

TOWN OF SURFSIDE BEACH ◆ TOWN COUNCIL CHAMBERS August 25, 2009 ◆ 6:30 P.M.

TOWN COUNCIL REGULAR MEETING MINUTES

1. CALL TO ORDER

Mayor Pro Tem Truett called the meeting to order at 6:30 p.m. Mayor Pro Tem Truett and Councilmembers Johnson, Martin, Samples and Childs were present. Mayor Deaton and Councilmember Blair were absent. A quorum was present. Staff present: Administrator Booth; Clerk Pinnell, Police Chief Christenson, Fire Chief Packard, Public Works Director Taylor and Finance Treasurer Hursey. Attorney Mr. Smith was also present.

2. INVOCATION AND PLEDGE OF ALLEGIANCE.

Rabbi Weissman of Temple Shalom Reform Congregation gave the invocation. Mayor Pro Tem Truett led the pledge of allegiance.

3. AGENDA APPROVAL

Mr. Johnson made a motion to amend the minutes to change line 26 from Ms. to Mr. Mr. Samples seconded the motion. All voted in favor of the approval of the agenda as submitted with change. MOTION CARRIED.

4. MINUTES APPROVAL

Mr. Samples made a motion to approve the minutes from the August 11, 2009 meeting as submitted. Mr. Childs seconded the motion. All voted in favor. MOTION CARRIED.

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

There were no public comments.

6. COMMUNICATIONS

a. Acknowledgement: Sharon Leahey, Business License: 5 Years of Dedicated Service:

Sharon Leahey was recognized for 5 years of dedicated service with accolades made by both Mr. Booth and Ms. Hursey.

b. Finance Report

i. Auditors Report: Presentation by Harper, Poston and Moree

Mr. Bob Harper gave his short presentation on the executive summary he handed out to councilmembers. This report was based on the accrual basis of accounting. Executive Summary FYE 3/31/09

Mr. Samples asked about the change in cash from the previous year to the year ended March 31, 2009. Mr. Samples suggested that council look at pages 17 and 18; unrestricted but designated funds and pages 20 and 21 which speaks to change in cash and page 43 and 44; notes 15 and 16 which relates to the overall audit and speaks to projects which began in the previous year but were not fully paid for, which includes the 2.1 million fire station. Mr. Harper stated that at the end of the current year there is a cash and cash

equivalence of \$4,823,000 which is noted on page 20 and 21 that the beginning fund balance for the entity was \$7,000,000 and the ending fund balance of the entity is \$6,181,000; when you look at the total fund balance in relationship to the total assets of the town this is a very strong position; it is not an excessive position but a very strong position; one of being very fiscally responsible.

Mr. Truett thanked Mr. Harper and commented that the town has had 20 straight years of receiving awards for accounting.

Mr. Samples had some questions regarding the financial report. Mr. Samples stated that he hopes that the decrease in hospitality and atax is not a long-term trend but the fact of the matter is they are decreasing and that the town needs to be cognizant of. Mr. Samples stated that he, Mr. Truett and Mr. Martin sat on council during very good times for the town which has enabled the town to go out and purchase a pier and to construct a fire station but he would certainly not manage his home in anticipation that revenues are going to return to the way they were. Mr. Booth agreed, adding that the budget had been reduced by 20 percent. Mr. Samples stated that the expenditures, overall, are ahead of what was budgeted and Mr. Booth stated that these expenditures will be reviewed very carefully if this is the trend.

Mr. Samples stated that every municipal association course he has attended has said that council needs to have monthly financial reports and asked if council has been receiving them every other month. Ms. Hursey stated that the town did not do a June report due to a workshop that was scheduled but it is not normally every other month; it is normally every month that council receives a report.

Mr. Martin stated that in addition to the executive summary, the council had received the comprehensive annual financial report and added that there is a lot of information there and added that he assumes it would be on the website for everyone to review; one of the items that struck Mr. Martin was that the total taxable property for which the town receives property tax has decreased for the first time and decreased significantly by over 20 million dollars. Mr. Martin stated that this is more than likely due to properties selling for less than they have been and part of it is due to new assessments of property.

c. Public Works Report

Mr. Booth reported on the pavement and sidewalk plan. Mr. Booth requested council to review the plan he handed out to them and anticipates making changes. Mr. Booth stated that he would like to create a document for council to have so that they could inform the public upon inquiries as to various sidewalk and paving projects. Mr. Booth stated that there are various recommendations for Highway 17 as well and once this is approved he can go to the State with the request. The list also provides council with a list of State roads and when the anticipated time frame would be for the town to take some of them over.

