



TOWN OF SURFSIDE BEACH ♦ TOWN COUNCIL CHAMBERS
January 13, 2009 ♦ 6:30 P.M.

TOWN COUNCIL MEETING MINUTES

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1. **CALL TO ORDER**

Mayor Deaton called the meeting to order at 6:30 p.m. and welcomed everyone to the Town of Surfside Beach adding that this was a business meeting and that it would be conducted in that manner. Mayor Deaton, Mayor Pro Tem Truett and Councilmembers Blair, Johnson, Samples and Childs were present. Councilman Martin was absent due to illness. A quorum was present. Staff present: Administrator Booth; Clerk Pinnell and Police Chief Christenson. Attorney Mr. Smith was also present.

2. **INVOCATION and PLEDGE OF ALLEGIANCE.**

Councilman Samples said the invocation and Mayor Deaton led the pledge of allegiance.

3. **AGENDA APPROVAL**

Mr. Truett made a motion to approve the agenda as submitted. Mr. Johnson seconded the motion. **All voted in favor. MOTION CARRIED.**

4. **MINUTES APPROVAL**

Mr. Truett made a motion to approve the regular meeting minutes from December 9th, 2008. Mr. Samples seconded the motion. **All voted in favor. MOTION CARRIED.**

5. **PUBLIC COMMENTS – Agenda Items only**

John Corcoran, 411 Highway 17 South: “I own Surfside Wrecker and I would appreciate any help you could give us on this first reading of the towing ordinance. We need some help because we aren’t making the money that these people think we do. Thank you.”

6. **COMMUNICATIONS**

Mr. Booth reported that he was a granddad again and presented a photo.

A. Building Planning & Zoning Report

Mr. Booth stated that there are very few building permits and only a total of 18 have been reported in the County for the month of December adding that business has come to a stop. Mr. Booth reported that the town is losing many of their small businesses adding that a lot of the town’s restaurants are closing and that he hopes this turns around soon.

B. Public Safety Report

Mr. Booth reported that as everything slows down so has the business of public safety. Mr. Booth stated that the fire station, however, has been busy with out of town fire calls. Mr. Booth stated that this is a slow period and should probably remain a slow period for the next two or three months.

C. Administrator’s Report

Presentation of Updates on Town Projects

Mr. Booth presented slides. Mr. Booth reported that *sand fencing* paid for by the Corp of Engineers has been installed on the beaches. It was installed to help build dunes. Mr. Booth reported that they have been working on the pier and plan on

52 painting soon. Mr. Booth reported that they are half way through the dredging of
53 Floral Lake and it is going well adding that there have been only a few complaints on
54 the entire project. Mr. Booth reported that the previous sludge dredged had turned
55 into topsoil and they have had quite a few requests for this topsoil. Mr. Booth stated
56 that it would soon be offered to the public. Mr. Booth reported that Floral Lake
57 contained mostly sand and proceeded to show some photos of golf balls and softballs
58 that were pulled from the lake. Mr. Booth reported that environmental bags were
59 placed on the 14th Avenue project adding that the County has looked at this project.
60 Mr. Booth reported that the County wants the town to go out for bid on the Dogwood
61 Lake barrier project to use these enviro bags since they are paying 70 percent of the
62 cost of that project and since the towns previous bids on this barrier came in at
63 \$150,000 and above, the County feels that the enviro bags would come in around
64 \$100,000. Mr. Booth stated that these enviro bags work great and look very natural.
65 Mr. Booth reported that the gazebo will be installed on 14th soon; it was delayed due
66 to the rain.

67
68 Mr. Booth reported that the Astro Hotel has recently been taken down.
69

70 *Employment Manual*

71 Mr. Booth stated that he had distributed changes to the employee manual to Council
72 and it includes the items discussed at the budget workshop. Mr. Booth reported that
73 the sick leave and vacation would be combined and would be used as personal time
74 and it also does away with award time and floating holidays. Mr. Booth stated that
75 he feels that this would allow the employees to manage their time better. Mr. Booth
76 reported that the savings to the town would be approximately 3,200 man-hours. Mr.
77 Booth stated that comp time would go from 24 hours to 48 hours and two additional
78 holidays would also be added and the floating holiday removed; the added holidays
79 would be Good Friday and Veteran's Day. Mr. Booth instructed Council to call him
80 with any questions they may have on the manual. Mr. Johnson asked what the
81 response from the Department Heads was on this. Mr. Booth stated that they all
82 approved adding that a huge benefit is not being given to the employees as compared
83 to what the County currently receives. The difference is if the employee has between
84 one and five years they get 160 hours of total time and the County that uses the same
85 system gets 210 hours for one to five years. Mr. Samples asked if Mr. Booth could
86 update Council on the Fire Station proposal.

