



TOWN OF SURFSIDE BEACH ♦ TOWN COUNCIL CHAMBERS

October 26, 2010 ♦ 6:30 P.M.

TOWN COUNCIL  
REGULAR COUNCIL MEETING

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8 **1. CALL TO ORDER**

9 Mayor Deaton called the meeting to order at 6:30 PM. Mayor Deaton, Mayor Pro  
10 Tem Childs and councilmembers Blair, Smith, Dodge and Samples were present.  
11 Councilmember Johnson arrived at 6:52 PM. Staff present: Appointed Interim  
12 Administrator, Fellner; Clerk, Pinnell; Interim Police Chief, Fredericks; Finance  
13 Treasurer, Hursey; Public Works Director, Adair; and Special Events Coordinator,  
14 Ellis. Attorney Mr. Moss was also present.  
15

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

17 Pastor John Flowers, Harbor Baptist Temple gave invocation and Mayor Deaton led  
18 the pledge of allegiance.  
19

20 **3. AGENDA APPROVAL**

21 Mr. Smith made a motion approve the agenda. Mr. Childs seconded the motion. **All**  
22 **voted in favor. MOTION CARRIED.**  
23

24 **4. MINUTES APPROVAL** – Mr. Smith made a motion to approve the minutes from  
25 the regular council meeting held on October 12, 2010. Ms. Blair seconded the  
26 motion. **All voted in favor. MOTION CARRIED.** Ms. Blair made a motion to  
27 approve the minutes from the special meeting held September 21, 2010. Mr. Childs  
28 seconded the motion. **All voted in favor. MOTION CARRIED.**  
29

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

31 *Shelby Smith, 911 Cedar Drive North:* “The Nibils’ Restaurant decision is now  
32 before you. I am here tonight to pay tribute to this outstanding, landmark business of  
33 Surfside and to recognize several important points that I hope can be considered in  
34 your forthcoming decision. Please treat all the business proposals as proposals and  
35 not just bids. There are many very significant attributes that have real value and  
36 future consequences. Nibils Restaurant, its cuisine and culinary products and  
37 customer service are superior. Number two; Nibils has a proven track record;  
38 dependability and consistency with 23 years of true quality for its customers. Three;  
39 Nibils reputation extends far beyond Surfside, with repeat customers visiting our  
40 Town from all over the USA, appreciating their dining experience at Nibils, a true  
41 icon for our family beach. Customer satisfaction is the true test of all businesses.  
42 Nibils has a tremendous following of very satisfied customers. It is a "preferred"  
43 business operated by a good caring family. You know this from your friends and  
44 neighbors around town. Five; risk for business success exists for a new unknown  
45 restaurant. Nibils is a continued guaranteed success for our town, its residents and  
46 tourists. Six; Jack Cahill and devoted family have been there for us in good times and  
47 in bad times; rebuilding and repairing premises after major hurricanes and storms;  
48 surviving economic downturns and always complying with varying Town ordinances  
49 and requirements over the years. Seven; goodwill is an accounting term that  
50 establishes a dollar value; a dollar value on a business balance sheet based on  
51 business reputation and for its products and services and repeat business over the  
52 years of operation. The accountants refer to it as a "prudent value" and judgment call

53 as to its dollar value. I would ask you to consider a simple, very conservative example  
54 of Nibils goodwill; just one breakfast, one lunch and dinner at \$35 combined total for  
55 each day over the 23 years, if we just took that as an example, it's \$400,000 plus.  
56 This is a solid business entity that has prospered for our town over the past 23 years.  
57 Any way you look at it, the dollar goodwill value is significant. Eight; hundreds,  
58 maybe thousands of locals, residents and tourists will be very pleased every year if  
59 Nibils is allowed to continue its business on the Surfside Beach Pier. So, Mr. Mayor  
60 and Council Members, please really think about it. The good for the Town is always  
61 at stake with your decisions. Make the best judgment decision considering all the  
62 elements and the proposals submitted. We truly appreciate your collective wisdom  
63 and judgment. Thank you.”

