



TOWN OF SURFSIDE BEACH ♦ TOWN COUNCIL CHAMBERS
January 26, 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, Martin and Childs were present. A quorum was present. Staff present: Administrator Booth; Clerk Pinnell, Finance Treasurer Hursey, Police Chief Christenson, Fire Chief Packard and Public Works Director, Taylor. Attorney Mr. Smith was also present.

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

Dr. David Powers 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. Samples seconded the motion. **All voted in favor. MOTION CARRIED.**

4. **MINUTES APPROVAL**

Mr. Samples made a motion to approve the regular meeting minutes from January 13th, 2009. Mr. Johnson seconded the motion. **All voted in favor. MOTION CARRIED.**

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

Rod Smith, 515 14th Avenue North, also a Board Member of the Horry County Solid Waste Authority, speaking on agenda item 7H: “I commend you for considering the resolution in support of County ordinance 0209 that regulates the countywide collection and disposal of solid waste generated within Horry County. This ordinance is commonly referred to as Flow Control. Flow Control is all about recycling. A portion of the tipping fee collected at Highway 90 landfills is used to pay for free processing of recyclables. There are also educational programs in the elementary schools and advertisements on TV to encourage participating in recycling. If this County ordinance is not passed and a big waste company gets a transfer station than most of the waste will be disposed of outside Horry County, which some of you may think is a good thing, but there will be no money for recycling. The alternative funding method for recycling would then be a tax on you. The next important reason to support Flow Control is long term liability; Horry County, and that means you as a taxpayer, have long term liability for any waste generated in this County. If Horry County waste is mixed with waste from other states and there is no control over what goes into the landfill by Horry County, 15 years from now, if there is a problem with that landfill, Horry County would be responsible for paying part of the clean-up costs. Clean up costs could cost tens of millions of dollars to the taxpayers and that’s what’s called long term liability. The tipping fees per ton for municipal solid waste on the Highway 90 landfill is \$29 a ton; for construction and demolition it’s \$26.50; about \$7 of that tipping fee is used for the recycling program, \$2.25 is used by the County for the emergency 911 system. That leaves \$19.75 for day to day operations of the municipal solid waste landfill and about \$17.25 for day to day operations on the construction and demolition. These rates then are very competitive. If you believe in recycling and are concerned with long term

52 liability then passage of this resolution will inform the County council that Surfside
53 Beach supports Flow Control. Thank you.”

54
55 **6. COMMUNICATIONS**

56 **A. *Finance Report***

57 Mr. Booth reported that there would be a budget workshop held at the 2nd meeting in
58 February (February 24th). Mr. Booth stated that the workshop was originally set up
59 to review ordinances but due to time constraints with the budget requiring two
60 readings in March he would like to make it a budget workshop meeting. Mr. Booth
61 added that there would also be a public hearing. Mr. Booth stated that he anticipated
62 that it would take approximately 2 hours. Mr. Booth reported that the Stormwater
63 Committee would be having a workshop meeting on the same day from 3:00 PM to
64 5:00 PM and then the council meeting could follow. It was consensus of council to
65 have the budget workshop meeting on February 24th. Mr. Booth reported that the
66 town has saved so far this year \$18,600 on liability and \$27,600 on workers
67 compensation and on the other side the town is down \$132,000 worth of interest due
68 to the decrease in the percentage rates. Mr. Booth reported that \$182,000 was spent
69 in Public Works on roads on Ocean Boulevard and to date have not received the
70 reimbursement for \$161,000 from the State and the reason for this is due to the fact
71 that the company has not completed the markings on the road and they will also need
72 to mark crosswalks and once this is done and the road has been approved the town
73 will get reimbursed and the budget will be back in line with where it should be. Mr.
74 Booth stated that he will be presenting council with paperwork regarding taking over
75 Ocean Boulevard. Mr. Samples stated that it was noted in the financial report that
76 Horry County has not made a contribution toward the recreation department and he
77 recalls that there is money available and that the town needed to ask for it. Mr.
78 Booth stated that the town has asked the County for these funds and it was put in
79 writing and an additional project was also agreed upon to be done by them. Mr.
80 Booth added that it is probably time to remind the County.