87 88 *Fire Station*

89 Mr. Booth stated that the newspaper article on the fire department was a little
90 premature and went on to explain that this was part of the zero based budget and the
91 fact is that the town's fire department is making a lot of calls out into the County.
92 Mr. Booth reported that he had a meeting with the town's Fire Chief, Public Safety
93 Director and the County's Fire Chief and the County Commissioner. It was agreed
94 that there is a mutual aid agreement in place but that Surfside Beach is the County's
95 first responders in the area this side of Business 17. The town has made some 170
96 calls in that area. Mr. Booth reported that the town is paying a considerable amount
97 of money to service these calls and that the town gets no money from the County for
98 this. Mr. Booth reported that this area is covered by 16 mills of property tax in
99 Horry County that pays for the fire district adding that this is more than what the
100 Surfside Beach Fire Department gets. Mr. Booth reported that the County's proposal

101 was to take over the entire fire operation and lease back the new building. Mr. Booth
102 stated that after doing just a cursory cost-benefit-analysis, at best, it would break-
103 even and that he would need to do a more detailed analysis to make sure that he
104 does not underestimate the impact on the town. Mr. Booth stated that unless there
105 was a real interest from the Council he would rather not pursue it; what he would
106 like to do is go into negotiations with the County adding that the County
107 Administrator is very concerned after reading the article that appeared in the
108 newspaper that the town is going to “pull the plug on them”. Mr. Booth stated that
109 the fact is that the response time would go up greatly and that he would like
110 permission to go into negotiations with the County adding that the average contract
111 with the other communities taking over areas was approximately \$200,000 and he
112 would accept this amount; it would allow the town to hire a few firemen and to pay
113 for equipment. Mr. Childs made a motion to direct the town Administrator, the
114 Mayor and Councilman Samples to negotiate a fair reimbursement compensation
115 package whereby Horry County repays the Surfside Beach Fire Department for any
116 call response outside of the town limits and to bring it back to Council for final
117 approval. Mr. Truett seconded the motion. **All voted in favor. MOTION**
118 **CARRIED.**

119
120 Mr. Samples asked for the status of the procurement of the Fire Station. Mr. Booth
121 reported that he would be picking up the books from the architect on Friday (January
122 16, 2009) and would make sure that the council received them by Monday (January
123 19, 2009). Mr. Booth stated that once council reviews the plans it would then go out
124 for bid and then Council would get the bids to approve or disapprove. Mr. Booth
125 reported that there are “green” aspects designed into the plans; it is not an entirely
126 “green” building because that would not be cost efficient but it would contain many
127 other features.

128
129 *Rapid Response Fire Vehicle*

130 Mr. Booth stated that council has received the information on the truck and went on
131 to explain that this vehicle was a smaller vehicle and that they are being used in
132 Florida. The cost is under \$100,000 and the payback would be in a year and a half.
133 Mr. Booth reported that the vehicle is more maneuverable and it gets 12 miles to the
134 gallon, it holds 300 gallons and it carries all the necessary equipment. Mr. Booth
135 stated that most of the fire calls received are medical calls where a large vehicle is
136 not needed. Mr. Booth stated that the large vehicles also require a lot of
137 maintenance. Mr. Booth stated that he would like to purchase this vehicle this year
138 since there are funds saved from the budget, some from gas and some from
139 employment. Mr. Booth stated that council would see it prior to the town purchasing
140 it. Mr. Booth stated that he would bring it forward at a future meeting and since it is
141 a State bid he would not have to go out for bid. He will bring it forward for
142 permission in the form of a resolution.

143
144 *Retreat Cost for Pinopolis Budget*

145 Mr. Booth stated that he has been asked by a number of people as to the cost of the
146 budget retreat. Mr. Booth reported that he has not been delaying giving this
147 information but he had not received the Pinopolis bill until two weeks ago and was
148 also awaiting for some travel reimbursement information. Mr. Booth reported that
149 the total cost was \$1,400.00 adding that he has gone places where \$1,400 was spent

150 per person. Mr. Booth reported that he feels that \$1,400 for the group was a small
151 amount and the cost benefit analysis was that cuts ranging up to \$300,000 were
152 reviewed so to spend \$1,400 to get \$300,000 in cuts “was a real savings”. Mr. Booth
153 stated that this also gave some cohesiveness to staff and a new council. Mr. Booth
154 stated that people carpoled and it cost \$25 per night and the meals were very
155 inexpensive as well. Mr. Booth stated that there was no cost for him.

156
157 *Façade Grant*

158 Mr. Booth stated that the Beautification Committee is requesting to bring an
159 ordinance forward to council that pertains to façade grants. This would allow a
160 business to apply for a matching grant from the town to beautify their façade. Mr.
161 Booth stated that rather than putting an ordinance in place that forces businesses to
162 do something it would be better to participate in what they are doing adding that it is
163 a very lean time out there and would like to see the town partner with the local
164 businesses to do façade grants. Mr. Booth stated that a business would apply and
165 then it would go before the committee to get approval. The grant would be under
166 \$5,000 and no one would need to go out for bid. Mr. Booth stated that if there was
167 no objection he would put together an ordinance to present to council in the near
168 future adding that many other towns do this for their businesses. Mr. Johnson stated
169 that he does have some concerns regarding this but will wait until something is
170 presented to council.

