few weeks at which time the old one will be
107 placed on Govdeals for sale. Two exercise stations were purchased through a
108 grant and were installed at Passive Park. The skateboard park bids are being
109 reviewed for adherence to specifications and they will be done soon. Interviews
110 for the Grounds Supervisor position will be scheduled within the next 2 weeks.
111 The town mechanic completed 62 repairs on town vehicles and equipment.
112

113 Ms. Fellner then reported on crosswalks. The town investigated a number of
114 options. The precut strips and rolls were very costly; the town also investigated
115 concrete with brick borders and that cost would be approximately \$2,500 per
116 crosswalk. Eventually the town may want to aesthetically do something but it
117 would be at a time it was budgeted. The town looked into other options adding
118 that safety is a primary concern. The most cost effective approach would be to
119 piggyback off the county contract and use Palmetto Paving. They would stripe all
120 33 crosswalks using thermal plastic for a cost of approximately \$2,500 which
121 comes to \$2 per linear foot. Two crossing signs would be installed in the middle
122 of the street at the crosswalks on Ocean Blvd where Surfside Drive intersects and
123 this cost is a little less than \$300 a piece adding that these are pretty effective at
124 slowing traffic because they are in the middle of the road. Signs for the other 31
125 crosswalks would be placed on either side of the street and these cost
126 approximately \$26 each with a total cost of about \$1,600. The total cost of
127 striping and signs should amount to about \$4,800 which is just under \$5,000. Mr.
128 Samples stated that this is great and added that he is sure funds could be located
129 for this.
130

131 e. Recreation Report

132 Ms. Fellner reported that the Dixie Majors won their sub district and district
133 tournaments, repeated as SC State champions. They competed in the World
134 Series and finished with one win and 2 losses and won the sportsmanship trophy.
135 The Dixie Boys team became the South Carolina State champions, advanced to
136 the World Series, won the sportsmanship trophy and emerged as the Dixie Boys
137 World Series Champions for 2010. The total expenses for the two teams came to
138 \$15,087.73; the total revenues for the tournaments came to \$10,100 thanks to
139 unanticipated donations from the county of \$6,000. The town non-budgeted
140 expenditure came to a total of \$4,987.73 instead of the almost \$11,000 the town
141 was anticipating. Mr. Samples stated "I think we found the money. We had a
142 special meeting where we approved, I guess close to \$11,000 for the All Stars,
143 we're all very proud of, but there's even better news; it's not going to cost the
144 taxpayers what we had our special meeting on that we thought when we adopted
145 it; it's only going to cost us, I guess, about \$5,000. There's \$6,000, as I
146 understood earlier it was \$1,600 for the signs and it was \$2,500 for the striping; I
147 would recommend strongly that there be a consensus of the members to move
148 forward with and take care of the striping." Mayor Deaton stated that this could
149 be placed on a future agenda. Mr. Samples asked for this to be on the next

meetings' agenda. Mr. Johnson thanked staff for contacting the county and coming up with these funds adding that he believes that everyone on council had a problem in allocating \$11,000 for something that was not a planned expense. Mr. Johnson added that he hopes in the future that the town would be able to accommodate the need for these expenses. Ms. Fellner stated that the concession stand should help with this. Mr. Childs thanked Mr. Howard Barnard from the county for the funds he came up with. Ms. Fellner added that Ms. Liz Gilland from Horry County also came up with \$1,000 of the \$6,000 and Mr. Barnard came up with the rest. Mayor Deaton stated that the town has been working hard to create a relationship with the county adding that in the past the municipalities and the county have not worked well together but now the town is working on relationships not only on the county level but the state and federal level as well. Ms. Blair stated to not forget the boys and thanked staff for putting a nice presentation together last Tuesday to welcome the boy's home where they were presented with their trophies. Mr. Childs thanked Mr. Blair who did the sound system on short notice at the welcome home event adding that he did a great job.

Ms. Fellner reported that there will be a Fall adult softball season this year. It was reported that with the town take-over of the concession stand there would be no additional insurance coverage costs. The End of Summer Celebration will be held Sunday, September 5th from 5 PM to 9 PM in the pier parking lot. Ms. Fellner asked for a consensus of council to allow free admission to all visitors on the pier the day of the event. Mr. Samples asked if a request for this was made to the town. Ms. Fellner stated that Pier Outfitters had requested it. Mr. Samples asked about the walk on fee collected by Pier Outfitters. It was confirmed that Pier Outfitters will not be coming back asking for collection fees for this free admission date request. **There was consensus of council to allow free admission.**

f. Administrator's Report

i. *Ocean Expo expenditure follow up*

Ms. Fellner reported on a concern expressed at the previous council meeting regarding an expenditure to Surfwater Promotions for approximately \$5,000 that was thought to have gone towards the Ocean Expo. Ms. Fellner confirmed that after careful examination of the check register and vendor activity reports the charge was found to be unsupported; there was no such expenditure authorized or made to Surfwater for the Ocean Expo.

ii. *Employees working 2nd job*

Ms. Fellner reported that employees with second jobs will be submitting forms for approval which will be approved by the department head and current administrator. A poll was also taken of current staff with second jobs and it was found that not more than two Surfside Beach employees currently work for any single outside employer.

