TOWN OF SURFSIDE BEACH ◆ TOWN COUNCIL CHAMBERS July 28, 2009 ◆ 6:30 P.M.



TOWN COUNCIL WORKSHOP/REGULAR MEETING MINUTES

1. CALL TO ORDER

Mayor Deaton called the meeting to order at 6:30 p.m. Mayor Deaton, Mayor Pro Tem Truett and Councilmembers Blair, Johnson, Martin, Samples and Childs were present. A quorum was present. Staff present: Administrator Booth; Clerk Pinnell, Police Chief Christenson, Fire Chief Packard, Fire Inspector Faulkenberry and Special Event Supervisor. Attorney Mr. Smith was also present.

2. <u>PLEDGE OF ALLEGIANCE.</u>

Mayor Deaton led the pledge of allegiance.

3. AGENDA APPROVAL

Mr. Truett made a motion to approve the agenda as submitted. Mr. Martin seconded the motion. All voted in favor of the approval of the agenda as submitted. MOTION CARRIED.

4. MINUTES APPROVAL

Mr. Truett made a motion to approve the minutes from the July 14, 2009 meeting as submitted. Mr. Samples seconded the motion. All voted in favor. MOTION CARRIED.

5. <u>PUBLIC COMMENTS – Agenda Items only</u> – 3 minutes per speaker There were no public comments.

6. <u>BUSINESS</u>

 A. First Reading Ordinance #09-0676: Publication of Town Financial Information <u>Mr. Samples made a motion to adopt the ordinance as presented</u>. Mr. Johnson seconded the motion. All voted in favor. MOTION CARRIED.

B. First Reading Ordinance #09-0677: FOIA Requests

Mr. Booth stated that as requested by council the transparency and FOIA ordinance previously submitted was broken down into two ordinances. <u>Mr. Childs made a</u> <u>motion that all fees charged or collected for researching and providing information</u> from the Town of Surfside Beach from June 23rd, 2009 to July 28th, 2009 be waived. Mr. Samples seconded the motion. Mr. Childs added that this issue covers two individuals. Mr. Samples commended Mr. Childs for waiving those charges adding that he hopes that if council does adopt an ordinance that enough flexibility is provided to protect the interest of the tax payers by not making it so burdensome on simple requests for information. **All voted in favor. MOTION CARRIED**. <u>Mr. Childs made a motion to table ordinance 09-0677</u>. Mr. Samples seconded the motion. It was confirmed that tabling an ordinance would put it to rest unless it is voted again to bring it back up. Mayor Deaton stated that the town paid the attorney to present this ordinance and wanted to make sure that council wanted to table it.

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Mr. Samples stated that the town has operated quite well in the past; there have been approximately 10 requests under the FOIA in the last two years and it has only been recently, this past June that the town began charging for these requests. Mr. Samples stated that he felt that not a lot of effort went into the previous requests adding that State law allows the town to charge for FOIA requests. Mr. Samples stated that it should be appropriate to charge for a more extensive request for information to protect the taxpayers. Mr. Samples stated that this is a small town and encouraged more people to get involved and ask questions. Mayor Deaton stated that this is an ordinance that rides on the back of the transparency ordinance and asked the town attorney to explain the necessity of the FOIA ordinance. Mr. Smith stated that Mr. Samples is correct in that there is a State FOIA ordinance; establishing a town ordinance gives council control over our process. The ordinance clarifies direction for staff and informs the public of procedure; this can be amended or changed at any time. Mr. Smith stated that the council can choose to "ride on the back of State law". Mayor Deaton further clarified that council needs ordinances to give direction on policy and procedure; there is no way to know how long the current council will be seated and setting ordinances gives direction, guidance and continuity. Mayor Deaton stated that the ways things used to be done in Surfside Beach no longer works for the town; the town has grown.