Mr. Childs asked if 13th North was a recommended area for a traffic light to be installed. Mr. Booth stated that it is not recommended in the report but he cannot speak for the council; it would be their decision. Mr. Booth added that he is requesting guidance from council on this report. Most of the towns concerns are that there has been an increase in accidents on Highway 17 and this is due primarily to the crossovers. Mr. Booth stated that he feels that most of the crossovers should be closed. Mr. Booth reported that 10th Avenue S. is 5 years from being funded and the town has an opportunity to place one more stop light somewhere on the north end. Mr. Booth requested recommendations from council on where a stop light should go or if council does not feel the need for one at all.

Mr. Samples asked if there were statistics available for council to review to make a decision. Mr. Booth stated that council would be given the statistics. Mr. Samples asked when recommendations for the stop lights were due in. Mr. Booth stated that he will get information to council and then will request recommendations soon after that.

Mr. Truett stated that he feels that if the town wants something changed on the frontage roads the town would need to submit a plan to the State.

Mr. Martin asked Mr. Booth to list the recommendations for public information. Mr. Booth stated the recommendations: a traffic light needs to be placed on 10th Avenue South, this is the Water Park area and there is a tremendous amount of traffic in that area; 1st Avenue North turnout needs to be closed; Pine Avenue North turnout also needs to be closed; the turnout lane in front of California Pizza, this needs to be totally re-engineered, the town will ask for assistance from Waccamaw on this area; and the 5th Avenue North intersection area needs better signage. This is a State road and the town is not allowed to put signage up.

Mr. Taylor presented stormwater committee recommendations. Fishing docks, gazebos and palms would be placed in lake areas to enhance them. It was confirmed that the plans submitted on Dogwood and Floral Lake were engineered by Earthworks. Mr. Samples stated that this is budgeted and would like to see it get under contract before the construction industry turns around.

Recreation Report

Mr. Booth reported that signs will go up in town to advertise the recent Dixie League Youth win adding that it is a great recognition for the town. Mr. Truett stated that they not only won the World Series title but were also recognized on the State and National level with sportsmanship awards.

Mr. Booth reported that the town will no longer provide football; the county has now taken it over. The town is in the process of negotiation on the equipment. Mr. Booth reported that the town is starting the over 30 Fall softball league. The town will hold a bike safety rodeo for kids under 14. Mr. Truett added that this is an educational program for kids on bicycle safety and it is for kids from 5 to 14. Mr. Booth stated that the town would like to do more of these types of events to provide a quality of life for the kids. Mr. Booth stated that the town will be discussing having a skateboard park; the kids in town really want one. It was reported that the End of

 Summer Celebration will be held September 6th at the pier; the beach sweep will be held September 19th and the Skyhoundz disc contest will be held on September 12th.

Mr. Childs stated that the Sunday Serenades have been very successful with two being left for the season.

7. BUSINESS

A. Decision Paper: Fire Apparatus

Fire Chief Packard stated that the request for new fire apparatus was discussed last November at the budget retreat. The direction from council to go out for RFPs was also discussed. Chief Packard stated that this is still the direction that staff would like to go. This would allow a future discussion on real money, real interest rates and real time. Information has been received from some of the vendors to let Chief Packard know that once the 2010 EPA compliance engines come on line which should be in the middle of October 2009; the additional cost of equipment will be approximately \$36,000 per unit with a reoccurring cost of \$3,000-\$4,000 per unit per year for the life of the vehicle. Refurbishing the existing ladder truck was discussed; this cost would be approximately \$587,000. Chief Packard asked for direction from council; should staff go out for RFP's, should staff look at demonstrators and asked what would council like to attempt to accomplish from now until the next time he meets with council.

Mr. Martin asked what the additional \$36,000 includes to meet the 2010 requirements. Chief Packard stated that in this is the addition of the 2010 EPA which is an aqueous solution that is injected into the engine during travel at a ratio of 20 to 1. It also causes the trucks that are now getting between 8 and 10 miles a gallon to drop to then get between 5 to 6 miles per gallon but the emissions are considerably better. The consumption of the fuel products is greatly impacted. The cost to bring an engine into compliance is approximately \$16,000. Maintenance cost to the new engines would significantly increase as the components attached to the engine to reduce emissions will not only have to be monitored more closely but they will have to be cleaned and replaced with an estimated cost of \$3,000 per year. The current price of diesel fuel is \$2.63 per gallon, the aqueous solution is an additional \$3 to \$4.50 per gallon; the life of the truck would cost an additional \$69,000 over a period of 20 years for maintenance and the added solution. Chief Packard stated that the town now has the opportunity to continue with the 8-10 mile per gallon trucks without the additional \$36,000 or \$69,000 cost for the life of the truck if these engines are purchased sometime within the next 4 to 6 weeks.