171
172 Mr. Booth reported that the Mayor will be heading to Washington DC in a few days
173 and one of the items he will address is to get a request for the infrastructure funds
174 that the new President may push forward. Mr. Booth stated that he has called the
175 Corp of Engineers to find out what types of projects are being funded. Mr. Booth
176 stated that the projects that are being considered are stormwater and outfall projects,
177 which may happen sooner than anticipated. Mr. Booth stated that the town would
178 like to replace their civic center and that it would now be called a senior center since
179 most seniors use it; he would be applying for a senior wellness center. Mr. Booth
180 stated that he would be applying for saltwater fishing enhancement adding that funds
181 are going towards one in Georgetown and that these funds would increase the size of
182 the Surfside Beach pier and would be constructed to allow more fishing adding that
183 this would be a 1.5 million dollar project. Mr. Booth stated that the total that they
184 would be applying for is approximately 15 million dollars adding that this should
185 help the economy and the town. Mayor Deaton stated that the Washington trip is the
186 United States Mayors conference and that he would be leaving that Thursday and
187 returning the following Monday adding that it is a good event that will benefit the
188 community.

189
190 **7. BUSINESS**

191 **A. *First Reading: #09-0648 Towing Fees Ordinance***

192 Mr. Booth reported that councilman Childs had requested that this ordinance be
193 presented again. It was brought up previously and is now being revisited. Mr. Booth
194 stated that the tow fees in question pertain to police calls for towing. Mr. Childs
195 made a motion to adopt the first reading of ordinance #09-0648 as presented. Mr.
196 Samples seconded the motion. Mr. Johnson asked for clarification. It was
197 confirmed that the towing fees applied to only police generated calls. Mr. Childs

198 stated that he feels that this is more of a consumer protection ordinance; the fees are
199 set and in line with other jurisdictions. Mr. Johnson stated that he feels that council
200 did not have all of the information the first time that this was presented and Mr.
201 Childs stated that he agreed and that is why he requested that it be brought back. **All**
202 **voted in favor. MOTION CARRIED.**

203 **B. *First Reading: #09-0649 Local Accommodations Taxes***

204 Mr. Booth stated that this is just a clean up on an ordinance adding that there was no
205 specifications added to the 5 percent penalty and it now places it in line with other
206 communities and the State Law. Mr. Johnson made a motion to adopt the change to
207 the ordinance as presented. Mr. Truett seconded the motion. Mr. Samples asked if
208 the town was having a problem collecting. Mr. Booth answered “no”. **All voted in**
209 **favor. MOTION CARRIED.**

210 **C. *First Reading: #09-0650 Appointment of Jury Commissioners***

211 Mr. Booth stated that this ordinance is out of date and is no longer applicable.
212 Mr. Truett made a motion to approve the ordinance. Ms. Blair seconded the motion.
213 **All voted in favor. MOTION CARRIED.**

214 **D. *First Reading: #09-0651 Infraction Ordinance***

215 Mr. Booth stated that this goes along with the smoking ordinance and as directed by
216 the Supreme Court the town needs to have two tiers with one being infractions and
217 that the town needs to put in place an ordinance in order to charge individuals under
218 the infractions for smoking and other civil offenses such as parking. Mr. Samples
219 made a motion to adopt ordinance as presented. Mr. Johnson seconded the motion.
220 Mr. Samples asked Mr. Smith if this ordinance is adopted does the town have any
221 recourse if an individual fails to abide by the civil penalties provided under this
222 ordinance. Mr. Smith answered “yes” explaining that each individual civil violation
223 incurred where one failed to appear would then become a “failure to appear” which
224 would be considered a criminal offense. Mr. Samples asked if this included parking
225 tickets. Mr. Booth stated that a resident of the State who failed to pay their ticket
226 would be charged through their income tax return and Mr. Smith stated that if an
227 individual showed up in court and refused to pay, the town could impound their car
228 or an unpaid parking ticket could very well come to pass explaining that most
229 municipalities have limited jurisdiction and the long arm of the law does not reach as
230 far. Mr. Samples stated that he understands that if an ordinance is violated and the
231 individual fails to abide by the rules under the administrative procedure, which has
232 been established and is separate than the infraction, it can be criminalized. There
233 was some additional discussion as to how the town could hold individual who
234 commit infractions and do not pay accountable. Mr. Smith stated that the town
235 cannot impose an incarceration on a parking ticket adding that a judge can always
236 hold someone in contempt of court and told Mr. Samples that he would look into this
237 further and work to “button that up”. **All voted in favor. MOTION CARRIED.**

238 **E. *First Reading: #09-0652 Infractions Officer***

239 Mr. Booth stated that the Administrator cannot be the infractions officer; someone
240 from the public would need to be appointed. Mr. Smith stated that infractions have
241 been around a long time; they came into Surfside Beach with the smoking ban