64  
65 **Maureen Cahill, Nibils:** “Sorry mom and dad I was going to not say anything. My  
66 name is Maureen Cahill-Butwin; I’m one of Jacks six children. Over the past few  
67 months everyone at Nibils has been affected. We are one big family unit and when  
68 one suffers or is hurting we are all affected. That uncertainty has weighed down on  
69 all of us, mentally, physically, emotionally and spiritually and health wise; the  
70 Cahill’s and all the employees. My parents have given more back to this town in 23  
71 years than this whole town council and past put together. They didn’t give because  
72 they had to; they gave because that’s what’s in their hearts. No matter what happens  
73 this evening or whatever decision you all make, my sisters and brother, my sister-in-  
74 law and my husband and all their grandchildren promise you mom and dad that  
75 wherever we are that we will make you proud and we will always carry on the Nibils  
76 name and the family meaning that goes behind it and I appreciate everyone of you all  
77 looking at me while I talk; it means a lot but what you’ve shown us the past couple of  
78 years, even though it has hurt, we’ve learned a lot and it’s deepened my faith, my  
79 family and if anything, the definition of family has definitely become stronger in the  
80 last few months and wherever we go whether we stay or we go it’s not the building,  
81 Nibils is just a building but it’s the people in there that make it what it is, so, thank  
82 you and again, mom and dad, I think you deserve recognition for 23 years of service  
83 that you’ve given this town. I know some people may not but on behalf of the kids  
84 we thank you and we love you.”

85  
86 **6. COMMUNICATIONS: Presented by Interim Administrator Micki Fellner**

87 **a. Employee Retirement and Recognition: Jan Lewis 21 Years**

88 Ms. Jan Lewis was recognized for 21 years of service. Ms. Fellner stated that Ms.  
89 Lewis has served in almost every position that the town has had to offer adding  
90 that she cannot think of anything she has not done from one time or another. Ms.  
91 Fellner stated that Ms. Lewis has always had a great attitude and has been a  
92 pleasure to work with and she will be missed.

93  
94 **b. Finance Report**

95 Ms. Fellner reported that town residents should have received their tax bills  
96 reflecting the new millage rate for 2010 which is 40 mills, down from 44 mills.  
97 Mayor Deaton added that council lowered the millage rate from 44 mills to 40  
98 mills with 5 mills still dedicated toward stormwater and is proud of what the  
99 council has done.

101 Ms. Fellner reported that year to date for fiscal year 2010-2011 collections are  
102 down from last year by 28 percent. The total outstanding taxes as of September  
103 30<sup>th</sup> are \$155,700 compared to last year which was \$182,300. Business license  
104 permits for September 2010, there were 34 new licenses taken out in September.  
105 The license revenue for September is \$10,400 up from \$7,900 last year. The  
106 \$2,500 or 24 percent difference is mainly attributable to the library. Hospitality  
107 and accommodations tax collected in 2010; hospitality and local accommodations  
108 taxes collected in September were \$106,100 and \$26,900, respectively.  
109 Hospitality was down approximately 2 percent from last year and the local  
110 accommodations were up less than 1 percent from last year. Banking and interest;  
111 the Town earned an average of .45 percent interest on its cash investments for the  
112 month of September. The Town is changing its main operating account with First  
113 Federal from and FDIC insured treasury to an FHLB standby letter of credit  
114 arrangement and the Town should earn a higher yield or interest rate on its idle  
115 cash with this new arrangement. Mr. Samples asked for an explanation of an  
116 FHLB in layman's language. Ms. Hursey explained that FHLB stands for Federal  
117 Home Loan Bureau. The letter of credit just covers all of the towns' funds under  
118 a letter of credit so that the town is not obligated to have only \$250,000 or  
119 \$350,000 covered under the FDIC insurance. The Town was actually paying a  
120 fee \$20 per month for additional FDIC insurance; this will not only save the town  
121 \$20 per month but it will also fully collateralize all of the towns' money and it  
122 will earn a little bit more in interest. It was confirmed that it is insured. Mr.  
123 Smith asked who it was insured by. Ms. Hursey stated that it is insured through  
124 the Federal Home Loan Bank.  
125

