



TOWN OF SURFSIDE BEACH ♦ TOWN COUNCIL CHAMBERS
April 26, 2011 ♦ 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 Deaton, Mayor Pro
10 Tem Childs and Councilmembers Blair, Smith, Dodge, Johnson and Samples. There
11 was a quorum. Staff present: Administrator Duckett; Deputy Administrator, Fellner;
12 Clerk, Pinnell, Police Chief, Frederick; Treasurer, Hursey, Recreation Supervisor,
13 Ellis and Public Works Director, Adair. Attorneys Mr. Moss and Mr. Smith were
14 also present.

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

17 Councilmember Doug Samples gave the invocation and Mayor Deaton led the pledge
18 of allegiance.

19
20 **3. AGENDA APPROVAL**

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

23
24 **4. MINUTES APPROVAL – Regular meeting held April 12, 2011 and Special meeting
25 held April 15, 2011.**

26 Mr. Smith made a motion to approve the minutes from April 12, 2011 and April 15,
27 2011. Mr. Childs seconded the motion. Ms. Dodge asked for confirmation on her
28 statement made referring to the 4th avenue boat launch; she was referring to the Town
29 ordinance and not the recommendation from the Coastal Alliance. **All voted in**
30 **favor. MOTION CARRIED.**

31
32 **5. PUBLIC COMMENTS- Agenda Items only 3 minutes per speaker**

33 Randle Stevens, 412 1st Avenue N.: “I noticed you got on “Business” you got
34 resolution 11-106 Coastal Alliance Beach Ordinance Recommendations. If I
35 remember right, didn’t Councilman Samples say something about having a workshop
36 on that? Am I right? Is that workshop going to continue or is that going to happen?
37 Does anybody know?”

38
39 Mr. Samples made a motion to suspend the rules so an answer could be provided.
40 Ms. Dodge seconded the motion. **All voted in favor. MOTION CARRIED.**

41
42 **Mr. Samples:** “Mr. Mayor, are you going to answer his question?”

43
44 **Mayor Deaton:** “Sir, this is under Business it’s item 7 when we get down there I
45 guess we’ll . . . this resolution is a business item and at that point in time if anyone
46 suggests that we go into a workshop at a further agenda that is what would occur.”

47
48 **Mr. Samples:** “Thank you.”

49
50 **Mr. Stevens:** “OK, thank you that’s was my understanding it was Councilman
51 Samples did that at one of the last meetings.”

52 **Mayor Deaton:** "I will comment that a resolution is different from an ordinance. OK,
53 anybody else? OK, we'll go to our communications, Mr. Duckett."
54

55 **Mr. Samples:** "Mr. Mayor, I rise to question a personal privilege. For those who
56 don't know, a question of personal privilege takes precedence over the business at
57 hand and, Mr. Mayor, according to Roberts Rules you have the right to determine
58 whether the question is appropriate or not."
59

60 **Mayor Deaton:** "Yes sir, I do. I can decline your motion. You need to state in the
61 form of a motion and if you do decide to appeal my decision you would have to have
62 a two thirds vote to override my decision, sir."
63

64 **Mr. Samples:** "That's not true that's only on items that are not on the agenda."
65

66 **Mayor Deaton:** "Mr. Moss?"
67

68 **Mr. Samples:** "Personal privilege . . ."
69

70 **Mayor Deaton:** "Please state your motion sir."
71

72 **Mr. Samples:** "I think before I state the motion . . ."
73

74 **Mayor Deaton:** "Sir you have no discussion without a motion."
75

76 **Mr. Samples:** "As a member of this assembly I am deeply embarrassed and
77 concerned about the town Councils reputation. I am also concerned about the lack of
78 transparency. The inappropriate meetings involving certain Councilmembers . . ."
79

80 **Mayor Deaton:** "Sir is this a motion or a . . ."
81

82 **Mr. Samples:** " . . . and the perspective pier restaurant tenant . . ."
83

84 **Mayor Deaton:** "OK. I'm going to defer this to public comment. If you're making a
85 comment sir it would go under public, I mean Council comment and that would be
86 fine at that point in time."
87

88 **Mr. Samples:** "Mr. Mayor, I appeal your ruling."
89

90 **Mayor Deaton:** "I'm going to call you out of order."
91

92 **Mr. Samples:** "I appeal you ruling, Mr. Mayor."
93

94 **Mayor Deaton:** "Yeah, you may appeal my ruling and you make a motion to appeal
95 my ruling and we'll see if you have a two thirds vote to go continue."
96

97 **Mr. Samples:** "Mr. Mayor, Mr. Mayor, it only takes a majority . . ."
98

99 **Mayor Deaton:** "Sir, please make a motion."
100

101 **Mr. Samples:** "It only takes . . . Let me clarify because it is not a two thirds vote that
102 is required for a motion to appeal."
103

104 **Mayor Deaton:** "I just read Roberts Rules before I came sir."
105

106 **Ms. Dodge:** "You might have to read it again."
107

108 **Mr. Samples:** "Well, I'll be happy to share. Mr. Mayor I make a motion to appeal
109 your ruling. Ms. Dodge seconded the motion. **Ms. Blair, Mr. Johnson, Ms. Dodge**
110 **and Mr. Samples voted for. Mr. Smith, Mr. Childs and Mayor Deaton voted**
111 **against.**
112

113 **Mr. Samples:** "So we have . . . it's not a two thirds . . . it . . ."
114

115 **Mayor Deaton:** "I believe we . . . sir?"
116

117 **Ms. Dodge:** "It's a majority."
118

119 **Voice from audience:** "Raise your hand so we can see how you vote."
120

121 **Mayor Deaton:** "No, sir . . . please be quiet."
122

123 **Mr. Moss:** "I share your views to override the chairs decision on an appeal it does
124 require a two thirds vote and I'm not sure what the vote was."
125

126 **Mayor Deaton:** "It was . . ."
127

128 **Mr. Samples:** "Let me read you directly from . . . Mr. Mayor, and I will read this
129 directly from Roberts Rules 10th Edition. 10th Edition I will read it directly to you."
130

131 **Mayor Deaton:** "Is that the modified edition, sir; that we adopted by law or by
132 ordinance?"
133

134 **Mr. Samples:** "Yes it is. Any vote taken by an assembly except those mentioned
135 further on may be rescinded by a majority vote . . . sorry I'm on the appeal, as it
136 relates to an appeal . . . here it is, I appeal the decision of the chair, if this appeal is
137 seconded and the Chair should state clearly that the question at issue and his reasons
138 for the decision if he thinks it necessary and then state the question thus, the question
139 is, shall the decision of the Chair stand as the judgment of the assembly or shall the
140 decision of the Chair be sustained. To put the question he would say, those in the
141 negative say no, those in the affirmative say aye, and the . . ."
142

143 **Mayor Deaton:** "Mr. Samples this is a non-agenda item and . . ."
144

145 **Mr. Samples:** " . . . in either case . . ."
146

147 **Mayor Deaton:** "I believe it is a violation of FOIA by going this far at this point in
148 time. I believe that we did not advertise this issue and now we are in a deep

149 discussion about something that has nothing to do with our current business agenda.
150 Please have it added to another agenda.”

151
152 **Mr. Samples:** “Mr. Mayor.”

153
154 **Mayor Deaton:** “Mr. Samples.”

155
156 **Mr. Samples:** “This is a matter of personal privilege and a majority of Council
157 believes that I should at least be permitted to express what my concern is. I have not
158 suggested that there was any motion . . . (***) . . .”

159
160 **Mayor Deaton:** “Sir, in a (***) of privilege you have to have a motion to discuss
161 anything at the table.”

162
163 **Mr. Samples:** “No, under Roberts Rules a matter of personal privilege can be granted
164 when, in fact, the body and I consider the body to be embarrassed by the actions that
165 have transpired. The fact that individual Councilmembers have met with the
166 perspective tenant, privately, behind closed doors, ok, I think is an embarrassment to
167 this Town. I think it’s inappropriate. I don’t think that the public knows the type of
168 wheeling and dealing that appears.”

169
170 **Mayor Deaton:** “Sir, I’m going to call you out of order. If this Council wants to
171 continue this type of drama, so be it, continue by a majority. This is . . . This is
172 outrageous. This is outrageous Mr. Samples.”

173
174 **Mr. Samples:** “It is certainly outrageous, it was outrageous enough that I believe that
175 the local daily newspaper did an outstanding job in laying out the issues that have
176 faced this Town and that some members, frankly, who sit here, are responsible for
177 how we got to this point.”

178
179 **Mayor Deaton:** “Is that a personal accusation against members of this Council?”

180
181 **Mr. Samples:** “That’s not a pers . . . it’s an obvious accusation and I will say it again,
182 yesterday when I returned to pick up my package for this meeting . . .”

183
184 **Mayor Deaton:** “Mr. Samples, you’re out of order, sir, please be quiet, you’re out of
185 . . .”

186
187 **Mr. Dodge:** “Mr. Mayor . . .”

188
189 Shouts from audience were heard.

190
191 **Mayor Deaton:** “Listen, audience, I will have you removed. Particularly you, sir
192 (pointing to a gentleman in the audience), yes sir.”

