



TOWN OF SURFSIDE BEACH ♦ TOWN COUNCIL CHAMBERS

March 8, 2011 ♦ 6:30 P.M.

TOWN COUNCIL
REGULAR COUNCIL MEETING

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1. **CALL TO ORDER**

Mayor Deaton called the meeting to order at 6:30 PM. Mayor Deaton, Mayor Pro Tem Childs and councilmembers Blair, Smith, Dodge, Samples and Johnson were present. There was a quorum. Staff present: Administrator Duckett; Clerk, Pinnell; Police Chief, Frederick; Finance Treasurer, Hursey and Events Supervisor, Ellis. Deputy Administrator, Fellner was absent. Attorney Mr. Moss was also present.

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

Councilwoman Ms. Blair gave the invocation and Mayor Deaton led the pledge of allegiance.

3. **AGENDA APPROVAL**

Mr. Johnson made a motion to defer items 7b and 7c to the next meeting. Mr. Smith seconded the motion. Mr. Samples stated that he supports the amendment and would like to add an item under "Discussion"; the pier and restaurant area for discussion purposes only. Mr. Johnson stated that he made his amendment to give himself some more time to review the zoning ordinances. **All voted in favor. MOTION CARRIED.** Mr. Samples made a motion to include under Item 8, a Discussion item, topic being Pier and Restaurant area. Mr. Johnson seconded the motion. Ms. Blair asked if Council would be in any violation with not having advertised the added agenda item. Attorney Mr. Moss stated that this was not advertised and the most important thing is that no action be taken tonight on this item. The more conservative practice would be to not add an item to the agenda without it being advertised but more importantly is that no action be taken on it. Mayor Deaton stated that he would prefer to add it to the next agenda. Mr. Johnson stated that the item could be discussed without getting into specifics adding that Mr. Samples' direction was not to take action but to have a discussion only on the item. Mr. Samples stated that there are some confidential discussion items not appropriate for open discussion and he has no intent, at this time, to make any sort of recommendation. Mr. Samples stated that at the last meeting he had asked that an item be placed on this agenda for discussion and it has not been included. Mr. Samples stated that it is his understanding that the Administrator will be talking about this item tonight but the fact is it will be an administrators report and it will not be an open discussion of Council. He would prefer that Council address this topic of the pier this evening. Ms. Dodge stated that the more open and transparent Council is about the pier the better and added that people want to be a part of this and thanked Mr. Samples for bringing this up. **Ms. Blair, Mr. Johnson, Ms. Dodge, Mr. Samples and Mr. Childs voted for. Mr. Smith and Mayor Deaton voted against. MOTION CARRIED.** Mr. Johnson made a motion to approve the agenda as amended. Ms. Blair seconded the motion. **All voted in favor. MOTION CARRIED.**

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4. MINUTES APPROVAL

Mr. Samples made a motion to approve the meeting minutes February 22, 2011 with corrections. Ms. Dodge seconded the motion. **All voted in favor. MOTION CARRIED.**

5. PUBLIC COMMENTS- Agenda Items only 3 minutes per speaker

John Wright, 710 S. Hollywood Drive: “I applaud Council tonight for this opportunity to have an open discussion about the pier and the surrounding areas. I think that it is a very encouraging sign that all the citizens of Surfside Beach be heard. I thank you.”

Elena Nicholas, 1510 Highway 17 N., Some Gave all Antiques and Consignments: “I want to make a comment on chapter 17, is that ok?”

Mayor Deaton stated that the item has been removed from the agenda but allowed Ms. Nicholas to make a comment.

Ms. Nicholas: “I understand that you are considering letting us have, I believe, six sales a year at sixty days whereas before it was four sales I think at twenty eight days. I’m not sure of the days with the four times but I am requesting . . . I am a store that is only open five days a week so for me ten days I’m losing some of my days because I’m not open, so, I am requesting if you would also consider doing twelve a year at five days each which is sort of the same as six at ten days each and I do not have a problem paying extra permit fees which would, I think, come to about \$150.00 a year. I would rather do that and have a sale a month for five days than have it every other month for ten because I would lose some of my days. Thank you.”

6. COMMUNICATIONS: Presented by Administrator Jim Duckett

a. Building Report

Mr. Duckett reported that there were 56 permits totaling \$5,847.83 in the month of February. 21 fewer permits were issued and \$5,031 less was taken in of permit fees than in February 2010. In February 2010 the Building Department received plans for two new single family residences, however, this February the Department received plans for three new single family residences being built in Harbor Lights, a DR Horton construction project. In addition, plans for four additional single family residences to be built by DR Horton and Harbor Lights have been submitted which will be on the next report. So far this year the Town has issued about half as many houses as were built all of last year. There were a total of 53 inspections performed in February. Safety inspections were done for a pizza parlor to open where Antipastos was previously located. Jerry Bob’s is expanding by taking over the golf cart store that is located next to it. It is moving one store down to allow for this expansion.

b. Police Report

The Police Chief recognized two police officers for exemplary performance of duty during a week long investigation of several car break-ins. Sergeant Travis Bailey and Detective Matt Prock, with only very general chain of command guidance, initiated a special investigation into several auto thefts from parked