81
82 **B. *Public Works Report***

83 Mr. Booth reported that there are many projects going on. The pier area is being
84 worked on and the dumpster has been moved adding that wood has been replaced
85 and painting will begin soon with the colors having been chosen by the
86 Beautification Committee. Mr. Booth reported that Yaupon Park is in the process of
87 being done as well adding that parking meters are being removed and permeable
88 pavers will be put down. Mr. Booth reported that the town will be putting up pay
89 stations in place of the meters and they will be leased. The public can use cash,
90 credit cards or debit cards at these pay stations and the town should make more
91 money with them. Mr. Booth reported that he had looked at Charleston who
92 currently uses the pay stations and they are very happy with the stations and have
93 increased their contributions by 40 percent and their enforcement has decreased
94 because it is easier for people to pay; there is no need to have to find quarters. Mr.
95 Booth reported that the pay stations would go in by March 15th when the
96 enforcement begins. Mr. Booth reported that the dredging of Floral Lake is still
97 being done and that there is one more lake to do during this project and once that is
98 done this project will be finished. Mr. Booth reported that the soil will be available
99 to the public in March and there have been quite a few requests for it; it is good
100 topsoil for a good price of \$40. Mr. Samples asked if the town has plans to test once

101 the dredging has been completed. Mr. Booth answered that the town performed the
102 test before the dredging and they plan to test it afterwards adding that he can tell by
103 looking at the water that it will be a lot better. Mr. Martin stated that the report
104 indicated that the underground wiring project is proceeding and he went by it that
105 day and saw nothing going on and it has not been finished and asked for an estimated
106 completion date. Mr. Taylor stated that they are halfway through the conversion and
107 they already began putting it into approximately a quarter of the homes. Mr. Martin
108 stated that he saw three and Mr. Taylor stated that they started on the ends and they
109 are now on schedule and have been averaging about 3 or 4 homes a day. Mr. Booth
110 stated that once they are done there they will begin on Seaside then move to Ocean
111 Boulevard.

112
113 **C. *Parks and Recreation Report***

114 Mr. Booth reported that this department is in the process of organizing a car show
115 which will be held on Memorial Day Weekend. Mr. Booth reported that the town is
116 also working on organizing fireworks for the 4th of July; they currently have Santee
117 Cooper and a few other companies that are willing to participate and feels that it will
118 be a really good event adding that there will be music and Mr. Blair has volunteered
119 to put music to fireworks. Mr. Martin asked if the town is planning on changing the
120 ordinance to not allow people to have their own fireworks on the 4th of July if the
121 town is going to organize fireworks. Mr. Booth stated that he was currently planning
122 on doing both but they would look at it. Mayor Deaton added that we should into
123 this when it gets closer.

124
125 **D. *Administrator's Report***

126 *Budget Workshop*

127 Mr. Booth reported that he already discussed the budget workshop.

128
129 *Reimbursement for Travel*

130 Mr. Booth reported that this was discussed during the budget workshop and he
131 would like to move this through as a memo to finance and would like to go with the
132 State reimbursement. The current ordinance allows council to go up to \$60 if
133 receipts are kept and what is now being proposed is to keep a flat rate which is
134 generally below \$60 for council and staff and it would include meals and incidentals.
135 Mr. Johnson asked if this would save the town money. Mr. Booth answered that it
136 would save time from having to process all of the receipts and to keep in mind that
137 council would still need to keep taxi receipts, mileage and hotel room receipts. Mr.
138 Samples stated that the current manual reads \$60 per day including meals and
139 incidentals and asked if it was being recommended to knock it down less. Mr. Booth
140 stated that it could be less. There was consensus of council to proceed with this
141 change. Mr. Booth stated that the town could pay council in advance or once they
142 returned from their trip. Mr. Samples confirmed that this would only be when it is
143 not being funded by someone else. Mr. Booth agreed using the chamber of
144 commerce sponsored event to Washington as an example.

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146 *Fire Department Meeting with County*

147 Mr. Booth reported that the town is still in negotiations with the County.
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Fire Plans Update

Mr. Booth reported that the plans had been given to council and the architects have taken all inputs received and are making the requested changes. One of the items that they were addressing was that they were going to change the bays from 70 feet to 75 feet. Mr. Booth reported that construction costs have come down and the fire station should come well within the budget constraints and will be adding some green elements. Mr. Booth stated that Santee Cooper has been in contact with DP3 regarding some of these green aspects.

