



**SURFSIDE BEACH TOWN COUNCIL
REGULAR COUNCIL MEETING MINUTES
OCTOBER 25, 2011 ♦ 6:30 P.M.
TOWN COUNCIL CHAMBERS**

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1. **CALL TO ORDER.** Mayor Deaton called the meeting to order at 6:30 p.m. Mayor Deaton, Mayor Pro Tempore Childs, and Councilmembers Blair, Dodge, Johnson, Samples, and Smith were in attendance; a quorum was present. Staff present: Administrator Duckett; Deputy Administrator Fellner; Police Chief Frederick; Public Works Director Adair; Treasurer Hursey, and Recreation Supervisor Ellis. Others present: Dr. Libes, Town Attorney Moss, and Town Clerk Herrmann.

2. **INVOCATION AND PLEDGE OF ALLEGIANCE.** Associate Pastor Marty Parker, Glenss Bay Baptist Church, gave the invocation. Mayor Deaton led the Pledge of Allegiance.

3. **AGENDA APPROVAL.** Mr. Smith moved to approve the agenda as presented. Ms. Dodge seconded. **All voted in favor. MOTION CARRIED.**

4. **MINUTES APPROVAL.** Mr. Johnson moved to approve the minutes for the regular meeting held October 11, 2011 as presented. Mr. Childs seconded. All voted in favor. **MOTION CARRIED.**

5. **PUBLIC COMMENTS – AGENDA ITEMS.**

“John Ard, 712 Cypress Drive, Surfside. Mr. Mayor, Council, administration, staff and the good people of Surfside Beach. We’re looking at a very important decision here tonight before council and stuff’s going to have to make in a little bit. It’s second reading on this per diem and no restrictions is just completely ridiculous. A hundred dollars, all your other expenses are already paid, most of them, but you’re getting a hundred dollars to do with just about as you please. No questions asked. We have people right now in this town that wish they could even make a hundred dollars a week; pay a bill, buy groceries, or something like that. So we’re going to just throw a hundred dollars away. That’s just about what we’re doing. Now, on this receipt issue, I don’t think I’ve ever heard anything like that in my life before. In any kind of business you’re in, you’ve got to have receipts. If you go on some of these meeting retreats or anything like that you’re going to get yourself a little bit of money. They say you ain’t got to have a receipt. You come back and walk in up there and say well, look I spent \$380, I need my money back. They’re not going to question it. No questions asked. That’s \$380 dollars you’re going to get, no questions asked. People, that’s what you call have no paper trail that you can trace anything at all back to you. None. You can’t prove nothing [sic] one way or the other, whether they get it or that they didn’t do it, or whatever the situation may be. There’s just no proof at all. If somebody out here comes up and says look I wonder what so and so spent on that retreat, can I see receipts? No, you can’t see the receipts, because there ain’t [sic] one. We don’t require one. I ask y’all to think about this thing very hard tonight, because it is coming up here very shortly. I’m asking you to use your good judgment. The one the voters put you in here to use. This town has had enough hardships with money and stuff in the last three-and-a-half, four years. We don’t need any more, and that’s just exactly what’s going to happen with this. We ain’t going to have nothing but trouble from end to the other with this. And down the road somewhere, it could also, I reading this morning up on the computer about this. It can also lead to fraud, and I’m sure that nobody don’t want to get in trouble with fraud, cause if you was to be catching, get caught lying on something...” (TIME) Mayor Deaton, “Okay, thank you sir. That’s your three minutes. We appreciate your comments. Anyone else? Having none, let’s move forward.”

6. **COMMUNICATIONS.**

A. Department Reports

i. **Finance.** Mr. Duckett presented the finance report, a copy of which is on file in the clerk’s office, and is made a part hereof by reference as if fully set forth herein. Mr. Samples asked if the capital

56 projects fund expenditure summary was calculated correctly. Ms. Hursey said there was a problem with
57 the program formulas; corrections would be made. Mr. Samples said local accommodations tax and
58 hospitality funds collected were less than last year and asked if lower accommodations amounts should
59 be expected from the State. Ms. Hursey said the town could expect to receive less revenue. Mr.
60 Samples said he wanted to point out that at this time, less accommodations and less hospitality taxes
61 were received than was budgeted. Mayor Deaton said that was not correct that Mr. Samples was making
62 an assumption. Mr. Samples said the mayor was correct; the town budgets on an annual basis. He
63 restated that the town had received less money in accommodations and hospitality taxes than were
64 received at this same time last year. Mr. Duckett said that was correct, and also pointed out that there
65 was a fire last year at one of the three hotels, which did not have any guests for six-to-eight months, and
66 he presumed that additional accommodations tax revenue would be received this year that was not
67 received last year. Mr. Samples agreed and asked about hospitality taxes. Mr. Duckett said hospitality
68 funds are generated by restaurants that prepare food.

