



TOWN OF SURFSIDE BEACH ♦ TOWN COUNCIL CHAMBERS

May 25, 2010 ♦ 6:30 P.M.

TOWN COUNCIL
REGULAR MEETING MINUTES

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8 **1. CALL TO ORDER**

9 Mayor Deaton called the meeting to order at 6:30 p.m. Mayor Deaton and
10 councilmembers Johnson, Blair, Dodge, Smith, Childs and Samples were present.
11 Staff present: Appointed Interim Administrator, Fellner; Special Events Supervisor,
12 Ellis; Public Safety Director, Christenson; Finance Treasurer, Hursey; Public Works
13 Director, Adair and Officer Lee Black. Clerk Pinnell was absent. Attorney Mr.
14 Smith was also present.

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

17 Pastor Dan Krawchuck gave the invocation and Mayor Deaton led the pledge of
18 allegiance.

19
20 **3. AGENDA APPROVAL**

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

23
24 **4. MINUTES APPROVAL – Mr. Samples made a motion to adopt the minutes as
25 written. Mr. Childs seconded the motion. **All present voted in favor. MOTION**
26 **CARRIED.****

27
28 **5. PUBLIC COMMENTS**

29 *Jack Cahill, Owner Nibil's Restaurant:* "To date, I have not received a written
30 response from the town to either my letters here dated May 10th and May 17th. I
31 maintain this is in direct violation of the RFP Section 3 selection process, time tables
32 specifically states copies of all written questions and any answers thereto will be
33 available to all qualified bidders upon request 10 business days before the deadline
34 before submission of this final proposal. For the record, I continue to maintain that
35 the town may only consider proposals received from an offer who attended the
36 mandatory pre-bid meeting on May 3rd, 2010 and the record shows that I, as the
37 owner of Nibil's Restaurant, was the only offerer to attend this required mandatory
38 meeting. I would just like to know if they can, if Mr. Smith can, answer these
39 questions; why my questions weren't answered on the lease?"

40
41 Mayor Deaton referred Mr. Cahill to speak with the town attorney Mr. Smith after the
42 meeting explaining that council and staff do not respond to public comments during a
43 meeting.

44
45 *Linda Hopkins, 1711 Hwy 17 S.:* "I also have concerns about the deadline and the
46 way that was handled but I simply would like to make one comment and this is to the
47 person who was the second bidder. I hope that you would have the grace and
48 decency to honor what these people, the Cahill's have done in this community. The
49 services they have provided; the wonderful foods they have provided; the grace and
50 decency to withdraw your bid."
51

52 **Maureen Cahill-Butwin:** "I'm one of Jack's 6 children and on behalf of my siblings
53 and my employees I would like to ask you to please make the right decision. My
54 mom Margaret and Jack Cahill are persons of true character. They're dedicated, they
55 always give a 100 percent, maybe 110 percent, and they've instilled that in all of my
56 sisters and my brothers and our employees. Our employees are dedicated; they've
57 been there at least 5 years or more. One of our cooks is here; has been there 23 years;
58 I think that speaks of my parents' character. We are the definition of a true family.
59 Our family has been through so much but we always stand proud and through all of
60 this my parents are still standing proud, not talking ugly. They still have smiles on
61 their faces and they say what's meant to be is meant to be; it's Gods' will. A few
62 years ago my father became very ill and they gave me a promotion to be a manager.
63 Did I want it at the beginning? No, but I accepted it and Nibil's is my life. I have
64 learned so much from my parents and my dad that I want to instill in my little girl that
65 was born 6 weeks ago. I want to carry on the tradition but if it's not the tradition of
66 Surfside maybe we'll be somewhere else but Surfside is a family beach and that's
67 where I want to raise my children the way that my parents have raised me and my
68 other 4 sisters and my brother, we've all worked there. I mean, my nephews, they
69 want to work there when they're old enough. My parents have put their heart and
70 soul into the restaurant. Even when my dad was told he couldn't work, he had to take
71 it easy, he doesn't know the definition of 'take it easy', he still wanted to give, give
72 and give and it's not that he wants to give to make money; he wants to give because
73 he enjoys it. There's no money in the restaurant business. Anybody that is in the
74 restaurant business knows, it's hours, you've got to put in hours. The money that you
75 take in, it goes right out to pay the bills. Not only do they give 100 percent to the
76 Cahill family, they give 100 percent to each and every employee and you can ask
77 them. When there's illnesses or they need help, who goes and runs to help them? My
78 mom and dad. They also give 110 percent to this town. There's been a lot of
79 businesses that come and go. There are ones that have stayed. You know, if we get a
80 call from somebody, we need napkins or we need something, oh come here, I'll help
81 you out. That's the type of person my dad is. You know way back when, when we
82 first got here, I mean town functions and everything, I mean, he was always out there.
83 When somebody gets sick on the beach, they run and call my dad; he's known as Dr.
84 Jack. He'll chip in right there and give CPR to somebody, that's just how he is. My
85 parents deserve; they deserve so much, and okay I might be a little biased, I'm a
86 Cahill, but they do; they deserve a gold star because when you look up family in the
87 dictionary the Cahill family is right next to it and my dad has worked so hard to
88 establish the Nibil's name and to make it a true family business, and my mom, and
89 they deserve it and I ask you to please to really, really consider. I want to make my
90 dad proud because I know my parents aren't going to be here forever and I still, 23
91 years from now, want to be standing here and not to ask you to renew a lease but to
92 say thank you for giving us another chance and on behalf of my sisters, Frances,
93 Deirdra, Megan and Caroline and my brother John and his wife (inaudible) and my
94 husband Richard, I'd like to say thank you for please considering to keep Nibil's
95 around. Thank you."