242 ordinance and it was ruled by the Supreme Court that if the town's smoking ban was
243 violated an individual would be held liable for an infraction. Mr. Smith stated that
244 someone would need to be available to hear these cases. These cases cannot be
245 heard by a municipal judge; a municipal judge has criminal jurisdiction and does not
246 have civil jurisdiction. Mr. Smith stated that the municipal judge, Judge Blanton, in
247 Surfside Beach is a magistrate so therefore he has both civil and criminal
248 jurisdiction; he can hear both types of cases. Mr. Smith stated that Judge Blanton
249 can hear the infractions cases. Mr. Smith stated that Judge Blanton, as a magistrate,
250 reports through court administration in Columbia and their fines all have assessments
251 assigned by the State court level and if Judge Blanton were to hear an infractions
252 case and if Judge Blanton decided not to impose a fine or waive it for an individual
253 then assessments would need to come out of Surfside Beach funds to pay Columbia
254 assessments. Mr. Smith continued to explain that if the town charged an individual
255 with an offense who was then not fined, funds would then come out of the town's
256 budget for the assessments to go towards court administration. Mr. Smith stated that
257 he feels that it is very important for the town to have a separate infractions officer to
258 hear infractions. Mr. Truett made a motion to adopt the first reading of the ordinance
259 as presented. Mr. Samples seconded the motion. Mr. Samples stated that the
260 ordinance would need to be corrected to replace the phrase town manager. Mr.
261 Smith agreed to make a few other corrections to the document. Mr. Samples asked if
262 the City of Myrtle Beach is currently operating under an administrative court. Mr.
263 Smith stated that the City of Myrtle Beach has not yet selected an infractions hearing
264 officer adding that this individual needs to be someone who would have the proper
265 personality and demeanor and someone who knows enough about law to understand
266 how to run a hearing and render a verdict. The individual would also need to know
267 how to prepare an order. Mr. Smith added that this position might not be a full time
268 position. Mr. Truett asked if an infraction officer was not found would Judge
269 Blanton qualify. Mr. Smith answered that he would. Mr. Smith stated that Judge
270 Blanton could serve as an infractions officer if he understood that he was neither
271 acting as a magistrate or a municipal judge but in the capacity of an infractions
272 officer on particular days to hear these infractions cases but advised that this would
273 need to be confirmed with Judge Blanton in case he was imposed some kind of
274 constraint by court administration. Mr. Truett stated that it seems like Judge Blanton
275 could do this since it would not be a full time job. Ms. Blair stated that she just saw
276 the position in Myrtle Beach being advertised the previous weekend in the Sun News
277 and it was not a full time position. **All voted in favor. MOTION CARRIED.**

278 F. *Moratorium on Cutting of Trees*

279 Mr. Booth stated that there have been many concerns on when and where trees are
280 being cut adding that there seems to be more concern regarding replacing a tree that
281 has been cut down. Mr. Booth stated that the current ordinance states that only 50
282 percent of a tree needs to be replaced and believes it started out as a 100 percent
283 replacement. Mr. Booth stated that council had requested to place a moratorium on
284 cutting trees until the ordinance can be reviewed. Mr. Truett made a motion to place
285 a moratorium on tree cutting for 30 days in order for staff to bring back changes in
286 the ordinance. Mr. Childs seconded the motion. Mr. Samples stated that council has
287 been talking about this for quite some time and would fully expect staff to return a
288 proposed ordinance which is enforceable and believes that staff fully understands the
289 intent adding that in the future, it is his personal view, that any actions of concern

290 regarding trees will be staffs responsibility. Mr. Samples stated that council knew
291 what they adopted the first time and there was no reason that some of those Cypress
292 trees came down; it was poor administration in his opinion. Mr. Johnson stated that
293 he strongly agrees with Mr. Samples adding that one of the biggest problems is that
294 some trees are allowed to be cut down and should not be allowed to be cut down for
295 the reasons that were given. He would like staff to look at that portion of the
296 ordinance and make all necessary changes. Mr. Johnson questioned the moratorium
297 being placed adding that it seems rather vague; it states that no one can prune trees
298 and asked to what extent would this be an enforcement issue adding that he would
299 like to see some guidelines placed on the moratorium. Mr. Childs stated that he does
300 not feel that it will take 30 days and if staff understands the urgency it could be
301 cleared up in two weeks. Mr. Booth stated that one of the other problems is that the
302 town has small lots and people put large homes on these lots and under the current
303 zoning if you put a large house on a small lot all the trees are cut down adding that
304 some of the lots have large old oaks and he knows of some communities in Florida
305 where if there is a large oak on a lot a house must be built around it. Mr. Booth
306 stated that these are some of the things they need to look at and they also need to
307 look at replacing trees that are cut down. Mr. Booth stated that he does not think that
308 we can stop someone from cutting down trees in their lot to build but they could
309 make them put trees somewhere else or pay a price adding that there are many places
310 that the town needs trees like Ocean Boulevard. Mayor Deaton stated that we are at
311 a point where the town is losing trees with no restitution and the town is looking for
312 time to put an ordinance in place that is enforceable. Mayor Deaton added that this
313 February is an opportune time to place a moratorium. Mr. Johnson asked how the
314 town would determine who could trim or prune a tree. Mr. Booth stated that there is
315 a moratorium and no one will be allowed to trim during this period adding that he
316 does not have 1,000 eyes out there but now has someone out looking on the
317 weekends. Mr. Booth stated that they would try to do their best but they would also
318 be dependant on the public calling in to report tree cuttings. Mr. Booth related it to
319 the police not being able to catch every speeder that is out on the roads. Clerk
320 Pinnell read the Resolution for the moratorium that is on file. **All voted in favor.**
321 **MOTION CARRIED.** Mr. Booth stated that it would be staffs top priority to get an
322 ordinance to council in two weeks.