Mr. Childs stated that this fire truck issue is very confusing and if the town can go out for a \$50,000 parking study he would like to see the town use an outside consultant to evaluate this. Mr. Childs stated that council does not have the knowledge to make this decision and feels an independent study needs to be done and a recommendation would then need to be presented to council. Mr. Samples stated that he feels the town needs to prioritize; there has to be a preferred replacement order. Mr. Samples stated that he does see the sense in replacing the entire fleet and asked for Chief Packard to supply all possible options.

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Mr. Booth reported that a ladder truck runs approximately \$900,000 and is a major piece of equipment. There is one fire truck that really needs to be replaced and he would like to go out for RFP on this. The town needs to look at the taxes coming in and possibly the following year the town could replace number 2 and the town could possibly do some upgrading of the ladder truck; it could put \$30,000 to \$40,000 and bring the standard up then continue to update it until it is operational. Mr. Booth stated that he would look for direction from council and if council decided to replace all of the trucks they would redirect their resources towards this. Mr. Martin stated that our neighbors to the North indicated that they change their equipment every 7 years and since the Surfside Beach equipment is over 18 years old perhaps the town could get the 7 year old equipment from them. Mr. Booth stated that he spoke with the Fire Chief there and he indicated that the town would not be pleased with the equipment due to the fact that they put a lot of miles on their equipment and when they turn it in it is well used and they would not recommend the town take over their used equipment. Mr. Samples stated that if the town purchased all new equipment then they would all age at the same time and the town would then run into the same problem at a later date where the town would need to replace the entire fleet. Mr. Samples stated that the town used to have a capital replacement plan and was not sure if they had adhered to it and Mr. Booth confirmed that the town did have a plan that was not adhered to. Mr. Booth stated that each budget year the staff will review each piece of equipment. Mr. Booth stated that one of the fire trucks really needs to be replaced. Mr. Booth stated that studies run around \$30,000 to \$40,000. Mr. Booth recommended that the town go out for RFP and see what the cost of one of the trucks would be. Mr. Johnson stated that he agrees to go out for pricing and would like to see prices. Mr. Truett stated that the age of these vehicles are from 1987. 1988, 1994 and a 2000. Mr. Booth stated that the oldest truck is a ladder truck but it would be a \$900,000 investment. Mr. Truett stated that he would like to see all 4 vehicles priced and then the council could have a workshop to evaluate. Samples made a motion to authorize the administrator to seek line item bids for replacement of each piece of equipment for further consideration by council and advertise for at least 30 days. Mr. Martin seconded the motion. All voted in favor. MOTION CARRIED.

B. Decision Paper: Façade Grant Application, Floyd Law Firm

Mr. Booth stated that this was the first application for a façade grant offered by the town. This had gone through the beautification committee. \$5,000 is the limit that could possibly be given and the cost of the project amounted to approximately \$21,000 and the beautification committee recommends allowing \$5,000. Mr. Martin made a motion to approve the beautification recommendation. Mr. Johnson seconded the motion. It was confirmed by Mr. Booth that this was budgeted and that allowing the façade grant was approved by council a few meetings prior. Mr. Samples stated he did not agree with approving the application since it appeared that the business owner was going to proceed with the work either way. Mr. Martin stated that he feels that this improvement is exactly what the town is trying to encourage and it sets a precedence and it is in a very visible area. Mr. Booth stated that a packet would be sent to businesses to let them know about the façade grant. Mr. Johnson, Mr. Martin, Mr. Truett and Mr. Childs voted for the motion. Mr. Samples voted against. MOTION CARRIED.

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8. PUBLIC COMMENTS

Kathy Goddard, 320 15th Avenue South: "There are a lot of you that go to Nibil's Restaurant and enjoy the family that run the place and the restaurant and I've been out of town and in town but there is such a controversy going on of unfairness, accusations and I love that restaurant and it's the only place families can go and have breakfast and I would like to see this town, with all the businesses, embrace them a little more and encourage them; not makes things difficult and I don't know where it's coming from or what's going on but I am willing to stand up and say that I enjoy going there; our family enjoys going there and I would hope that we could resolve this without pointing fingers at anyone and just put this to rest with other businesses; that we can just embrace them and they've been an asset to this community and I just think it's time for some peace in this town and conversations need to cease; I just think it would be better for the town but I do not want to see Nibil's pushed out of town and I thank you and one thing I'd like to say also is that we were out of town and this fire department and this police department saved our home this year. They spent many hours crawling our house, back and forth to our house; we almost lost our house if it wasn't for this fire department and I am eternally grateful because there's things in there of my mother and my parents, I could never have replaced and I support the fire department and the police department and I'm proud that I live in this town with them. Thank you."