193
194 **Mr. Samples:** “Mr. Mayor was that? Who was that directed at? That was
195 inappropriate.”

196

197 **Mayor Deaton:** "The gentleman that just yelled out. He just blurted out something.
198 I don't know. It was an incoherent statement, I didn't understand it, but, this meeting
199 will be done in order. It will be done in a business-like manner, period."
200

201 **Mr. Samples:** "Well, Mr. Mayor we should be following Roberts Rules of Order and
202 it's clear . . . and it is . . ."
203

204 **Mayor Deaton:** "Mr. Samples we should be following our agenda."
205

206 **Mr. Samples:** "Mr. Mayor, I'm merely, I appealed your decision, your decision a
207 majority found . . ."
208

209 **Mayor Deaton:** "I contest that."
210

211 **Mr. Samples:** ". . . in fact, that they did not agree with your decision. The majority
212 of these Councilmembers, who were elected by the people, did not agree with your
213 decision. Now the fact that Councilman Smith and Councilman Childs were meeting
214 behind closed doors yesterday. . ."
215

216 **Mayor Deaton:** "Sir, please do not point people out. That is another violation of
217 Roberts Rules. You are out of order again."
218

219 **Mr. Samples:** "Well, I just think that the lack of transparency . . ."
220

221 **Mayor Deaton:** "Well I think you're grandstanding sir."
222

223 **Mr. Samples:** ". . . the lack of transparency in this entire process has been a disgrace
224 to the Town of Surfside Beach and frankly . . ."
225

226 **Mayor Deaton:** "Mr. Moss . . . you no longer have the floor sir (addressing Mr.
227 Samples), Mr. Moss, would you chime in here? Is there any method to the madness
228 here?"
229

230 **Mr. Moss:** "Well, to be quite honest with you I'm having trouble . . . I've already made
231 the opinion or rendered an opinion that I concur with you that it would take two thirds
232 to override that decision, however . . ."
233

234 **Mr. Samples:** "On an appeal?"
235

236 **Mr. Moss:** "I'm having trouble understanding why what's being discussed is not
237 appropriate for the Council comments anyway, which is on the agenda."
238

239 **Mayor Deaton:** "That's what I suggested, sir. We need to continue with our business
240 agenda as approved and as far as I'm concerned we're on communications, Mr.
241 Duckett?"
242

243 **Mr. Samples:** "Mr. Mayor?"
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245 **Mayor Deaton:** "No sir, sir, you do not have the floor."

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Mr. Samples: “The counsel asked a question and I would like to be able to respond to his question which was why it wasn’t held until Council comments and it certainly could have been held until Council comments, but, I believe the manner in which we have approached the leasing of the public asset from the beginning has been such an embarrassment to this body.”

Mayor Deaton: “Please do not criticize this Council. Mr. Duckett please step forward. You have the floor. Mr. Samples, you no longer have the floor.”

Mr. Samples: “Thank you.”

6. COMMUNICATIONS: Presented by Administrator Jim Duckett

a. Finance Report

Mr. Duckett reported on Finance. Taxes real estate, personal property and vehicle tax collections from Horry County for March 2011 were \$76,000 which is up 48 percent from last years’ \$36,000. Year to date collections are down approximately 3 percent from last year. The decrease was expected and is mainly attributable to the rollback millage and assessment protest received in a reassessment year. Hospitality and local accommodations taxes collected in March were \$17,000 and one point six thousand, respectively. Although the current month lagged slightly from last March the year to date totals are up 9 percent and 15 percent, respectively. Under the enterprise funds in March 2011 the sanitation fund collected about \$80,000 in service charges compared to \$81,000 in March of last year. Year to date revenue is \$803,000, an increase of about 2 percent from last year. The pier fund collected seven point two thousand in revenues including the admissions, fishing passes and parking paystations compared to eight point four thousand in March of 2010. Year to date revenue is about \$220,000 which is comparable to last year’s \$218,000.

b. Public Works Report

In sanitation the commercial service routes continue to be updated based on business needs. Five accounts, River City Cafe, Bubbas Fish Shack, Myrtle Beach Resort, Days Inn, Lakewood Apartments and Wild Water and Wheels have resumed and/or increased pickups. Since the beginning of the fiscal year July 2010 the Town has collected 393.81 tons of recyclable materials resulting in the savings of \$11,420.49 and tipping fees at the landfill. Three times a week trash rollout service begins on Sunday, May 8th. To date, 400 exemption requests have been received and verified. Welcome to Johnny Marlowe, new sanitation laborer. Under streets and drainage, the beach swashes are being dug out as needed to ensure proper water flow. Three times a week beach raking and grooming as well as trash pickup will begin the week of May 2nd. Crews will be servicing beach trash cans on the weekends beginning May 7th. The new beach recycling program is set to launch on May 7th. Ongoing special projects, crews completed sidewalk repairs at 7th Avenue South and Ocean Blvd. Thirteen new “yield to pedestrian” signs have been installed along Ocean Blvd. Palmetto Paving has milled and paved Dogwood Drive North from 5th Avenue to 17th Avenue North, Palmetto Drive from 7th Avenue North to 10th Avenue North, 11th Avenue North from Cedar Drive North to Highway 17. This work is 75 percent funded through

295 County transportation funds. The 9th Avenue North beach walkover was rebuilt in
296 April; this was the 5th beach access rebuilt this winter and spring. Weekly town
297 wide mosquito spraying will begin in May. The 50/50 ditch piping program, nine
298 projects have been completed and one is in progress, currently this program has
299 been suspended during our busy spring and summer season. The Town will
300 continue to accept applications for the 50/50 program; those applications will be
301 given first consideration when the program resumes in the fall. Applications are
302 available at Town Hall, Public Works or on the Town website. Dirt is still
303 available to Town residents. Under the grounds division, renovations of the
304 tennis courts at Martin Park have been completed. Crews have installed four
305 palm trees, landscape timbers and plants at Dogwood lake outfall; this project will
306 be completed this week. Huckabee and Martin field complexes have been
307 fertilized; treated for grubs and are being used for tournament play. All beds have
308 been mulched and flowers planted. Crews are completing maintenance and
309 repairs to all Town properties. Mowing and weeding has begun on all Town
310 properties as well. Debris is being removed from lakes as time permits and
311 spraying of Town lakes has resumed. Under fleet maintenance, from March 17th
312 to April 19th the mechanics had completed 69 repairs on Town vehicles and
313 equipment. Preventive and schedule maintenance were performed on 36 Town
314 vehicles or pieces of equipment. All public works personnel have now resumed
315 their summer season hours which are 6am to 3pm Monday through Friday.

316
317 Ms. Blair asked if the Days Inn is open again for business. Mr. Duckett stated
318 that his understanding is that they are expected to open on May 5th. Ms. Blair
319 asked if there has been any response from Santee Cooper on the lights that were
320 reported out. Ms. Adair stated that they were reported. Ms. Blair stated that she
321 assumed the mosquito spraying was being done in connection with treating the
322 water with mosquito dunks. Mr. Adair confirmed that this was all done. It was
323 confirmed that the spraying rids the lakes of algae herbicides. Mr. Smith
324 confirmed that the Days Inn is now called the Surfside Beach Resort. Mr.
325 Johnson asked what the total number of accounts were in Caropines. Mr. Adair
326 answered that there were approximately 175-180 accounts. Mr. Johnson stated
327 that when this was first done it was a questionable endeavor as to whether it
328 would be a money- making effort. It was confirmed that adding Caropines was a
329 good move for Surfside Beach. Mr. Adair added that the Town would make more
330 if they could also pick up their yard debris. Mr. Johnson asked where the funds
331 for the beach crossovers come from. Atax funds were mentioned. Mr. Adair
332 answered that regular town personnel are being used to construct them with
333 existing lumber. Mr. Samples asked where the kiwi shades were being stored.
334 Ms. Fellner answered that they are currently with the shade provider along with
335 the bolts. Mr. Samples asked if there were any plans for them. Ms. Fellner stated
336 that the Town is waiting for legislation to pass.