126 Ms. Fellner reported on the enterprise revenues; in September 2010 the sanitation  
127 fund collected \$84,400 in service charges compared to \$83,200 in September  
128 2009; slight increase of 1 percent. Year to date fiscal year 2010-2011 is \$321,200  
129 compared to last years' \$314,000 which is up approximately 2 percent. The pier  
130 fund generated \$32,200 in income which is almost equal to the \$39,000 in  
131 September of the prior year. Year to date fiscal year 2010-2011 the fund is  
132 \$168,500 compared to \$157,600 for last year. This puts the town up  
133 approximately 7 percent; \$10,900. The increase is attributable to fishing passes  
134 sold and parking meter revenue. The auditors' year ending June 30<sup>th</sup>, 2010  
135 financial statement, the CAFR, presentation is anticipated to be held late  
136 November. Mr. Samples asked when the reports would be available adding that  
137 council would like to get them in advance of the presentation. The presentation is  
138 anticipated to be on November 23<sup>rd</sup>. Ms. Hursey stated that council should get  
139 the reports in advance and would inform council if the reports would not be ready.  
140 Mr. Samples stated that he would prefer to postpone the presentation until council  
141 has the opportunity to review the reports if they are not ready. Ms. Fellner  
142 agreed.  
143

144 c. *Public Report*

145 Ms. Fellner reported that the town collected a little over 412 tons of solid waste in  
146 September; this is down about 17 tons from the previous year. Over 29 tons of  
147 mixed debris was collected; this is up over 4 tons from last year. The town  
148 collected over 77 tons of yard debris which is down around 3 tons from last year.  
149 The recyclables collected were a little over 51 tons which is up 12 tons from last

150 year. The crews assisted with the Family Festival set up and clean up on October  
151 2<sup>nd</sup>. Moby and recycle carts as well as portable dumpsters were delivered and  
152 removed for the activity. Tables, tents, supplies, barricades, traffic cones were  
153 delivered and removed for the event. Beaches and streets cleaning and preventive  
154 maintenance and winterization of showers and shower towers will be done over  
155 the next few weeks. Between September 26<sup>th</sup> and September 30<sup>th</sup> the town  
156 received approximately 15 inches of rain; the crews have been busy addressing  
157 drainage issues since then; cleaning storm drains and ditches and making repairs  
158 and adjustments to sights as needed; this is ongoing. As time permits faded Stop  
159 signs throughout the town are being replaced with new prismatic signs to increase  
160 visibility and safety. The 50/50 ditch piping program will be reactivated this  
161 coming week; anyone interested can check the website for details and download  
162 the appropriate form. The skate park will reopen this Friday in the town hall  
163 complex. The hours will be 8AM until dusk; some mesh screening has been  
164 ordered for the south and west side of the park which should arrive in the next few  
165 weeks and it will then be installed. The Floral Lake outfall project has been  
166 posted for rebid and the deadline is November 5<sup>th</sup>. Fleet maintenance from  
167 September 23<sup>rd</sup> through October 20<sup>th</sup> the town mechanic completed 58 repairs on  
168 town vehicles and equipment. The new double wall storage tanks that meet  
169 OSHA and DHEC requirements have been installed for the oil and hydraulic  
170 fluids. The Town is happy to congratulate employee Eric Simpson who has been  
171 promoted to the position of Grounds Supervisor for the Town.