99 vehicles. They displayed fantastic initiative and executed a thorough investigation
100 involving the analysis of crime data, surveillance; bate vehicles, criminal
101 intelligence and excellent interrogation technique. Their investigation not only
102 resulted in a solid arrest but the operation exemplifies exactly the type of sub
103 session with excellence and service towards what the Town is striving for here in
104 Town. In training; Sergeant Keziah conducted a three day radar speed
105 enforcement certification course in Myrtle Beach. Officer Sanabria attended and
106 completed the course along with officers from multiple jurisdictions. Corporal
107 King and Officer Clark completed the two week technical accident investigation
108 training conducted by the South Carolina Criminal Justice Academy in Myrtle
109 Beach; this class is the second in a series of three complex courses which certifies
110 successful attendees as traffic accident reconstruction and technical investigators.
111 All hands completed the monthly in-service line of duty training via the internet.
112 The next biannual firearms range training is scheduled to be conducted in four
113 sessions on March 18th and 25th at the Myrtle Beach PD range facility. The new
114 weapons training scheduling in local range use will reduce vehicle and field use
115 and save more than two hundred man hours annually. The cooperative training
116 efforts continue with several sessions to be conducted in Surfside Beach for
117 multiple agencies.

118
119 **c. Fire Report**

120 Mr. Duckett reported that the Fire Chief was not in attendance due to a leg injury.
121 Trench rescue was successfully completed by engineer Joe Fisher. Basic aerial
122 operation was successfully completed by six firefighters. Driver training was
123 conducted on the new platform truck by several members; this was conducted by
124 Lieutenant Hans. A yearly fit test was held on all SCBA masks that are used by
125 the firefighters. The members reviewed pre-plans for several buildings in Town;
126 they also reviewed the layouts of the compartments on the platform truck as well
127 as the SOP's that deal with power pit briefs in their town meeting. There were
128 thirty eight incidents in the month of February; there were two fires, one was a
129 mutual aid and one was a grass fire. There were twenty-five rescue and
130 emergency medical service calls; twenty-two of them were EMS assist. One
131 vehicle accident without injuries; two vehicle accidents with injuries; one
132 hazardous condition without fire which was a gas leak; five service calls, for
133 invalid assistance and one for defective elevator without occupants; two good
134 intent calls and three false alarms.

135
136 **d. Administrator's Report**

137 *Update on current events*

138 Mr. Duckett reported that Celebration Music Theater has opened. Staff will
139 shortly be bringing to Council for consideration and approval, a signed lease on
140 the proposed tenant for the pier restaurant space. A drafted letter to GSATS
141 regarding traffic counts has been prepared; a copy was included in this Council
142 packet and Mr. Duckett asked for a consensus of Council to approve the Mayor,
143 by signature, to execute the letter and send it to GSATS. There was consensus of
144 Council to send the letter. Mr. Duckett reported that Mr. Adair was successful in
145 receiving an estimate for all of the road repairs spoken about at a previous
146 meeting. Mr. Duckett stated that Mr. Adair would include this information in his
147 report at the next Council meeting. Mr. Samples stated that this was made very

148 easy for Council and added that he and Mr. Duckett had a brief conversation; at a
149 quick look it seems the paving costs may exceed CTC funding by approximately
150 \$60,000. Mr. Duckett stated that this is the number discussed but after talking to
151 Mr. Adair the recommendation will probably be amended which would cut the
152 cost to approximately \$35,000. The Town is not planning to take over a road
153 where a bridge is being fixed, therefore, if DOT still owns the road he would not
154 suggest paying to pave it; it should be paved by DOT. Mr. Samples stated that he
155 reviewed the approved Town plan for 2010 adding that it would appear the Town
156 is behind that schedule. Mr. Samples stated that he could make the plan available
157 for the Administrator if he needed a copy. Mr. Smith asked the Administrator to
158 comment on employment. Is the Town at full employment and what open
159 positions and summer positions have been filled? Mr. Duckett stated that the full
160 time staff of 75 is currently at 73. The last police officer was hired and will start
161 work this coming Friday; this will complete the police department hiring. A
162 month or so ago it was reported that one of the Towns' sanitation workers was
163 promoted to the newly created position in the mechanic shop and Mr. Adair plans
164 to advertise for the only vacant full time job in sanitation. The summer part time
165 and fill-ins; there are two parking staff members of the three the Town will be
166 using. There is one part time police officer already hired but there will be part
167 time positions in police, dispatch and firefighters which is the usual. The three
168 safety officers for the beach have not been hired yet; there are two that may return
169 from last year and April the 15th is the estimated start date for them.