Mr. Childs stated that he wanted to go back to Ms. Blair's comments adding that he hopes that council does not get too strict on part time work. He would like to support the businesses in town adding that "it is easy for

199 us up here that are retired or well established in our careers and our
200 children are grown” and would not like to be too picky on part time work.
201 Mr. Samples stated that the council is getting ready to vote on the Conflict
202 of Interest policy and added that all the council is asking for is, disclosure.
203 Ms. Dodge stated that she does not want to stop any employee from
204 seeking outside employment if they need to but she just wants the town to
205 have a clear definition of what they are doing and for the town to keep
206 records.

207
208 *iii. Zoning Grievance Procedure*

209 Ms. Fellner reported on the procedure for zoning grievances. There seems
210 to be an issue with the appropriate venue. All citizens who have a
211 problem with a permit issued by the town should come to town hall and
212 apply for a hearing with the Zoning Board of Appeals. This is the correct
213 venue as defined by the State. Airing grievances in any other venue serves
214 no productive purpose. Mr. Samples asked Ms. Fellner to elaborate on the
215 issue. Ms. Fellner reported that if a citizen has a grievance and it is
216 specifically related to a zoning issue or a permit issue, the venue to bring it
217 up in is not at a town meeting; there is nothing that can be accomplished in
218 that venue; the venue to bring it up in is to fill out an application and bring
219 it forward to the Zoning Board of Appeals. There is a fee associated with
220 the application due to publishing costs which is \$175. Ms. Fellner stated
221 that she wanted to clarify the procedure so that the citizens are aware. Mr.
222 Samples agreed that State law is very specific in the criteria and the public
223 is welcome to bring legal counsel and if they do not like the decision of
224 the Zoning Board of Appeals the next step would be circuit court.

225
226 *iv. Website*

227 Ms. Fellner asked the citizens to make sure they clear their browsers, close
228 them and reopen them to avoid newly tasked pages. There have been
229 instances recently where citizens have had issues where they thought
230 something was not posted on the site and it had been posted days prior.
231 Ms. Fellner reported that the management and maintenance of the website,
232 services and Facebook takes a lot of time; it is now very large. The intern
233 currently only works 10 hours a week and Ms. Fellner added that her time
234 is currently spread very thin so there are bound to be some issues. Ms.
235 Fellner asked if the public could inform her or the clerk if something is not
236 posted or if anything is posted incorrectly and it would be addressed
237 immediately. Ms. Fellner reported that Surfside is one of the very few
238 municipalities that post links to businesses in their own towns adding that
239 she like this service and would like to expand it. Ms. Fellner asked if
240 there were any business owners in town that wanted to be listed on the site
241 to please e-mail her their information and if there is a link to the business
242 send that as well. Ms. Fellner stated that the town website gets anywhere
243 from 550 to 1,500 hits per day and this should grow as the town increases
244 its linkage to high traffic sites. Ms. Fellner stated that the only negative is
245 that it takes a lot of time to create reciprocal deals with those high traffic
246 websites and currently there is no one who has the time to work on this
247 adding that this is something that she was very proactive in doing before

248 taking the interim position. Ms. Dodge stated that she feels this should be
249 a boom to town businesses and thanked Ms. Fellner for suggesting this.

250
251 v. *Code Enforcement for Signage*
252 Ms. Fellner reported that a recent request was made that code enforcement
253 address some specific signs in town and it was explained to the Director
254 and Code Enforcement official that to be fair the town would need to
255 address all signs not just certain signs. Ms. Fellner reported that she
256 instructed the Director to create a schedule with a minimum of three town
257 wide sweeps per week to include weekends and after hours. Verbal
258 warnings were issued to businesses to come into compliance or be sited
259 and compliance sweeps were scheduled; they have begun and will
260 continue.

261
262 **7. BUSINESS**

263 a. *First Reading Ordinance #10-0688: Conflict of Ordinance*

264 Mr. Smith made a motion to adopt first reading of ordinance 10-0688. Ms.
265 Blair seconded the motion. Mr. Smith made a motion to amend the ordinance
266 page 2 paragraph 5 after the word “thereafter”, put on or before January 15th
267 of each year and delete the words “upon down to the word review”. Mr.
268 Childs seconded the motion. **All voted in favor of the amendment.**
269 **MOTION CARRIED.** Mr. Smith also advised that the form the employee
270 signs be revised. Mr. Smith stated that Ethics Confirmation Form should be
271 added and just include paragraph 3 on the form. It was confirmed that this
272 form is not part of the ordinance; it was just an example and Mr. Moss stated
273 that the form would be changed from time to time as needed. Mr. Samples
274 asked for clarification regarding department heads having to sign a statement
275 of economic interest form. Mr. Moss confirmed that department heads and
276 higher would need to submit a statement of economic interest form. **All voted**
277 **in favor of the original motion. MOTION CARRIED.** Mr. Samples made
278 a motion to direct staff to prepare the disclosure form with the assistance of
279 Mr. Moss and to provide this back to council for review. It was confirmed
280 that this was going to be done by Mr. Moss and there was no need for a
281 motion and it would come back to council. Ms. Dodge asked if this would be
282 approved at second reading. Mayor Deaton confirmed it would all be
283 approved during second reading.