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70 ii. Recreation. Mr. Duckett presented the recreation report, a copy of which is on file in the
71 clerk's office, and is made a part hereof by reference as if fully set forth herein.

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73 iii. Public Works. Mr. Duckett presented the public works report, a copy of which is on file in the
74 clerk's office, and is made a part hereof by reference as if fully set forth herein. He noted again that the
75 town would not hire additional personnel to operate the street sweeper. Mr. Smith asked for an update on
76 the underground wiring project on Ocean Boulevard. Mr. Duckett said more information will be given in
77 his report. Mr. Smith said that he would wait. Mr. Samples asked if it included 10th Avenue North. Mr.
78 Duckett said yes. Ms. Dodge asked if there is a schedule for street repairs. She has reported a number
79 of pot holes, and there are streets crumbling. Mr. Adair said pot holes are repaired as they appear, and
80 asked where they are located. Ms. Dodge said there were many and he should go look. Mr. Samples
81 said it might behoove Mr. Adair or public works staff to drive down South Dogwood, Myrtle, and many of
82 the streets that are parallel to the ocean to check for necessary repairs. He, too, has observed many pot
83 holes. There is one in 5th Avenue North; it was just repaved about a year-and-a-half ago. He suggested
84 staff use different routes so various streets can be inspected as they travel throughout the town. Ms.
85 Dodge agreed with Mr. Samples, and added she did not believe it was council's job to advise staff of work
86 to be done.

87
88 C. Administrator's Report – Update on Current Events. Mr. Duckett presented his report, which
89 is on file in the clerk's office and is made a part hereof by reference as if fully set forth herein. Mr.
90 Samples was surprised that only two bids were submitted for the underground wiring job and asked how
91 long the bids were advertised. Mr. Adair said two weeks. Mr. Samples asked whether the ad was placed
92 in *South Carolina Business Opportunities*, and said it was interesting that there were two bidders, both
93 estimating the job at over three-quarters of a million dollars with 1-percent difference in price. Mayor
94 Deaton said this was a matching dollar-for-dollar project being done with Santee Cooper. Mr. Samples
95 noted that the town pays over-runs.

96
97 7. **BUSINESS.**

98
99 A. Second Reading Ordinance #11-0708- §20(b) Amend Council Travel Per Diem. Mr. Smith
100 moved to adopt second reading. Mr. Childs seconded.

101
102 Mr. Samples moved to amend the motion to reduce the per diem amount to \$65 per day. He
103 continued saying his reason was that council should be setting an example, and he could not justify \$100
104 per day for members to spend as they chose when hotel bills are paid as Mr. Ard described during his
105 comments. Staff members are required to submit receipts for reimbursements. In his 30-years plus
106 experience in government agencies, \$100 a day is much more than he has ever seen approved. He
107 recalled the time when the per diem was \$35 a day, with \$75 for hotels. He has attended conferences
108 and training as a councilmember for almost ten years; he has never had... Mayor Deaton interrupted
109 saying a second was needed to continue debate. Ms. Dodge seconded. Mr. Samples continued saying
110 that he believes \$65 per day is more than generous. Mr. Johnson respectfully disagreed saying perhaps
111 \$100 per day was too much, but when locations were equaled, and future councils were considered, and

112 the practice of adopted per diems generally remaining the same for several years as explained by the
113 administrator, he had no problem with an \$80 per day amount, but he could not support \$65.
114 Councilmembers Blair, Dodge, and Samples voted in favor. Mayor Deaton, Mayor Pro Tempore Childs,
115 and Councilmembers Johnson and Smith voted against. **MOTION FAILED.**

116
117 Mr. Samples moved to amend the motion to change the per diem to \$80 per day. Mr. Johnson
118 seconded. Councilmembers Blair, Dodge, Johnson and Samples voted in favor. Mayor Deaton, Mayor
119 Pro Tempore Childs, and Councilmember Smith voted against. **MOTION CARRIED.** Mr. Samples said
120 council has always been entitled to reimbursement for legitimate expenses. This ordinance establishes a
121 flat payment system to make it easier.

122
123 Mayor Deaton called for motion on the original motion as amended. Mayor Deaton, Mayor Pro
124 Tempore Childs, and Councilmembers Blair, Johnson and Smith voted in favor. Councilmembers Dodge
125 and Samples voted against. **MOTION CARRIED.** Mr. Samples said for the record that he voted against
126 the motion because, "when you get bad legislation, you can try to improve it, and when it's still bad, you
127 can vote against it."