Randle Stevens, 1st Avenue North: "What I want to relay to you is a little story that actually happened a couple of weeks ago and as you know I live right across from the library in the Veteran's Park and a family was over there from out of town visiting and the little girl was having, I think it was a little birthday party, and they were cooking hotdogs and stuff like that and the little girl was running around and she fell down. Well she fell down right in a big pile of it that was left by somebody's dog. I went over there and there happened to be a fellow with a dog over there and they accused him, of course there was some cussin' and fussin' and the guy with the dog showed them his proverbial finger and IQ and then left. The point I'm making about this is, the other day I walked in here, I believe it was Monday, excuse me it was Friday, walked in and picked up some papers from the front desk area at the town hall and I noticed that they list all the parks and I was kind of looking at it, I don't think I've ever seen this and on the brochure it said 'no dogs allowed in parks', so since that time I've been kind of looking across the street, Veteran's Park and the library and Fuller Park and all that and for example Friday or Saturday and Sunday I was working on my yard, doing some work out in the yard and I counted exactly 72 dogs that walked through Veteran's Park or the library or around Fuller Park, now they didn't go into Fuller Park because it has a fence around it. Out of that 72 dogs, I would say 10 percent of them had their little bags or their super scooper poopers or whatever you want to call them, and they cleaned up after themselves. The other ones kept walking around and they let their dog go to the gazebo and treat the wood, make sure it didn't rot. There was one guy from, lives somewhere over here in Deerfield or Caropines with Tennessee plates comes over here all the time and he walks his dog in there. Now I rode around all the parks and I noticed there's not any signs anywhere that says no dogs are allowed in the parks so I started thinking about it, well who does this duty to notify people, who does it fall on, well, it has to fall on your town administrator and as it says in Section 2-113:

 The town administrator shall be chief administrative officer of the town government. He shall be responsible to the town council for proper administration of the policies and affairs of the town and to that end shall have power and authority and be required to:

(1) Direct, supervise and coordinate administrative activities and operations of all town departments; and number (2) Ensure that all laws and ordinances are enforced;

In Chapter 3 it has animals, Section 3 cleaning up after pets:

It shall be unlawful for any owner or person having possession of any dog or other animal(s), to fail to remove any excrement deposited by said animal(s) on the beach, accesses, public ways, recreational parks, or any other public property.

Now I know we can't send the policemen every day to the park but by God we could put signs up there and say 'no dogs are allowed in these parks' now let's quit this, for example, yesterday afternoon I was working on my yard, here comes a lady, she walks by, I'm watching her, she stops right beside the library, in the grass and her do does her business. She looked at me, I looked at her and I said, I shook my head and she went on and I see that every day, 7 days a week, not 24 hours a day but almost from daybreak to about 9 o'clock, 10 o'clock at night and I think town council, you need to remind yourself that everything that happens in this town is a direct reflection on you. You hired the administrator and the administrator works at your leisure and you're elected by the people. In addition to what we've been talking about and as we're talking about expenditures; it has come to my attention that this city has spent 40,000 dollars more on a project where they could have got it 40,000 dollars less. I haven't got all the details but there's more to come. Thank you."

Bill Black, 214 9th Ave S.: "Just wanted to add a little bit of information into the discussion on fire trucks. I was under the impression that all council has a packet of information on the fire trucks. If you'll look somewhere in there, there's some information on leasing and a number of other things, so, some of the questions that you may be pondering may be answered somewhere in that document. It's not a thousand pages long like some other documents, but I know there's a lot of reading, but a lot of work has been put into that and just to make you aware of the fact that there is some leasing information and some other stuff in there. Thank you very much."

Harry Kohlman, 115 7th Ave S: "Just what Mr. Stevens was talking about, a possible solution is a dog park, oh, that was thought of already, there was a grant gotten already, it was supposed to be put in prior to the dogs couldn't walk on the beach. Where's the dog park? This was supposed to be put in April or May? It's now almost September; this is what the whole idea was to keep the dogs from pooping where they're not supposed to be. A place for the dogs to run around. It's not been done. You have the grant, you have the money, do it. Thank you."