Infractions Enforcement

Mr. Booth reported that some enforcement issues are being addressed and changed. During the summer the town will hire two part time safety officers and their job will be to enforce infractions like smoking and will also give the town some more presence out on the beach. Mr. Booth reported that since the town will be going to pay stations this should limit the amount of tickets issued and should give more time for these meter officers to also look for other enforcement issues that need to be addressed like smoking and dogs. Mr. Booth reported that the building inspector would be working a half day for the administrator concentrating on tree and building violations adding that the town will still need the “eyes and the ears of the public” to report incidents since they cannot be everywhere all of the time. Mr. Booth stated that the inspector will also be working half days on the weekends. Mr. Booth stated that regarding smoking the town is still putting together the infractions ordinance and ordering tickets and once these are taken care of they can better enforce the smoking infraction. Mr. Booth reported that the town will be supplying payment boxes for individuals to pay their parking tickets.

Computer Access at Town Hall

Mr. Booth reported that the town will be supplying computers in the lobby at town hall for the public to use and to have access to the website and various town forms and some documents. Mr. Johnson asked if we currently own the computers that will be used. It was confirmed that the town would be using older computers they already had.

Changing Town Procurement from \$5,000 to \$10,000

Mr. Booth stated that the town would like to change the procurement limit of \$5,000 to \$10,000 adding that the current ordinance goes back to 1986. The town would still require three (3) quotes from vendors but this will keep the town from having to advertise for everything. Mr. Booth stated that he feels that \$10,000 is a pretty tight control when you consider the other towns in the area like Myrtle Beach and the County who have a procurement of \$50,000. Mr. Samples asked if the prices would be in writing and Mr. Booth stated that they would. There was consensus of council to bring back a change in the ordinance.

Golf Cart Registrations through Public Safety

Mr. Booth reported that he would like to propose for the registration of golf carts to be handled through the Police Department. This would enable the police to better enforce golf cart rules and become more proactive in the thefts of these carts. This would enable better identification of missing golf carts and the rules and regulations would be posted on the decal issued to the owner that would be posted on the cart.

199 Mr. Booth stated that the cost for registration would be \$2 for 2 years and it would
200 cover the approximate cost of the decal. Mr. Childs stated that he feels that this is an
201 excellent idea.

202
203 Mr. Booth reported to council that a tree was recently removed that was located on a
204 right-away and this right-away was Grand Strand Water and Sewers right-away and
205 it was blocking a sewer and needed to be removed.

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208 **7. BUSINESS**

209 Mayor Deaton proposed to move Proclamation Janice Ash Sialiano from item I to
210 Item A since Ms. Ash Sialiano had another engagement and could not stay for the
211 meeting. There was consensus of council.

212 **A. *Proclamation #09-66 Janice Ash Sialiano, Service to Red Cross***

213 Clerk Pinnell read the proclamation on file. Mayor Deaton presented Ms. Ash
214 Sialiano with the proclamation that is on file. There was applause in the audience.

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216 **B. *First Reading: #09-0653 Tree Ordinance***

217 Mr. Booth reported that utilities have control over their easements and the town
218 would not be able to place a restriction on these regarding the removal of trees. Mr.
219 Booth reported that utilities are considered exempt by Federal Law but it could be
220 added to the ordinance. Mayor Deaton stated that he would prefer to address this
221 before the 2nd reading since he feels that there will be additional amendments made
222 prior to the 2nd reading. Mr. Truett made a motion to approve the 1st reading. Mr.
223 Childs seconded the motion. Mr. Samples requested that council have a workshop
224 the following week to discuss reaching a consensus on changes to the tree ordinance.
225 Mayor Deaton asked of this could wait longer since there may be an issue with the
226 administration. Mr. Samples stated that if council was to have a 2nd reading he
227 would like to see a resolution to some questions regarding the minimum number of
228 trees and if the replacement policy applies as long as an individual requires the
229 minimum number of trees. Mayor Deaton stated that he understands but is
230 concerned with time constraints. Mr. Samples and Mr. Truett stated that they agreed
231 about the constraints but felt that the workshop should be done prior to the 2nd
232 reading; this would also give staff enough time to make the changes. Mayor Deaton
233 stated that he agreed but feels that the following week may be too soon and
234 suggested having the workshop towards the first part of the following week. There
235 was a discussion as to the time they had prior to the next meeting. Mr. Samples
236 suggested that the Mayor set the date. It was confirmed that there was only two
237 weeks until the next meeting. Mayor Deaton stated that the council would know
238 more about the personnel matter that he could not discuss in public, within the next
239 week. It was confirmed that the council only needed 24 hours to advertise. Mr.
240 Booth stated that another item the town would need to address is to do an inventory
241 of trees and this could be done by a GPS system. Mr. Booth added that the town had
242 previously done an inventory when they were a Tree City USA participant. Mr.
243 Booth added that the town could then determine how many trees have come down.
244 Mr. Johnson agreed that the town has a lot less trees than when the inventory was
245 previously done. Mr. Johnson stated that he agreed to a workshop. Mr. Childs stated