96

97

98 **Kathy Goddard, 320 15th Avenue South:** “Nibil’s is the first people that I met when
99 we moved here and they welcomed my husband and our family and I went through a
100 stage of being angry with a lot of you and very angry at the person that I think is
101 bidding and I’m trying to get over the anger because I just want to portray what a
102 wonderful family the Nibil’s are and I just feel like if you vote against them tonight
103 you vote against the people of this town and their will and you were put in this office
104 by the people of this town and I want you to please listen and keep Nibil’s and that’s
105 all I can say. Thank you.”

106
107 **Glen Curtis, 257 Palladium Drive:** “1979 we started bringing our trailer down to
108 Ocean Lake Campground. When Jack opened his place we started walking every day
109 for breakfast, for lunch, for supper, to their place. Behind us, behind my wife and I
110 there was a bunch of campers from all over the United States, where were they going?
111 Nibil’s. We enjoy that restaurant; the people there are great, the service is fantastic,
112 the food, there’s never been a problem. Six years ago we came here; one of the big
113 reasons is Surfside Pier and the people that are on it. They brought us here to live
114 here, to pay taxes here; we enjoy paying the taxes so we can have this enjoyment, this
115 great food and this great family, leave them here.”

116
117 **6. COMMUNICATIONS: Presented by Interim Administrator Micki Fellner**

118 Finance Report

119 Ms. Fellner reported that council has received a copy of the budget and there will be a
120 first reading on June 8th. There are three specific changes not included: North Poplar
121 Park, there is nothing in the deed regarding the county assisting the town with
122 funding of this park and this will be a cost of approximately \$100,000; the concrete
123 apron in front of the fire station on North Poplar according to Earthworks will cost
124 \$36,887.40; and also removal of the sidewalks in front of the fire station and
125 engineering for stormwater will cost approximately \$25,000.

126
127 Presentation: Employee Recognition: Kim Hursey Finance Treasurer

128 Ms. Hursey was recognized for 5 years of service.

129
130 Public Works Report

131 Ms. Fellner reported Sanitation and Street crews are on the summer schedule with
132 everything proceeding according to schedule. The 50/50 ditch piping program which
133 will be deactivated during the summer season, however, applications will still be
134 accepted and once it is reactivated when the season is over the applications received
135 will be given priority. Applications are available at town hall or on the town website.
136 There is approximately 10,404 cubic yards remaining of the topsoil. 2,000 yards of it
137 is suitable for topsoil and the rest is primarily sand coquina material which requires
138 screening; about ~~240,000~~ 2,400 truck loads are still available to be sold. There is a
139 possibility for the Public Works Director to rent a screener and the town is looking
140 into this cost.

141
142 Recreation/Special Events Report

143 Ms. Fellner reported that All Star practice will begin the 2nd week of June. T-
144 Ball/Coach Pitch and Machine Pitch registration was held and resulted in two T-Ball
145 teams, 4 Coach Pitch teams and 6 Machine Pitch Teams and games will begin June 1st
146 at Martin Field. The community yard sale was cancelled due to lack of participation.

147 The staff is currently studying what could have been done differently to achieve
148 better participation. The town is looking forward to the Car Show this weekend.
149 Registration is 3 to 5 PM on Friday. There will be live radio remote with donation
150 drop offs for the NOAH program. Parade of classic cars will be on Ocean Blvd. at
151 5:15. Car Show will be held Saturday 9 AM to 4 PM.

152
153 Administrator's Report

154 *i. Police & Fire*
155 Ms. Fellner stated that she has been working diligently on the police
156 and fire report study but still does not have all of the information
157 available to present to council. Ms. Fellner has been in touch with
158 Burkhold Management, North Myrtle Beach, the Division of
159 Research at the Morris School of Business at USC and the City of
160 Hardeeville, SC that recently went through a separation like this and
161 a North Carolina Police Association. Ms. Fellner stated that she had
162 also contacted a number of police and fire associations that have this
163 type of information and has staff members that prepare this type of
164 study. Ms. Fellner asked council if she could present this at the next
165 meeting once she has all of the information. Council agreed.

166
167 *ii. Skate Park*
168 Ms. Fellner reported that \$5,787.44 has been spent on the current
169 skatepark to date. There is no money left in this budget year to put
170 into the skate park. The town has two options. There is an option to
171 place the skate park in front of the fire station and the additional cost
172 will be approximately \$7,850 plus costs of materials to resurface and
173 seal and cost of labor to move the fencing and equipment. This
174 project involves a stormwater plan, compliance plan and permitting
175 and engineering of the plan. Excavation and grading could be done
176 in-house. Some concrete work; materials and labor for curbs and
177 stormwater drain collars and the project would need grates. Mr.
178 Samples asked if the town does a stormwater plan when it installs a
179 sidewalk. Ms. Fellner reported that on some occasions stormwater
180 plans do need to be done. Ms. Fellner explained that a good example
181 is the area in front of the fire station; one of the reasons the town has
182 incurred such an expense is due to the sidewalk being installed with
183 no regard to stormwater; there was no stormwater plan or
184 engineering done there and now to go back and redo this area is a
185 very expensive proposition that will cost around \$25,000. Mayor
186 Deaton stated that he would recommend going forward to follow the
187 stormwater ordinances and requirements.