284
285 b. *Proclamation #10-71: Support of Atlantic Intracoastal Waterway Association*

286 Clerk Pinnell read the proclamation. There was no opposition to the
287 proclamation presented by the Mayor.

288
289 **8. DISCUSSION ITEMS**

290 • *Response to Citizens Questions: Councilwoman Dodge*

291 Ms. Dodge stated that at every council meeting public comments are allowed and
292 the public comes forward with questions and concerns but currently council does
293 not respond to their questions or concerns. Ms. Dodge stated that she feels that
294 the council owes them answers and that their concerns should be addressed
295 adding that they are the major stakeholders in the town. Ms. Dodge stated that
296 there may be some personal questions that should not be addressed in a public

297 forum but any questions relating to the town should be responded to at the next
298 meeting in open forum so that all citizens receive the information. Ms. Dodge
299 made a motion to establish a policy which provides a response to citizens
300 questions or concerns at the next council meeting following the meeting at which
301 they asked a question or expressing a concern and that a response is provided in
302 open forum unless the question or concern is of a personal nature. Mr. Samples
303 seconded the motion. Mayor Deaton stated "I guess your motion is to move it to
304 the next meeting under an agenda item, I suppose, because this is discussion."

305
306 **Ms. Dodge:** "I can't make a motion?"

307
308 **Mayor Deaton:** "Yes ma'am you can but I'm trying to explain. Under discussion
309 the reason we have a discussion item is so that council can be informed of what
310 your intentions are or what a councilmembers intentions are to move an issue
311 forward and at that point in time to take action. Right now, it would be
312 appropriate for you to make a motion to move it forward, if that's what your
313 motion is to another meeting so that we can, as councilmembers can ponder it and
314 research and do due diligence to find out what our positions are and we all get one
315 vote. That would be appropriate, if that's your intention."

316
317 **Ms. Dodge:** "That's my intention."

318
319 Mr. Samples stated that he feels the intent is to get it back to "Mayberry by the
320 Sea" where people can talk to each other and express their concerns. Mr. Samples
321 stated that he realizes there may be issue that involve negotiations or other matters
322 that would be inappropriate to respond to but many questions can be answered.
323 Council has addressed questions in the past but most of the time council does not
324 respond to questions and some of them have been simple questions that could
325 have been answered. Mr. Samples stated that he supports the concept. Mr.
326 Johnson stated that he tends to agree adding that it is just a matter of the process
327 adopted and followed by council. It was confirmed that questions answered at
328 one meeting would be addressed at the following meeting. Ms. Blair stated that
329 this has been a sore point for some citizens and the process does need to be
330 questioned adding that she had spoken to representatives from other councils who
331 do try to answer as many questions as they can at the time of the meeting but
332 there are many questions with some that would be able to be answered quickly
333 while others may take awhile. Sometime there may be a department head that
334 would be able to answer right away and sometime there would not be someone
335 available. It would be appropriate to receive an answer from the correct person to
336 ensure a right answer is given. Ms. Blair stated that she feels a lot of this will fall
337 back on the Mayor or whoever is in charge to keep control adding that there have
338 been questions in the past where an individual was directed to the administrator
339 that she herself would have liked to have known the answer to and believes that
340 others would have liked to have known the answer as well. Ms. Blair stated that
341 she feels there is a happy medium that could be met; if there were a simple
342 question that could be answered quickly without a drawn out discussion then it
343 should be answered. Ms. Blair thanked Ms. Dodge for giving council time to
344 work on this so that it may work for everyone.

345

346 Mayor Deaton stated that a council meeting is a business meeting and the
347 intention of a business meeting is not to interact. The council follows an agenda
348 and these are items brought before council to vote on. Mayor Deaton stated that
349 he has explained in the past that the council is a body and this means that no one
350 individual has any independent authority to answer questions. The council acts as
351 a body by majority vote; a motion is given, it is then seconded, there is then
352 discussion and then a final vote. Mayor Deaton stated that no one on council has
353 the authority or more than likely the knowledge to answer questions
354 appropriately. There may be questions that are valid and important but council
355 cannot individually give a correct answer and there is always the possibility of
356 giving an incorrect answer. Mayor Deaton stated that no department head is
357 ready for a 'pop quiz'; they would be ready to answer question via e-mails or
358 written requests or phone calls and they will respond to the public. Mayor Deaton
359 stated that there is no one involved in the town that is trying to hide anything; they
360 will answer questions in the appropriate manner and forum. Council is trying to
361 follow an agenda of business items that need to be addressed. Mayor Deaton
362 stated that if every question from citizens were placed on the agenda it would be 3
363 or 4 pages long. There are many issues that come before council and they need to
364 be addressed in the appropriate order. The council is trying to accomplish a
365 meeting in a businesslike manner that is not an interaction type format adding that
366 council does not want to get into a debate with anyone; it is inappropriate. The
367 councils' task is to get through the agenda and make decisions. Ms. Dodge asked
368 where the citizens would get the answers. Mayor Deaton stated that answers
369 could be given by the administrator or the appropriate department head or
370 whoever is in charge of the issue it pertains to. **All voted in favor. MOTION**
371 **CARRIED.**