172  
173 **d. *Recreation Report***

174 Ms. Fellner reported that the athletics adult softball fall league will begin October  
175 18<sup>th</sup> with ten competing teams; games will end the week before Thanksgiving.  
176 Registration for basketball will be Monday, November 1<sup>st</sup> through Friday  
177 November 5<sup>th</sup> from 1 to 5 PM. Teams are coed and children ages 10 to 13 are  
178 eligible; the cost is \$25 for town residents and \$75 for non-town residents and the  
179 games will be played at Saint James Middle School. Special events: Family  
180 Festival was held on October 2<sup>nd</sup>, the weather was great; entertainment was  
181 provided by Sea Cruz and True Sol. There were over 130 vendors; more than  
182 ever before and attendance was estimated at between 12,000 and 15,000. The Sky  
183 Houndz local contest was held the end of September with 15 competitors. The  
184 State Championship scheduled for October 9<sup>th</sup> was cancelled due to lack of  
185 qualified specialty judges required for this event. Staff assisted with the Open  
186 House at the Fire Department and approximately 250 people attended and were  
187 served lunch. In addition the employee health fair was conducted at the civic  
188 center on October 15<sup>th</sup>. There were approximately 30 employees who  
189 participated; screenings included blood panels, TB test, flu shots, vision test, bone  
190 density screenings, oral cancer screenings, BMI tests and blood sugar tests. Ms.  
191 Fellner stated that she has asked Ms. Ellis on a pre-signup basis to make this  
192 service available to town residents next year at cost. Upcoming events are:  
193 Veterans Day service which will be held November 11<sup>th</sup> at 2PM at the corner of  
194 Surfside and Willow Drive. The staff is organizing a holiday decorating contest  
195 for residents of Surfside Beach. This will be for the houses and yards of residents  
196 only and a draft of contest information and rules will be available on the town  
197 website by the following week. All entrants must sign up to be considered. The

198 entry fee will be a new toy that the town will donate to Toys for Tots. Staff is  
199 asking council to serve as judges for the entries.  
200

201 e. Administrator's Report

202 i. Air Quality Issues at Town Hall

203 Ms. Fellner reported that the Town has received two quotes regarding the air  
204 quality at town hall; both were missing information. Ms. Fellner stated that  
205 these do not compare "apples to apples" and would need to follow up with  
206 these companies and bring this back to council at the next meeting adding  
207 that she is not comfortable with information she received.

208 ii. Building Dept.: Permits to be issued 8AM to 5 PM

209 The Building Department hours for permits are now extended to better serve  
210 the public. Residential and construction permits will be issued 8AM to 5  
211 PM Monday through Friday.

212 iii. Off Season Fishing Passes at the Pier

213 Ms. Fellner reported that she had a meeting with Pier Outfitters regarding  
214 off season fishing passes at the pier. The owner would like to address other  
215 issues as well so this will also be brought back to council at the next  
216 meeting.

217 iv. Bid for Surfside Drive is Advertised

218 Ms. Fellner reported that the bid for the streetscape went up on the website  
219 last Thursday; it will be on SCBO by the end of the week and will also be  
220 advertised in the Sun News. There is a mandatory pre-submission meeting  
221 on November 3<sup>rd</sup> at 10:30 AM at Town Hall and the deadline for bids is  
222 December 6<sup>th</sup> at 2:30 PM. Mr. Samples asked about the definition of  
223 "mandatory" pertaining to the bid. Ms. Fellner stated that "mandatory in my  
224 mind means mandatory. It means you have to be there." Mayor Deaton  
225 explained that mandatory does vary from construction situations to other  
226 contractual matters. Mr. Samples asked about the fishing revenue provided  
227 to council inquiring whether the numbers given included the net revenue to  
228 the town. Ms. Fellner answered that it was. Ms. Hursey confirmed that it  
229 includes the net.  
230