246 that he had spent about a month counting trees as did Mr. Martin and the previous
247 tree inventory was done mostly on town property or on the right-of-ways; not much
248 was done on private property so it should be pretty much up to date. Mayor Deaton
249 agreed that he would set the date in a timely manner. **All voted in favor to the 1st**
250 **reading of the tree ordinance. MOTION CARRIED.**

251 **C. *First Reading: #09-054 Hospitality Fees Ordinance***

252 Mr. Booth stated that back in 1998 the town council exempted convenience stores
253 from the hospitality ordinance because they were so small at the time and now
254 convenience stores are much larger and produce more than one or two items and
255 staff would recommend that they be added back into the ordinance. Mr. Samples
256 made a motion to adopt the ordinance as proposed. Ms. Blair seconded the motion.
257 Mr. Truett asked what the convenience stores are doing differently now than they
258 were 10 years ago. Mr. Booth stated that some now have food and are larger and
259 include more items; they used to be mom and pop organizations and are now large
260 companies adding that it would not be huge revenue but it would be some and if the
261 town exempted one why not exempt all others. Mr. Martin asked if going forward
262 all changes to ordinances could be underlined or put in bold to determine the change.
263 Ms. Blair asked if this was in keeping with neighboring municipalities and Mr.
264 Booth answered that it was. **All voted in favor. MOTION CARRIED.**

265 **D. *Second Reading: #09-0648 Towing Fee Ordinance***

266 Mr. Booth stated that this change was at the request of a councilmember and it has
267 been brought back. This ordinance brings the towing in line with the tows created by
268 the police department. Mr. Truett made a motion to approve 2nd reading. Mr. Childs
269 seconded the motion. **All voted in favor. MOTION CARRIED.**

270 **E. *Second Reading: #09-0649 Local Accommodations Tax Ordinance***

271 Mr. Booth stated that this is just a clarification adding per month to the wording of 5
272 percent. Mr. Truett made a motion to approve 2nd reading. Ms. Blair seconded the
273 motion. **All voted in favor. MOTION CARRIED.**

274 **F. *Second Reading: #09-0650 Repeal ordinance Section 10-7 Appointment of Jury***
275 ***Commissioners***

276 Mr. Booth stated that this ordinance is out of date and needs to be repealed. Mr.
277 Truett made a motion to approve the 2nd reading. Mr. Johnson seconded the motion.
278 **All voted in favor. MOTION CARRIED.**

279 **G. *Second Reading: #09-0651 Infractions Ordinance***

280 Mr. Booth stated that this ordinance is in keeping with the Supreme Court ruling and
281 also places our parking into infraction rather than the criminal system. Mr. Johnson
282 made a motion to adopt 1st reading. Mr. Samples seconded the motion. **All voted in**
283 **favor. MOTION CARRIED.**

284 **H. *Second Reading: #09-0651 Infractions Hearing Officer***

285 Mr. Booth stated that in keeping with the infractions ordinance the town would need
286 an infractions hearing officer to listen to those appeals. The position would be
287 advertised and the town would go through the same process that Myrtle Beach has