188
189 Mr. Samples asked about the costs for the skate park. Ms. Fellner
190 clarified that the stormwater plan, compliance and permitting cost
191 would be about \$1,850; the engineering is \$2,800 and the other costs
192 are concrete with possible installation of grates. The cost, it was
193 confirmed, including labor, would approximate \$10,000. Ms.
194 Fellner stated that the value added for option I in front of the fire
195 station is that it is a lighted area but the cons are the cost and that

196 there are no other amenities available. Option II is the Wild Water
197 and Wheels location. This estimate for additional costs would be the
198 cost of materials to patch and seal the lot and the labor costs for
199 resurfacing and moving the equipment. The surface patching and
200 sealing the town could do. The value added is amenities; there are
201 restrooms, picnic tables, lots of free parking, food courts, vending
202 machines and arcades. This would also allow for added parking at
203 town hall for court days. The cons are the crossing of Highway 17
204 and the park would only be available during daylight hours. Ms.
205 Fellner stated that she and Building Director Ms. Donevant had a
206 meeting with Mr. Lazarus, owner of Wild Water and Wheels, a week
207 ago and he would provide the use of this area to the town at no cost.
208 There would be a lease for the portion of the lot we would use for a
209 dollar. There would be no cost to the youth of Surfside Beach to use
210 the park. Ms. Blair asked if any visitors to the park, even if they are
211 not purchasing tickets to the park, would have access to all of the
212 amenities in the park. Ms. Fellner stated that they would have access
213 to purchase food, use the arcade, restrooms, vending machines and
214 picnic tables outside.

215
216 *iii. County Library update*

217 Ms. Fellner stated that staff is awaiting the second reading of the
218 ordinance to be passed and signed this evening and once this is done
219 the LLU work is almost complete and this should be completed in
220 the next week. The town still needs to post North Poplar
221 replacement piece of land and an "As-built" needs to be provided to
222 the State Department of Parks, Recreation and Tourism within one
223 year.

224
225 *iv. Signage at the Pier*

226 Ms. Fellner reported that she needs to meet with Haynes Signs and
227 Seaboard and added that she will need to come back to council with
228 this. Ms. Fellner stated that she would need to get ideas of what kind
229 of sign would be appropriate for the pier area. Ms. Fellner stated
230 that she wants to get good examples to bring to council with pricing
231 parameters for these samples. There are types of signs that work
232 well in salt water and do not deteriorate. Ms. Fellner stated once she
233 receives this information she would like to solicit the guidance of
234 council on these specifications for the bid because this sign will cost
235 more than \$5,000. Mr. Childs stated that last year on the Special
236 Events Committee, Ms. Kohlman brought pictures of a sign in
237 Conway and Mr. Childs had gone to the contractor of the sign and
238 got some prices. Mr. Childs stated that it got to be where there were
239 too many people getting involved on what type of sign they wanted
240 at the pier. Mr. Childs stated that Mr. Scalise has a sign with
241 removable panels and a decision for a sign was put on hold because
242 no one liked it. Mr. Childs stated that he had informed the mayor
243 that he would be more than glad to go out and get more prices on a
244 sign. Ms. Fellner stated that she wants to solicit guidance from

245 council on this. Mayor Deaton asked attorney Mr. Smith how far the
246 town was on a sign ordinance. There was a consensus of council to
247 move the sign ordinance to the top of the list of ordinances. There
248 was some discussion that the Planning Commission was currently
249 working on the zoning ordinances which includes signs.

250
251 *v. Updated checklist for fire station*
252 Ms. Fellner stated that she had received a certificate of substantial
253 completion from Mashburn Construction and will discuss with Mr.
254 Pry prior to signing off on final completion adding that there is
255 currently no credit for the conduit which needs to be addressed.

256
257 *vi. Dog Park update*
258 Ms. Fellner reported that some trees were planted around the
259 perimeter of the dog park; the sod is complete and they are in the
260 process of laying mulch. The budget is currently zeroed out on this
261 project; in next years' budget staff is looking at painting the fence
262 green and adding green fencing fabric to increase the aesthetics. The
263 water is working and the park will open in a week.

264
265 *vii. Pier Deck update*
266 Ms. Fellner reported that Earthworks is waiting for OCRM approval.
267 Everything else is in place to begin the project. The pilings are
268 being surveyed and a contractor has been hired to drive the 13
269 pilings for the deck. The towns' part time carpenter will be laying
270 the decking under Ms. Donevants' Generals Contractors License.
271 Ms. Donevant will inspect the project daily and the carpenter will
272 work under the Public Works Director, John Adair. The kiwi shades
273 will be measured once the piles are installed and the completion date
274 is scheduled for the last week of June.

275
276 Mr. Childs stated that the carpenter is currently working on the
277 decking at the pier and the contractor had suggested putting a
278 support beam in where the planks are swaying. Mr. Childs spoke to
279 Mr. Adair about engineering this and suggested that the town look
280 into talking with Earthworks regarding this.

281
282 *viii. June 8th Public Hearing*
283 Ms. Fellner reported that there will be a public hearing at 6:00PM on
284 June 8th for the fiscal year 2010/2011 budget.