231 7. **BUSINESS**

232 a. Decision Paper: Payment Option for Fire Truck Financing

233 Ms. Fellner reported that this is being brought back to council because the options  
234 can vary more than \$5,000 depending on which option is selected. Option 1  
235 would be a principal payment of \$54,860.18 due July 1<sup>st</sup>, 2011 along with accrued  
236 interest from date of note, then quarterly principal payments of \$18,286.73 plus  
237 accrued interest beginning October 1<sup>st</sup>, 2011. Option 2 would be a principal  
238 payment of \$36,573.45 due July 1, 2011 along with accrued interest from date of  
239 note, then semi-annual principal payments of \$36,573.45 plus accrued interest  
240 beginning October 1, 2011. Option 3 would be an annual principal payment of  
241 \$73,146.90 due October 1, 2011 plus accrued interest. Options 1 and 2 require a  
242 greater financial expenditure than our current Capital Replacement Plan allows.  
243 Option 3 is more in line with our Capital Replacement Plan but if we did not  
244 prepay the loan we would be paying out an additional \$6,670.48 more in interest  
245 than with Option 1 or \$4,452.09 more in interest than with Option 2. Staff  
246 recommends Option 1 which is the lower overall interest or Option 3 following

247 the Capital Replacement Plan if the town plans to exercise a prepayment. The  
248 town is currently making very little money with it sitting in the bank and it may  
249 not be the case 5 years from now. There is no charge to prepay it after 5 years.

250

251 Mr. Samples stated that “no one has a crystal ball” and the town is talking about  
252 conceivably a 10 year lease; the interest rate is 2.5 percent roughly. Option 3  
253 does have the lower outlay up front adding that there is an approximate \$6,000  
254 difference between the 3 options. It was confirmed that this does not include the  
255 sale of the existing ladder truck. Mr. Samples made a motion to adopt Option 3.  
256 Mr. Childs seconded the motion. **All voted in favor. MOTION CARRIED.**

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258 *b. Decision Paper: Approval to Fill Grounds Laborer/Light Equipment Operator*  
259 *Position*

260 Ms. Fellner reported that Eric Simpson has been appointed the Grounds  
261 Supervisor and the town would like to promote Lonnie DeBruhl to the vacated  
262 Grounds Foreman position previously held by Eric Simpson. Staff would like the  
263 approval of council to fill Lonnie DeBruhls’ position. Mr. Smith made a motion  
264 to give permission to fill the laborer and light equipment position. Mr. Childs  
265 seconded the position. Mr. Samples stated that since the summer sanitation  
266 schedule has ended “and we are not a union shop in Surfside Beach and so I know  
267 this is a Grounds position but I also know that sanitation is down in terms of  
268 work; they must be, they have to be, because we all know that for 100 days a year  
269 we’re busy with tourism, well that times come and gone and I would ask council  
270 to consider deferring this decision until the Public Works Director has an  
271 opportunity to look in Sanitation to see if, in fact, this laborer position, and in fact  
272 it is a laborer position.” Ms. Fellner added that the position also includes handling  
273 light equipment. Mr. Samples stated that “somebody in Sanitation is probably  
274 capable of handling light equipment. I just ask that you consider deferring it for  
275 several months.” Mayor Deaton stated that this would require the motion to fail.  
276 Ms. Fellner stated that already in Sanitation the town is stealing one person part  
277 time to assist the mechanic. Mr. Samples stated that his recollection is that  
278 council in adopting the current year budget the number of full time equivalence in  
279 Sanitation was increased. Ms. Fellner stated this was correct. Mr. Adair and Ms.  
280 Fellner confirmed that the town increased from one part time person to a full time  
281 position at the beginning of the summer. Mr. Samples stated that the town just  
282 got its budget in line with what it had because it went up to 10 in Sanitation. Mr.  
283 Samples stated that the argument he is making is still valid adding that he has  
284 lived here a long time and as many people understand the workload drops in the  
285 winter as it relates to Sanitation and all he is asking is to hold off for a period of  
286 time and bring it back when the position is absolutely needed. Mr. Smith stated  
287 that he would like to suggest authorizing the position and let the Town  
288 Administrator decide when the position needs to be filled. If they have a full  
289 workload now then fill it immediately if it can be delayed a month or so then that  
290 would be their decision. **Ms. Blair, Mr. Johnson, Mr. Smith, Mr. Childs and**  
291 **Mayor Deaton voted for and Mr. Samples and Ms. Dodge voted against.**  
292 **MOTION CARRIED.**