170
171 Mr. Samples stated that the agenda lists update on current events and asked if
172 Council could receive, at the following Council meeting, in executive session, an
173 update from legal counsel on pending legal matters adding that it has been some
174 time collectively, as a group, that they have received an update. Mr. Samples
175 suggested doing it as a group rather than having each member meet with Mr.
176 Moss. Mr. Samples stated that he would like to receive an update quarterly.
177 Mayor Deaton stated that he would prefer that the legal counsel alert Council
178 regarding any concerns they may have. Mayor Deaton suggested that if an
179 individual councilmember had a concern they could contact the Town attorney or
180 the Administrator adding that he would prefer not to go into executive session.
181 Mayor Deaton stated that he feels the Town has had too many executive sessions
182 but if there is a concern by the attorney then an executive session should be their
183 recommendation adding that if all of Council requested an update then one should
184 be granted. Mr. Samples asked the Mayor to poll the members of Council to see
185 if they would like an update on pending legal matters. Mr. Samples stated, as an
186 example, that there was some property that was discussed in executive session
187 many months ago, Council provided direction and he has not heard "hide nor
188 hair" since that meeting. Mayor Deaton stated that he would prefer adding this to
189 an already established executive session; he would prefer not having a separate
190 executive session on legal updates. Mr. Johnson stated that he would not object to
191 having an update adding that he feels this would be a good opportunity to get
192 input from both Council and the Administrator while they were all together. Ms.
193 Dodge agreed. Mr. Johnson stated that the Town is trying to be transparent and
194 Council needs to be kept informed. Mr. Johnson stated that he personally feels
195 like he has no idea what is going on adding that if he does not know what's going

196 on then, obviously, the residents don't know either. It was agreed to add this item
197 to the next agenda.

198
199 Ms. Blair asked if the Town was still having the Blue Grass BBQ festival this
200 weekend. It was confirmed that the event was still planned and that it had been
201 advertised. Ms. Ellis reported that the festival is 10:00 am to 4:00 pm; the
202 Shriners are doing the BBQ, there will be two Blue Grass bands and a few
203 vendors.

204
205 **7. BUSINESS**

206 a. *Second Reading Ordinance #11-0699: Budget Amendment FY 2010/2011*

207 Mr. Smith made a motion to adopt second reading of ordinance #11-0699. Mr.
208 Childs seconded the motion. Mr. Samples had asked at the last meeting if the
209 budget amendment included the additional contract costs for the streetscape. Ms.
210 Hursey stated that it is not included; the Town had not signed change orders yet.
211 Mr. Samples stated that the Town is behind on street maintenance; this plan was
212 adopted by Council. Mr. Samples stated that the Town has maintenance needs it
213 is not currently addressing and he hopes that Council will take the maintenance
214 schedule seriously. If money is the issue then it needs to be addressed in the
215 budget process. **Ms. Blair, Mr. Johnson, Mr. Smith, Mayor Deaton and Mr.**
216 **Childs voted for. Mr. Samples and Ms. Dodge voted against. MOTION**
217 **CARRIED.**

218
219 b. *Second Reading Ordinance #11-0700: Chapter 17 Zoning Ordinance Amendment*
220 **ITEM DEFERRED TO NEXT MEETING**

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222 c. *Second Reading Ordinance #11-0701: Chapter 13 Fee Schedule Amendment*
223 **ITEM DEFERRED TO NEXT MEETING**

224
225 **8. DISCUSSION- Councilman Samples**

226 Mr. Samples stated that many residents continue to express to him concerns on how
227 the business of the pier is being handled. Many of the concerns are due to the fact
228 that Council seems to discuss most of these matters behind closed doors in executive
229 session. A vacancy has occurred at the former restaurant location at the pier and Mr.
230 Samples stated that it is no secret that he believes that the Town caused the former
231 tenant to move elsewhere. There is now a real estate broker which has brought
232 Council an offer that Council is not permitted to discuss publicly because of a
233 confidentiality agreement. Mr. Samples stated that he feels a false sense of urgency
234 to choose or accept an offer is at play adding that the lack of transparency and the
235 sense of urgency can cloud ones judgment. Mr. Samples stated that on Friday
236 morning Council met at 8:30 am, much of it in closed executive session. After
237 returning to open session one councilmember read a prepared motion which was
238 seconded. Mr. Samples stated that if this had been adopted and not opposed by a
239 majority of Council it would have directed the Administrator to enter into a lease
240 agreement without further Council involvement or consideration. Mr. Samples stated
241 that fortunately, it did not happen that way and added that the Towns' business must
242 be conducted openly; the Town is not now on that pathway and while he is not
243 allowed to disclose any information to the public that happened in executive session
244 he does not believe that the offer as he understands it is in the best interest of the

245 Town of Surfside Beach. Mr. Samples stated that he feels the Town can do better but
246 it will require a tough decision that the Council will have to come back to the public
247 and explain. Mr. Samples stated that if Council makes this tough decision then he
248 hopes the public will appreciate the circumstance Council is in now. Mr. Samples
249 stated that anyone who knows anything about real estate knows that this is a terrible
250 market and he feels that this Council has an obligation to think beyond the immediate
251 problem. He would like Council to take a longer view adding that there will be
252 people that will not be happy with that but he feels that it will be in the Towns' best
253 interest.