285
286 **7. BUSINESS**

287 *a. Second Reading Ordinance #09-0663: General Warranty Deed; Land for*
288 *Library*

289 Mr. Childs made a motion to adopt the second reading of ordinance #09-0663
290 General warranty deed; land for library. Mr. Smith seconded the motion. **All**
291 **voted in favor. MOTION CARRIED.**

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b. *Resolution #10-095 13th Avenue Skate Park Area Extended*
Ms. Ellis read the resolution on file. Ms. Dodge made a motion to accept the resolution and continue to allow the children to use the skate park from 10 Am until 4 PM. Mr. Samples seconded the motion. Mr. Johnson stated that he does not agree with closing the skate park at 4 PM. Mr. Johnson amended the motion to close the temporary skate park at 6 PM. Mr. Samples seconded the amendment. Ms. Blair, Mr. Johnson, Ms. Dodge, Mayor Deaton and Mr. Samples voted for original motion. Mr. Smith and Mr. Childs voted against. **MOTION CARRIED.** Mr. Johnson stated that the youth that will use the skate park will be on the beach during the day and would get more use by extending the skate park until 6 PM. Ms. Dodge stated that she agreed but would like to see the area policed after hours; this is when most of the problems occur adding that it needs to be locked after hours. Ms. Blair, Mr. Johnson, Ms. Dodge, Mayor Deaton and Mr. Samples voted for. Mr. Smith and Mr. Childs voted against. **AMENDED MOTION CARRIED.** Mr. Childs made a motion to accept the offer made by Wild Water and Wheels facility. Mr. Smith seconded the motion. Mr. Samples stated that if the property were on the east side of 17 he agreed it would be an outstanding proposal but he feels Highway 17 is dangerous and also he is concerned about liability. Mr. Samples added that the town should be able to provide more supervision of the skate park by the fire station.

Ms. Blair asked what the hours at Wild Water Wheels would be. Ms. Fellner stated that the facilities are open from 10 AM to 6 PM but the skate park can be open any daylight hours. Ms. Fellner stated that the two locations at the Wild Water and Wheels do not have any lighting adding that daylight during the summer is until 9 PM. The area by Wild Water and Wheels is not a residential area and the skate park in that location would not bother residents. Ms. Bair stated that there are a lot of other things for kids to do during the day with the beach, etc. and would encourage whatever park the council chooses be open later than 6 PM.

Mayor Deaton stated that back in 2000 the subject of a skate park came up with the road closing where Jamin' Leather is currently located and the idea was to provide an area for the youth to skate. Mayor Deaton stated that the goal of the town at the time was to give the future skaters a place they could go. Mr. Lazarus had presented a location for this activity previously but then there were plans put in place for a hotel and then a restaurant to generate hospitality fees and accommodations tax revenue but this has not happened. Mayor Deaton stated that he feels that this is a good temporary offer. There have been many complaints from property owners regarding the current location of the skate park and he is concerned with the cost of placing the skate park by the fire station. Mayor Deaton stated that the Wild Water and Wheels option would be a good interim solution and added that if he had to drive his child across the highway to skate he would. The perfect option would be to have an area on this side of the highway but he believes the offer of Wild Water and Wheels is a good option, temporarily. The town currently has financial restraints to consider. Mr. Smith stated that he agrees with the Mayor and feels that the town should take this opportunity to request SCDOT to install a traffic signal at 10th Avenue South so that the children could cross safely. Mr. Samples stated that the town had requested that a signal be placed at 10th Avenue South back in November and they were denied the request. Mr. Samples reiterated that if the water park was on the east side of 17 it would be a great solution. Mr. Samples agreed that this will cost money but added that the town has spent money on worse things than providing a little alternative recreation, besides the beach, for the kids. Mayor Deaton

350 requested the audience hold off from applauding. Mr. Johnson stated that in
351 regards to the parents driving the kids to the skate park most of the kids that
352 go to the skate park are not going to ask their parents for a ride and added that
353 this statement was not meant in any derogatory way. Ms. Dodge stated that
354 she agreed with Mr. Samples and Mr. Johnson adding that she appreciates the
355 offer Mr. Lazarus has made but feels it would be dangerous for the children to
356 cross Highway 17. Ms. Dodge stated that she feels that the town should pour
357 the concrete slab where they want it and to find the money somehow to get
358 this done. Ms. Dodge stated that the town could use the fence on 13th Avenue
359 and make use of the equipment adding that the kids will be out of school and
360 looking for some activities. Mr. Childs Mr. Smith and Mayor Deaton voted
361 for and Ms. Blair, Mr. Johnson, Mr. Samples and Ms. Dodge voted against.
362 **MOTION DEFEATED.**

363
364 Ms. Fellner stated that the skate park will be budgeted in the next budget year.

365
366 *c. Resolution #10-096: Request for Volleyball Tournament Setup on the Beach*
367 Ms. Ellis read the resolution on file. Mr. Samples made a motion to accept the
368 resolution. Ms. Dodge seconded the motion. **All voted in favor. MOTION**
369 **CARRIED.**

370
371 *d. Public Bid Opening: Pier Restaurant*
372 Mayor Deaton: "I made a comment about suffering through this and if you
373 don't understand that this has been emotional; I'm sorry you haven't been
374 paying attention, because it has been extremely emotional for everybody
375 concerned. This council, everybody that's participating, this bid opening, this
376 whole process has been stressful and tonight we're trying to move forward
377 with it and it was compassion; the word suffering was under the meaning of
378 compassion, I heard some people jeer, I didn't understand that but that's all
379 right. I just wanted to clarify that."

380
381 The bid packages were opened. A bid was submitted by Surfside Café at the
382 Pier by Cecil LLC and a bid was submitted by Nibil's Catering.