293

294 Mr. Samples stated that he would like staff to look at the workload and make sure  
295 that everyone is fully engaged. If they are then the position absolutely needs to be  
296 filled. Mr. Samples stated that he does not believe that anyone on council feels  
297 that a position needs to be filled just because a vacancy occurs; there has to be the  
298 workload to support it.

299

300 c. *Decision Paper: Lighting for Town Hall: Grant*

301 Ms. Fellner reported that Phase III of the Energy Efficiency and Conservation  
302 Block Grant is to upgrade the lighting fixtures in the town buildings. The bids  
303 were open on October 21<sup>st</sup> and Mancill, Inc. met all specifications and stimulus  
304 requirements and came in as the lowest bid at \$9,645.00. Staff would like council  
305 to award the light fixture bid to Mancill, Inc. and to amend the budget  
306 accordingly. Mr. Smith made a motion to award the contract to Mancill, Inc. for  
307 the amount of \$9,645.00 and amend the budget accordingly. Ms. Dodge seconded  
308 the motion. **All voted in favor. MOTION CARRIED.**

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310 d. *Resolution #10-101: Opposition of Accommodations Tax Distribution Formula*

311 Clerk Pinnell read the Resolution that is on file. Mayor Deaton stated that this  
312 resolution is extremely important for Home Rule. Mr. Childs made a motion to  
313 adopt Resolution #10-101. Mr. Smith seconded the motion. Mr. Samples stated  
314 that the critical part is that this affects police and fire protection and that the town  
315 needs to be prepared to re-nourish the beaches. Mr. Samples stated that he hopes  
316 people will let their State representatives know that there are other ways for the  
317 government to get money to solve State problems “rather than reaching in their  
318 locals pockets.” Mayor Deaton added that this area bears the brunt of tourism and  
319 added that he attended a recent Mayors meeting where it was noted that “166  
320 municipalities out of 240 in the State of South Carolina are under 2,500 residents.  
321 You hear that Surfside’s a small town but at 5,000 plus we’re not really a small  
322 town and if you consider the 120 days that we grow to 30,000 plus we probably  
323 rank the top 10 cities in the State. Myrtle Beach in reference to that also grows to  
324 300,000 for about 120 days; they become the largest city in the State of South  
325 Carolina so they bear the brunt out of tourism so we have to be able to hit that  
326 peak. We have to be ready for that with our police and our fire and our sanitation,  
327 so we’re kind of a different formula for most communities and this effort was to  
328 try to spread the wealth; we generate the accommodation money. It’s generated  
329 in the tourism area of the Grand Strand and this attempt was to spread the wealth  
330 into to more rural communities that are agricultural and I think it’s ill fated; I  
331 think that we need this support because a lot of the support was supposed to go  
332 towards encouraging more tourism, so if we’re having to encourage more tourism  
333 and we got to take in more heads in the beds then we need to be able to reach our  
334 capacities; there’s going to be more strain on our community, for our public  
335 safety, for our sanitation, for our roads, for our infrastructure so I don’t really  
336 understand the formula but I know that it’s not a good thing for us.” **All voted in**  
337 **favor. MOTION CARRIED.**

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339 e. *Public Bid Opening: Pier Restaurant*

340 Ms. Fellner opened the one package received and stated that she would read the  
341 name. Ms. Fellner stated that the package was received by Nibils.