254
255 Mr. Samples asked the Mayor for other Council comments. Ms. Dodge stated that
256 she feels that Mr. Samples has brought up a lot of the same concerns that she has. She
257 feels that Council is being pushed into doing something and added that it should not
258 be that way. Ms. Dodge stated that she does not feel that Council is being clear with
259 the citizens of the Town adding that they are a part of everything Council does adding
260 that they are why Council is there. Ms. Dodge would like to see Council get their act
261 together and review this more carefully adding that she, for one, is not going to be
262 stampeded. Mr. Johnson stated that he cannot say more, legally, but he wished that
263 he could and added that he does not disagree with Mr. Samples. Ms. Blair stated that
264 she has the same concerns already voiced tonight and was very much taken aback by
265 the actions that took place at the Friday morning meeting. Ms. Blair stated that
266 moving forward she would like to refocus adding that there is a sense of urgency to
267 get a business on the pier but on the other hand the sense of urgency "should not
268 spear us into making a bad decision". Ms. Blair stated that it is a very difficult
269 decision adding that whichever way Council decides to go someone is not going to be
270 happy and there will be criticism and Council will take a hit for it. Ms. Blair stated
271 that she feels that she can speak for everyone on Council that everyone is struggling
272 to decide what the best thing to do is and is wondering what risk they are taking at
273 this point and added that to a degree their backs are against the wall on some things
274 but she asked that the public be as supportive as they can while Council pledges to try
275 to make the best decision for the Town. Ms. Blair stated that if it takes longer then it
276 may take longer. Mr. Samples expressed his appreciation to those on Council who
277 spoke openly about their concerns.

278
279 **9. PUBLIC COMMENTS – Agenda Items only – 5 minutes per speaker**

280 *Janey King, 1016 S. Ocean Blvd.:* "I have owned the property there since 1979. I
281 have seen Mayors come and go. I have seen Council people come and go and the last
282 time that I checked anything, Council is the controlling; it's a weak Mayor, strong
283 Council government for Surfside Beach, am I not correct? I think I'm correct on that.
284 I researched that and I'm here to tell you, you have made a wrong decision in regard
285 to the pier. Alcohol at the pier should not even be considered when the pier is the
286 focal point from the library to the park to the pier and kids who are walking down and
287 you serve alcohol and come and with alcohol comes drugs and as they hang around
288 the pier with girls walking down to the beach. What do you think might happen?
289 Again, I do not drink. Never have, but in researching I understand it takes as little as
290 three beers to be intoxicated. It depends on your size and your age but at any rate
291 what would be hanging around the pier would be young ones. A few days ago a lady
292 who has been coming to Surfside to vacation for years is not going to be coming
293 anymore because you drove Nibils away and in place of that you're putting alcohol

294 with, what I understand, is a mom and pop organization? How a mom and pop could
295 serve alcohol is beyond me. You say there won't be any drunks, I think there
296 probably would be. We elected you to represent us as citizens of Surfside Beach to
297 the best interest of everybody that lives here. This action doesn't represent us. We
298 have enough. Stand up. Who objects to alcohol? Does this make a statement to
299 you?" (A number of people stood up in the audience).

300
301 **Mayor Deaton:** "It looks a little choreographed but yeah it made a statement."

302
303 **Ms. King:** "Now here's the clincher. Listen to me please. I implore you to
304 reconsider this action and bring it back at the next meeting. However you want to, as
305 an amendment to correct a wrong that has been done. If you don't do such at that
306 there will be other elections and I'm here to tell you. Some of you won't be there."

307
308 **Shane Johnson, 675 Highway 17 S.:** "I stand here tonight with a heavy heart. Last
309 Council meeting many people voiced their opinions. I seem to think that if that was
310 choreographed what we just did there than the last meeting was choreographed
311 because some of the people that were here last meeting you've never seen before and
312 you'll probably never see again unless we lock the doors to the bars, but anyway
313 many people including each and every one of you, voiced your opinions. Now, many
314 of you ran your campaigns based on your Christian premises. When we first started
315 attending these meetings, me and my church, because of our church signs and at that
316 time you stated, many of you stated that the ordinance affected you and your church
317 now my questions to you are what type of Christian are you? Would you be alright
318 with people drinking beer or liquor in your church or at a church function? I don't
319 think so, so what's the difference? I know we're addressing it as just the pier but that
320 has been taken out of context; this public alcohol, sales of public alcohol. Roman 12-
321 2 and I'm a firm believer of the word of God, it says 'and be not conformed to this
322 world but be ye transformed by the renewing of your mind that you may prove what
323 is good and what is acceptable in the perfect will of God'. Christians are to resist
324 being poured into the mold at the present thinking. The value systems and the
325 conduct of this world we must separate ourselves completely, our thoughts, our
326 actions, our votes must be based on the scriptures. May our faith grow and bloom.
327 Do things for the greater good of the Town. By the way that is what you do, make
328 decisions. Make the right ones."

329
330 **Tony Daniels, 1311 D North Ocean Blvd.:** "In the summertime it's almost
331 impossible for me to get out of my driveway. There's a car here and there's a car
332 here. I take a blind leap of faith every time I leave my driveway; same thing for my
333 wife and my daughter. Are there any rules or regulations to stipulate how close a car
334 can park to a driveway and how much space there can be between that driveway?"

335
336 Mayor Deaton referred Mr. Daniels to speak with the Police Chief to get the
337 regulations.

338
339 **Mr. Daniels:** "If not, if you could pass something to say limit parking on the
340 driveways. The same thing is this is my second city Council meeting. While
341 everybody else is here, I'm a retired Army Colonel with three combat tours, so this is
342 what I was doing. I don't understand all the argument for and against drinking on the

343 pier. It was legal under Holidays; it was legal under Scalise; it became illegal with
344 the Town. You got plenty of history to look at, if there's been a problem, make it
345 illegal; if there hasn't been a problem don't make up things saying that this is what's
346 going to happen. Look at the history, make a decision and go with it. Thank you."