383
384 **8. PUBLIC COMMENTS – Agenda Items only – 5 minutes per speaker**
385 *Diana Taylor, 7th Avenue N:* "I wasn't going to speak but I have to. I worked at
386 Nibil's for 16 years. Sometimes part time as I am now because of family problems
387 but they have never pushed me aside. They tell me work when you can and they
388 always do what they can to help my family and they're more interested in my family
389 sometimes than their own and not many employers do that and when you consider a
390 restaurant, what do you consider? First of all, quality of food? Well, their food
391 surpasses most every restaurant in Myrtle Beach, and believe me, I've eaten at most
392 of them. There isn't a day that goes by that a large number of customers don't take
393 the time to comment that it's the best meal they ever had on their vacation and that's
394 the Gods truth, so, let's not forget what the owner also brings to this establishment
395 besides good fresh food and I made fresh center cut bacon. I don't know any other
396 restaurant in Myrtle Beach that serves center cut bacon but just to let you know. He
397 engages in conversation with the customers with humor and good will. Customers
398 love Jack Cahill and don't forget it. I appreciate your time."
399

400 **Gene Maruca, 7th Ave S:** "I'd like to remind the council that several meetings ago our
401 attorney gave you all the option to accept one or the other or none at all and select
402 whichever you deemed responsible enough or to keep the present tenants in place be
403 it 5 years, 10 years, 3 years, it's solely your choice. Nothing written in stone that you
404 have to accept the bid. Thank you."

405
406 **Jack Cahill, Nibils Catering:** "Number 1, are there any names beside Cecil on the
407 LLC?"

408
409 **Mayor Deaton:** "Sir, that's the name of the company, by Cecil, LLC."

410
411 **Mr. Cahill:** "Are there any other names on there?"

412
413 **Mayor Deaton:** "Yes sir."

414
415 **Mr. Cahill:** "Can we get copies of that or get names in the future to see who it is?"

416
417 **Mayor Deaton:** "I'm assuming that after we conclude this. I don't know, there's a
418 lot of financial information that may be . . ."

419
420 **Town Attorney Smith:** "There's some privacy issues. An LLC is on file with the
421 Secretary of State, Mr. Mayor, so you can find everybody who is involved in that."

422
423 **Mayor Deaton:** "So if you'll just check on the website with the Secretary of State and
424 request that information from them that would be better, more appropriate than
425 through the bid process."

426
427 **Mr. Cahill:** "Number 2, the sign issue, we had a perfectly viable sign there, last May
428 when Mr. Booth decided to tear it down with a backhoe and a crane. I mean that sign
429 was in perfect condition; was paid for by me and actually the holidays about 12 or 13
430 years ago. There was no need to tear the sign down. Does anyone know why the sign
431 was torn down? I'll tell you why. We sat with Mr. Booth and Mr. Smith and Mr.
432 Booth said, 'I'm at war' and 'this is war'. I can say that's the most unprofessional
433 man I ever dealt with and that's sad and that's not good for your council. We don't
434 need any more guys like Mr. Booth on this team that you got here; I think you got a
435 good team and you need to keep it but you still need to sit down and negotiate with
436 the people. Thank you."

437
438 **Ann Greg Mazingo, lives on the corner of Surfside Drive and Poplar:** "Right across
439 from the Sundown Saloon, right next door to Bogata, bar and you're going to put a
440 skate park in front of my house? No?"

441
442 The location for the skate park was confirmed that it would not be in the lot across
443 from the Sundown but in front of the fire station.

444
445 **Leon Graf, owner of Bogata:** "I've got a few problems with some stuff that's going
446 on in this town such as the Surfside Drive project. You had three bids originally
447 submitted. One was thrown out; I don't understand why one of the two other bids
448 wasn't selected. It didn't say anything about you had to have three. That's one of my

449 concerns. The other concern is enforcing ordinances in this town. Either you enforce
450 them all or you don't enforce any of them, all right? And I can give you examples of
451 banners, signage, I'm not going to name names but either they get all enforced or I'm
452 going to start doing what I have to do. The Surfside Drive project; the trees block my
453 building, I can explain to people where I'm at, they cannot find me. When are they
454 going to be removed? I would like to remove one myself since you already approved
455 the project; I'll take the tree out at my expense but the town won't let me. Another
456 problem I have is there's a website Surfsidebeach.org; site search, click on site
457 search, go down it gives you a bunch of different websites; it says dining, click on
458 dining it's categorized, bakeries, delis, fast food, full service, lounges; they have map
459 numbers. Everybody that's listed as a lounge; there's 9 of us, none of them have a
460 black map number; nobody can find where we're out. I just want to know what's
461 going to be done about this. I keep being told that the site's being updated. A site
462 can be updated with the click of a mouse. Redesigning the website is something
463 different. There's a new restaurant, Sopraffino's, which used to be the old Mexican
464 steakhouse; they've only been in business about 3 months, they're on the website.
465 Sundown is a lounge, listed as a lounge; they've been there 28 years, they don't have
466 a map number. Borgata's been there 3 years, no map number; Surfside Live, Beer 30.
467 You people don't want people to know where lounges are. I'd just like to find out
468 when something's going to be done about it. I can't get answers, I called town hall; I
469 don't get return phone calls."

470
471 Mayor Deaton referred Mr. Graff to set up a meeting with Ms. Fellner. Ms. Fellner
472 added that the town is planning on rolling over the new site in two weeks.