372
373 **9. PUBLIC COMMENTS – Agenda Items only – 5 minutes per speaker**

374 *Gene Maruca, 7th Ave. South:* "First I want to commend staff for what has been
375 done and the changes in the past few months. Very obvious out there in the streets,
376 especially to a retired guy who has nothing to do but wander the town. As far as
377 disclosure, unless it's confined to salary of employees of the town, I can understand
378 that, they are getting salary, they are more responsive to the town but unless the town
379 has employees with a minimum wage of 18 or 22 dollars they don't get enough to put
380 food on the table now and we're asking them to fill out forms to get a job maybe at
381 Bi-Lo collecting carts part time. If they're only working an 8 hour day and they have
382 a part time job nights bagging groceries, it doesn't hurt the image of the town. I don't
383 see why it should filter down to that echelon of employees; again, salary yes, but
384 other than that, let them earn the money to put food on the table. Parking, I don't
385 know, I'm from Boston I don't know how you say it. We purport to be a business
386 friendly town. Every condominium along Ocean Blvd. has a business license; they
387 should be treated like any other business in town. You require them to get a license
388 like every other business in town. Their problem, as we're all aware of, is with
389 parking and we can kick that can down the road until . . . we have to do something
390 about the parking. Meter the west side of the Boulevard from Melody to the other
391 end of town then turn around and sell tags to the condominium owners that they can
392 give their respective vacationers to park at those meters since they're already paying
393 the 12 percent tax to come to our town. Right now I don't know the percentage that
394 we lose but every time we tag one of those tourists they go into either Surfside or

395 Colony or Garden City or Scalese and they complain they're being harassed by the
396 police department. We know that's not true but they don't know the laws, they don't
397 know if their tire hits the pavement they're going to get a ticket or if they're in front
398 of one of our standpipes. Everybody knows a hydrant but city people don't . . . I
399 didn't know what a standpipe was before I got here. Those are those little red things
400 hidden in the bushes or behind the dumpsters in every one of the condos. You get a
401 ticket for that. You know, we have to be more concerned; we're alienating the very
402 people who provide our bread and butter. The same with our parking at the pier;
403 there was nothing wrong with 9 to 5; I understand it's 7 to 7, I know people go out
404 and eat at 7 or 7:30, I don't know many people who go to the beach at 7:30 or who
405 would want a parking space. Why did we change the time and does our machine tell
406 us how much we make between the 7 and 9 that we added to our clocks for our
407 meter? What was the reason for it? Other than give our meter maids 4 hours more.
408 We're paying 4 hours more; I don't know how many we have but I think it harms the
409 business again. It belongs to the town, kind of like you're shooting yourself in the
410 foot. You want to collect the rent, you want them to be prosperous but we're going to
411 nail their patrons and a lot of people and I have this first hand because I own a realty
412 company, a lot of people from out of town . . ." (time was up).

413
414 **Ron Ott, 7th Avenue North:** "Let's start with the conflict of interest again and I
415 would even add that we can get a lot of those answers by looking at the council, the
416 heads are shaking, the eyebrows are moving; we can usually pick out the answers.
417 We have a lot of citizens that sit on boards, commissions and committees and maybe
418 they need to sign the papers too, you can look at it that way because we make
419 decisions and I would hope that the town council would be signing the paper also.
420 Our town administrator is right, any of these questions like that, that's why these
421 citizens are out there offering their time for no compensation to do these things and
422 that's where the citizens of the town should bring them in front of these citizen
423 committees and council. I was recently . . . I went to the Myrtle Beach Board of
424 Zoning Appeals because I wanted to see how they handled the special exceptions;
425 they were removing a landmark tree. It was pretty interesting since we've never done
426 it here and they also had a general appeal so it was interesting for me to see that and
427 we will have a meeting the 4th Thursday of September. I don't really see any town
428 council people ever come to these Board of Zoning Appeals and this is going to be
429 basically a training type thing. We will be reviewing the comp plan and how the
430 board handles their job and I have asked Jackie if we could have Tom Britton who
431 seems to be our zoning counsel unless you want to bring a lawyer in but I know that
432 Tom handles all these other boards. I'd like to invite everybody and you can ask
433 some questions at that. We haven't actually put the call out for the meeting but we
434 will be doing it. The \$75 (referring to the \$175 charge for appeals) I was thinking
435 how about we give them an incentive if they do win give them their \$75 bucks back.
436 How about that? Some kind of incentive or is that money paying for the costs of the
437 appeal? I don't even know, this is the first time I knew it cost any money to do that.
438 Thank you."