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8. **PUBLIC COMMENTS – Agenda Items only – 5 minutes per speaker**  
*Alan Beck, 626 10<sup>th</sup> Avenue North:* “I’d like to talk about the lease. I read the lease and I read it the first time and I realized it had a lot of problems in it and we talked about that and you all made a big effort to cut it down and I saw the next was down to half the size. It went from 60 pages to about 30 pages and so I know that your hearts were in the right direction there, however, I noticed reading it that you still have some flexibility and opportunity to adjust the terms of the lease that says you can accept minor, you can accept irregularities in the proposals that come in and you have some time, as Shelby was mentioning, before you actually execute the list to get it right. I was disappointed in reading the 30 some pages of the new lease to see how many places in there still, in my opinion, were not fair for my town to be dealing with an individual that’s trying to set up a business and I would ask you, as you look at how you word the final lease agreement, to put it out to try to make it reasonable to a lease that you would be willing to accept. If you were leasing your house from Surfside Beach would you sign up to a provision that said Surfside could take away your parking any time they wanted for as long as they wanted as many times per year rather than just say maybe there’s going to be three times a year that we’re going to need your parking area. If you were leasing your house from Surfside would you accept a provision that said anybody could come into your house any day and if they found an insect that could be a dust mite or a fly that you had to forfeit your security deposit which was one month’s rent and then in 10 days you had to replenish the security deposit and then 10 days later somebody could come in and find another dust mite and make you forfeit your security deposit again? That ought to be removed from the lease. How about the requirement in the lease that says that the windows shall be kept clean. Would you take a lease on your house that anybody could come by in the morning and say I think there’s a little salt mist on your window today, I want your security deposit; that’s one months’ rent and you have to give it back up. There are several of those things in the lease; some of them are the ones that I pointed out to all of you in an e-mail before on the first lease that are still there and that aren’t very reasonable. There are some others that are seemingly, in my opinion, micromanagement for the town rather than just going out and saying we got this much space and we would like to get some money for it and I think that any time you have these unreasonable requirements you’re going to result in lower rent for the town, therefore, doing the citizens a disservice. The requirement that no sound can be heard outside of the restaurant; I guess that would mean that if we go with the one bidder that next Saint Patrick’s Day I can’t listen to any Irish music because if somebody opens the door you might be able to hear that outside and I guess that the lease requirement that says you can’t have any amplified sound outside now means that there’s no way to page the customers because I believe even these old hand buzzers, that disappear at a great rate and therefore would cost more money and be less rent somebody could offer, make some buzzing sound that you can hear. There’s a lot of little things in the lease; I would urge you to try to back that stuff out and go to a reasonable lease instead of, I believe it’s an unconscionable lease right now, and that does violate State code to have something unconscionable because of those requirements. You wouldn’t accept them for yourself, don’t impose them on Nibils.”
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9. **EXECUTIVE SESSION**– FOIA 30-4-70 (a) (2) Contractual Matter Pier Restaurant  
Mr. Smith made a motion to go into executive session. Mr. Childs seconded the motion. **All voted in favor. MOTION CARRIED.**



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Mr. Smith made a motion to come out of executive session. Ms. Blair seconded the motion. **All voted in favor. MOTION CARRIED.**

Mayor Deaton announced that the town has no bids for the restaurant on the pier of Surfside Beach.

#### **10. COUNCIL COMMENTS**

*Ms. Blair:* “It’s been a difficult night so let me try to find something positive here. Thank you all for coming. It was a great festival; thanks to Debbie, she put in a lot of hard work as did all of staff and Mr. Adair and all the guys that were out there helping. Chief Frederick and his men were all over and we appreciate all that they do and the great job he’s doing as Interim Chief. It was beautiful weather and it was a great day and I hope all of you had a chance to come out and share it with us. Congratulations on the fire department and everything that happened there last Saturday and I hope you were able to come out and share that as well. I do just want to reiterate that I totally agree with councilman Smith and the request, to really look into, but I certainly hope that you wouldn’t be asking to fill a position if you didn’t feel that you really needed it and that we had the work to keep them busy so I trust your judgment in that and look forward, I think the Christmas decorating is a great idea; I think it’s a wonderful thing I would look forward to seeing all of that and all of the creativity that I know exists in town so bless you all; thank you for coming; have a great night.”