128
129 B. Stormwater Committee Recommendation – Participate in Long Bay Hypoxia Monitoring
130 Consortium. Mr. Duckett presented the resolution of the stormwater committee recommending
131 participation in the Long Bay Hypoxia Monitoring Consortium. Dr. Libes, Waccamaw Watershed
132 Academy, Coastal Carolina University, explained that funding was initially received from State grants, but
133 those monies were depleted. She believed it was important as a community to continue water monitoring
134 and was seeking funds from and partnerships with the municipalities and the Horry County Legislative
135 Delegation. The Coastal Alliance of South Carolina supports the effort; a copy of its resolution is in file.
136 The goal is to add two additional piers, making the total three, from which ocean water can be monitored.
137 The City of North Myrtle Beach has expressed interest in adding a fourth pier. There are many options
138 for cost sharing. Horry County and the City of Myrtle Beach have designated specific amounts, but it is
139 difficult to determine an equitable financial amount when the partners are not present. At the stormwater
140 committee last week there was concern about the initial capital investment to purchase equipment. The
141 university has assured her that the town's initial investment for equipment could be spread out over the
142 succeeding years to reduce the initial amount. Operational cost will occur every year as the equipment
143 requires a lot of maintenance to keep it running and insuring that data is good quality and readily
144 accessible to the public. Mayor Deaton said this monitoring is to determine oxygen levels in the ocean
145 and areas that are referred to as 'dead zones.' Horry County is funding the Apache Pier; Myrtle Beach is
146 funding the 2nd Avenue Pier and offering about \$100,000. He asked if equipment was \$110,000 and
147 annual maintenance was about \$40,000. Dr. Libes said \$70,000 for equipment, and roughly \$40,000 per
148 year maintenance. Adding a fourth pier may impact the cost. Mr. Childs asked what could be done if it is
149 determined that oxygen levels are low. Dr. Libes said this is one of the reasons stormwater management
150 programs are required. Flows of materials off of the land could be important contributors to the
151 development of low oxygen conditions in the coastal waters. The Consortium is already discussing
152 management options to reduce flow of those materials, which is usually nutrients, but could also be
153 organic matter. Mr. Childs asked if that was currently tested from the lake runoff. Dr. Libes said there is a
154 voluntary water monitoring program that takes measurements every other week at the lakes on 11th
155 Avenue North and 4th Avenue North. Mayor Deaton said this was to test the ocean water, which is not
156 currently being done. Mr. Childs asked again what could be done if the oxygen is low. Mayor Deaton
157 said identify the sources and reduce them. Dr. Libes said that when so much money is being spent, it
158 would be important to document that the reduction in sources resulted in improved oxygen levels. The
159 only way to accomplish that was to establish a monitoring system to create oxygen data. Management
160 strategies would need to be reconsidered if an improvement is not seen, which is "adaptive management"
161 in the environmental realm. Mayor Deaton said there is a Federal mandate to continue with the
162 stormwater quality programs. This monitoring program is another component and the data would support
163 best management practices. For over ten years, five miles have been designated for stormwater
164 management including education, water quality, and other Federal mandates. He believes that some
165 funding is available from that account. The town owns its pier. He believes the pier could be offered as a
166 location; funding has yet to be identified. The town is dependent upon the ocean and should maintain it
167 to preserve the town's tourism business and lifestyle. Ms. Dodge believes the town is the end of the line

168 as water flows from upstream. Measures have been taken to mitigate problems. If monitoring determines
169 there is a problem, would the town be responsible for resolving the problem. Dr. Libes explained that was
170 why the Waccamaw Academy was founded. She understands that water knows no jurisdictional
171 boundaries, which why collaborative efforts are necessary. Mayor Deaton said the town has a 2002
172 agreement with Horry County that states the county will pay 70-percent of improvements for many of the
173 town's stormwater improvements. He believes the County will contribute to the monitoring effort. The
174 Grand Strand area receives bad press internationally and this effort might improve its standing. Mr. Smith
175 thought measuring water quality was very good, but the town already spends about \$20,000 measuring
176 water quality. Measuring the ocean is almost too big for us to tackle. Ms. Blair asked why the assigned
177 values for North Myrtle Beach and Surfside Beach were equal. Dr. Libes said she simply took the
178 remaining amount and split it equally to create a straw budget. She believes that Mayor Deaton's
179 suggestion that Horry County might contribute is realistic, although she could not speak for the County.
180 Mr. Samples asked if this effort was part of the Watershed Academy. Dr. Libes said this is a monitoring
181 consortium on the part of the municipalities of Surfside Beach, Myrtle Beach, North Myrtle Beach, and
182 Horry County. In her opinion, this was about having the communities move to the next level with
183 stormwater management programs, where the monitoring component was added. Mr. Samples asked
184 whether Georgetown County and its municipalities would be included as they are considered part of the
185 Grand Strand and have considerable water frontage. Dr. Libes said the Murrells Inlet community has
186 expressed interest in participating. This type monitoring is customary in communities with stormwater
187 management programs. The majority of the hypoxia problem is located in the core along the Grand
188 Strand. There are only anecdotal reports of low oxygen further south than Surfside Beach. Mr. Samples
189 had the same concern as Mr. Childs. Dr. Libes said State agencies could be revisited for additional
190 support, because the area communities were committed to working together.