347
348 **Gene Maruca, 116 7th Avenue S.:** "Being laid up for six months in and out of a
349 wheelchair I had a lot of time to reflect on my twenty eight years living in this Town.
350 I am honestly, adamantly opposed to alcohol on the pier, not that I can get up there to
351 buy a drink, the ramp is far from handicap accessible which leads me to the Building
352 Department and our Director. Every effort should be made with the new tenant since
353 the last one was grandfathered to make the entire premises handicap accessible
354 meaning a wheelchair can comfortably use a restroom and do a 180 turn to exit the
355 restroom, as you know. I have been through that with Jackie Donevant; I've built the
356 restaurant; I've owned the restaurant; I had to follow those rules. We have an
357 opportunity now to bring our new tenant, whoever and whenever, up to standards; not
358 discriminating against the disabled but welcoming them. That ramp to the pier is a
359 sin. As far as I know, and I've built commercial property, landowners, building
360 owners and tenants can be held liable for any mishap that occurs on the property.
361 Think about the drinking. Who is going to be responsible, one of the seven? The
362 people in back of me? If there's a mishap there; what happens? Do we really need
363 that? I know we own the pie but we should be careful in how we operate it. Thank
364 you."

365
366 **John Wright, 710 S. Hollywood Drive:** "My wife and I have owned property in
367 Surfside Beach since 1988. It wasn't until 2010 that we finally made a Council
368 meeting and what brought us to that Council meeting was an ordinance that has been
369 rewritten, it was revised but as of yet still to be voted on from my understanding. But
370 during this time of living here since 2005, permanently in this little Town of ours, I
371 can tell you this and from the time that I've attended the first Council session there's
372 been an agenda. It's not always been made public or open to us out here but I can
373 promise you this I'm not going to disappear now. I believe in what this here word
374 says here called the Holy Bible and it calls for Christians to be different; to act
375 different. That's how Surfside got the name, the Family Beach; it was different. It
376 didn't want to be like the one down the road or one up the road. This little two miles
377 by two miles wanted to be different, we want to be family oriented; hanging on the
378 principals out of this book. Spring is blooming, soon. I'd like to encourage this
379 Council to look hard at yourself. Let's make decisions, bring this back. I know we
380 got a festival this Saturday with a lot of radio advertisement about the family beach.
381 Let's go back to being that little Town, without the drama. Thank you."

382
383 **Tom Dodge, 1415 N. Poplar Drive:** "Thank you Mrs. King. Respect; to hold in high
384 regard; show honor or courtesy to. That's something everyone wants but it's
385 something that has to be earned. You people have not earned it. Citizens of Surfside
386 Beach express their feeling to you at Council meetings; your reaction to them is not
387 very respectable, in most instances. You have laughed at them, looked all over the
388 room but not at them, talked among yourselves as they spoke just to mention a few.
389 The agenda of last meeting shows how disrespectful you are. When citizens of the
390 town unanimously asked you to vote against drinking in public, you were too
391 cowardly to vote, then ,at the last Council meeting in February, you were very

392 attentive listening to thirteen people speaking for drinking in public; seven of them
393 were not residents of the Town. You listened to these people and you voted for it.
394 Never have you allowed that many people to speak on one side of an issue and most
395 importantly why would you pay attention to non-residents who pay no taxes in this
396 Town. In view of your actions at the last meeting I suggest you start the process of
397 annexation of all surrounding communities if you expect to get re-elected since these
398 are the people you listen to. I voted for all of you except the Mayor. This will not
399 happen again. During the next election process I will work very hard to replace all of
400 you. Have any of you read the newspapers in the last fourteen months? To bring you
401 up to date. Mayor arrested, DUI, Public Works Director . . . “

402
403 **Mayor Deaton:** “Sir that’s it. You’re out of order. You’re out of order. Have a seat
404 sir. Have a seat, sir.”

405
406 **Mr. Dodge:** “. . . (***) regarding Nibils restaurant, Ethics Investigation of last
407 Administrator.”

408
409 **Mayor Deaton:** “You’re out of order, sir. Sir, you are out of order. Those are
410 personal attacks. You are harassing this Council. You are asked to leave the room
411 sir.”

412
413 **Mr. Dodge:** “I am reading the newspaper.”

414
415 **Mayor Deaton:** “You are asked to leave the room sir.”

416
417 Mr. Dodge stated he had to get his coat and was escorted out of the meeting.