323 G. Mayor Deaton stated that the Myrtle Beach Chamber of commerce will be taking
324 five of the Surfside Beach Town council members to Washington DC on January
325 27th therefore not leaving a quorum for the council meeting scheduled for that night
326 so council would need to move the date of their meeting to the 26th of January. Mr.
327 Truett made a motion to move the meeting from the 27th of January to the 26th. Mr.
328 Samples seconded the motion. **All voted in favor. MOTION CARRIED.**

329
330 **8. DISCUSSION**

331 Mr. Samples stated that in 1983 Ronald Reagan made Martin Luther King Day a Federal
332 holiday and that was 26 years ago. Governor Hodges in 2000 made it a paid State
333 Holiday for employees and in 2006 the City of Myrtle Beach adopted Martin Luther
334 King Day as a paid holiday. Mr. Samples stated that here we are in 2009 and being that
335 Surfside is the family beach he made a motion to adopt Martin Luther King Day as a
336 paid holiday in the Town of Surfside Beach. It was determined that this would take
337 effect immediately. Mr. Childs seconded the motion. Mr. Johnson asked if this would

338 have an effect on the town with such short notice and what would be the cost, if any, to
339 the town if this were to pass. Mr. Booth stated that business is slow this time of year and
340 the business of the town would still go on and there would probably be no real financial
341 cost. Ms. Blair asked if this was a sanitation pick-up day and Mr. Booth confirmed that
342 sanitation would still pick up on that day. It was confirmed that the town usually picks
343 up on Holidays except for Christmas. **All voted in favor. MOTION CARRIED.** Mr.
344 Booth stated that he would add this to the manual to be presented in two weeks.
345

346 **9. PUBLIC COMMENTS**

347 *Ken Harbin, 326 South Willow:* “I wanted to remind council that, as a representative
348 from the stormwater committee that we’re planning to host . . . the stormwater
349 committee along with the Waccamaw Educational Stormwater Consortium is planning a
350 workshop prior to your council meeting in February, on the 24th, it will be from 3:30 to
351 5:30. The stormwater committee is trying very desparately to initiate educational
352 programs; this will be the first of that. I wanted to, again, invite you, specifically as well
353 as having some of the public here. We hope to publicize it, we hope to have more
354 people here than just council, certainly more than just stormwater and hopefully the
355 administrator will see fit to send staff as well. Tonight we have talked about or you have
356 talked about four things that effect or are effected by stormwater; that being trees,
357 whether it be roots that hold a bank system in place, whether it be a Cypress tree that
358 absorbs water, outfalls that we know we have to address in the future as far as how we
359 are going to treat our stormwater before it goes into the ocean and we all know what
360 livelihood we depend on from there. The dredging program that we’ve had and the
361 benefit we will have from it and the maintenance that we will continue from it. The
362 biosocks that we placed at Magnolia which not only is less money and more attractive
363 than a bulkhead, it is also functional where a bulkhead is not, so, we’re discussing
364 stormwater more and more. We need to understand it more so hopefully this will be the
365 start of the community education but it will be the 24th at 3:30, again, not only for
366 council but for the public as well as staff.”
367

368 *Ray Kawa, 3rd Avenue North:* “I’ve been a part of emergency services for 27 years of
369 my life so I’m not insensitive to protecting of life and property. One thing I will ask you
370 to do when you talk to the County about the reimbursement for the first response is,
371 we’re offering the people who live in the County close to us, services of our fire, I’ve
372 seen our police backup Horry County going into Caropines and Deerfield. We’re
373 picking up trash in Caropines for 18 dollars more a year than I pay as a resident of this
374 town and I think that’s wrong. If these people want our services I think maybe you
375 should talk to their Home Owners Association and have them consider annexing into
376 town. To me that’s the fair thing, I mean, I pay 44 mills versus they’re paying nothing
377 and these people are reaping the benefits of what I pay taxes for, I think that’s wrong.
378 The second thing, I want to ask you about is, this tree ordinance that you just came up
379 with, if there is a dead limb over a piece of property right now are you telling me
380 somebody can’t cut that down to protect their property? If so, are you going to accept
381 the liability?
382

383 Mayor Deaton stated that council cannot answer questions during public comments.
384

385 Mr. Kowa: “Please consider that, I mean, there’s some things for a moratorium and not,
386 and the last thing . . . I heard you say something about there’s some money that may

387 become available for saltwater fishing enhancement; the pier is a great idea but one thing
388 I noticed after my 33 years in town here is when the County started fixing their
389 stormwater drainage from Caropines and Deerfield and they moved what used to be the
390 watershed over on Scipio this way to the ocean, as they developed that area, DHEC
391 started testing our beaches and our beaches are being more and more polluted after every
392 rainstorm. Taking this outfall out deep into the ocean is not helping the fish situation it's
393 just taking bacteria and shoving it a little farther out into the water. Our fishing has
394 declined here. I would ask you if there's such a thing, I don't know, I haven't done the
395 research on it, but if there's some way we can scrub that water or semi clean that water
396 through some kind of filters before we dump it into the ocean. We never used to have a
397 problem with polluted water because of our town, when they built the big pipes crossing
398 the highway, every rainstorm now, our beaches are polluted, you know, that doesn't help
399 my kids, it doesn't help me. I don't know if you guys use the beach, I spend a lot of
400 time down there swimming and fishing and it's hurt our beach real bad and one last
401 thing on the pier deal, since the beach renourishment, if you noticed that dead lowtide,
402 you can almost walk around the pier. I hope you guys consider shoving that thing out in
403 the ocean a little bit deeper to catch the fish. Thank you."
404