337

338 c. Recreation Report

339 Mr. Duckett reported that the 2011 baseball/softball season began with opening
340 day Saturday, April 9th. The regular season games began on April 11th with
341 games being played Monday through Friday until the middle of June. The
342 concession stand is in full operation and is a huge success. Parents, coaches and
343 players are extremely supportive of the concession stand and the fact that the

344 money is being returned to the athletics program. The majority of the teams are
345 now buying their team drinks and snacks from the concession stand as well. T-
346 ball age 4, coach pitch ages 5 and 6, kid pitch ages 7 and 8; registration will begin
347 May 2nd, and continue Monday through Friday from 1 pm to 5 pm at Huckabee
348 complex until May 13th. Games will begin for this program June 1st. Under
349 special events a pet fair and rabies clinic was held on Saturday, April 2nd in
350 Surfside Beach Dog Park in conjunction with DHEC. A total of 13 vendors
351 participated as well as Dr. Marvis from ARC Animal Hospital; Dr. Marvis and
352 ARC Animal Hospital stepped in last minute to conduct the rabies clinic after Dr.
353 Fotorny with The Pet Doctor cancelled. ARC Animal Hospital has agreed to
354 work with the Town to make this an annual event. An Easter egg hunt was held
355 on Saturday, April 23rd at Huckabee complex for ages 4 and under, 5 to 7 and 8 to
356 10. Each child received a bag of candy for participating and prizes were raffled
357 for each age group. Over 300 children participated and total attendance was over
358 500. Staff has approached Southern Outdoor Cinema and they have expressed an
359 interest in conducting a movie on the beach for the Town this summer; it is a 35
360 foot screen and the movie would be an offering not yet out on DVD. Southern
361 Outdoor Cinema would handle all transport, setup, break down and operation of
362 the equipment. They would also advertise Town events on the screen for 20
363 minutes prior to the start of the movie and the Town could offer local businesses
364 advertising opportunities for a nominal fee to help offset the cost of the event.
365 Under other events, the beach music party, Thursday, May 5th will be from 5 pm
366 to 8 pm in the pier parking lot. Art in the Park and Sunday serenades will be
367 Saturday May 28th 10 am to 2 pm in Passive Park. High school volleyball
368 tournament Saturday and Sunday, May 28th and 29th will be held on the beach at
369 1st Avenue South; it is sponsored by Grand Strand Volleyball. The Memorial Day
370 service and golf cart parade will be held Monday May 31st. The time will be
371 announced at the Veterans Memorial. Mr. Smith asked what the cost for the
372 Southern Outdoor Cinema. Ms. Ellis confirmed that the cost would be \$1,800 and
373 there currently is only one event being considered. Mr. Samples asked when it
374 would be playing. Ms. Ellis stated that she was considering the end of July. Mr.
375 Samples stated that it sounded like a good idea and that the Town should try it and
376 see what happens. Mr. Johnson stated that he has concerns with the \$1,800 cost
377 and having a company come in adding that there are liability issues and added that
378 Southern Outdoor Cinema may have coverage but added that there were resident
379 volunteers that offered to show movies. Mr. Johnson stated that he has concerns
380 offering this. Mr. Samples stated that he understood and appreciated Mr.
381 Johnsons' comments; his recollection was that Mr. Kohlmann volunteered to
382 provide a screen and did not recall if he offered to provide the movie as well. Mr.
383 Samples stated either way as long as the Town offers the service for the Town he
384 feels it is a great free attraction for kids, residents and visitors and that it is good
385 family fun; the previous movie in the park was a good event. Mr. Samples stated
386 that he would like to see the Recreation Department have a plan presented to
387 Council on the service recommended. Mr. Johnson thanked Mr. Samples for
388 jarring his memory; previously this was presented by the County and asked if the
389 County discontinued the service to the Town. Ms. Ellis stated that they
390 discontinued this. They used to have a big wooden screen that they got rid of;
391 they since purchased an inflatable screen and they have informed the Town of
392 Surfside Beach that since it is two blocks from the ocean, with the sand and the

393 outfield they did not feel comfortable staking down an inflatable screen at Martin
394 Field. Ms. Ellis offered to purchase the wooden screen but they were unable to
395 locate it; may have been destroyed. For the \$1,800 cost the Town can go out and
396 offer businesses a chance to advertise which would help cover the costs. Ms. Ellis
397 will also look into purchasing a screen for the Town since the County no longer
398 will provide it. Ms. Blair stated that if \$1,800, unless businesses were willing to
399 place continual ads, then multiple times may not work but for a one-time event it
400 may work and would like to look into providing something like this again. Ms.
401 Blair asked if North Myrtle Beach does this and asked Ms. Ellis if she checked to
402 see what they do. Ms. Ellis stated that she has not called them but would find out
403 what their experiences have been. Ms. Blair agreed it was a great idea to look
404 into.

405
406 **d. Administrator's Report**
407 *Sculpture in Poplar Park*

408 Mr. Duckett reported that Robert Sadlemire, an internationally recognized local
409 artist specializing in metal fabrications, has submitted a couple of drawings. The
410 cost of either production would be \$4,400 and the materials would be billed
411 separately and would cost approximately \$1,600; totaling about \$6,000. Mr.
412 Duckett reported additional information would be provided to Council in the
413 future and possibly even at the next meeting they could have some renderings to
414 show on the screen.

415
416 *Update on current events*

417 The existing mutual aid agreement with the law enforcement network and with
418 the Myrtle Beach Police Department must be formally approved by the governing
419 body. These are routine mutual aid agreements that the Town has had over the
420 years and there are a few more that will need to be brought back to Council as
421 they are finalized. This is a new requirement based on a Supreme Court decision
422 recently handed down. Mr. Duckett had copies in hand for his signature and
423 asked Council for consensus to move forward with his signing of these
424 documents. There was no opposition from Council. Mayor Deaton stated that
425 without opposition there is concurrence. Mr. Samples asked if they were brief
426 documents. Mr. Duckett stated that they are not brief; these documents have
427 passed legal tests and it is a recent decision of the Supreme Court; all
428 communities have been doing this for years and due to an overabundance of
429 caution suggested by the solicitor all of the local Councils are being presented
430 with this; if one of our officers is on assignment under a mutual aid agreement
431 they would legally be covered under the Supreme Court. It is believed that the
432 Supreme Court will correct this decision in a few months so that it can be done by
433 judicial order. Mr. Samples stated that the Town looked at the mutual aid for the
434 fire departments and the Town was the first responders to certain areas of
435 unincorporated Horry County which is under an emergency situation but it then
436 became a matter of routine and the Town was not being reimbursed it became an
437 issue. Mr. Samples asked if these were long term assignments. Mr. Duckett
438 stated they were not. Mayor Deaton stated that the end result of that the Town is
439 paid FEMA rates for Town responses to fire.

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7. BUSINESS

- a. Resolution #11-106: Support of Coastal Alliance Beach Ordinance Regulations
Clerk Pinnell read the resolution that is on file. Mr. Smith made a motion to adopt resolution 11-106. Mr. Childs seconded the motion. Mayor Deaton confirmed that with the passing of this resolution there would be no changes to any of the current Town ordinances at this time. Mayor Deaton stated that the Town will hold a future workshop and if there are changes staff will suggest them to Council and Council will approve any changes. **All voted in favor. MOTION CARRIED.**

8. DISCUSSION ITEMS

- *Golf Carts Councilman Johnson*
Mr. Johnson stated that as a beach community it is very convenient to use golf carts to go to the beach and travel the local streets. There are some problems and before the season gets underway full force he feels that the Town would be remiss if it did not address some of the issues. Mr. Johnson suggested having a workshop prior to the next Council meeting to discuss some of these issues. Some issues that concern him and some of the residents are that young children are driving golf carts; this is a law enforcement issue and added that he understands that the Town police officers do a very good job; they cannot be everywhere but on the other hand it is a major issue that needs to be addressed. Another issue is the lack of parking on street ends specifically by golf carts that are rented from businesses in and out of the Town of Surfside Beach. Many of these carts do not have Town stickers on them and he wants to make sure they are licensed and regulated as they should be. Mr. Johnson asked the Town residents to come to the next workshop and express their concerns publicly as they expressed them to him.

Mr. Childs stated that he feels that one of the big problems with golf carts besides young kids driving them is golf carts on Ocean Blvd.; he has had a number of people approach him about this. Dogwood does parallel Ocean Blvd and it is presently being repaved which would be a great road to drive a golf cart on. Mr. Childs stated that many times you will see 4 or 5 people on a golf cart and going 5 miles an hour with traffic backed up and it seems to create a frustrating situation for a lot of motorists adding that he would like to address this particular issue as part of the golf cart workshop.

Prior to going into Public Comments, Mayor Deaton asked those in attendance to keep in mind that the public is to address the Council as a body and asked that no one single out any individuals.

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

Tom Dodge, 15th Avenue North: “Take my glasses off so I can see. The Sun News has called the Surfside Beach pier bid murky; town management gaff prone, convoluted and clumsy. The Town hired a real estate agent to represent it without putting that position out for bid. Aren’t three or more bids usually done? Why only one? A bid for the pier was received and accepted in a hastily called executive session, secret meeting; contingent upon acceptable results of a background and credit check. Shouldn’t the realtor, the town administrator or the deputy administrator have

491 checked this out prior to the meeting at which the lease was presented? I understand
492 the deputy administrator is very adept with the computer. The administrator and/or
493 the deputy administrator could have done both the credit check and the background
494 checks before that Friday secret meeting when the lease was presented. If they did
495 not check it out; why not? They are each hired to look out for the interest of the
496 people of the Town of Surfside Beach. That is their job and appears that they greatly
497 failed to do so. They let the Sun News do their responsibility to the citizens of the
498 Town. Thank you Sun News. Still, in view of all that horrible publicity, the Sun
499 News quotes the mayor as saying ‘credit history may not be a deal breaker; we don’t
500 know if the applicants have backers or partners’. Then if there is no money backing
501 why was a deal made? An indication was made at that Friday meeting that an LLC
502 was in the process of being formed with no money backing at that meeting, why was
503 a deal made? The Sun News also quoted the mayor as saying ‘we’ve got our bases
504 covered’; in reality the Town is still in the dugout having never even fielded a team.
505 Since the Sun News has called the pier process a debacle, the bid murky and the
506 Town management gaff prone, convoluted and clumsy this current bid should be
507 totally rejected and our Town employees who are paid large salaries should be
508 trustworthy regarding their jobs; should start looking out for the Surfside Beach
509 taxpayers. Thank you.”