*Mr. Johnson:* “As I was previously going to say, I wanted to apologize to the citizens and to the council for being tardy. I have been out of town for the past several days on business and I just returned this evening. Thank you.”

*Ms. Dodge:* “I have several comments. First of all I’m sorry that I missed the October 12<sup>th</sup> meeting and we also missed the opening of the fire station; that was a disappointment but we were away. I would like to thank Jan Lewis for her service to the town and wish her good luck in her retirement; I see she’s already left. I would like to thank our summer parking meter attendants, Walt, Jim and Bernie, each of them is a very positive ambassador for this town and I really appreciate them and in regards to parking meters, I received several complaints about parking tickets via e-mail, one of which was 4 pages long and this one, especially points out the need for better signage regarding ‘no parking’ on Ocean Blvd. I think that’s something we can look at and get taken care of pretty quickly. Thank you.”

*Mr. Samples:* “I’ll speak . . . just . . . these are council comments so of course they are my own personal comments. What I would say is the town has lost something very vital and I would hope, you all know what an optimist I am, I would hope that Mr. Cahill would consider contacting the Administrator to continue the great operation that he had but if not it’s certainly a loss to the town. I don’t know what to say. To me it’s the worst of all possible outcomes. The building is less than 2,000 square feet. You know, frankly, I don’t want to see the town turned into a party town. I don’t want to see high rolling, big business, small business shaking going on at the Surfside Beach Pier. That’s just me. I moved here because I like the fact that, yes we have our season, but it’s within reason, it’s within reason, it isn’t Myrtle Beach; it’s

441 not North Myrtle Beach, it's not Southern California out of control, where I'm from  
442 and I'm going to tell you something, in my opinion if we don't get a little more, if we  
443 don't step back a little bit, collectively as a council and start thinking about the long  
444 term, God given things that we have instead of being so focused on an almighty  
445 dollar, the next dollar, ok? That's my opinion. I want to finish my comments and  
446 please withhold . . . but I want you to know how I feel. I didn't run for office because  
447 I thought that it was going to be a great ego boost or to use it as some kind of stepping  
448 stone or to somehow personally benefit. I lived in this town for 10 years before I  
449 thought about running for office and when I ran I knew exactly why I was going to  
450 run because I like it the way it is, ok? I know we can't freeze it; I know you can't  
451 stop change but we need to be smart about what change we do and I'm very  
452 disappointed. That's all I have to say."

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454 **Mr. Childs:** "I'd like to associate myself with Mrs. Blairs' remarks on the festivals  
455 and, John, I think you're doing a great job, I think, with the few employees you have.  
456 I think we ask a lot of your department and I think you do a great job."

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458 **11. ADJOURNMENT**

459 Mr. Smith made a motion to adjourn. Mr. Childs seconded the motion. **All voted in**  
460 **favor. MOTION CARRIED.** The meeting was adjourned at 7:52 PM.

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462 Approved: November 9, 2010

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464 Sharon Pinnell, Town Clerk

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470 K. Allen Deaton, Mayor

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470 Roderick E. Smith, Town Council

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475 Vicki W. Blair, Town Council

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475 Ann Dodge, Town Council

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480 Douglas F. Samples, Town Council

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480 Mark L Johnson, Town Council

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485 Robert F. Childs, III, Mayor Pro Tempore

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488 **Clerk's Note:** This document constitutes minutes of the meeting, which was audio taped. This meeting was transcribed by Clerk Pinnell.  
489 In accordance with FOIA, meeting notice and the agenda were faxed and/or emailed to local media and interested parties. A complete  
490 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  
491 area. Meeting notice was also posted on the town marquee. When (\*\*\*) is used a section of the transcription is inaudible.