473
474 **Bob Hanson, 15th Avenue South, Chairman of Planning & Zoning:** "I'd like to
475 bring you up to date on the sign ordinance. Planning & Zoning reviewed the sign
476 ordinance at our May meeting. We have one more issue to deal with and that's
477 murals. We'll deal with that next Tuesday, June 1st at our next meeting and we have
478 one more section of the ordinance to complete and that's trees and landscaping which
479 we will talk about next Tuesday. After that we will do one final review and our plan
480 is to get the entire ordinance, which has been our instruction, to council by the first of
481 August or the first week in August, so, we've been working on it two years and Mr.
482 Booth said council wanted the whole thing at once and not piece meal, however, if
483 you change your mind and you want pieces of it we have every piece except one
484 ready, so, thank you."

485
486 **Mayor Deaton:** "And I do want to say that our Planning and Zoning; they have
487 worked diligently. We've been on a quest here for 2 years now to redo our
488 ordinances and make sure they do not conflict among themselves; they do not conflict
489 with State law and they do not conflict with Federal requirements and we have
490 accomplished a lot of that folks and these people have a lot to be congratulated for
491 and the amount of work they've done in a short period of time. Once it gets to us
492 we're going to move it forward so these things are moving forward. They're not done
493 over night; this is not a simple process. You can't just say 'well I'd like to do this'
494 and with the way that government works and the way our process works it doesn't
495 happen overnight, but we are getting it done and I commend this council; I commend
496 that Planning and Zoning Commission because they are moving things forward and
497 we are very close."

498
499 **Randle Stevens, 1st Avenue North:** “I think most of the council, when they ran for
500 office, they were in under transparency, making the government more transparent, so,
501 I would like to make a suggestion to the council that you have two controversial items
502 here; the pier and of course the skate park and some other things; that you have the
503 Building and Zoning put some type of plan for the skate park so the citizens out here
504 will know where the skate park is going, whether it’s across the highway across 17 or
505 whether it’s over here besides the fire department. Secondly, on May 11th on line 125
506 to line 133 Ms. Donevant talked about plans and Mr. Deaton you talked that we just
507 got the plans for the library. It would be nice to have these new plans placed on the
508 website as well and also address where the parking is going to be and things like if
509 there’s any trees that are going to be destroyed by the footprint of the parking for the
510 library or the footprint of the building and also all the transparents you can get on
511 Nibils.”

512
513 **Jim Mays, 911 Ocean Blvd, Owner Sea Dogs Ice Cream:** “As Jack Cahill iterated to
514 you, our signs were taken down over a year ago without justification. I have been
515 trying for a year to get a replacement sign. I took the appropriate steps of coming to
516 the town, getting a building permit to have a sign erected which was, at the time,
517 going to be a temporary sign until the town put up a permanent structure which was to
518 be 30 days, 60 days, 90 days; it’s now been 12 months and it looks like it’s going to
519 be, well I wouldn’t even project a date it’s going to be replaced. People come in my
520 shop every day and say they don’t know we’re there. They don’t know any of the
521 businesses on the pier are there. They go to Garden City pier; there’s not a sign that
522 says there’s a pier; a sign that says there’s a restaurant or an ice cream shop.
523 Although there’s restaurants and ice cream shops right on the street on Ocean Blvd.
524 with signage, so that’s where the folks are stopping first. I sent e-mails to all of you
525 except the two new members. I have . . . I don’t know what else to do; I don’t
526 understand what you came up with tonight. It sounds like you’re back to passing the
527 buck to zoning. You may be on a quest to get new zoning ordinances written, well,
528 I’m on a quest to get a sign. I made you aware that I have a sign; it’s a temporary
529 sign; it’s a 3 by 8 sign that I bought from the town that was placed in the ballparks
530 with your outfield signage. I paid \$350 to the town to have that sign. What I would
531 like to do is add that sign to a temporary post put in the flower box; that’s the flower
532 box that’s on the street that Sea Dogs paid to put flowers in that the town would not
533 water; that are now dead and been pulled up, so, what I would like for you to do is put
534 two 4 by 4 posts and let me, temporarily, mount my sign that the town made for this
535 summer season. That’s all I want to do. When you get a sign we’ll take my sign
536 down so I ask that when you go into your session tonight, and I don’t know the
537 legality of it, but if you could consider a resolution tonight, please do so. Memorial
538 Day is this weekend, you’re crippling my business. Thank you.”

539
540 **Tom Dodge, 15th Avenue N:** “I think that our zoning ordinances allow temporary
541 signage. It’s been over a year since they took that sign down at the pier for no reason
542 in my mind. Those people need a sign. A temporary sign can go up there until the
543 new sign which was promised months ago by Mr. Booth would be finished and the
544 other thing is if it walks like a duck, and it quacks like a duck it probably is a duck. If
545 we get Cecil’s LLC and don’t know who else is part of that, that’s a fish. Thank
546 you.”