510
511 **John Ard, 612 Cypress Drive:** “I have a comment about the issue on the pier down
512 here and I have a comment about the golf carts. I know a lot of these people in this
513 room here, very few of you on this Council; I’ve had some words with Mr. Duckett
514 over here and Mr. Samples over here. I really appreciate your comments you made
515 prior to this meeting when it started and everything about that pier and the people in
516 Surfside Beach right now, the Town Council and the whole Town is nothing but a
517 laughing stock. At the way this whole dog gone things been handled. The first thing
518 you done is, when it came up with Nibils down here you put him out; any way you
519 look at it, you put him out, and now, here you are, you turn around you’re going to
520 lease this pier for \$50,000, to start with. You got a man in here that’s up in New
521 Jersey up there and he’s got backers, maybe a lot of people in this room don’t know
522 who his backers are and don’t know what LLC is being formed that’s going to put
523 this man in up here running this pier restaurant. The man has a foreclosure and
524 everything on him, been on unemployment up there, mysteriously he’s got backers
525 down here, and so, since last Monday, there has been no word leaked to the media or
526 anybody else as far as I know right now and when I talked to Mr. Duckett yesterday,
527 that was the case, am I correct?”

528
529 **Mayor Deaton:** “We’re not answering questions sir. This is not interactive. You go
530 ahead and make your statement. This is public comments.”

531
532 **Mr. Ard:** “Oh yeah, I’m making it.”

533
534 **Mayor Deaton:** “Yes sir, please do.”

535
536 **Mr. Ard:** “. . . and I want to know why as elected officials, elected, by the people of
537 this Town that you all can’t do the job that you’re supposed to do and take care of this
538 Town in the way that you’re supposed to take care of it. Because you’re sure doing a
539 mighty poor job of it and I’m very sorry to say, I’ve been in this place here for 49

540 years, in Horry, Georgetown, I mean, Murrells Inlet, Garden City and Surfside; I've
541 lived here numerous times in Surfside. I've been a total resident here now for four
542 years. I've got some interest over here now and I know I'm going to be here until the
543 day I die and I don't appreciate what you all are doing, one bit, and I'm sure there's a
544 lot of people out here that don't appreciate it but they're not going to speak up and
545 say so and that's the trouble with it; the people don't speak up and stand up for their
546 rights and I'm going to stand up for mine and I think that this contract that's in the
547 workings right now, that from what I understand there's something about a page 12
548 on there and this is just about a done deal. I don't think so. I think you all; each and
549 every one of you up here, ought to rethink this whole thing, because, like I say, I
550 know who's behind it and I know who's trying to form this LLC and the same man
551 that's behind it comes in here from out of state. The first year here was here he run
552 for Town Council . . ."

553
554 **Mayor Deaton:** "Sir, I'm going to have to stop you right there. We're not going to
555 talk about personalities sir, ok?"

556
557 **Mr. Ard:** "Excuse me?"

558
559 **Mayor Deaton:** "I said, we're not going to speak about personalities. We're talking
560 about the operations or policies of Surfside Beach. Thank you."

561
562 **Mr. Ard:** "That's right, all right, and I would love to see this contract that's (****)
563 notion because it ain't right, you are not doing justice to these people and I don't
564 appreciate it."

565
566 **Mayor Deaton:** "OK, thank you sir."

567
568 **Martha Bullard, 12 A Myrtle Drive across from the tennis courts, been there about**
569 **12 years:** "Thank you for the opportunity to speak. For the past 6 years the
570 Waccamaw Baptist Association and Southern Baptist Convention and Baptist Nurses
571 Fellowship have provided free sunburn care and free ice water to visitors down at the
572 Surfside Beach pier from an 8 by 12 trailer. Everybody, we have talked to thousands
573 and thousands and thousands of people, literally, from, literally all over the world and
574 they appreciate this service and the people who operate the service are volunteers; we
575 are not paid anything, we do not receive money for it. People try to give us money
576 but this is sponsored and provided by the Waccamaw Baptist Association so there is
577 no money in it for us, now some people want to give and say 'put this in church',
578 well, what can you say to that? Maybe they're not going to go to church so the
579 church needs money, I guess, so, if that's not approved, if that's not ok with the
580 Council we can stop even that, but normally, we don't take any money from anybody.
581 We provide the free care and the free ice water and people brag on Surfside Beach.
582 They say this is the nicest beach up and down the Strand and we have wonderful
583 comments all the time from, and I have written the Councilmembers letters from time
584 to time telling you about this service. Everybody appreciates it and I am coming
585 tonight to ask, once again, for permission to place our trailer down there. Last year,
586 we did have it in a regular parking place and then they came down and asked us to
587 move it to the space where it was not a paid place and we did that and if that's what

588 you want, we'll do that again this year and you can write a letter to me at First Baptist
589 Church of Surfside or . . .”

590
591 Mayor Deaton asked Mr. Duckett what the procedure was. It was agreed to go
592 through the same process as previous years which was to get a consensus of Council.
593 ***There was consensus of Council to allow the sun care trailer again this year.***

594
595 ***Mr. Samples:*** “Thank you Ms. Bullard.”

596
597 ***Ms. Dodge:*** “Mr. Mayor, I just want to make a comment. Every year we see you out
598 there, you and your people out there doing that service and I think it’s a wonderful
599 thing. Thank you.”

600
601 ***Janie King, 1016 S. Ocean Blvd:*** “I was under the assumption that all town business
602 was to be under the sunshine law meaning open and above board and very
603 transparent, now, Mr. Samples raised a question and so much hostility was shown
604 here tonight even the attorney didn’t know how to answer the situation, much less
605 anybody else, and so my question is, could we not be so hot tempered and whatever
606 the question might be or the decision just be tabled and then discussed as a whole
607 body and then bring it back rather than just ruling it out of order and nothing being
608 done about it. I think if we could calmly, rationally, operate the Town in that manner
609 a lot more good could be done. Thank you.”

610
611 ***Diana Cleary, 413 Cypress Dr:*** “I am not a political animal but I was born and raised
612 in the State of South Carolina and we’re very southern and I feel that
613 Councilmembers should respect the rest of the Council and allow them to speak when
614 they have something to say.”

615
616 ***Betty Lowery, 619 4th Avenue N.:*** “I don’t want anybody to yell at me when I drive
617 my golf cart home tonight. Technically, it is an LSV, it’s licensed and insured as a
618 car and I promise you I pay that insurance, so, I will drive that home tonight but
619 commenting on the golf carts, I agree, I’ve seen them with kids driving them, they are
620 so overloaded that I’m not even sure the front wheels are actually on the road and I
621 realize the police can’t be in all the places at one time but perhaps these places that
622 are renting, even the scooters, renting the golf carts, they perhaps need to do a better
623 job of educating the people they’re renting them to. Also, in the case of golf carts, in
624 the walking park there near the dog park, there is a sign on Pine Avenue that says no
625 motorized vehicles are allowed in that area but I don’t think there are any signs on the
626 street, I don’t know the name of the street, the street goes by in front of your house.
627 There are no signs there and I think people are coming into that area on the golf carts
628 totally unaware that they are not supposed to be doing that. Just yesterday there were
629 some kids riding their golf cart around on the concrete path so they need to be made
630 aware of that, I don’t think they are and commenting on Mr. Ard, my husband and I
631 moved to Surfside Beach in 1968; we moved into my house in 1969. The Sun News,
632 what seems like now a million years ago, made a comment when Myrtle Beach was
633 the so called laughing stock of Horry County that Surfside Beach was doing such a
634 good job and handling things so nicely and that Myrtle Beach could take a page from
635 Surfside Beach’s administration but, I’m embarrassed, I really am. The situation at
636 the pier I understand came from a lack of experience and just trying to do things

637 correctly but it's turned into a total fiasco and now it seems to be a desperation
638 measure to get somebody in there right away and there's just too much secrecy, I
639 mean, why would someone not want their name up front if they wanted this as their
640 business and private meetings are never private meetings, somebody always finds out
641 and I promise you it can go from one end of Surfside to the other faster than you can
642 snap your fingers so that's got to stop; it makes the entire thing look illegal but
643 Surfside Beach has been called a hole in the wall town and this is just embarrassing.
644 It's just got to stop and I tend to agree with Mr. Ard this contract just needs to be
645 thrown away and start over."

646
647 **John Wright, 710 S. Hollywood Dr.:** "Mr. Mayor, Councilmembers and citizens
648 Wow, 2010, it was a banner year for our TV; for the newspapers; 2011 almost 4
649 months gone and here we are, we're filling the pages for the Sun News again; the TV
650 crews are here. Sunday was a great day down at our pier. The Easter sunrise service
651 there on the beach was spectacular. We would do well to study what's in this book
652 because our actions; with this hidden agenda, hidden from the citizens of this Town,
653 is wrong and I encourage you to search your hearts and let's do what's right, most of
654 all in Gods eyes and the citizens of this Town. Thank you."