70 Ms. Blair asked who determines costs for information requested over 5 pages and 71 Mr. Smith stated that this would be up to the town administrator. Mr. Johnson stated 72 that he does not agree with charging individuals for information relevant to the town 73 of Surfside Beach or any residence of which they reside. Mr. Johnson stated that he 74 also does not agree with charging .25 cents per copy and does not agree with most of 75 the ordinance presented. Mr. Johnson stated that the only reason this is being 76 discussed is due to the fact that the town started charging for FOIA requests. Mr. 77 Johnson suggested that the residents could make requests through their council and 78 asked if council would be charged for information since they have not been up to this point. Mr. Johnson stated that he would vote for 1^{st} reading but that it would need to be drastically changed before he would vote for a 2^{nd} reading. Mr. Truett asked Mr. 79 80 Childs if he motioned to table the ordinance due to the charges. Mr. Childs answered 81 82 that the town can fall back on State law to cover themselves and there is no need to 83 pass a town ordinance. Mr. Truett stated that he believes posting transactions will 84 decrease many FOIA requests adding that a large percentage of requests take 85 approximately 5 minutes to get. Mr. Martin stated that there is a huge amount of 86 information on the current town webpage; the consolidated annual financial report 87 for the last several years is on there, this years' budget is posted and of course the 88 agendas and minutes for council and committee members as well are on the website 89 and it is available to whoever wants it free of charge adding that if anyone does not 90 have a computer there are computers available at the county library in town. Mr. 91 Martin stated that with or without this ordinance the town administrator makes the 92 decision on how to deal with FOIA requests and that he is in support of the motion to 93 table the ordinance. All voted in favor. MOTION CARRIED.

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C. Decision Paper: Special Events Budget Increase Request

Mr. Booth explained that this request comes from the Parks and Special Events Committee; they have requested a number of new events and there is now a need to increase the budget for these events. The request was to add \$60,000 for events and

98 a part time position. Mr. Booth stated that he believes that the hospitality and Atax 99 will be coming in greater than originally anticipated and will cover this increase. 100 Mr. Childs stated that there was a letter from the town administrator during the 101 budget retreat on ways to keep employees without cutting employees; staff would 102 not be replaced once someone left. Mr. Childs stated that there are seven people on the Parks and Special Events committee; they have met three times and they all have 103 104 volunteered to assist the Recreation Department. Mr. Childs stated no one on the 105 committee plans on dumping all of the events on the Recreation Department. Mr. 106 Childs did not agree to approve the funds to change the part time position to full 107 time. Mr. Samples agreed. There was further discussion regarding the decision paper that included both changing the part time position to full time with added 108 109 funds for entertainment; the funds and added position were included in the \$60,000. 110 Mr. Samples stated that it was determined that a code enforcement person would not 111 be funded until the town council received updated budget information at staff 112 recommendation. Mr. Samples stated that this council has been very generous with 113 staff and he personally feels they have been overly generous. Mr. Samples stated 114 that he has read all of the meeting minutes for the Parks and Special Events and 115 noted that all of the members have volunteered to help. Ms. Blair stated that this motion would affect the amount being requested on the decision paper and Mr. 116 Booth stated that this was correct; staff anticipated the cost for changing part time to 117 118 full time would cost approximately \$10,000. Mr. Truett asked if the decision paper could be brought back at the next meeting with a new request for a precise 119 number/amount for events. Mr. Johnson agreed. Mr. Truett made a motion to defer 120 the special events allocation to the August 11th meeting. Mr. Johnson seconded the 121 motion. Mr. Johnson stated that the decision paper received from council was very 122 vague and asked for more detail on the next presentation. Mr. Booth stated that 123 124 August 11th would not be enough time; he would like to go before the Parks and Special Events Committee before presenting this again to council. Mr. Truett 125 agreed. All voted in favor. MOTION CARRIED. Mr. Samples stated that if 126 127 funds would be coming from ATAX he would like it to go through the Accommodations Tax Committee for their recommendation. 128 129

7. WORKSHOP

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Mayor Deaton introduced Celia Urquhart, representative from Senator Lindsay Grahams' office who was in the audience.