547
548 **Beth Kohlman, 1610 S Ocean Blvd.:** “I’m going to talk about both things, skip back
549 to Nibils, I’m going to make it very quick, about Nibil’s. I (inaudible) but listen,
550 Nibil’s speaks for themselves, that’s all I have to say. Now I’m going to speak about
551 the skate park because I’m really surprised, Mr. Mayor, that that’s how you feel about
552 the skate park. That you are willing to . . . take a second here . . . you are willing to
553 tell the kids of this town that a parking lot is worth more money than them; that a
554 study about the police and fire department is worth more money than them. You just
555 spent thousands of dollars on a parking plan, that’s worth more money than them.
556 That really, really chilled me to the bone. I just don’t understand how you can do that
557 and Mr. Childs, Mr. Smith you want to push those kids over across 17. I understand,
558 I truly understand how the people of 13th Avenue feel about noise and I told you that
559 at the last meeting why and nobody came to my house to see the skinny dipping in the
560 pool or anything but, yeah, the renters are noisier than your local kids but that’s
561 because of this. We all know that and that’s fine and that’s all well and good but
562 please the kids are worth more than a parking study.”
563

564 **9. COUNCIL COMMENTS**

565 **Ms. Blair:** “First of all it’s good to be back and I apologize for missing a meeting.
566 Hopefully I learned some things at a conference that will keep us all healthy and
567 diseases out of Surfside. I actually spent today and I know that Ms. Fellner’s left but
568 one thing I wanted to go back to is just, I saw in Public Works, some fountains are
569 going to be turned off for about a week and a half. Those fountains stimulating the
570 water, certainly are a mosquito preventer, deterrent, and so I just would encourage
571 that dunks be used regularly and that we can have, especially with the rains we’re
572 having and with the humidity we could have a huge mosquito breakout, so in the time
573 that water is not being circulated we could have a real mosquito problem, so I would
574 just encourage that the mosquito dunks, which are larvaecides, be used regularly as
575 we should in all of our drainage ditches and/or irrigation ditches to keep our mosquito
576 population down; to keep you safe. Secondly, today, I spent today at a conference all
577 day on emergency preparedness and one of the things you’ve read and we’ve heard
578 on the news that was reasserted to us at the meeting was that, and we’ve heard this
579 before, so don’t snicker, but that indications are that this could be an active Atlantic
580 season for hurricanes and I think June 1st is the beginning of that season so I just urge
581 all of you to prepare and to be sure you’ve got kits and all the things that you might
582 need up to day and just keep yourself ready for anything that we might have to face
583 and we’ll certainly be ready to help with any of those things. Busy weekend and lots
584 going on, I hope to see everybody out at the car show and at our first annual golf cart
585 parade on Monday; hope we have some beautiful weather and happy Memorial Day
586 to everyone. Thank you for being here.”
587

588 **Mr. Johnson:** “I will keep it brief. I do agree with the gentleman concerning the
589 sign at the pier. It has gone on long enough and I knew, for a fact, when it was
590 discussed that the sign was going to be removed, I knew in my heart of hearts that
591 that sign was not going to be up when it was promised and so I would just like to
592 implore the town or the town attorney, the temporary administrator to work with the
593 businesses down there; to look at our ordinances and see if we can put up a temporary
594 sign for those people. I mean the more money they make, the more money we get and

595 I just feel really deep about that and I look forward to looking over the bids whether
596 we make a decision tonight or not. Thank you.”

597
598 **Ms. Dodge:** “I want to thank you for your comments pro and con on every subject. I
599 want you to know that people are listening to you it just takes some time to get things
600 done. You probably heard that before, when I was sitting over there I heard it too, but
601 it does take time, so, be patient with us, throw rocks at us if you want to, when you
602 need to, but we will try hard for you and we will get it resolved.

603
604 **Mr. Smith:** “I’m concerned about the fact that it does take so long to get anything
605 done in the town. We haven’t done the Surfside Drive project; we haven’t done the
606 skate park, it should have been done and the reason I was supporting moving it across
607 the street to the water park is that I personally am concerned about whether the town
608 is willing to spend the money and get it done by August the 1st. We don’t really have
609 a good track record of getting things done. The sign is a good issue so I’m really
610 concerned about the town accomplishing things. I think that we need to set some
611 priorities, have some projects lists where things are identified and we have firm dates
612 to complete the projects. Thank you.”

613
614 **Mr. Samples:** “Thanks for everybody for coming out. I got to say I share councilman
615 Johnson and Councilman Smiths concerns. You know, we live in a great town but it
616 does require work on the part of those of us that are elected. We meet twice a month,
617 if that’s not adequate time, frankly we were elected to get things done. One thing Mr.
618 Smith didn’t mention is we didn’t get the maintenance done on the pier. We’re
619 working on it; the season’s going to begin and it’s looking better. The signage issue
620 at the pier, frankly, is an embarrassment because we have not, we, sitting up here
621 have not cared enough to address it; to move it on and the season begins, so, I’m sure
622 we’ll get something done if, in fact, the ordinance, as somebody mentioned, does
623 allow temporary signs, I don’t know why they haven’t applied and we don’t have
624 temporary signs up. Thanks for coming.”

625
626 **Mr. Childs:** “I do have a few things to say. I promised Mr. Cahill and Mr. Mays that
627 I would try to do something with that sign issue and I disagree with Mr. Samples. I
628 worked for a year on that thing and every time I had a resolved situation, somebody
629 else didn’t like this, didn’t like that, we don’t like this; we don’t like that. When you
630 have to get everybody around to agree on something as simple as a sign; and that’s
631 why the signage didn’t get done. It wasn’t because nobody cared because I did work
632 on it and I spent a lot of time, my time, getting prices and spent my gas and my time
633 doing it.”

634
635 Inaudible speaker from the audience spoke.