655
656 **Alan Beck, 626 10th Avenue N.:** "I don't know if this new lease is a done deal or not
657 but I don't know what's in the lease, I went online to see if I could find out and I
658 found out that since it's going to a realtor there's no posting it for the public to read.
659 When we started this whole lease process I went online to find out and it was posted
660 for the public to read and I read a 64 page lease which was the worse lease I'd ever
661 seen in 30 or more years of dealing with the government contracting business. I
662 wrote e-mails to each member of the Council and listed a lot of the things that were
663 wrong with the original lease such as the Towns right to not provide any parking
664 anywhere near the pier. If they wanted to close it off, however many times they
665 wanted to close it off, which I thought was unfair. The Towns right to remove access
666 to the restaurant which was in the 64 page lease; the Towns right to deny restroom
667 use to the restaurant whenever they wanted which was in the original 64 page lease;
668 the Towns right to take away one month's rent every time the Town found an insect
669 in the building because it was required to be insect free or a smudge on the window
670 because it was required to have the windows always kept absolutely clean so you
671 could have taken one month's rent every two weeks or every month if you had a two
672 week waiting period in between. So I wrote that to the Town coucilmembers after the
673 first thing didn't work well I came and talked to the Council and advised everybody
674 that we need to be fair to the tenant, the lessee as well as to the Town. I hope in
675 whatever you're doing you are thinking about being fair to whoever's getting it and
676 not setting something up to gives the Town that arbitrary of power that just runs
677 somebody out because we shouldn't do that as our government to an individual that's
678 taking a lease. We also should not have written that poisonous lease which I said I
679 thought was unconscionable when I talked to the Town Council it would be in the
680 minutes of the earlier meetings, unconscionable contracts and leases are in violation
681 of South Carolina law. So we cut the lease back down to 34 pages, it looked like half,
682 it looked like a lot (***) a lot of the bad stuff went out but it still had the right of the
683 Town to not provide parking, the right of the Town to not provide the restroom, the
684 right of the Town not to provide access to the restaurant, the right of the Town to take
685 away a months' security deposit if there was a fly in the restaurant and the right of the

686 Town to take away a months' security deposit if there was a smudge determined on
687 the window, it also had some other things in the lease that were objectionable to the
688 prior tenant such as there was no way to page people in a waiting line outside and
689 things. It looked as though the original lease was written on purpose so that it could
690 not be bid to. It appeared at the end of the first lease returns the two things were
691 received there's probably a surprise to some of you that there was a bid even and a
692 mention of anything that came in from the incumbent because there were so many
693 things in there that he shouldn't, you know, no reasonable person could agree to so it
694 shouldn't have been a surprise the second time. I came before the Council at that
695 second bid meeting in the minutes of that night and urged you to be fair and consider
696 eliminating those particular requirements from the final deal because the Town
697 should be fair to whoever it deals with, unfortunately, we went into an executive
698 session and you determined that there wasn't any bid at that time and that was when
699 the restaurateur left our Town, I wondered about the lease and that night the former
700 Town attorney had performed that he had been given the lease by the Town
701 administrator, the prior town administrator, I question why that lease had the law
702 firms name on it; it had so many poisonous things in it that made it unconscionable in
703 my opinion, but, it did. Now I hope you can turn the page and do something fair and
704 that those that were involved in poisoning that earlier lease will relook at their hearts
705 and conscience and try to do more of what's right I guess of whatever was desired
706 was achieved and whatever was in there is gone."

707
708 **Randle Stevens, 412 1st Avenue N.:** "Several things I want to speak on. Knowing I
709 appreciate the Sun News, and WMBF with all the publicity they've put on in the
710 press, newspaper and television on the pier lease and I also want to commend a
711 Facebook page Surfside Beach SC information page which keeps us up to date by
712 also posting those same news things. I suggest everybody in this whole Town go to
713 that Facebook page and read it; got a lot of good stuff on there. Getting to the golf
714 carts I agree with Mr. Johnson that all these businesses are renting golf carts making
715 money they should help pay a fee just like every citizen does, so I'm 100 percent
716 behind you on that. Now, getting to the pier, basically what we've got here is we've
717 got a liability to the taxpayers and I know that there's members of Council that want
718 to get that thing rented, election time's coming up, but, we also have to protect the
719 citizens so one of the things I would suggest regardless of whoever rents the pier is
720 that the Town of Surfside require two things, one thing that's required by every
721 business or every contractor in the State of South Carolina, a surety bond and a
722 performance bond. The federal government requires anybody that spends over
723 \$100,000 in construction costs to have a surety bond to protect that person, for
724 example, here's the definition from Wikipedia, surety bond is a promise to one pay,
725 one party, the obligee, in this case it would be the Town of Surfside Beach, a certain
726 amount if a second party, the principal, that being the financial backers, fails to meet
727 some obligation such as fulfilling the terms of the contract, the surety bond protects
728 the obligee against losses resulting from a principals payer to meet the obligations.
729 Why not put a \$500,000 surety bond; a performance bond, on the construction and
730 then turn around and put a \$500,000 bond on the lease. You can go to USLegal.com
731 and they'll give you the definition of performance bond and surety law. This would
732 protect the citizens, protect the taxpayers all over, protect the Town of Surfside in the
733 event that somebody did and my understanding the people behind it have financial
734 pockets deep, but, why not have it? If you build a house in Surfside the South

735 Carolina residential builders commission requires you to have a surety bond; that's
736 required by law, to build a house in Surfside, if you're a builder; this is commercial
737 building, it may require a little bit more, I don't know exactly, but the main thing is
738 we need to make sure, as a Town Council, you need to make sure that the citizens and
739 the Town is protected; the taxpayers are protected. I really don't care who goes in the
740 place as long as they do what they're supposed to do. If they say they're going to
741 spend \$135,000 as WMB listed in their news article then I want them to spend that
742 \$135,000; that's a \$135,000 the taxpayers don't have to spend. If they're going to
743 rent the place I want to make sure that rent is going to be paid and that it's paid for
744 the entire lease time, so, whoever gets the lease, I don't care. What I want to do is see
745 this burden on the taxpayers removed, eventually; however you do it, do it, but make
746 sure that whoever you get in there has to have those things first. The last thing I want
747 to talk about is something Mr. Samples mentioned, I think it would behoove the
748 aforementioned Councilmembers who had a private meeting with the potential
749 tenants . . ."

750
751 **Mayor Deaton:** "Sir, I'm going to caution you right there because that's not
752 necessary, that might be misinformation, so, I'm going to caution you right there.
753 Please do not . . ."

754
755 **Mr. Samples:** "Sir, rest assured it's not misinformation."

756
757 **Mr. Stevens:** "I've got freedom of infor . . . I've got freedom of speech. I think the
758 Town will recall they tried to mess with Joe Zoltak."

759
760 **Mayor Deaton:** "Sir, I'm just cautioning you at this point in time."

761
762 **Mr. Stevens:** "I have freedom of speech to stay. I'm not mentioning anybody's
763 name. Didn't mention anybody's name. You heard me. I said the aforementioned
764 people, to just explain, I'm sure, that if they met with somebody, they had a good
765 reason, so why not, you got the public comments for the Council, you can explain to
766 the Town of Surfside. Let us know why two members of Council met without the
767 rest of the Council. It's not a big request . . ."

768
769 **Mayor Deaton:** "Mr. Samples, you do not have the floor."

770
771 **Mr. Stevens:** "Pardon me?"

772
773 **Mr. Samples:** "Did I say anything?"

774
775 **Mayor Deaton:** "You, ok . . ."

776
777 **Mr. Stevens:** "So, it doesn't seem like, I mean in the spirit of transparency and
778 keeping this an open and honest government it behooves Council to explain
779 everything you do. What's wrong with that, nothing. These people want to know.
780 We want to know. If you do something, we want to know. If you got a good reason,
781 say it. Got a good reason, you have nothing to hide, absolutely nothing. Not one
782 thing to hide, so, that's all I have to say today and I appreciate your time."

783

784 **MaryBeth Mabry, 517 15th Avenue N.:** “I’m not going to beat you up too bad but
785 needless to say the phone keeps ringing and you know why so I’ve been asked a lot of
786 questions and as a realtor I don’t have all the answers so I’m going to ask you and
787 you do have 5, 10 whatever minutes you have during your Council comment section
788 and I want to know why the lease was presented to Council without the financial and
789 a background check that only takes less than five minutes. You have a police
790 department and you have an administrators, two. Who is responsible for providing
791 that to you? It would have saved the perspective tenants a lot of embarrassment; they
792 don’t need to have their personal business all over the Sun News because you didn’t
793 do your job and that’s simply the way it is and I want to make sure I understand
794 correctly, we have two attorneys, and as a realtor I could get it wrong but when a
795 guarantor goes onto a lease if he is providing more than 51 percent of the monies, he
796 is actually the lessee; he owns the lease; the tenants can write the lease, walk away
797 next week, the guarantor has that lease. Same with an LLC; I can have 10
798 shareholders, I can own 99 percent of the LLC, I can throw everybody off, I own the
799 lease, so, I want you to make sure that everybody understands that if you’re not
800 getting due diligence from somewhere you need to find out why and how you’re
801 going to get it and I’m astonished that we have Councilmembers having a sit and chat
802 without the full body with them. We don’t do that, you know it’s wrong, you know
803 it’s not ethical. I’m not going to use the word illegal but it’s not ethical. You are a
804 body; all of you together make one Council, you sit in a meeting with someone, you
805 sit together and you do it properly; we have that right to ask you to be ethical. If
806 somebody has not told you that, you don’t understand that, shame on them and shame
807 on them because you know and I know that we can easily do things, meaning well,
808 doing it wrong but we should have people in this Town to correct us, to guide us and
809 to walk us through the right way, somebody’s fallen down on their job. The citizens
810 are paying dearly; we have two administrators in a town that’s two miles long and we
811 can’t get this information to you? You need to sit down, back away from this lease;
812 you have a realtor; you have two fine attorneys. I can tell you Mr. Moss knows real
813 estate law. Let them have it; don’t touch it; back away, go home, pretend there’s no
814 lease. Once they get it completely finished, every little nut and bolt done, let them all
815 bring it to you, go over it, that way you cannot ever be put in this embarrassing
816 situation again and neither will this Town and thank you.”