418
419 **Ken Harbin, 322 S. Willow:** “I’ll say what I’m going to say at risk of getting stoned
420 by the audience. I am not opposed to alcohol sales on the pier; not opposed to luring
421 a restaurant that may chose to serve alcohol. I’m certainly a citizen who does pay
422 taxes, who cares about our Town and cares about the quality of life we have. I have
423 fished and drank beer, I’m sorry, I don’t think that’s going to make me go to hell. We
424 can maintain a family environment and still not bring prohibition to Surfside Beach.
425 We own a pier but we’re trying to change it into a public something; we just own a
426 pier, let the pier be the pier. Let a restaurant choosing to go into the pier be a
427 restaurant to go into the pier. If our Police Chief finds that there’s disorder then he
428 can control it and then we can prohibit it if and when it becomes a problem. From a
429 business standpoint, and I heard what Councilwoman Blair said, we do need to think
430 and consider to be sure we make the right decisions but if we’re delaying putting
431 somebody in the pier that’s hurting their business. It is March; we have a season
432 coming up right around the corner to ask someone to delay renovation of a business,
433 hopefully, that will help our Town, would be a mistake. Tim Scott who was elected
434 not long ago has spoken a number of times in Washington that the best thing for us is
435 for government to get out of the way, so maybe it’s time for you all to get out of the
436 way and let private enterprise do what they need to do and if it becomes unruly; if it
437 becomes uncontrollable; if it becomes an issue then can we take care of it at that point
438 in time. Thank you for your service and thank you for your time.”

439

440 **Glenn Curtis, 257 Palladium Drive:** “We were just wondering if whoever goes in to
441 Nibils restaurant and I still call it Nibils, if they are going to be given the same rules
442 and regulations that Nibils was going to have to go by; if they’re going to pay that
443 same rent or more for going in there, that’s the first thing I’d like to ask and
444 everybody in Town and out of Town is asking the questions, who is going in there?
445 Is it going to be the same people that tried to get in and get Jack out under their own
446 names or are they going to change their names? That’s one thing. The second thing,
447 I’d like to know how many beers it takes to get in a motor vehicle and hurt somebody
448 in all our neighborhoods, are you going to put extra police on and help these officers
449 because they’re going to need help and I hope whoever goes into Nibils is going to
450 pay for that extra help if you give them a license to give everybody some drink to get
451 it.”
452

453 **Harry Kohlmann, 1610 S Ocean Blvd.:** “Last meeting, I believe, is when Mr.
454 Saunders brought up about the striping in the paving markings in the crosswalk, I just
455 want to thank Mr. Adair for taking care of that within less than a week. Every single
456 crosswalk was done. Now the next step is get those signs out there because the
457 people aren’t stopping for people in the crosswalks. Another thing I discussed about
458 two years ago and I was told we didn’t own Ocean Blvd then, the State did, we own it
459 now; we have to do something about parking on Ocean Blvd.; at least make a
460 decision on it. You have a bunch of parking lots nobody uses them. We have two
461 guys riding around in a golf cart looking for people to give tickets to, there’s nobody
462 in there. Easter’s coming up; Ocean Blvd. will be packed with cars so either have no
463 parking or put meters there. We are giving people free reign who don’t pay taxes
464 here to park on Ocean Blvd., get some money from them. I even suggested selling a
465 parking decal for a yearly amount of time to park there just like the State does in their
466 parks by the beaches. It’s a safety concern; it needs to be addressed. Somebody’s
467 going to get killed; I showed pictures two years ago about the mother and two or three
468 kids and they couldn’t even see to cross Ocean Blvd. so please take this up. I believe
469 you have a committee to do this, just please do it. Thank you.”
470

471 **Randle Stevens, 412 1st Avenue N.:** “I want to commend the Councilmembers who
472 decided tonight or decided on Friday to hold off on what they were doing. I really
473 don’t care who goes into the pier. I know eventually you got to rent that property
474 because you bought it through the taxpayers’ money and we have to get something
475 out of it after all we did run off a \$75,000 a year tenant so we got to do something so I
476 want to commend the members of Council who decided to be careful, check
477 everything out and watch and make sure that you had the right deal. My question to
478 the whole entire Council, you don’t have to answer this but why aren’t you publishing
479 the names of the people who are bidding on the pier? That doesn’t seem like it would
480 be violating any freedom of any confidentiality just to know who was bidding on the
481 pier. I don’t care if it’s Texas Road House or the people that own the restaurants in
482 Charlotte or people that own restaurants in wherever it might be but why don’t you let
483 that go out to the public? Why shouldn’t we know? After all, the taxpayers’ money
484 did buy that pier. In addition to the pier and some of the people and I want to
485 commend the young lady over here for talking about the drinking on the pier. I
486 understand in this day and age that a restaurant that is open at night and in the day
487 time may have to have an alcoholic permit; that may be one of the things that you
488 have to do but I notice, as I go around Town, that I can’t stand on the corner of

489 Surfside Drive and 17 with a beer can because I'll guarantee you one of Mr.
 490 Fredericks officers is going to come up there and stop me and get me and he's going
 491 to probably put me in jail for being a public drunk or public intake of alcohol so it's
 492 not so much the restaurant but I think the real issue is the pier. The pier is entirely
 493 public. Inside of River City Café and Latitudes and Charleston Café and all the
 494 restaurants in this town; inside that building you can have a drink. It's perfectly legal.
 495 If you want to drink that's your right. I know that everybody that comes to the beach,
 496 they can go in these restaurants and drink and when they walk out, if they had too
 497 much to drink and Surfside Police comes behind them and catches them then they'll
 498 get a DUI, unfortunate, that's the law and we have to obey the law so what we need to
 499 do as a Council is tread softly, tread easily. Get this pier thing right because after all
 500 we've been on this issue in the news, every television channel and every newspaper
 501 has covered it. You all have been the butt of jokes for all over the place so I
 502 commend those Councilmembers that said 'time out'. Do it right; get it right the first
 503 time and let us know who is going to be in the pier. Not too much to ask is it?"