133 a. Town Financial Position: Mr. Booth presented the current fund balances so council is aware of where the town currently stands financially. The current 134 135 general fund balance is \$2,646,696; undesignated is \$1,142,666; reserves are \$1,504,030; they comprise of basically the capital replacement fund which is 136 approximately \$667,000 which comes from a mill levy of 3 mills and comes in at 137 about \$150,000 per year; this is off the 44 mills of taxes. The street improvement 138 has approximately \$582,000 in that fund and the town gets about \$100,000 per 139 140 year; this comes from the \$30 registration per vehicle in town. Mr. Booth reported that the town will take care of the roads; there is enough in reserves in 141 the fund to pave all of the roads that need to be paved for the next 10 years with 142 143 the town still getting \$100,000 per year. Hospitality has approximately 144 \$1,590,000 and this has been designated for the construction of the fire station and it comes in at about \$700,000 per year and it is continually coming in 145 especially during the summertime; this fund will be at \$2,000,000 more than 146

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147 likely by about August or September. The stormwater has zero balance at this 148 time but there is a 5 mill levy and about \$240,000 comes in per year; several 149 million of this fund has been spent; some of it was to do the stormwater projects 150 to the south and also to clean out the lakes throughout town. The two major lakes in town, Elizabeth and Dogwood have recently been mapped; they are 12 to 151 152 15 feet deep and the town does not see a need to clean these lakes out at this point in time. The lakes need additional maintenance and that is what the town is 153 154 concentrating on right now.

- The sanitation fund has approximately \$234,000 and is set up as an enterprise 156 fund. Mr. Booth reported that once the town cleans out the area the town would 157 158 possibly consider going into the business of large containers for commercial but this is a ways a way and will be brought back to council. The pier enterprise 159 160 fund currently has \$41,000 and is building up fairly quickly; when the town is 161 ready to do the maintenance projects the money will be there and then the payment to the town will be available to the town when it is ready next year. Mr. 162 Martin asked for an idea of what the cash flow for the pier currently runs. Mr. 163 164 Booth stated that at this time of year it comes in around \$20,000 per month adding that there is a slow time during the winter when the payments are not as 165 high; Mr. Samples confirmed with Mr. Booth that there is little revenue coming 166 167 in during those winter months and that \$20,000 does not come in every month 12 168 months per year.
- 170Mr. Johnson asked for the status of the stimulus funds. Mr. Booth stated that the171federal funding is still being reviewed and he feels that the Town of Surfside172Beaches chances of receiving funds have risen over the last couple of weeks.173Mayor Deaton added that Mike Wooten from DDC Engineers informed him that174the Town of Surfside Beach grant was on the table and specifically discussed.175Mr. Booth stated that if the town does receive this funding he will ask for another176workshop.
- 178 Mr. Booth reported on the future five year goals and needs of the staff and town: most of the fire engines need to be replaced, town hall needs to be replaced, the 179 180 town needs to replace the recreation center with a community and wellness 181 center, building of a new recreation complex, paving of roads and completing the stormwater projects. There was some discussion regarding road paving. Mr. 182 183 Booth stated that most of the roads in the town have been paved in the last two 184 years by the State. The State wants to turn them over to the town; the town has 185 agreed to take them over once they are paved. 186
- 187Mr. Martin asked if there is an update on the Corp of Engineers request for the1885th Avenue North swash. Mr. Booth stated that the grant was turned down last189year and the request is now for all of the swashes with the 11 million dollars190which is part of the stimulus project and the Corp of Engineers is still fighting for191this project. Mayor Deaton stated that Senator Grahams' office is aware of this192as well. Mr. Booth stated that the town will be moving to the North with193stormwater projects.
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b. Fire Department Presentation

Fire Chief Packard stated that he is looking for direction from council on the placing of the ceremonial cornerstone during the construction of the new building and added that the stone would have the names of the existing council, mayor and administrator. Mr. Truett made a motion to approve the cornerstone. Ms. Blair seconded the motion. It was confirmed that there is no cost to the town for the stone the only cost would be for the plaque that would go on the building and it would cost approximately \$200. All voted in favor. MOTION CARRIED.

Chief Packard stated that the discussion began on the retirement of some of the fire apparatus back in November at the budget retreat. Chief Packard stated that after discussing this with some learned colleagues and the finance director and reviewing the replacement schedule which includes three pieces of equipment that were scheduled to be replaced over the last 5 years. Engine One a 2000 model is the only vehicle that the town is supposed still have. A lease and lease purchase program was brought up.