817
818 **Beth Kohlmann, 1610 S. Ocean Blvd.:** “I want to open up with thanking Chief
819 Fredericks for helping at South Strand Helping Hand which is located on Poplar
820 Drive in Surfside Beach and then I’m going to do something that’s not normally done
821 but I’m from New York and this is what we do. (Ms. Kohlmann turned and faced the
822 audience) I’m real tired of the rolling of eyes and the faces so I figured that it’s time
823 that somebody came up here and spoke to you and you have to hear, because they’re
824 not hearing us, ok, and that’s really important and this is not for all those
825 Councilmembers up there because there are some really hard working ones and there
826 are those that when they speak they’re hushed like they’re children; they’re not
827 children nor are we, they’re educated people that live here and work here and we all
828 do too and we live here for a reason, because it’s a nice place and you know what,
829 when you get up and you say that the pier is beautiful and the beach is beautiful, yeah
830 it is, and that’s why we’re here, we’re here because we love it and when we have to
831 sit down and read in the paper about our Town, week after week; it’s ridiculous; it
832 comes to the point where, drama? You talk about drama? We’re not the ones that are

833 on WMBF News, making statements about the Town; we're not the ones that are
834 going behind closed doors and having little meetings, we did away with Concerned
835 Citizens by the way, I know you hated all that and for the record there are a lot of
836 things that go on that nobody knows about."

837
838 **Mayor Deaton:** "Are you on stage or something?"

839
840 **Ms. Kohlmann:** "Excuse me?"

841
842 **Mayor Deaton:** "Do you think this is a stage ma'am? Are you on stage or
843 something? You talk about drama. I think this is supposed to be comments.

844
845 **Ms. Kohlmann:** "No, I'm not on stage. Listen if I was blind I couldn't see you,
846 right? So please do not discriminate against me."

847
848 **Mayor Deaton:** "Ok ma'am, you're out of order. Sit down please, sit down . . . sit
849 down. Officer? Officer?"

850
851 There were comments and boos in the audience, comments were inaudible.

852
853 **Mayor Deaton:** "Ma'am have a seat, have a seat, ma'am, please."

854
855 **Mr. Samples:** "Mr. Mayor, Mr. Mayor, Mr. Mayor, officer, officer, officer, Mr.
856 Mayor, I appeal . . ."

857
858 **Mayor Deaton:** "There will be order in this room or I will clear this room."

859
860 **Mr. Samples:** ". . . I appeal your ruling."

861
862 **Ms. Dodge:** "and so do I."

863
864 **Mayor Deaton:** "I'm sorry; this drama's got to stop."

865
866 **Ms. Dodge:** "You cannot do this sir. You are wrong to do this to these people."

867
868 **Voice in audience:** "You're out of line."

869
870 **Mayor Deaton:** "Ma'am please sit down. Please sit down"

871
872 **Ms. Dodge:** "I cannot stand it anymore."

873
874 **Mr. Samples:** "I appeal your motion; your ruling."

875
876 **Ms. Dodge:** "You want to take me out of here sir? I'm ready to go. I am sick of this.
877 You stop it, now. These people are the people of this Town. They pay your salary.
878 They pay my salary."

879
880 There was applause from some citizens in the audience.

881

882 **Ms. Dodge:** "I am so fed up, I can't stand it. Stop it. Don't sit there and grin."
883

884 **Mr. Dodge from audience:** "Thank you honey."
885

886 Ms. Blair Approached Ms. Dodge "(***)"
887

888 **Ms. Dodge:** "No I'm not."
889

890 **Mr. Ard from audience:** "Everybody's out of line Mayor Deaton."
891

892 **Mayor Deaton:** "Thank you sir."
893

894 **Ms. Dodge:** "I'm going to kill him."
895

896 **Mr. Ard:** "If you want to have me removed you ain't got (***)"
897

898 **Mayor Deaton:** "Sir, if you'll just be quiet we'll try to continue this meeting in an
899 orderly fashion, that's my job and that's why I'm sitting here and that's all I'm trying
900 to achieve.

901 **Ms. Dodge:** "(***) job."
902

903 **Mayor Deaton:** "This is not a show."
904

905 **Voice from audience:** "We put you there, we can take you out."
906

907 **Mayor Deaton:** "Yes, sir, you probably can."
908

909 **Voice from audience:** "We will."
910

911 **Ms. Dodge:** "And the sooner the better, sir."
912

913 **Mayor Deaton:** "OK, well any more public comments? Yes ma'am."
914

915 **Debra Herrmann, 11 North Cedar Drive:** This isn't going to be popular with the
916 public but Mr. Mayor is right, this is a time for us to make comments to the Council
917 and my comment is, is thank you very much for the development down Surfside
918 Drive, it looks so good. As far as the pier goes I pretty much agree with most of the
919 comments that have been made tonight. I would like to see the Town take the pier
920 and develop it for public use, raise the restaurant, make a nice vision, a deck where
921 we can go and use it for events. Forget the money, do something that's going to
922 enhance the Town and be a place where the public can go and meet and have some
923 fun and be in a safe environment. I think that would be a great thing to do down
924 there. The other thing is, my mind went blank, oh, and so far as Councilmembers
925 meeting with people? There is nothing illegal about that but the appearance of
926 impropriety is so important, so, if these Councilmembers that met with somebody or
927 did not meet with somebody don't . . . go to a restaurant and have a drink with them
928 or buy lunch for them but just remember that the appearance of impropriety is so
929

930 important when you're a public official and we really do appreciate what you do; it's
931 a very difficult job and thank you."
932

933 **10. COUNCIL COMMENTS**

934 *Ms. Blair:* "Thank you to Ms. Herrmann for those kind comments. Ms. Bullard, and
935 thank you to your group for all that you continue to do on a positive note year after
936 year and it is very much appreciated. To Ms. Ellis and her efforts with the new pet
937 fair; it's always good to be able to add another event to our calendar and I want to
938 thank her there was a mini crisis kind of at the last minute with this and she came
939 through with flying colors and while doing so actually cemented a relationship with
940 one of our local business that being ARC animal hospital and Dr. Maveris and her
941 crew and now they're ready to support us in that festival every year and we don't
942 have to go out and try to find a vet to partner with us and that's what makes a
943 successful event is that we can gain and mature and grow successful partnerships and
944 especially within Town and so we thank you for that and I was down there that day it
945 was a beautiful day and lots of great pets and lots of great people and vendors we
946 hope will come back. One other thank you before my final comment to Chief
947 Frederick, I had a call from a resident a week or so ago and a young man who was
948 very concerned because there was an injured duck in the road. I can remember . . .
949 and he didn't know what to do, he was afraid that if it stayed in the road, it appeared
950 to have an injured foot, it would be fatally wounded or fatally injured and I had,
951 within a building that the call did not ring when I got outside the building I had the
952 message and by the time I had called him back the police department had already
953 responded and they had responded in a positive way, they hadn't come with the
954 intention of putting the duck out of its misery or carting it off to somewhere that help
955 was not available. They came with a box with the intention of taking it to ARC, to the
956 NOAH program and asking if there was any way they could help it and save it. I can
957 remember when our police did not respond so favorably to animal calls. I actually
958 had one of the large swans land in my yard and when I called for help I was told call
959 County Animal Control, we can't do anything. Now that's been several years ago,
960 prior to Chief Frederick being with us and I actually did get a friend from Myrtle
961 Beach Animal Control to come help me relocate that swan so it feels good to know
962 that they're ready to respond to any call and to respond in a positive way and to help
963 us in way they can, so, I don't know which officer responded but I know you had a
964 very happy resident and his family to know that, even though as more people
965 appeared it kind of spooked the duck and he flew but at least he was out of the road
966 so it was a positive outcome anyway so thank you for that. The last thing I want to
967 say and I'm not going to dwell on this; we all know the problems, we're all aware of
968 the embarrassment and the gaffs. The one thing I just wanted to say is; I have a state
969 director who has been a mentor of mine for 20 years and many times when I've found
970 myself in a quandary or kind of afloat with not knowing in which direction to go on
971 an idea or a plan or goal he would always calm me down and say think about it with
972 regard to these three guidelines, before you do anything, do it in the right way, at the
973 right time and for the right reason and if you can meet those three parameters you're
974 probably on a pretty good solid path. I'm not really sure and obviously a lot of our
975 residents feel the same way that we've met those parameters with regard to the pier.
976 I'm not sure we've met any of them and I agree with Ms. Herrmann that the pier was
977 purchased for the Town and for the residents. My opinion was not, was that it was
978 not, it wasn't purchased for our visitors and our tourists and it wasn't purchased for

979 any individuals personal gain or personal achievement; it was purchased to be the
980 focal point of this area; the central venue for events and activities. It should be a
981 symbol of our community, a welcoming symbol to our visitors and our tourists and
982 more importantly especially with the new streetscape as a pathway right up to it
983 should be the heart and soul of Surfside Beach. I don't know what the outcome of
984 Councils' decision is going to be at this point obviously all of the information is still
985 forthcoming, so, I don't know when all that gets here, gets to us and we're ready for
986 that final decision, what's going to happen. All I can say and all I will say and all I
987 hope and pray for is that the future of the pier and our goals for the pier, however we
988 attain them, those goals should be true and our intentions should be honorable and the
989 method that we use to get there should be transparent. Thank you."