405 *Brian Leonard, 505 Lakeshore Drive off of 5th Avenue North:* " Just real quick about the
406 tree moratorium, I just ask that you expedite the process due to the comments about no
407 building permits or such being able to be pulled. With that being the case that effects
408 my income as a builder/developer here in town; it effects the real estate agents that work
409 for us; it effects fees that come into the town, so, I understand, I don't have any problem
410 with you guys wanting to clean up the ordinance and stuff like that but if someone
411 comes to buy a house from Kirk or I tomorrow and we have to say it's going to take us 6
412 or 7 months now instead of 5 or 6 then it does effect our livelihood and it effects the real
413 estate agents livelihood and so on, so I just ask that you do expedite the process, like I
414 said we don't have any problems with you guys wanting to clean it up and make it
415 better, it works out for everybody. We just ask that you try to expedite it and not be at
416 30 days; the sooner you can do it the better it is for everybody. Thank you."
417

418 *P.L. Mabry, 15th Avenue North:* "In reference to the fire department, responding to calls
419 out of town, if you look back through the records you'll find 15 years ago, we still had
420 the same problem with getting the County to step up to the plate. Well, we basically said
421 'no more' and when we said 'no more' the County finally built a fire station over here on
422 Scipio Lane and also out here on 544. Now that's the only thing the County understands
423 because when we did this, when we said 'no' the insurance companies that provide
424 protection, insurance, for all the people out in the County because they lived in a certain
425 distance from a fire station, well the County has only half done their part. Sure we all
426 pay County taxes but yet we have to stand up and say 'no more', not to be right, but to
427 stop providing for them, but for the County to step up to the plate and man their fire
428 stations in a way that they can provide services for the County and the town, which gets
429 money from the people that live here in town, to provide the services for right here in
430 town. Think about that, consider that, when you're, let's say, negotiating with the
431 County, there's only one thing they understand is when you say 'no.' The news media
432 will pick up on the fact that we're not responding to calls out in the County and the
433 insurance companies that represent people within the County, they will start increasing
434 their rates for their insurance to cover their homes and they will, the County will be
435 getting the phones calls of people demanding their services in the County. Now, I'm not

436 trying to tell you how to do your job, but I will tell you this, it's the only thing the
437 County understands, is when the people are calling them; they either man their fire
438 stations similar or a way that we man ours so that when they make a fist response let
439 them be calling the County. They'll be calling the 911 but they'll be, the County will be
440 accepting that call, not Surfside Beach, of which we're going to pay to go out into the
441 County and provide the service for the County when they should be providing it
442 themselves and that's what I'm going to say on that particular subject.
443

444 If I'm not mistaken, I think that tonight here, you created your own little civil court
445 system. You didn't call it that, you called it an infraction, an infraction is when someone
446 throws a flag on the football field, that's an infraction, but the point is though, these
447 people that you're going to write these infractions out for, you're not going to give them
448 the same. . . you're going to give them an infraction officer here; it's not going to be a
449 civil case, that's really what it's going to be, is a civil court, it's not going to be an
450 infractions case but are these people going to get a jury trial? No, you're going to have
451 some person that you've appointed to say 'yay' or 'nay' and that's about all I'm going to
452 say on that for right now because I don't really know all the little facets that you may
453 know about it, that the public hasn't heard about. The other point here is that when you .
454 . . a recommendation from me and I think you'll hear it from other people that's here
455 tonight, if you're going to have an ordinance and introduce one, could you not read that
456 ordinance to the public that's here? People come up here for information; to see how
457 this business meeting is run and if we can't read the entire ordinance as to what it is,
458 what the infraction is going to be or the penalty that's going to be imposed upon them,
459 fine, whatever, I think that would be a good start to giving out information to the public
460 so that they know what ordinance that you're going to vote on so that you make sure that
461 they understand it so that when you're discussing that ordinance, of which very little
462 goes on, they will be able to understand it also. Thank you very much."
463

464 *Kathy Young, 15th Avenue South:* "You say the police department, things are kind of
465 slow, was mentioned earlier. What I'd like to know is what is being done about all the
466 break-ins that have been going on? My street has been hit probably five times in the past
467 two weeks. People going into cars, stealing, taking things; reports have been done. I
468 think for maybe the past four weeks I have not seen one police officer ride up and down
469 our street in all this time and I'd like to see some of that being looked into. I mean, yeah
470 Surfside, pretty big town, I don't know how many officers you have on duty but if a
471 person can't leave their car unlocked for one night and not have somebody going into it,
472 you know, that's just ridiculous, but, also I know one of my neighbors got hit, they're so
473 flustered with everything in the police department and everything like that, that they
474 didn't even bother to report it. That's just how flustered they are with everything and I'd
475 like to hear something back on this."
476

477 Mayor Deaton instructed Ms. Young to set up a meeting with Public Safety Director
478 Christenson to discuss this.
479