439
440 **Bruce French, Chairman of the Publicity Committee for the Surfside United**
441 **Methodist Church:** "We were one of the places visited last week by the compliance
442 sweep for signs and my purpose in being here tonight is to respectfully ask council to
443 consider an exemption or waiver for churches with regard to signage that informs the

444 community on the programs that we're offering them. I've been told about the
445 permits that you can apply for for a special, I think it's two weeks, that you can have
446 a sign up then there's a 3 month waiting period or something like that. We have
447 activities going on continually that many of which more of non-members participate
448 in than members. We had 180 people in our vacation bible school this summer and
449 less than half of those, much less than half were from church families so we reached
450 out to a lot of families in the community for that the same way with upward
451 basketball we had 180 children involved in that and we hope for 300 this winter and
452 more, you know the minority, were church members, so, a lot of these activities are
453 reaching out to people who are not in the church so this is the most effective means
454 that we have to communicate to the community the programs that we're offering, so,
455 we respectfully ask you to consider that in your future deliberation."

456
457 Mayor Deaton stated that the council will be considering a sign ordinance soon. It
458 was confirmed that it will be coming to council in an ordinance form; there would be
459 two readings. Mayor Deaton informed Mr. French that this would be the appropriate
460 time to approach council with the request so that they could make any revisions being
461 requested and it would need to be approved by a council majority. Mr. Samples
462 stated that council has been provided with a 24 page document and asked if it was
463 still undergoing revision. It was provided to council but not as a final version. Mr.
464 Samples stated that he, for one, would appreciate not getting documents until they are
465 ready to be recommended to council.

466
467 ***Elena Nicholas, Some Gave All Antiques & Consignments, 1510 Hwy 17 N.,***
468 ***Representatives from Twins and Consign at 5th were also there. Ms. Elena***
469 ***Nicholas spoke:*** "I have a business that's an antique store at 15th and Highway 17
470 North. I'm a new business, I opened in April. I guess I was a little bit part of this
471 sweep thing that's going on. When I have a few items outside my store like a rocking
472 chair or a little coat rack or something people who are driving by on Highway
473 Business see it and come in, because of the service road it's harder to see. The
474 amount of my business that has gone down is more than half when I have nothing
475 outside based on if I have one or two items out there whether it be a rocking chair or a
476 little table or a little table and two chairs or a little coat rack or a rack of pocketbooks
477 or something, so, that's one thing I'm requesting that something could be worked out
478 that we could just put a few items out. The second thing is my understanding is
479 you're allowed four, I think they're called tent sales where you pay for a permit and
480 you can, I think, for 7 days you can have 4 sales a year. I am requesting that maybe
481 that could be changed to once a month? When I have stuff outside, I pay for my
482 permit, I put an ad in the Sun News, I have two to three hundred people who come to
483 my store. I usually just do it for a Friday and a Saturday. I'll have two to three
484 hundred people who come and it enables me to pay the rent and pay my bills and
485 stuff. Without that I don't know that I can make it. I don't know that it is doing any
486 harm. I'm nowhere near the road; it's in a parking lot, I have a big parking lot where
487 my store is I'm by Alms Chiropractic Care so I guess I have two requests. One, that
488 we'd be allowed to put stuff outside and two that we would be allowed to have more
489 than four sales a year. I know the permit is for a week, I believe each time you have a
490 sale and I was told by the town when I went to them to come and speak in front of
491 you and that's why I'm here and that's why we're all here and I don't know if this is
492 possible but I would wonder if there was any way to request the last big weekend of

493 this year is Labor Day, if there's any way that we could be granted a way to have a
494 sale and have tents out for the Labor Day weekend and I understand that the next
495 meeting, I believe, is the 7th which is Tuesday that we could be put on the agenda but
496 that's obviously after Labor Day so that's why I'm here."

497
498 **Mayor Deaton:** "Well that's a difficult question, the other questions can be addressed
499 at the appropriate time with our signage ordinance that's coming through and just as I
500 told the other gentleman that would be the proper venue for you to express your
501 concerns and your ideas so they can be presented to council in that form. As far as a
502 variance goes, I can't speak for that, I'd have to direct you to our internal
503 administrator Ms. Fellner; if you set up an appointment with her maybe she can give
504 you some input."