990
991 **Mr. Johnson:** "I'm virtually speechless. I've been coming to Surfside Beach Town
992 Council meetings for probably 20 years; served on Council for three years. I want to
993 apologize to the Town residents this evening. While I sat up here and kept my mouth
994 shut, I want to apologize for this fiasco that occurred tonight. This is not what the
995 Town of Surfside Beach is all about; it's about you; it's about me; it's about this
996 Town and somehow, somehow, somewhere things have really gotten
997 discombobulated and sure we've made mistakes, everyone on this Council has made
998 mistakes, everyone sitting out there has made mistakes. We're going to get through
999 this but again, I want to address Councilmembers, I want to address town residents;
1000 we don't need this. We really don't need this and I just ask everyone just to calm
1001 down, let's get through this because we're bigger than this. Thank you."

1002
1003 **Ms. Dodge:** "Oh my gosh. I have to apologize. I'm Irish, you know, and I do have a
1004 teeny bit of a temper and my teeny little temper got the best of me and I apologize to
1005 the people of this Town. My mother would have been ashamed of my behavior but I
1006 did it for the right reasons. The people of this Town need to be able to speak out. I
1007 am tired of people on this dais making faces at people and me when they say
1008 something that isn't appreciated. That isn't the way it should be; it should be an open
1009 forum where people can express their ideas where, I think the people of this Town
1010 have great ideas and if we all work together we can accomplish something. My
1011 speech is messed up. I feel, first of all, I feel that the members of the audience who
1012 did speak, thank you so much, your input is invaluable and I appreciate it. I also want
1013 to say that I feel Mr. Samples, when he was trying to speak early on was treated
1014 unfairly. I don't believe the ruling by the Chair was correct according to Roberts
1015 Rules for Dummies which I have right here and which I have read, it was not, it does
1016 not have to be a two thirds majority, it must be a majority and he did appeal the
1017 decision of the Chair and we didn't have a vote that said he couldn't appeal that. I
1018 want to thank Mr. Stevens for his taking the time to research and advise us on seeking
1019 a surety bond, a performance bond. I'm sure our lawyers would have told us the
1020 same thing but I appreciate a citizen doing that. Ms. Mabry, you asked some really
1021 good questions and I apologize, I am embarrassed that I didn't know enough to ask
1022 some of those questions myself. I thought the lease that was presented to us in
1023 executive session appeared to be acceptable. I want to thank Councilman Samples for
1024 having the foresight to insist upon inserting into the motion to accept the lease the
1025 stipulation that we accept it pending a clear credit and background check; that was
1026 protection from the Town, however, we didn't do what we needed to do which was
1027 check the background and do a credit check. We as Councilmembers and I believe

1028 the position of mayor is considered as a member of Council are not to personally
1029 involve ourselves in the bidding process yet the Chairman was quoted in the Sun
1030 News of April 16th that a failed credit check was not a deal breaker and we don't
1031 know if the applicants have backers or partners and by the way as far as I saw on that
1032 lease, none were listed. I would think they should have been. That indicates that he
1033 was involved and raises a question of ethics and certainly would tend to evoke
1034 distrust of this Council; I know it certainly bothers me very much. Perhaps to avoid
1035 the appearance of any impropriety we, as a Council, should appoint a committee
1036 comprised by members of Council not quoted in the newspaper article of April 16th to
1037 mount an investigation of this particular bidding process for the pier as quickly as
1038 possible. As far as I'm concerned the whole process is tainted, we should stop it now.
1039 Again, I apologize for losing my temper."

1040
1041 **Mr. Smith:** "I've been on Council about 11 months and it's been trying, trying to
1042 find somebody to lease the pier restaurant. I'd like to let everybody know I did have
1043 a meeting with the prospective tenant. We have a lease; it's public; it was voted on
1044 by this Council in a public meeting seven to nothing, so, there were no negotiations it
1045 was just a personal visit to get to know him. There's always been discussion as who
1046 are you leasing it to, well, since we had a lease, it was appropriate for that person to
1047 be available so that we could visit with him and I did that."

1048
1049 **Mr. Samples:** "Mr. Mayor, point of information."

1050
1051 **Mayor Deaton:** "This is his comments sir."

1052
1053 **Mr. Samples:** "That's fine. I wanted to ask a question."

1054
1055 **Mr. Smith:** "I'd appreciate it if you don't interrupt."

1056
1057 **Mayor Deaton:** "Please do not interrupt, you do not have the floor."

1058
1059 **Mr. Samples:** "Certainly."

1060
1061 **Mr. Smith:** "And it is my understanding that if any other Council person wanted to
1062 visit with them they could. It's been a long process, three opportunities to bid, a real
1063 estate agent who has had at least twelve prospective tenants look at that pier
1064 restaurant, half of them were from within the County, half of them outside the
1065 County, they all rejected it because of the amount of work that needed to be done
1066 except for one. This person has offered to fix the restaurant, \$135,000 at no cost to
1067 the Town and then lease it and let me just give you some numbers since it's all very
1068 public. The base offer over 10 years, if he has no revenue at all, is worth \$625,000.
1069 Since there's a percentage of gross in the lease offer, if he has sales of a half a million
1070 dollars over 10 years that would be equal to \$657,500. If he has gross sales of 1
1071 million dollars over 10 years that lease is worth \$690,000 plus the \$135,000 that he
1072 would put in repairs; it's written in the lease; it's part of the lease. Now, if we reject
1073 this lease and the Town decides to spend \$135,000 itself and we want to try to have
1074 the same amount of money at the end of 10 years we would need somebody to pay
1075 over those 9 years \$91,000 a year. Now, the real estate agent has told us that he
1076 doesn't think it's worth more than \$70,000 because that's what we offered it for so

1077 when we reject it and then decide to spend all that money we're looking to ask
1078 somebody to spend money that they are probably are not willing to do it. There's one
1079 person that's interested, not two or three, just one, he's got money, you need to make
1080 a decision, I should say I'm making a decision do I want to have no restaurant or do I
1081 want to have a restaurant with somebody that's got money. So, everybody's been
1082 talking about what they feel like so I'm going to say my little piece too. So my
1083 request to all of you is to go home look in the mirror and contemplate, what's best for
1084 our Town? Keeping in mind that twelve people have looked at it and rejected it
1085 because of the cost to repair it; should we have a restaurant or should we reject the
1086 one and only bid? Since a large percentage of us profess to be Christians I request
1087 that you think of Jesus' message, love thy neighbor. God bless you."

1088
1089 **Mr. Samples:** "Thank you Mr. Mayor and the point of information that I raised to
1090 Mr. Smith had to do with, again, his knowledge of the numbers that were so precise
1091 given that, in fact, before we even had the lease at the initial executive session. I'm
1092 just going to speak plainly, at what I call the first public secret meeting which was,
1093 we've had three of them, we've had three of them on this matter, dealing with, we
1094 don't know who the principals are. We're told that there's an LLC prepared. I would
1095 ask, is there an LLC formed? You're not going to tell me, I understand, well I see,
1096 no, there isn't."

1097
1098 **Mayor Deaton:** According to the letter of intent that we approved unanimously by
1099 this Council there is the assumption that an LLC is being formed; by the letter of
1100 intent that this Council approved unanimously."