480 *Harry Coleman, 115 7th Avenue South:* "Just to follow up with this, what this lady was
481 just talking about. We have a public safety report and basically it was 'we're doing
482 good', I don't know if you're doing good. We should have something, either put it in
483 your town website or at the meetings here. I want to know how good you're doing. I
484 didn't know there was break-ins happening on her street. There should be some kind of

485 statistics telling us exactly what's going on. This, 'we're doing good', that doesn't
486 wash. I want to know how many robberies we're having, how many grand larcenies are
487 happening, auto thefts are happening, assaults are happening and this should be done on
488 a weekly basis and definitely on a monthly basis. I want to know how Mr. Christenson
489 is really doing. I want to know how you all are doing. It's nice to sit up here and just,
490 everybody agrees to all the ordinances; there's no discussion. Like she said, I've seen
491 the police riding around. It is a slow time, but I'll tell you where the most people are,
492 they're on the beaches. There hasn't been one SUV, four by four, going down that
493 beach since the end of the season; there's tons of people there. You're talking about this
494 smoking ban, well I'll tell you what there's a heck of a lot more dog poop on the beach
495 than are cigarette butts. There are people walking their dogs without being on leashes.
496 There's no cops there to do anything about it. We got to get on top of stuff like this.
497 Quality of life, it means a lot and I'd rather see a cigarette butt from someone smoking
498 on the beach than a pile of dog poop that no ones picking up. You have a great idea, you
499 have poles with garbage bags on so people can pick up their garbage, well, half of those
500 receptacles are empty. Who's in charge of that? Who's taking care of it? Who's fixing
501 it? You have Martin Park, you should just change the name, that should be dog poop
502 park because everyone, they walk their dog, but all they do is stick their dog in the car,
503 they drive them down to the park, they walk them 10 feet, dog does his business and
504 they're off. That's where kids play. You have receptacles for the dog to pick up the
505 stuff but there's no one making sure and it isn't the out-of-towners, believe me, I've seen
506 the people who live here doing it, every single day, so, you're doing a great job, just
507 certain things have to be fine tuned and like I said the public safety report shouldn't be
508 'we're doing a god job'. I want to know how good you're doing. I want to know how
509 you did from this year to last year, to five years ago to ten years ago. It's important. It's
510 important for keeping people in this neighborhood, keeping businesses in this
511 neighborhood and keeping us safe. Thank you."

512
513 *Carolyn Raines-Harbin, 322 South Willow:* "There was a Neighborhood Crime Watch
514 program here last night. It's out there on the marquee and it was an absolutely terrific
515 program and there were six people here. Folks, we got to watch out for each other, not
516 just depend on the police. Thank you all for what you do but we all got to help each
517 other, regardless, and by the way, Captain Arron Miller, that fellow opened my eyes to
518 drug problems that are around that I would never have dreamed that were around here,
519 and other things. If you're made aware of it, you know what to look for, so, come on out
520 folks, you need to come."

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10. COUNCIL COMMENTS

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Mr. Childs: "I'd like to tell the gentleman in the back there, we did have a crime watch meeting last night and we worked with officer Arron and he said that we're going to try to get a newsletter and get that type of information to you that you asked for and we'd like for you to come out and get your neighbors out. We tried this last year and we couldn't get any participation at all and if you can use your influence with your neighbor, let's get together, like the young lady said a minute ago, we only had six people there last night. It's been advertised, maybe we can use your input as to how we can get more people and as far as that dog stuff you're talking about, I'll tell you one thing, I'm on your side on that. That is a real problem and we've got to do something about it and as far as the beach goes, I've asked Director Christenson about having that beach patrolled, now we don't have massive amounts of people in the winter time but we

534 do have enough people, there are dogs not on leashes out there, there's not anybody to
535 tell them that they have to have leashes, you know, so I agree with just about everything
536 you said and something should be done and you're absolutely right."
537

538 *Mr. Samples:* "First, thanks for everybody coming out. I want to tie a few of the
539 comments together. Somebody was talking about, and I apologize, I did not write your
540 name down, about the annexation. Well let me . . . I want to take a minute because this is
541 my view and it relates to the services that we are providing outside of the town which
542 frankly, I do agree with you, we need to focus on the basics, inside this two square mile
543 town. I think over the . . . almost the fifty year history of Surfside Beach, it is what it is
544 because it is small. Our property, quite frankly, east of 17 is more valuable than that
545 west of 17. I want us to be good neighbors but I want you all and the people who live in
546 this 2 square miles to continue to do what you have done, which is run this town through
547 whoever you decide to elect or un-elect. We've got building height restrictions that, you
548 know, you look around the County, it ain't that way in the rest of the County. It is
549 because you have elected people to insure that it remains that way, now, the fact of the
550 matter is when we go into 'negotiations' with the County, one of the reasons I wanted to
551 be part of those negotiations is that I'm afraid that it is the first step towards annexation.
552 I'm just going to lay it right on the table. That land is developed. The roads don't meet
553 State standards, they got stormwater problems and the tax base that they would bring
554 into this is not sufficient. I think, I hope that what we are able to do is to focus, this
555 council is able to get staff to focus on the two square miles. These little problems that
556 we have, I don't care if it's golf carts, dogs, smoking . . . we've adopted that, we need
557 those things enforced, again, want to be good neighbors but there's a limit. We don't
558 want you all going outside of town, frankly. I've criticized when we were picking up
559 trash; that was a surprise to me, I know, I heard it from, I think it was P.L., brought it to
560 my attention, that we were picking trash up outside of town and anyway, we didn't want
561 the moratorium either but this is the last opportunity and that is why I said what I said
562 about holding staff accountable. They know what they . . . they better know what we
563 want because the largest . . . I want to finish, when I said Cypress trees on 8th Avenue
564 South, I know, I lived next door to that tree for 8 years. It was the oldest tree in this
565 town and it's gone and that happened fairly recently and as the Mayor said, we'll never
566 get it back."
567