505
506 **Ms. Nicholas:** "How do we find out when that meeting is that we can . . . ?
507

508 **Mayor Deaton:** "Through Ms. Fellner."
509

510 **Leon Graff, Owner of Borgata:** "I would like to commend Ann Dodge on the items
511 of coming up with response to citizens questions. I've been here a number of times
512 and have asked questions of the council and had yet to get an answer. I've seen some
513 stuff done; pictures being taken of sidewalks, nothings done yet. I can't get an
514 answer from anybody. Same thing with Surfside Drive, bids were supposed to be out
515 in July, haven't seen a bid on the website yet. I know it wasn't going to start until
516 after Labor Day but the bids haven't even been put out and nothing's been awarded
517 and I'm tired of asking questions and not getting answers. I'm a business owner here
518 and I'm starting to starve because of what's going on out there and I would like some
519 answers and it just seems like you can't get them around here."
520

521 **Tom Dodge, 15th Avenue North:** "The sky is falling, Mr. Mayor, you better watch
522 out. It's called transparency. Answer questions two weeks from now, not today.
523 I've been watching the Little League World Series, it's great, you should watch it, it's
524 called, one of the fields is called Volunteer Field; the whole Little League World
525 Series works off of volunteers. They have volunteer concessions people, they have
526 volunteer grounds keepers, they have volunteer umpires that come in from all over
527 the country, volunteers. We should accept volunteers here in town. We don't seem to
528 do that very well and you wonder why people don't apply for Zoning Board of
529 Appeals and these other Boards of Appeal. My third thing is very upsetting to me. I
530 was told by a good friend of mine that a council person told them that my wife was
531 responsible for the signs being picked up around town. I would like to make that
532 perfectly clear to everyone up here with the transparency that it was me that took care
533 of the signs, not my wife, so whoever the council person was that blamed my wife,
534 no, you're wrong, it was me and it's about time that the code enforcement officer
535 does her job and the town administrator does her job. Thank you."
536

537 **Rafi Yekuel, Eagles, 10th Avenue South:** "I got one question for your guys. Is
538 something wrong to put flags outside of the store? We have flags, Carolina flags and
539 another flag like the Marines or either kind of flag outside; we'd like to put only two
540 flags. Each flag is 500 dollars, what's wrong with flags, to put flags outside of the

541 store. We put Marines, we put any kind of beautiful flag outside and no, you don't
542 allow us to put it, so, I'm coming to ask if we can change that."

543
544 **Mayor Deaton:** "We will be working on the sign ordinance and that would be the
545 appropriate venue and that would be the appropriate time for your input and we will
546 welcome that sir."

547
548 **Kathy Goddard, 320 15th Avenue S.:** "We spent two weeks on the south end dodging
549 crime, running, scared to death. Knocks on the doors at night, knocking on the
550 windows, sitting under the house at 12:30 in the afternoon, kids on golf carts, racing
551 on our property and in our fields then watching it go to a neighbor that wasn't there,
552 he had just gone to work. A child jumping off, a young man, jumping off and putting
553 both feet on his front door and then I went and told him that night what happened, I
554 called them, I told them what happened and he goes 'oh, my God, they were on my
555 door at two o'clock in the morning'. It's very scary and I . . . Captain Miller has
556 been wonderful, he helped, he's working on it now, he's aware of everything that's
557 going on and he's got his men there but if I didn't realize if you pick up 14 year old
558 children, 13 year old children at two, three in the morning in this town and you take
559 them home to their parents and they haven't been seen in a crime but they're caught
560 out with backpacks, there's nothing this town can do other than turn them over and I
561 don't; want Surfside to become a Myrtle Beach where you can't even go out at night
562 for fear for your life. I would like to see, if nothing else, a curfew on young children
563 in this town. If we have a curfew then the police have some bite when they take this
564 child home, something else can be done. The police have no control over it right
565 now, if they don't have a curfew on young people in this town and this week, this past
566 two weeks, besides having a couple robbers down there, you know, we've had some
567 bad times and my neighbors got me out of bed at 9:30 Sunday night to come over
568 because they were scared to death, they have two young, beautiful girls and there
569 were boys around their house trying to get in the back door and knocking on the
570 windows and the girls were too young, it wasn't a boyfriend situation and I just think
571 I would like to ask the council if they would start thinking of maybe a way to keep
572 young people, it's not all young people, I'm not saying all young people are bad, but
573 we do have some children that are not being controlled by their parents and I'm afraid
574 it's going to cause one of my neighbors to have a heart attack or scare people to death
575 and I would appreciate a consideration on council to discuss a future date, a curfew
576 and also children on the golf carts; it's out of hand. Thank you."