1101
1102 **Mr. Samples:** "But the point . . . thank you . . . the point of information.
1103

1104 **Mayor Deaton:** "This is not a debate, sir. I don't want to confuse you of that."
1105

1106 **Mr. Samples:** "I appreciate that. Thank you. The point, the question that I had, had
1107 to do with the forming of the LLC. The question relates to this personal discussion
1108 that Mr. Smith acknowledges that he had . . ."
1109

1110 **Mayor Deaton:** "Sir I want to caution you please do not point out a Councilmember.
1111 It's not a debate. This is time for your comments. Please make comments, not
1112 questions or accusations."
1113

1114 **Mr. Samples:** "As a member of this assembly I am deeply embarrassed and
1115 concerned about the Town Councils' reputation in the Town and it was clear tonight
1116 that many of the Town residents are also. I'm also concerned about the lack of
1117 transparency that has been involved in this process from day one, from day one. I
1118 was called this evening by a business man who is involved in publishing in the
1119 region; who indicated to me that the . . . they had the ethics commissions report and it
1120 was very clear. I understood him to say that a law has been violated except that
1121 because we did not award the contract no law was violated, that it was construed very
1122 narrowly by the ethics commission, ok? That's my understanding; in addition, the
1123 bid that was made, initially, I understand based on that conversation with this
1124 individual was \$110,000 a year. Now you may recall that we were receiving \$74,000
1125 a year under the Cahill lease and now we are being told by an individual, a broker,

1126 who represents this Town, who will be paid upon successful agreement, execution of
1127 the lease, a pretty sum that the best he can do is \$50,000; \$50,000 plus about 50
1128 percent less than what we had been receiving. We're told that that space is in such
1129 bad shape, there isn't any possible, you know, we've had all these people come and
1130 look at it, baloney, I don't believe it, again, I'm going to say that this has been a
1131 tainted process from the beginning. We have discouraged what knowingly or
1132 unknowingly a true competition for that highly desirable space which the taxpayers
1133 own. This is a public asset, public asset. I want to thank all the comments tonight
1134 from the public; some of you for the first time. I've had the pleasure of serving for,
1135 how long? Almost, almost 10 years, maybe 9 years and what motivates me is when
1136 people who live in this Town get up and express the way they feel. Now I understand
1137 that sometimes it looks dirty, sometimes it's ugly in the paper or the media, it looks
1138 that way but, you know what? Sometimes we have earned that and if we would
1139 conduct business openly; if we would answer the public's questions; if we would
1140 involve the public in the process instead of pretending like we know better. Listen, I
1141 love this Town, I ain't going nowhere as long as the people will continue to support
1142 us because I believe in supporting the Town. It's the townspeople's' interest, forget
1143 this government stuff that's just and intermediary to keep in . . . in any event, I'm
1144 concerned about the lack of transparency; the inappropriate meetings involving
1145 Councilmembers and the prospective pier restaurant tenant and the apparent, and I'm
1146 going to say it, apparent misrepresentations made to this Council and I'm going to
1147 describe what I mean by that. We were called to vote in a special meeting the 15th,
1148 April 15th, I think I'm correct when I say that. Not once were we advised, not only of
1149 the financial issues but, in fact, we were advised in previous meetings that this was a
1150 successful restaurateur. Well that may be so, that may be so, but the record, the track
1151 record that I'm aware of doesn't support that claim, that claim. The only thing I
1152 know is what I've read in the newspaper or frankly read on the blogs or heard people
1153 call and say the rumors because of a lack of transparency. One thing I will commend
1154 Mr. Moss, he was very clear, he could vouch for the written words of the lease but he
1155 was not vouching for the backer, the people. The official and unofficial secrecy, the
1156 backdoor manner that some on this Council seemed to be a part of violates the trust of
1157 the people of Surfside Beach and what you deserve and, Mr. Mayor, I can assure you
1158 that I plan on making a motion to rescind the award of this lease and if it dies of a
1159 lack of a second, there won't be a vote but that is clearly my intention, is to get it
1160 back on the table. I don't like it being vacant but I like what Councilwoman Blair
1161 said about it being a Town property, something that we operated but it requires public
1162 input; it requires public input and we haven't gone there. Mayor Pro Tem Childs, I
1163 hope will express his thinking for his meeting yesterday. Thank you."

1164
1165 **Mayor Deaton:** "First of all according to State law as long as there's not a quorum of
1166 four members that does not constitute a public meeting. Council meetings and
1167 Councilmembers in the past, including Mr. Samples, have held meetings at social
1168 gatherings and I've cautioned them for the entire time I've been the mayor if there is
1169 a quorum present please do not discuss Town business, period, so, there has been no
1170 violation here, there's been no scheduled meetings that I know of. I have attended
1171 none but the fact is there is no violation here, ladies and gentlemen, this is an
1172 accusation that is unfair, it is unfounded and it is inappropriate. Mr. Childs would
1173 you like to speak?"

1174

1175 **Mr. Childs:** “Mr. Mayor, thank you. Let’s just bring this down a notch. My wife,
1176 underlined, my wife and I and Mr. Smith and his wife were invited by Town hall to
1177 meet the, what might be the tenants for the restaurant. The seven of us have already
1178 agreed on a lease. We weren’t there to discuss the lease; not a bit; it was never
1179 discussed. What would you cook, have you cooked? There were questions like that
1180 and the reason that it was only two at a time is like the mayor just stated, you cannot
1181 have four members in because it becomes a quorum and then you’re doing business.
1182 Every member up here was invited to do the same thing. It just happened to be that
1183 our time slot was available. There was no meeting of any kind and like I say we were
1184 . . .”

1185
1186 People in the audience making comments were being interruptive to Mr. Child.

1187
1188 **Mr. Childs:** “Mr. Mayor could we have . . .”

1189
1190 **Mayor Deaton:** “Please, ladies and gentlemen, we’ll respect your position if you’ll
1191 respect his.”

1192
1193 **Mr. Childs:** “We have only one individual that evidently wants the restaurant and
1194 he’s offered to pay \$135,000; I think it’s going to be more like \$200,000. Now some
1195 want to have the Town pay it as opposed to having them pay it. If something would
1196 happen and they got in there and went out of business the \$200,000 or whatever they
1197 paid to renovate it stays with the Town; it’s ours, we don’t have to pay for it and I just
1198 don’t see a thing wrong with that. We don’t have anybody else bidding on it. You
1199 know there’s a young couple they seemed to be very nice people and since there are
1200 people on the Council that are going to vote on personalities and not of business of
1201 the Town and what’s good for the Town, I thought maybe, as part of checking their
1202 credit and their background if they had an illegal background, I might as well see
1203 what their personalities like since that’s what we’re going to be voting on. Do we
1204 like them? Not how much money they’re going to put in it and that’s the only reason
1205 for the meeting. There was nothing discussed. The seven of us have already agreed
1206 on the lease; we were . . . there was nobody else there. There’s no other parties that
1207 would say well, you did something illegal, you know, we weren’t in on the same . . .
1208 that was it, there was nobody; they’re the only ones. We couldn’t change anything
1209 and as far as I’m . . . even now I see nothing wrong with it, everybody was invited,
1210 our wives went with us to meet them. How are you? Where are you from? What are
1211 you going to cook? This, that, nothing was discussed about the lease, whatsoever.
1212 Thank you Mr. Mayor.”

1213
1214 **Mayor Deaton:** “And usually I don’t do this but there’s been a very vocal small
1215 group of people that are very media savvy and they have been inundating the media
1216 with information and e-mails. I had a chance and spoke with the gentleman that
1217 wrote the article that was quoted by some gentleman in the audience earlier. I said
1218 did you research the minutes yourself and he said, ‘no, they were e-mailed to me and
1219 highlighted’. So, this is a typical . . . be willing to speak with the media and see if
1220 they get a lot of e-mails or a lot of telephone calls from the residents of Surfside
1221 Beach and who those people are, because, you know, no drama’s coming from up
1222 here ladies and gentlemen; we’re trying to just be business; we’re trying to run a
1223 business meeting, period, and at some times it can be very difficult and I’ll have to

1224 admit tonight was one of the most trying times that I've experienced and I've run a lot
1225 of meeting in a lot of organizations and it's difficult; very difficult. At this time I'd
1226 entertain a motion to that we go into executive session for FOIA 30-4-70 for the
1227 appointment of the Accommodations Tax Committee and the Board of Zoning
1228 Appeals."

1229
1230 Mr. Smith made a motion to go into executive session. Mr. Childs seconded the
1231 motion. **All voted in favor. MOTION CARRIED.**

1232
1233 **11. EXECUTIVE SESSION**

1234
1235 Mr. Smith made a motion to go back into general session. Mr. Childs seconded the
1236 motion. **All voted in favor. MOTION CARRIED.**

1237
1238 Mr. Johnson made a motion to appoint Phil Murdock and Anthony Daniels to the
1239 Accommodations Tax Committee. Mr. Childs seconded the motion. **All voted in**
1240 **favor. MOTION CARRIED.**

1241
1242 **12. ADJOURNMENT**

1243 Mr. Smith made a motion to adjourn. Ms. Blair seconded the motion. **All present**
1244 **voted in favor. MOTION CARRIED.** The meeting was adjourned at 8:36 PM.

1245
1246 Approved: May 10, 2011

1247
1248
1249 _____
1250 Sharon Pinnell, Town Clerk
1251

1252
1253
1254 _____
1255 K. Allen Deaton, Mayor

1256
1257
1258 _____
1259 Roderick E. Smith, Town Council

1260 Vicki W. Blair, Town Council

1261
1262 _____
1263 Ann Dodge, Town Council

1264
1265 _____
1266 Douglas F. Samples, Town Council

1267
1268 _____
1269 Mark L Johnson, Town Council

1270 Robert F. Childs, III, Mayor Pro Tempore

1271
1272
1273 **Clerk's Note:** This document constitutes minutes of the meeting, which was audio taped. This meeting was transcribed by Clerk Pinnell.
1274 In accordance with FOIA, meeting notice and the agenda were faxed and/or emailed to local media and interested parties. A complete
1275 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
1276 area. Meeting notice was also posted on the Town marquee. When (***) is used a section of the transcription is inaudible.