191
192 Mayor Deaton said if there was consensus to offer the pier as a monitoring station location,
193 funding could be identified later. Mr. Johnson had no problem directing the town administrator to
194 determine whether there are funding avenues available, but he was concerned about the impact of the
195 equipment on fishermen. Dr. Libes said the system was successfully installed and used at Apache pier
196 that has a very large group of fishermen. The equipment is actually located below the deck away from
197 the fishermen. Ms. Blair thanked Dr. Libes for her explanation, but was fearful that blindly offering the
198 pier now would commit the town to funding. She preferred a conditional offering subject to being able to
199 locate funding. Mayor Deaton said that was his intent; offer the pier as a location with funding being
200 identified later. Mr. Samples asked the administrator whether funds were budgeted for this expenditure.
201 Mr. Duckett said a budget amendment would be necessary to appropriate funds. He explained that this
202 topic had been discussed by the Coastal Alliance for several months. Dr. Libes has diligently sought
203 funding and he believed she was pleasantly surprised with funding from Horry County, Myrtle Beach, and
204 North Myrtle Beach. He said Mayor Deaton believed the correct process for the town was to have Dr.
205 Libes attend the stormwater committee, whom subsequently forwarded its recommendation to council. At
206 this point, he believed consensus to support the program was being sought, with an offer to use the pier,
207 with funding to be identified later. Mayor Deaton said that was correct. Mr. Samples moved to direct staff
208 to prepare a resolution for the next meeting which expresses support for the effort, make the pier
209 available and clearly indicates that the town is in no way committing financial resources. Mr. Childs
210 seconded. All voted in favor. **MOTION CARRIED.**

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212 8. **DISCUSSION.** There was no discussion to come before this meeting.

213
214 9. **PUBLIC COMMENTS.** There were no public comments.

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216 10. **COUNCIL COMMENTS.**

217
218 Ms. Blair, "Not much to say. Thank you all for coming out, and drive safely home. We'll see you
219 next time."

220
221 Mr. Johnson, "Thanks, ladies and gentlemen, for your continued support and your attention.
222 Thanks."

223

224 Ms. Dodge, "I just want to add my voice to that. I appreciate every one of you who come out
225 steadfastly every meeting. You speak out on issues. Sometimes it's a little rough on us. Sometimes you
226 are very gracious to us. I just want you to know how much your efforts are appreciated. I want you to
227 know that what you say is heard, and we will work on it."
228

229 Mr. Smith, "I'd like to commend our police department on arresting the fellow who stole the
230 money from the Surfside Methodist fair. They did a great job in apprehending that person.
231

232 Mr. Samples, "Thank you for coming out. It was a short meeting. One of these days, it'll get so
233 short you'll blink your eyes and it will all be done. Thanks for coming out."
234

235 Mr. Childs, "Mr. Mayor, just a couple of things. Christmas parade is coming up soon. I think once
236 again Debbie Ellis, just a couple of things for council to think about, has offered a float if council would like
237 to use it. The second option is, I was asked by a resident, since none of you own convertibles, did you
238 ever think about since it's a beach community to use golf carts; just something to think about. I think most
239 of us, and golf carts are a lot easier to acquire than chasing after a convertible, though. I think I might
240 take the golf route. It doesn't sound like such a bad idea. But, thank you, Mr. Mayor."
241

242 Mayor Deaton, "Thank everyone for coming."
243

244 11. **ADJOURNMENT.** Mr. Smith moved to adjourn the meeting at 7:29 p.m. Mr. Childs
245 seconded. All voted in favor. **MOTION CARRIED.**
246

247 Respectfully submitted,
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249 _____
250 Debra E. Herrmann, CMC, Town Clerk
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252 Approved: November 8, 2011
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254 _____
255 K. Allen Deaton, Mayor
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257 _____
258 Vicki W. Blair, Town Council
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257 _____
258 Robert F. Childs, III, Mayor Pro Tempore
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260 _____
261 Ann Dodge, Town Council
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261 Mark L Johnson, Town Council
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264 Douglas F. Samples, Town Council
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264 Roderick E. Smith, Town Council
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266 Clerk's Note: This document constitutes minutes of the meeting, which was audio taped. This meeting was transcribed by Town Clerk Herrmann. In
267 accordance with FOIA, meeting notice and the agenda were distributed to local media and interested parties. A complete list is on file in the clerk's
268 office. The agenda was posted on bulletin boards outside Council Chambers and in the Town Hall reception area. Meeting notice was also posted on
269 the Town marquee. When (***) is used a section of the transcription is inaudible.

Approved