577
578 **Randle Stevens, 412 1st Avenue N:** "I want to go back to what the administrator
579 talked about, zoning and grievance procedure, says *** all persons who have a
580 disagreement with a permit of zoning they could go to sign an application and ***.
581 The problem I see with that is the citizens are usually the last people to ever know
582 that a permit or zoning issue has come up unless you're right on top of everything. If
583 you're going to do something like that, if you all are going to require us to do that
584 then I suggest that you publish all permits that are issued within the Town of Surfside.
585 I know, personally, that zoning problems and permits have been a problem with this
586 town since I've been here. For example, right across from Joe Zoltaks' house and
587 behind my home the city operated an illegal operation hauling in mulch, tractor trailer
588 loads, dump truck, back hoes, bulldozers and they never once got a permit. Although
589 the ordinance says the code enforcement official would administer and enforce the

590 zoning laws, wonder what happened there. It wasn't until a citizen filed a lawsuit that
591 it actually stopped. We also built a dog park, now I love that dog park now because I
592 see everybody out there with their kids but for some reason the town, the Town of
593 Surfside failed to get a permit and it says in your ordinances Governmental entities
594 shall, not may, not do I have to or even think about it, shall be required to obtain a
595 permit, so, if we've got a Building Department, a Director of Building, Planning and
596 Zoning and an Administrator past or present who violates their own ordinances, what
597 good is any law. For example, the last meeting, a member of town council said,
598 'wouldn't it be all right to suspend the ordinances?' Well, what he is saying is
599 suspend the law. Now, if that's the case if you want to suspend the law then maybe
600 we should have one day out of the week we could just go kill anybody we want to or
601 maybe one day out of the week we should be able to go and just drink anywhere in
602 town or whatever it might be, just suspend the law for that one day and break the laws
603 and then the Director of Building and Zoning said in the minutes, 'it may be
604 permissible', what kind of government is that? If you're going to pass laws we
605 have to obey the laws, we have to follow the laws, so I suggest to the town, if you
606 want to address your zoning grievance property then publish all permits that are
607 issued each and every week so the citizens can come up and see if there's anything
608 that they have a gripe against. You all were speaking also about the signs. Seems
609 like that is something for the Board of Zoning Appeals if there is somebody of a
610 business or a church or whatever it might be wants a particular sign and it doesn't
611 meet the ordinances why shouldn't they go through the Zoning Board of Appeals?
612 Seems like the way that it should be done. Basically what we have to do as a town
613 government and I hope that everybody on this council will think about this, is that
614 we're not above the laws. We want to have our laws followed by the town just like
615 we the citizens have to follow them. I don't think that I should have to be subject to a
616 law and this town not be subject to the same law and they did build that dog park
617 without permits, without stormwater proper procedure, there's a whole list of things
618 and the town knows about it and the Director of Building and Zoning and Planning
619 knows about it as well as the administrator."

620
621 *Marybeth Mabry, 517 15th Avenue N.:* "The only thing I want to talk about is and I
622 understand the Mayors point of view about this being a business meeting but there is
623 a point of view that most of the complaints are lack of transparency. It's not how you
624 vote it's why you vote and what's behind the vote and that's why I have preached and
625 asked and begged for the old fashioned town council meetings where there's
626 interaction one time a quarter. That's four times a year that we have interaction so
627 that we can ask and interact with each other. That's not every business meeting but
628 we do want that. We're asking for it and you're ignoring it, so, please consider it.
629 Thank you."

630
631 **10. COUNCIL COMMENTS**
632 *Ms. Blair:* "I just want to thank everybody for coming out tonight. One last
633 congratulations to teams and staff and a reminder to everyone we do have a big event
634 coming up over Labor Day weekend, the End of Summer Celebration and I'm sure as
635 always there will be big goings on out there so come out and, well, hopefully we'll
636 have lots of good weather left lots of visitors, let's have one last hurrah together
637 towards the end of summer. Thank you all for coming. Drive safely going home and
638 have a great week."

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Mr. Johnson: “Thanks for coming out ladies and gentlemen. I just want to let you know that I spoke with Grady, our wonderful public works guy the other day about the heating and air in this room and I know every meeting people are fanning and it’s hot and this, that and the other thing. We do have the equipment, the issue right now is with DHEC and apparently because of the age of the building it has asbestos issues because they have to cut some holes in certain areas of the roof and so on and so forth, so we’re trying to get there just like any government, it takes time. Thanks.”

Ms. Dodge: “I want to address conflict of interest again. It’s not my intention to do any harm to any one of our employees so to the citizen who raised that question people who are paid less. It doesn’t matter they can still have a conflict of interest, what they need are guidelines to follow. It’s not to keep them from being able to take a second job, I see nothing wrong with that, if I were working and I needed to take a second job I would want somebody to encourage me to but their first loyalty is to Surfside Beach if they are working full time here. If we don’t provide them with some kind of guidelines to follow then they have carte blanche to do anything. I’m not out to hurt anybody. There were a couple of other things. I had citizens call in the last two weeks about kids on golf carts and Mrs. Goddard brought that out. There were kids driving golf carts in the dark, no lights, up and down the street and going very fast so they must have a really good golf cart because ours doesn’t go that fast. Maybe we need to have regular patrols of our streets. If we do that then the police, I’m not trying to direct them, or anything but it’s a suggestion. If we had police who are visible on our streets on a regular basis and they don’t have to go at a specific time it would be a deterrent to some of the things that Mrs. Goddard was talking about. I think that’s it. Thank you.”