636
637 **Mr. Childs:** “I told you I don’t have any idea why that was. I wasn’t involved in that
638 but I did promise you I would work on the sign and I did and Mr. Mays as far as the
639 flowers; we seem to have a problem around here, we plant things and we don’t water
640 them. That’s been an issue of mine for a long time and I had to get with the fire chief
641 one time, there was a project where there was grass and things planted, to get him to
642 bring the pumper truck and he has volunteered to do that with his pumper truck so I
643 think next time we get some, we did a pilot project down here on 4th where we have

644 palm trees and some rose bushes, well, guess what? The rose bushes are dead. You
645 know why they're dead? Because we don't water them and I expect the palm trees
646 are going next. Bogata, I was the one who created the subcommittee that did that
647 Surfside Drive; you think you're frustrated? We had three of us on that
648 subcommittee, we spent a lot of time looking into that so I am still in hopes that that
649 will be done before I'm put in the ground, the fact is, Mr. Mayor, at this point I'd like
650 to get a consensus of council if we could have workshop."

651
652 **Mayor Deaton:** "Sir, we're not under business, we're under discussion, I mean,
653 we're under council comments now. We can add that to another agenda."

654
655 **Mr. Childs:** "Okay. I have one more thing and I'm through. Talk about projects. I
656 have asked now for over a year to have a project director. Any big organization; we
657 are a big organization, needs a project director. You get a project and you can find
658 out how much money you spend on it, where you stand, how many hours; we don't
659 have that and I've talked about that over and over and over so I hope someday we'll
660 get that too. That's all Mr. Mayor."

661
662 **Mayor Deaton:** "I'm glad I get to speak last because I'm going to be positive. I tell
663 you folks, we've done a lot. Surfside has progressed a tremendous amount in the last
664 few years. I've lived here for 37 years; I don't know how long you've lived here but
665 I remember when I first came here there were two paved roads; we had two police
666 officers. This town is a lot more sophisticated, a lot more complicated; it's come a
667 long, long way. I can remember twenty something years ago when the people in the
668 dunes used to laugh at us when we said we were from Surfside Beach they went 'oh,
669 okay', but now, you know what, Surfside Beach is the place to live. It's an affluent
670 community because it has been planned properly; it has had great leadership in the
671 past and I guarantee you one thing, this council has moved forward more rapidly and
672 with a better quality of leadership than any other past councils and I've been here 37
673 years. So, I'm going to tell you straight up, it takes money to complete projects; it
674 takes priorities and that's what the budget process is for folks, and that's what our job
675 is sitting up here. We go through it once a year, we try to balance it; we decide on
676 priorities and what's important and what can be done and what can't be done and how
677 we're going to pay for it. That's our job; that's why we're sitting up here. We're not
678 sitting up here to decide what color flowers you're going to have; that's important,
679 beautification is important, don't get me wrong, but I get tired of people saying that
680 the projects have to be moved forward, well, let's pay for them. This town hasn't had
681 a tax increase since 2001, which was a 5 mill increase for stormwater, and guess what
682 folks, we're leading in the nation in our stormwater progress. We have dredged our
683 lakes, we know what our water quality is, we were ahead of a federal unfunded
684 mandate, 3 years ahead of anybody else in this country on the coast and we've
685 succeeded. We are a model; we are a model for an infrastructure so I guess I'm a little
686 frustrated; I hear a lot of frustration coming from other people and a lot of negativity
687 but guess what folks we're in good shape and we're doing pretty dag gum good. I
688 like living here, I don't know about you, but this is a great, high quality community
689 and I would commend this council and the previous councils on the job that's been
690 done for this community."

691

692 Mr. Samples made a motion to go into executive session. Mr. Johnsons seconded the
693 motion. **All voted in favor. MOTION CARRIED.**

694
695 **10. EXECUTIVES SESSION**
696 *FOIA 30-4-70 (2) Pier Contract Discussion*

698 **11. REGULAR SESSION**
699 Mr. Samples made a motion to reconvene in regular session. The motion was
700 seconded. **All voted in favor. MOTION CARRIED.**

702 Mayor Deaton stated that two bids were received and it was determined that both bids
703 are unresponsive; they did not fit the criteria requested. Mr. Smith made a motion to
704 rebid the process. Mr. Childs seconded the motion. **All voted in favor. MOTION**
705 **CARRIED.**

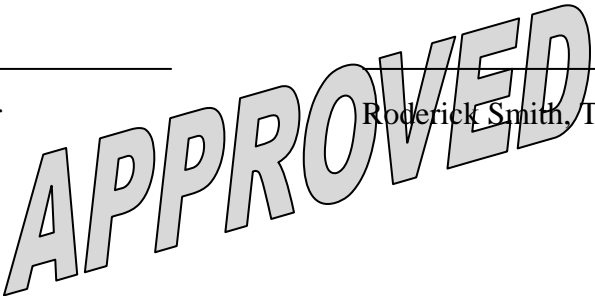
707 **12. ADJOURNMENT**
708 Mr. Smith made a motion to adjourn. Mr. Childs seconded the motion. **All present**
709 **voted in favor. MOTION CARRIED.** The meeting was adjourned at 8:25 PM.

711 Approved: June 8, 2010

712 _____
713 Sharon Pinnell, Town Clerk

714 _____
715 K. Allen Deaton, Mayor

716 _____
717 Roderick Smith, Town Council



721 _____
722 Vicki W. Blair, Town Council

723 _____
724 Ann Dodge, Town Council

726 _____
727 Douglas F. Samples, Town Council

728 _____
729 Mark L Johnson, Town Council

731 _____
732 Robert F. Childs, III, Town Council

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Clerk's Note: This document constitutes minutes of the meeting, which was audio taped. This meeting was transcribed by Clerk Pinnell. 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. When *** is used a section of the transcription is inaudible.