288 recently gone through and appoint someone to hear infractions approximately twice
289 per month. Mayor Deaton clarified that this position would be similar to a judge
290 type of appointment and is not a code enforcement officer position; this person will
291 not be out on the street enforcing ordinance but would be hearing appeals of
292 infractions. Mr. Truett made a motion to approve the 2nd reading. Mr. Childs
293 seconded the motion. Mr. Samples asked Mr. Smith about the section “failure to
294 pay” stating that the way he reads it is that someone could appear but refuse to pay
295 and there is no recourse. Mr. Smith stated that this is not just the way it is written
296 but is the way that it is, explaining that on an infraction the town would need to sue
297 the individual in court. Mr. Smith added that an infraction would be written once an
298 individual commits an infraction and if they appear and pay that is all right; if they
299 pay and do not appear that is all right but if they appear and refuse to pay then the
300 town could hold them in contempt. Mr. Smith stated that these issues are covered in
301 the “contempt” section. Mr. Smith stated that he could research it some more but the
302 position that the Supreme Court would like a municipality to impose is that if
303 someone appeared and did not pay they would need to be sued in civil court even
304 though they are in contempt of the town’s court, because an infraction is not a
305 penalty for which someone can be imprisoned. Mr. Smith stated that he will change
306 where it reads “failure to pay” to “failure to appear”. Mr. Smith stated that if the
307 town were to impose any kind of criminal penalty on someone it would need to be a
308 combination of not paying an infraction and not appearing in court; it would need to
309 be both. Mr. Samples stated that he wanted to make sure he understood and asked if
310 what Mr. Smith was suggesting was where it says “contempt shall be punishable by a
311 fine not to exceed \$500 or 30 days imprisonment” under “violations of orders” is
312 really for failure to appear. Mr. Smith stated that this was correct explaining that if
313 an individual was ordered to pay and that individual refused to pay they could be
314 imprisoned for not paying. Mayor Deaton stated that he does not feel that this
315 clarification does not require any action by council upon approval of the ordinance
316 since this is a clerical change and does not believe that “shall” or “will” needs any
317 action. Mr. Martin asked if the hearing officer decides this as opposed to council
318 then “shall” and “will” are very important because if it says “shall” then it *will*
319 happen regardless of what the hearing officer wants, so if the decision is left to the
320 hearing officer and he feels that there should not be a “shall” in the ordinance. Mr.
321 Smith agreed and explained briefly the use of words must, may and shall and how
322 they are used to write an ordinance to mandate what shall happen if an individual
323 were to ignore what they were required to do. Mr. Smith stated that these words
324 were chosen carefully in the ordinance. Mr. Martin asked if council wants to decide
325 whether to essentially convert this ordinance into a criminal penalty or did council
326 want to leave it up to the hearing officer adding that if it is left up to the hearing
327 officer then the word should be “may” and if council wanted to make it a flat rule
328 then it should be “shall”. Mr. Smith stated that he was correct and now better
329 understands this questions adding that by changing it to “may” the council is
330 imposing authority onto the hearing officer. Mr. Samples stated that the hearing
331 officer does not have the authority to imprison anyone adding that this was the point,
332 that the hearing officer has to refer it back to a court and this is why he brought this
333 up. Mr. Samples made an amendment to the motion that under section 2-164
334 administrative hearing officer under B, powers, where 11 was delineated he would
335 add a 12 which was to advise the municipal court of circumstance described under
336 section G, violations of orders, and H, failure to pay, under this ordinance. Mr.

337 Truett seconded the amended motion. Mr. Samples stated that the reason this is
338 needed is because there is not mechanism described that connects the administrative
339 hearing officer in any way with the court. Mr. Samples stated that his intent is to
340 provide the mechanism otherwise it is words on paper. It was confirmed that the
341 change would allow the ordinance to move to the next level. Mr. Johnson stated that
342 he would like an opinion from Mr. Smith on this. Mr. Smith stated that he wanted to
343 make sure he understood what council wanted to do asking "if the hearing officer
344 does not receive payment or his order is not being followed you're looking for that
345 link to the criminal court." Council confirmed that this was correct. Mr. Samples
346 stated that he is of the opinion that council is wasting their time without it. Mr.
347 Smith asked for the motion to be read one more time. Clerk Ms. Pinnell read the
348 amended motion. Mr. Smith stated that he feels that he knows what council wants to
349 do and he could write something that may be able to accommodate this request and it
350 could be reviewed by council then brought back for a 2nd reading. Mr. Smith stated
351 that after hearing the amendment he is not sure that the wording would comply
352 adding that there is substantive law which states what a person is guilty of and that
353 there is procedural law that must be complied with and he is not sure that the
354 language would comply; he will need to review this. Mayor Deaton stated that if the
355 amendment is not being withdrawn he would need a vote on the amendment. Mr.
356 Truett withdrew his second on the amendment therefore the amendment failed for
357 lack of a second. It was back to the original motion. Mr. Martin stated that with Mr.
358 Samples' desire to clarify a section he would like to give the attorney an opportunity
359 to redraft sections G & H and then present it again to council. Mr. Truett withdrew
360 his original motion. There was consensus of council to add this to the workshop.