Mr. Smith: “For those who spoke about the signs I’d just like to let you know that the Planning & Zoning meets the 1st Tuesday of each month and maybe you can get to know some of the people that are on that committee and express your concerns. Thank you.”

Mr. Samples: “I think we took some positive steps tonight. Unfortunately we do move slow and apparently and I’m going to go back to 11th Avenue North and the paving of 11th Avenue North. We need to stick to what we say, and that applies to all of us sitting up here, all of our staff and in answering questions we need to be big enough to sometimes give you the answer you don’t want to hear and we, as elected officials, have to be big enough to receive answers that we don’t want to hear just as all of us do. A question that I have, as long as we are talking about transportation, and I’ll wait for the answer but I would like an answer, when it comes to the Board of Zoning Appeals or the Zoning Board of Appeals do we conspicuously advertise on the properties involved as we’re required to do under State law as it relates to zoning? Any time there’s a rezoning request, State law requires that it be, and I consider that to be part of transparency. I want the citizens in town to know if there are going to be some changes or if there are going to be “special exceptions granted”. I want it conspicuously advertised so that as the Chairman indicated council people can attend or maybe just regular ordinary people who happen to be affected by the proposed change. Thanks for coming.”

688 **Mr. Childs:** I didn't really have anything to say but I'm going to follow up on what
689 Mrs. Goddard said. I think the best way to handle these golf cart situations . . . I have
690 complained about that since the day I moved here . . . is what they ought to do is
691 confiscate the golf cart of the child and give the parents a ticket. Nothing makes
692 more sense than to hit somebody in the pocketbook the whole thing will change. If
693 we just keep slapping them on the wrist and say 'go home, don't do this again' and
694 you know what those kids are doing? They're laughing, yeah right. Tow the golf cart,
695 give the parents a ticket and you'll only have it one time."

696
697 Mr. Smith made a motion to go into executive session. Ms. Dodge seconded the
698 motion. **All voted in favor. MOTION CARRIED.**

699
700 **11. EXECUTIVE SESSION**

701 *FOIA 30-4-70 (a) (2) Pier Lease Contract Discussion*

702
703 Mr. Johnson made a motion to go back into general session. Mr. Samples seconded
704 the motion. **All voted in favor. MOTION CARRIED.**

705
706 Mr. Smith made a motion to move forward in issuing the RFP for the pier restaurant.
707 Mr. Childs seconded the motion. Mr. Samples stated that he is against issuing the
708 RFP adding that he feels that council should be negotiating with the current tenant
709 which is an assured and proven performer. 'The fact of the matter is and no fault of
710 anyone involved but this process we began early, early this year and the RFP or the
711 proposals will not be in, received until the end of October, quite frankly I think that
712 puts the current provider in a difficult position from a business standpoint. Less than
713 two months, slightly more than two months until the lease would expire so I do not
714 support issuing the RFP. I believe that it is certainly within our right as a town
715 council to continue the operation that has been there for 23 years."

716
717 Ms. Dodge: "I support what Mr. Samples says. I feel the same way about the present
718 tenant but I don't know what the legalities are so I don't want to misstep."

719
720 **Ms. Blair, Mr. Johnson, Mr. Smith, Mr. Childs and Mayor Deaton voted for.**
721 **Mr. Samples and Ms. Dodge voted against. MOTION CARRIED.**

722
723 Mr. Smith made a motion to accept the lease with some changes and asked Mr. Moss
724 to identify the changes. Mr. Moss stated the changes would be to confirm there will
725 be a responsibility of insurance in the lease, provision notice of any right to renew the
726 lease for additional periods extending to 180 day requirement to a one year
727 requirement, provision to fix a typographical error on square footage, provision to
728 modify amount of security deposit and equipment to one month's rent and in addition
729 to that the security deposit would be held by the town in an interest bearing account,
730 interest of which would benefit the town and not the tenant and to add provision to
731 require the tenant to identify the identities of all of the shareholders. Ms. Blair
732 seconded the motion. **All voted in favor. MOTION CARRIED.**

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12. ADJOURNMENT

Mr. Smith made a motion to adjourn. Mr. Childs seconded the motion. **All present voted in favor. MOTION CARRIED.** The meeting was adjourned at 8:45 PM.

Approved: September 14, 2010

Sharon Pinnell, Town Clerk

K. Allen Deaton, Mayor

Roderick E. Smith, Town Council

Vicki W. Blair, Town Council

Ann Dodge, Town Council

Douglas F. Samples, Town Council

Mark L Johnson, Town Council

Robert F. Childs, III, Mayor Pro Tempore

Clerk's Note: This document constitutes minutes of the meeting, which was audio taped. This meeting was transcribed by Clerk Pinnell. In accordance with FOIA, meeting notice and the agenda were faxed and/or emailed to local media and interested parties. A complete list is on file in the clerk's office. The agenda was posted on bulletin boards outside Council chambers and in the town hall reception area. Meeting notice was also posted on the town marquee. When (***) is used a section of the transcription is inaudible.