504
 505 **Ron Ott, 7th Avenue N.** : "I guess, I'm not a drinker, per say but I might have a glass
 506 of wine once in awhile, a beer, I'm not going to sit back there and say I wouldn't go
 507 to a restaurant and sit down and have a sandwich and a beer. Not being able to do
 508 that as an adult I think it would be wrong for us not to have it, I'm pretty sure that our
 509 Lord Jesus Christ had a glass of wine on his last dinner and I don't think we should
 510 try to squeeze people like that and try not to . . . to make this a dry town, is that what
 511 we want? I don't want to have a Mardi Gras type situation up and down Surfside
 512 Drive, I don't think anybody does. I don't want to have . . . I don't think any of you
 513 want to have drunks laying all over the pier but for somebody, an adult, to act like an
 514 adult, because you have to be an adult to get a drink and just drink respectfully and
 515 that's the way it should be and that's the way we should look at it. The majority of
 516 the people are not going to be falling all over the place, maybe one percent of the
 517 people, maybe you're going to have somebody who can't stop but the majority of
 518 them, if you have a sandwich, a dinner, a glass of wine; it's respectable. Thank you."

519
 520 **10. COUNCIL COMMENTS**

521 **Ms. Blair:** "Thank you all for coming and I'll keep it very short; before we meet
 522 again we'll have passed by March 17th so Happy St. Patrick's Day to all of you and
 523 don't drink any green beer and I hope to see all of you out to support the festival this
 524 weekend. Let's hope for nice weather as we go into spring again. Thanks for coming
 525 and for all your comments.

526
 527 **Mr. Johnson:** "Thank you ladies and gentlemen for coming out this evening. Thank
 528 you for the Town residents; thank you for those who do not live in the Town but
 529 enjoy what the Town of Surfside Beach offers. I just wanted to briefly say that Mr.
 530 Stevens, I'm glad you're sitting down because I do agree with some issues that you
 531 spoke about so you won't hurt yourself, you won't be falling down when I said it. I
 532 don't have answers, either, Mr. Stevens, and that is one of my issues. As far as Tom
 533 was saying that we need to look in the mirror and ask ourselves, you know, examine
 534 ourselves, you know I ask the good Lord to mold me and protect me every day and
 535 ask him to allow me to make the right decisions and I do it on a daily basis and an
 536 hourly basis so this is one guy that does that and I did vote for continuing the drinking
 537 on the pier. As far as the people speaking at the podium that do not live in the Town,

538 many of those people at the last meeting work in the Ttown of Surfside Beach, that
539 was never brought out. There were multiple people that work on the pier and have
540 for twenty, thirty years and I think that their voice should be heard. Thank you ladies
541 and gentlemen for coming out. See you next week.”

542
543 **Ms. Dodge:** “First I want to talk about an e-mail that I received from Mr. Glenn
544 Hanson. I don’t know if you go to some of the serenades that they have on Sundays,
545 he’s behind that in the summer and into the fall. He wants to do it bigger and better
546 this year. He . . . apparently people have made some suggestions to him. He’s
547 suggesting starting it later and running until like 6:30 also running it starting it later in
548 the summer when it isn’t so hot. I think they do a wonderful job and they have my
549 support and I hope everybody else’s. Then I have some remarks. First of all I did not
550 orchestrate tonight’s group of people coming to speak about the pier. Wish I had
551 because I feel exactly the same way they do. I have a problem with the Town
552 condoning that but that’s my own personal belief and the majority rules, I understand
553 that, but I do, I have a problem when people come from out of town and we let them
554 influence what we decide to do. I don’t think those are the people we should listen to.
555 The people of the Town pay the taxes and they are the persons that I’m going to listen
556 to on every issue that they want to bring up with me. I don’t want drinking on the
557 pier but I can understand that if we put a restaurant there they may want to serve
558 alcohol. When I say alcohol I call it beer and wine. Hard liquor I could never
559 condone on the pier. I don’t think that should be done but maybe a restaurateur inside
560 the restaurant might want to serve beer and wine. The other thing that I’m concerned
561 about is transparency. We talk about it but we go in the exact opposite direction from
562 it and I don’t understand why that is. Does somebody have an agenda? A personal
563 agenda? I don’t understand and as far as the pier restaurant I think we should tread
564 softly on that so we don’t make a mistake. It would be better to do that than to make
565 a quick decision and discover, oh my gosh, this is not what we wanted to do, so I
566 would say, Mr. Samples brought up a good point and I support it. Thank you.”

567
568 **Mr. Smith:** “I’m going to tell you things I’m against first. I’m against annexation,
569 I’m against dogs on the beach during the summer season, I’m against parking on
570 Ocean Blvd. I’m for beer on the pier and the Town did not drive Nibils away. Nibils
571 had three opportunities to submit a bid. The first time he submitted a copy of a
572 contract but he did not follow the paperwork. When you fill out your tax forms you
573 don’t decide how the form looks. You follow the form. There was an RFP that
574 requested certain information, Nibils chose not to provide that. He had three
575 opportunities and he chose not to bid so don’t get the idea that the Town drove him
576 away, he chose not to bid. Currently we have three people interested in the pier, only
577 one of them is qualified. Now do you want us to get somebody in here that’s not
578 going to pay their rent, somebody who doesn’t have any money to remodel the pier or
579 would you want us to get somebody who is willing to spend money to remodel the
580 restaurant on the pier and make it successful for the Town. The only agenda I know
581 of is of an agenda to kill the restaurant on the pier.”