361 I. ***Resolution: #09-079 Support Horry County Solid Waste Flow Control***

362 Mr. Booth stated that this was a request for support from the Horry County Solid
363 Waste Authority to give control of waste control in the County. Mr. Booth added
364 that the town picks up its own garbage so there is already control within town. Clerk
365 Ms. Pinnell read the resolution that is on file. Mr. Childs made a motion to accept
366 the resolution as presented. Mr. Truett seconded the motion. Mr. Samples stated
367 that he fully supports the Solid Waste Authority but added that the League of Cities
368 has an upcoming presentation for both sides of the equation. Mr. Samples stated that
369 he feels that this creates a monopoly and would personally like to hear the other side
370 before making a decision. Mr. Samples stated he feels that Solid Waste is doing a
371 great job but has had problems in the past and while there is a resolution being
372 presented he cannot support this at this time. Mr. Johnson stated that he is not
373 against the resolution but he is not exactly for it either adding that he has some
374 concerns as Mr. Samples pointed out. Mr. Johnson stated that he is all for the Solid
375 Waste Authority but has concerns regarding the monopolization of businesses. Mr.
376 Martin stated that he does not believe this resolution is about the Solid Waste
377 Authority but about recycling and he thanked Mr. Rod Smith for his comments he
378 made earlier adding that there is a cost to recycling and it is unfortunate that at this
379 point recycling does not pay for itself but it is beneficial to the community and to the
380 Country and to the world and the fact that there is recycling being done and the fact
381 that it is a mandate from the State just shows that everyone should be doing it. Mr.
382 Martin stated that the only way that the County can afford to do this is to have Flow
383 Control adding that he is in support of the resolution. Ms. Blair stated that the
384 recycling program in the County is one of the top if not the leader in the State for the

385 education programs, the amounts collected and the way it is handled in its facility
386 and added that if anyone has not had a chance to go out and tour the facility they
387 should and it would be well worth the visit. Ms. Blair stated that she agrees with Mr.
388 Martin and feels that recycling is very important and that it is important to support it.
389 Mr. Childs stated that he too is a big supporter of recycling and feels that Solid
390 Waste is doing a great job and is in strong support of the resolution. Mr. Samples
391 stated that he wanted to point out that all of council were in support of recycling and
392 that the Solid Waste Authority is currently doing a very good job with recycling and
393 that there is currently competition and the concern is that when there is a monopoly
394 and the market is owned performance may suffer and added that this is why,
395 generally speaking, it is illegal to have monopolies. Mayor Deaton stated that he and
396 the Town Administrator have been on numerous tours of the facility and it is a
397 phenomenal facility and it needs additional funding and the facility has not even
398 reached its capacity of recycling that it could handle. Mayor Deaton stated that as an
399 advocate of recycling, he and Mr. Martin had initiated curbside recycling a few years
400 back in town and feels that the town has a premier project and feels that it is one of
401 the model communities for recycling. Mayor Deaton stated that he supports the
402 facility and feels that the way to support it is through this resolution. Mr. Truett
403 stated that he had a lot of concerns until he viewed the televised broadcast by John
404 Weaver on recycling and the largest item addressed was the liability and added that
405 if various waste facilities go out of business the federal government and DHEC
406 would then have to come in and clean them up and there is a possibility of getting
407 fined so he likes the idea of better control and he views this resolution as supporting
408 the people of this County and the town and fully supports it. Ms. Blair, Mr. Johnson,
409 Mr. Martin, Mr. Truett, Mr. Childs and Mayor Deaton voted for the resolution. Mr.
410 Samples voted against. **MOTION CARRIED.**

411
412 **8. PUBLIC COMMENTS**

413 *Dr. David W. Powers, Unincorporated Surfside Beach:* “Though I’m not a resident, I’m
414 proud to be associated with the city and I traveled to Australia recently and visited
415 Surfside Beach in New South Wales and I wanted to present this photograph as a gift to
416 the town. One interesting thing to know is they have a problem not with feeding birds
417 but with feeding the kangaroos.” There was laughter in the audience.