568 *Mr. Johnson:* "Thank you all for coming out, ladies and gentlemen, this is your town
569 and like everyone said, you do elect us and we don't take this job lightly. As far as the
570 moratorium goes, we need to get something done quickly and I feel certain that we can,
571 despite my opposition to the pruning situation, I do understand that we have to do
572 something and do it quickly because the trees, what few are left, are going to be gone
573 unless we do something, and again, thank you for coming out."
574

575 *Ms. Blair:* "Happy New Year to everyone. I don't know if we said that collectively to
576 you, so on a positive note thank you for being here and I hope that we have a wonderful
577 2009 in Surfside Beach. A quick note on the moratorium, the tree committee that
578 worked on that, the current ordinance, was part of our Planning & Zoning Commission
579 when Mr. Johnson and I were a part of that commission and that committee, I just have
580 to support them, they worked hard, long and hard on that ordinance, and as was said
581 earlier by one of my fellow councilman, we knew what we passed in Planning & Zoning
582 and passed onto council and they know what they passed at the time. On that note we

583 could make that the tightest ordinance ever and unless it's enforced it's just words on
584 paper, so, while I'm all for looking at tweaking and tightening up ordinances, we have to
585 be on the same page with making it happen and making sure that the eyes of the council
586 are out there watching over the ordinances that we enforce and that we get action out of
587 that, so I think we've made that perfectly clear on many occasions and regarding many
588 ordinances and I hope that we're beginning to come to that agreement with everyone,
589 that we've got to tighten up on these things to make this town what you want it to be.
590 Happy New Year. Thank you for being here. Drive safely home."

591
592 *Mr. Truett:* "Talking about the moratorium, all of us got our issue paper last week. This
593 moratorium was scheduled for 6 months and I don't think anybody up here could
594 swallow 6 months or even close to that. We know this is something that has to be done
595 now and has to be expedited quickly. It was something that should have been done
596 months ago but it is what it is, but I think in two weeks we will have this resolved and
597 we're not here to inconvenience you as far as pruning but please bear with us. This is
598 going to be for the betterment of all of us to preserve these trees. Thanks."

599
600 *Mayor Deaton:* "Well, I would just like to make a short comment. What we're doing is
601 we're methodically going through all of our ordinances and that's been the goal of this
602 council, primarily, the majority of this council were elected eight months ago and that's
603 been one of our goals, is to go from the bottom up and go through all of the ordinances
604 and make sure they're conforming; make sure that they're not conflicting and so it may
605 make us sound a little petty at times but that is not our intent, our intent is to make sure
606 that we conform with State statutes and Federal statutes and that our ordinances do not
607 conflict within themselves, so, we're basically . . . Surfside is growing, it's maturing,
608 we're not the same Surfside we were 30 years ago, things are different, it requires a
609 different approach of management and I think we have a different management style as a
610 council, I think it's been very successful. Everyone up here, I assure you, does their
611 homework. There's no lack of interaction, there's no lack of interest in these ordinances
612 or resolutions. I think that as far as our communication, we set up the website and we
613 assure you that any time that you want information individually about a department,
614 please do not hesitate to approach your department heads. We have some great
615 professionals that are running these departments in our fine town here and so please
616 communicate with them. Communication's important and that's been one of our main
617 missions here as a council, is communication and to open up to all those lines of
618 communication, so we do appreciate your views and we do appreciate your participation
619 but please do not hesitate to contact a department head or a councilmember and we'd
620 like to thank you for coming."

621
622 **11. EXECUTIVE SESSION FOIA30-4-70 (2)**

623 Executive session to discuss contractual arrangement of town legal services.

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

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627 General Session was called back to order. Mayor Deaton reported that no action was
628 taken in executive session.
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Mr. Johnson made a motion to direct the Mayor to enter into negotiations for legal services for the town of Surfside Beach. Mr. Truett seconded the motion. **All voted in favor. MOTION CARRIED.**

12. ADJOURNMENT

Mr. Truett made a motion to adjourn. Mr. Johnson seconded the motion. **All voted in favor. MOTION CARRIED.** The meeting was adjourned at 8:40 PM.

Approved: January 26, 2009

Sharon Pinnell, Town Clerk

K. Allen Deaton, Mayor

Joseph F. Martin, Town Council

Vicki W. Blair, Town Council

James S. Truett, Mayor Pro Tem

Douglas F. Samples, Town Council

Mark Johnson, Town Council

Robert F. Childs, III, Town Council

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