Myrtle Beach Assistant Fire Chief of Operations Dan Cimini gave a presentation for the Town of Surfside Beach. Chief Cimini stated that he has been in the fire service for 47 years. Chief Cimini stated that Chief Packard asked him to speak to council on how Myrtle Beach approached the problem of replacing outdated apparatus and the need to comply with the new NFPA (National Fire Protection Association) specifications. More importantly was the safety of their firefighters; his council had directed him to begin looking into a replacement program. Chief Cimini then looked into leasing fire equipment; many fire apparatus manufacturers did not like the idea of leasing so he approached some leasing companies that liked the idea. Chief Cimini reported that Myrtle Beach went out for their first RFP in 2000 and the numbers that came back were all in the towns favor. Chief Cimini stated that Surfside Beach currently has 20 plus year old apparatus; 20 years used to be the normal time for replacements but since 1991 technology has changed so much in the fire service that updates of apparatus has been ongoing. Chief Cimini discussed the standard 1911 which deals with retirement of old apparatus and firefighter safety and maintenance. National statistics show that after 10 years the cost factor of maintaining an apparatus rises drastically and after 15 years it almost triples and at 20 years it becomes very expensive. Chief Cimini explained that if an apparatus is involved in an injury type accident the first question asked is do you comply with NFPA standards. Today an apparatus will not be built without complying to these 1901 standards; 1911 is a standard that requires testing, maintenance and the retirement of an apparatus at 20 years. In 2003 the 1901 edition was updated and standards were made where even the 2000 pumper does not comply; a lot of equipment and markings would need to be added to have it comply. The 1911 standard mainstay is firefighter safety and operations. Standardizing the fleet was a goal of Myrtle Beach; it reduced training time.

241 Chief Cimini discussed a leasing option stating that a 10 year replacement program would be ideal for Surfside Beach; the town would get "the most bang 242 for the buck out of that"; over the life of the lease the town would only be paying 243 244 for what it uses. Leasing would eliminate tying up capital funds or the need for

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245 bonds. There would be zero down payments with a lease program and all lease 246 programs can be customized. Myrtle Beach did a zero payment down and 247 payment in the rears; payment is not made until after a year of use. This also puts equity into the current fleet. The lease could then be extended with the 248 249 guaranteed rate with an option on interest, the trucks could be returned or they could be purchased. Chief Cimini stated that Myrtle Beach purchased their last 250 entire fleet from the leasing company and then the town sold them, made enough 251 252 money to purchase two new pieces; it ended up costing the city nothing. Leasing 253 also increased the towns' cash flow since it would not have to put out a lot of 254 money and it would not be locked into a purchase. Chief Cimini stated that the interest rate remains locked and it is written in the lease agreement regardless of 255 256 when it is delivered; if an order was taken today in most cases there would be an 8 to 9 month delivery time and at that time there would be a difference in interest 257 rates: the rate would have been locked in. There are flexible payment plans 258 259 available; the lease is retained by the manufacturer, there is no third party involved. When the guarantee trade value is set up it would be set up at a fair 260 261 rate; if it is set too high the town could decide to not keep the truck at the end and 262 it may not be worth the money they said it was worth; so they have to be accurate. The City of Myrtle Beach purchased the trucks at the end of the lease 263 for \$130,000 and the sold them for \$230,000 average on the resale. The title 264 265 passes to the town and the lease could be extended depending on how the plan is written beforehand. The normal term is 5, 7 and 10 years. Chief Cimini reported 266 that the manufacturer makes the town the warranty center for the fleet and they 267 268 pay the town by the hour to repair the fleet. 269

270 Chief Cimini stated that the City of Myrtle Beach does performance specs; they tell the manufacturers what they want to do with the truck. The lease programs 271 include a 5 year bumper to bumper warranty; there is no obligation for repairs 272 within the first 5 years; repairs are being done by the town and they are paying 273 274 the town to perform them. The only thing the town would need to pay for would be expendable items like tires, brakes and windshield wiper blades which would 275 be included in the towns' budget. Chief Cimini stated that newer vehicles 276 promote morale with volunteers but most importantly it is the safety features, the 277 278 compliance with NFPA that fits all the needs for the towns ISO (International 279 Organization for Standardization) rating. Chief Cimini also discussed 280 alternatives which would include costs of refurbishing the equipment: the estimated cost would be \$35,000-\$40,000 for the 25 year old truck. The major 281 282 drawback to refurbishment is once the 25 year old truck is refurbished it still is a 283 25 year old truck. 284