582
583 **Mr. Samples:** “I appreciate Councilman Smiths’ comments. I learned something
584 there. I learned that we have three offers and only one of them is qualified. That’s
585 news to me. That’s news to me. Look, there’s no denying that we put ourselves in a
586 fix, okay? Let’s speak plainly. I don’t think, my opinion, my opinion is that what is

587 going on right now is that somebody believes that the Town has no leverage; that we
588 have a vacant building and we have an election coming up next year. Somebody
589 believes that because of those facts that we are, my words, may be willing to sell the
590 longer term interest downstream because we got this immediate problem. A contract
591 is made up not only of the dollar amounts that are bid; it is also made up of the period
592 of performance. No one will ever convince me, ever, that that letter of intent that we
593 directed the Administrator to go back and to bring a prepared executed lease by the
594 offerer which, by the way, I think that's what we said, maybe not, I see a frown on the
595 face of the Counsel so I'm not even sure of what our direction was, let me withdraw
596 that statement. I understand the desire of people to fill that vacant space and to get it
597 back operating, like the good old days. Like the good old days but rest assured I will
598 not be, this Councilman will not vote because it is expedient, and there is a short term
599 problem that we to need to fix at the expense of what, I believe, are the Towns' and
600 yours longer and best interest. It is unfortunate and I will raise this possibility, I
601 guess I would want to be the first one to say, in my judgment, rather than allowing
602 and accepting an unreasonable offer on the part of someone who feels that we have
603 no leverage I would let it sit vacant this summer and I would . . . because it is a Town
604 investment that I would suggest we undertake making improvements to increase the
605 degree of interest on the part of other restaurateurs so that we can create a real
606 competitive environment. I would also suggest further this is not the time to be a
607 landlord or trying to sell your home. We're all adults, we know that, we know that
608 prices are not good but the hope is we're going to have a better summer and with all
609 due respect to Mr. Smith, I'm thinking a little bit longer than this summer. This
610 Town, 2014 it would be wonderful to celebrate the 50th anniversary of this Town out
611 with the new tenant, with the new restaurant that serves three square meals a day but
612 I'm going to tell you something, bars and breakfast don't generally mix, okay. Beer
613 and wine were served in Nibils, we all know that and I don't think, really, anybody
614 has a problem with beer and wine in a family oriented restaurant and again I know
615 that there are some who feel we need to solve this problem fast because it's not going
616 to look good, this mess that we created."

617
618 **Mr. Childs:** "I'd like to address the parking issue and I agree with the resident that
619 spoke on it. I tried for a couple of years now to get something off square one on the
620 parking. I think aesthetic-wise parking is one of the issues on Ocean Blvd. The little
621 bit of grass that's left will be gone by the end of summer but the big issue is once we
622 eliminate the parking on Ocean Blvd., which I think the majority of town residents
623 are in favor of, we have a tendency to push them up into the neighborhoods but that
624 can also be solved. Now, we spent a great deal of money on a parking study and I
625 know we all agree we don't need a parking garage, that it will probably never be done
626 in any of our lifetimes but that parking study does address these issues and I would
627 suggest that the residents, since an individual Councilman doesn't seem to have any
628 luck getting it off square one to when you get up here at the end and talk about the
629 parking and maybe we can get other Council to agree to at least, in phases, implement
630 the parking study that we paid so much for. You do a little piece this year, a little
631 piece next year and the first thing you know, we all know how fast the years go, the
632 parking will be completed. We got to start somewhere, let's go on and utilize the
633 parking study that we paid for and not let it sit and gather dust like the previous ones
634 have and let's do it and if everybody, every once in a while just comes up and says

635 something, where Council does know that there's a great deal of interest in this
636 parking, maybe we can get it done.”

637

638 **11. ADJOURNMENT**

639 Mr. Smith made a motion to adjourn. Mr. Johnsons seconded the motion. **All**
640 **present voted in favor. MOTION CARRIED.** The meeting was adjourned at 7:55
641 PM.
642

643 Approved: March 22, 2011

644 _____
645 Sharon Pinnell, Town Clerk
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647
648

649
650 _____
651 K. Allen Deaton, Mayor

652 _____
653 Roderick E. Smith, Town Council
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656 _____
657 Vicki W. Blair, Town Council

658 _____
659 Ann Dodge, Town Council
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662 _____
663 Douglas F. Samples, Town Council

664 _____
665 Mark L Johnson, Town Council
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667 _____
668 Robert F. Childs, III, Mayor Pro Tempore
669

670 Clerk's Note: This document constitutes minutes of the meeting, which was audio taped. This meeting was transcribed by Clerk Pinnell.
671 In accordance with FOIA, meeting notice and the agenda were faxed and/or emailed to local media and interested parties. A complete
672 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
673 area. Meeting notice was also posted on the Town marquee. When (***) is used a section of the transcription is inaudible.