Charlene Henderson, 612 N Cherry Ave: "I don't know much about what's going on with the fire engines and things like that but I'm in healthcare and I truly think it is an abomination that a town this size and this well thought of is using 20 year old equipment. I certainly wouldn't use a 20 year old scalpel on anyone of you and that's the way I see it. These guys do a great job; I think they ought to have the best equipment

to keep them safe also, protecting each and every one of your families and homes. On the other hand, the other side, I also don't know what's going with Nibil's but I do know that Mr. Jack is an institution in this town that is reflected, beautifully, on what Surfside is all about, being a family beach, so whatever hard feeling there might be and I truly don't know the story that's going on but please know that this man is a very big asset to this town; he's very well liked and thought of; people remember him year to year and come back to go to Nibil's. That's their vacation place to eat so please consider this whenever what's going on is going on. Thank you."

9. COUNCIL COMMENTS

Mr. Samples: "Thank you, again, for coming out. I kind of made a list of things rather than speak off the cuff because that tends to get me into trouble but I did want to mention something. I wanted to clarify and I know it was an inadvertent statement at the last meeting as it related to the parking lot; Yaupon, Yaupon parking lot. While the contractor who did the work was initially awarded a competitive contract and there were 7 competitors, the Yaupon lot was actually done under a modification and was added to the contract and that is something that staff is going to look into and make some recommendations as it relates to how we can tighten up, if you will, on the policy for competitive procurement. Frankly the scope, it just looked kind of funny the way it was done but we're moving ahead on that.

I wanted to really give kudos to the Public Works department on the lakes. This is the first year that I can remember not having people, rightfully so, up here, complaining about the quality, the looks of Lake Elizabeth or Lake Dogwood and the truth of the matter is, is this is of course, most people know, but if you don't know, this is the first year that in-house staff took over the job of maintaining the lakes. I've never seen them look better at this time of the year, so, you remember what they say about, you know, one atta boy, but in any event, you guys are doing a good job. There have been a number of ideas that have been mentioned in public comments that I think we need to really, as a group, consider. Maybe staff, maybe the administrator can figure out a way to make them work, like the ride alongs, ok? I think that someone mentioned, in a past council meeting, I mean, it doesn't hurt to; staff should be proud to show what it is they do and I think we're a small town. You know, I know I've sat here for a few months, a year or more and I've heard about how things are changing. Let me tell you something, I think, as a small town and a small community we need to know each other and we need to know what staff's doing so I would be, certainly in favor of that and I know Ed would be too. I could go on, I have a number of other things but I'll leave it with that and say thank you for coming out and send, like I said before, we don't need to hear the good news, send us the bad news. My wife is sick of me saying that but, it's the truth."

Mr. Johnson: "I'll keep it short and sweet. Thank you for coming out this evening. You're comments are not falling on deaf ears. Concerning the road situation, we are going into this phase of looking at the roads; if you have any ideas about any streets or sidewalks or whatever, please send me an e-mail at markjohnson@surfsidebeach.org, or any concerns and that is the easiest and quickest and best way to get in touch with myself or any of the councilmembers. Thank you again for coming out."

Mr. Martin: "I'll just add my second to what Mark just said, thank you for coming and we are easily reachable through e-mail. Please do send your comments. Thank you."

Mr. Childs: "Just a couple things. Mr. Stevens, that is a problem. I've had that problem for a long time. I think they proved that some of our high bacteria levels in the lake come from animal waste. I wish there was an easy solution, if you come up with one, please let us know. There are a lot of responsible pet owners in this town. The other issue, I bet not a week goes by I'm not asked at least one time about Nibil's and all this negative is not coming from this council. I have not heard anybody on this council have one negative thing to say about Nibil's and I don't know where it starts and I can assure you it's not starting from this council, so I just wanted to get that out there. Nobody's after Nibil's and I haven't even heard it suggested. Thank you."

Mr. Truett: "I want to thank everybody for coming out tonight and bearing with me. It's been a while since I've done this and I don't know if you know and I feel like I need to say this, Mr. Booth's daughter is in intensive care in California and he's been going back and forth and I think we need to keep him and his family in our prayers and if there's no more comments I will adjourn the meeting. Thank you."

10. ADJOURNMENT

Mayor Pro Tem Truett adjourned the meeting at 8:00 PM.

Approved: September 8, 2009

Sharon Pinnell, Town Clerk

K. Allen Deaton, Mayor

Vicki W. Blair, Town Council

Douglas F. Samples, Town Council

Robert F. Childs, III, Town Council

Joseph P. Martin, Town Council

James S. Truett, Mayor Pro Tem

Mark L Johnson, 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.

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