285 Mr. Childs asked if the town is still in need of the same amount of trucks since they are no longer first responder for the county. Chief Packard stated that the 286 287 town was rated on the current equipment and the response within the town limits not out of town response; the town would need to maintain the same amount of 288 289 equipment they currently have to keep the rating. Mr. Samples stated that with 290 the purchase of the First Responder truck the town has increased the capabilities 291 in town and added that council needs to answer what is the minimum "no 292 kidding" requirements for the town in regards to equipment. Mr. Samples stated 293 that the town is building a fire station and it recently purchased a new truck

- 294adding that the council wants the fire department to have what they need. Chief295Packard stated that there had been a previous discussion with Mr. Samples who296instructed Chief Packard that if he could get this request in a framework that the297town can live with he would be on board.298
- 299 Chief Cimini further explained the requirements of vehicles for the towns ISO 300 rating. What is needed is a 95 foot minimum aerial, two pumpers to give a 301 capacity of 2,500 gallons per minute and a reserve engine. The new responder 302 truck was a good purchase in its need and use but it does not do anything for the 303 ISO rating. Another option would be to purchase a new aerial, two new engines 304 and then refurbish the 2000 truck. 305
- 306 Mr. Johnson thanked Chief Cimini for the presentation stating that this is 307 something that council really needs to look at. Mr. Johnson stated that he saw 308 the new responder truck being towed about a month ago. Chief Packard stated 309 that it is currently at a Sterling dealer in North Charleston being worked on. Mr. 310 Johnson asked what it would take to further lower the town ISO rating and Chief 311 Packard stated it would take hiring additional staff. Chief Cimini stated that manpower and equipment both factor into an ISO rating. It was confirmed that 312 the new fire station building has no effect on the rating. Engine 562 per the 313 314 town mechanic is the engine that is the most in need of being replaced. 315
 - Mayor Deaton introduced Fire Chief Rick Baker from Conway who was in the audience.

Chief Packard stated that the prices presented at the budget workshop included pricing for 2008 equipment and pricing has now risen; 2009 pricing on equipment with upgrades is now being factored in. Mayor Deaton requested Chief Packard to present council with options at a future meeting. Chief Packard stated that equipment is available from surrounding communities outside for the public and council to look at if they wanted.

8. <u>PUBLIC COMMENTS</u>

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Joe Zoltak, 414 Pine Drive: "You kept making reference to the ISO rating and ISO 3 and so I (SIC) for the betterment (SIC) homeowners insurance, so I tried following that information and I'm with State Farm and they said they don't do anything about ISO. They don't follow it. So what did I do wrong?"

Tom Dodge, 1415 N Poplar Drive: "I want to thank the Rec department for the fine programs they've put on. I want to thank Mr. Childs and Mr. Samples for getting rid of my ridiculous bill and I want to thank Lindsay Graham for the great job he does."

Ann Dodge, 1415 N Poplar Drive: "I had two things that I wanted to bring up. In regards to FOIA requests. I think you could get rid of a lot of people asking questions under FOIA if they could raise a question to council and get referred to someone who will give them an answer. We had an incident where we asked a question, didn't get an answer and when we questioned why we hadn't heard anything we were told that this person didn't like the way we asked the question and as a citizen that upsets me. We should be able to get information; we should be able to get an answer to a question in a

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meeting if we feel that we need to get it. The other thing, in regards to ordinances, when you are voting on an ordinance the public doesn't know what those ordinances are. Would it be possible to give a brief overview of each one before you vote on it?"

Bill Black, 214 9th Ave S: "I've been associated with the fire department for 30 something years; a long time and I just want to basically address you guys to please consider this information. We've got a lot of apparatus down there that is really way beyond what's really considered safe anymore, considering standards and I'm a taxpayer and we would have not come to the council and ask for something; these aren't toys and I hear that comment sometimes about toys, believe me it's not a toy when your house is on fire and we've got to come in there and save lives and put out fires, it's not a toy and we really would not ask council for something unless we thought we were going to need it. Thank you."