418
419 Mayor Deaton thanked Mr. Powers and accepted the photo. There was applause in the
420 audience.

421
422 *P.L. Mabry, 15th Avenue North:* “I noticed earlier tonight that you voted to repeal part of
423 a law that exempted convenience stores. Now I’m not going to throw rocks up here but I
424 am, I want to point out, the fact that the reason these convenience stores were taken out
425 of the exception for the hospitality, if you check back, I think it was about 1998, was the
426 fact that hospitality taxes only owned prepared food. That would be hamburgers,
427 hotdogs, but I think if you check the convenience stores it’s unlikely that you’re going to
428 go in there and get a hamburger or hotdog prepared at that convenience store. You may
429 fix one at a few of them but I don’t think there’s any of those around where you could go
430 in there and prepare food but we’ll say if you could, we’ll say a convenience store sells
431 ten hotdogs a day, that’s \$300 a month, a dollar a piece, what is the town going to get
432 out of those 300 hotdogs? Three dollars. Now, I’m going to say this to you. You’re up
433 there, sitting there to make laws and rules for businesses, businesses have a right to be

434 treated realistically, now they're collecting that three dollars for you, that one percent is
435 all that a hospitality tax is, one percent on the dollar, now the point I want to make is
436 this, if you're in business and you're going to have to collect something, having to go
437 through the expense of accounting for it, sending it to the town for that little bit of
438 money, that you're actually getting the opportunity of collecting for the town, I employ
439 you to work with business, not against them, don't put them to a task that is unrealistic
440 for the amount of accounting that they have to go through for a hospitality tax. Now
441 when you go in there and you get a drink, you don't get a hospitality tax on that; it's not
442 prepared there at that store. You get a cracker or something that's, Lance crackers or
443 potato chips, that's not hospitality tax money. Please consider that when it comes up for
444 the next voting. Look out for the businesses here in this town. Businesses pay a
445 tremendous amount of this 7 million dollar budget or almost 7 million dollar budget that
446 we have here in this town. Look out for them also, I know you will, I just wanted you to
447 see the other side of that coin as to why it was done that way and hopefully you will
448 consider that the next time you address this issue here at council. Thank you."

449
450 **9. COUNCIL COMMENTS**

451 *Ms. Blair:* "I'd just like to thank Dr. Powers, Dr. David Powers is a friend of mine I
452 happened to see him as I came in. He's very active in the community, a speaker on
453 many venues, serves on the Board of Regents with me and I didn't mean to put you on
454 the spot David, but thank you for being here and thank you for doing that for us, we
455 appreciate it."

456
457 *Mr. Johnson:* "I would just like to thank everyone for coming out this evening, again,
458 and I did want to set the record straight, I am for recycling, I actually have two carts. I
459 put more recycling material in there than I do my big green monster. Actually I would
460 like to see them reversed if that would be possible and I did support the resolution, I just
461 think, you know, competition is a good thing and that's all I want to say about that, also,
462 I would just like to make a comment that I'm really pleased that we have instituted the
463 parking station system in our parking lots, it's so much simpler for the general public
464 anyway, for myself, when I go to cities or towns, it's a good system."

465
466 *Mr. Childs:* "I would like to see if we couldn't add to that workshop, we've talked on
467 numerous occasions about a committee on this pier. I think the pier is well on its way,
468 doing a lot of work down there I think it would be a good time to set some guidelines
469 and get a committee to represent the council."

470
471 It was confirmed that discussion on a pier committee would be added to the workshop
472 agenda.

473
474 *Mr. Samples:* "I just want to echo thanks for coming out and I do recycle too. Thanks
475 for coming out."

476
477 *Mayor Deaton:* "I'd like to thank everyone also. Everyone have a good evening and a
478 safe week. Thank you."

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10. ADJOURNMENT

Mr. Truett made a motion to adjourn. Mr. Childs seconded the motion. **All voted in favor. MOTION CARRIED.** The meeting was adjourned at 7:50 PM.

Approved: February 10, 2009

Sharon Pinnell, Town Clerk

K. Allen Deaton, Mayor

Joseph P. Martin, Town Council

Vicki W. Blair, Town Council

James S. Truett, Mayor Pro Tem

Douglas F. Samples, Town Council

Mark L. Johnson, Town Council

Robert F. Childs, III, Town Council

Clerk's Note: This document constitutes minutes of the meeting, which was audio taped. 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.