9. <u>COUNCIL COMMENTS</u>

Mr. Samples: "Thanks everybody for coming. The workshops were great; the ordinance we passed tonight on financial transparency is a good thing and I hope that staff will get on it quick. Get that stuff on; keep it relatively current. City of Myrtle Beach is doing a great job keeping theirs on; it's something that will probably raise some questions in the beginning but that's good; that's healthy; people need to know how their money is being spent. There was an article in Myrtle Beach Herald and I normally like the Myrtle Beach Herald but there was a comment that I'm sure was taken out of context and it was an innocent comment made by our Mayor."

Mayor Deaton: "Sir, I'm going to caution you right now. Let's not talk about specifics and do not get personal (SIC Mr. Samples was speaking over the Mayors comments).

Mr. Samples: "Well there was a comment; there was a newspaper article where there was reference to \$300,000 being wasted; I'm sure that was taken out of context and I'm sure that it was, if in fact anyone believes that \$300,000 were wasted than that is an issue that needs to be brought to this council and we need to address it and fix it."

Mayor Deaton: "That's a non-issue sir."

Mr. Samples: "The fact of the matter is the parking lot is underutilized. We don't deny that. Therefore it becomes a policy issue, I believe that council should fix."

Mayor Deaton: (SIC).

Mr. Samples: "Well if it was a problem then, it's a problem now; it's something we need to fix and Mr. Mayor I resent the fact that you're interrupting me during my comments."

Mayor Deaton: "Sir, please, you're out of order; you're out of order, please be quiet, anyone else?"

- *Mr. Samples*: "My last comment . . ."
- *Mayor Deaton*: "Sir, you're out of order, I'm sorry, next comment, Mr. Martin?"

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393	Mr. Samples: "Point of order; point of order; point of order, Mr. Mayor."
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395	Mayor Deaton: "No, I'm sorry, you're out of order."
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397	<i>Ms. Dodge</i> : "He should be able to"
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399	Mayor Deaton: "Ma'am please don't speak."
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401	Mr. Samples: "Allen, you're crossing the line."
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403	Mayor Deaton: "Mr. Truett? Mr. Johnson?"
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405	Mr. Johnson: "Yes, thank you ladies and gentlemen for attending. I have attended
406	council meetings for twenty some odd years if not more than that and never, in my time,
407	have I seen this many people at a July meeting and I just thank you so much. This is
408	your town, this is not this councils' town, this is your town, we work for you guys and I
409	just thank you for attending and if I could, I would like to defer the rest of my time to
410	Mr. Samples."
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412	Mr. Samples: "I wanted to make one last comment and I know in our committee
413	meetings, this town really relies on the volunteers a lot and we have some great
414	volunteers and many of you are present, but it was reported that we are stretched so thin
415	in our Public Works Department that we can't take time to water. We can't take time to
416	water the plants that are being planted on town property. I'd rather see an issue paper,
417	frankly, that says that I need to go out and hire a landscape contractor for \$5,000 or
418	whatever it is, otherwise we're wasting peoples time and effort and it makes no sense to
419	me and that came to me from the Beautification Committee because it was a denied
420	motion that we water, my God, excuse me, can't we get a contractor out there with a
421	hose? Bid it out."
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423	Mr. Childs: "I echo my colleagues comments, I, too, was approached this weekend
424	about the lack of watering, now this goes back to last year, I know we put some sod
425	down on 16 th , beautiful sod and it started drying up and I did ask, why didn't we water it
426	(SIC) and the comment was, well I keep bringing it up and it can't be done and I know
427	we all have seen the pickup trucks with the big fiberglass watering things but we do, the
428	beautification is doing a pretty job and we have a gentleman, Shelby Smith, is out there,
429	must be out there every weekend planting something and he does have a problem getting
430	that water so I wish we could address that; it's almost useless to put things around, I
431	know at my own house I spend about 2 or 3 hours a day just watering to keep my stuff
432	alive but I told Mr. Shelby I'd be willing to help him water until the town was able to get
433	a hold of that so that is something I wish you would look into."

Mr. Booth: "It was taken care of today. It was brought to my attention and I hired a part time person already and that was the function of that part time person."

Ms. Blair: "Thank you all for coming as always. It's difficult to make the right decision 438 439 and we need your input and guidance so that we do what you want and that makes the town a better place. Thank you for coming." 440

-	to adjourn. Mr. Martin seconded the motion. A
favor. MOTION CARRIE	CD. The meeting was adjourned at 8:00 PM.
Approved: August 11, 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	