



TOWN OF SURFSIDE BEACH ♦ TOWN COUNCIL CHAMBERS

July 27, 2010 ♦ 6:30 P.M.

TOWN COUNCIL
PUBLIC HEARING/
REGULAR COUNCIL MEETING

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10 **1. CALL TO ORDER**

11 Mayor Deaton called the meeting to order at 6:32 PM. Mayor Deaton and
12 councilmembers Johnson, Blair, Dodge, Smith, Childs and Samples were present.
13 Staff present: Appointed Interim Administrator, Fellner; Clerk Pinnell; Special Events
14 Supervisor, Ellis; Athletics Coordinator Stalnaker; Building Director Donevant; and
15 Public Works Director, Adair. Attorney Mr. Moss and Waccamaw Regional Council
16 of Governments representative Mr. Newquist and GSATS Representative Mr. Clark
17 were also present.

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

20 Chaplin Carmen Carella gave the invocation and Mayor Deaton led the pledge of
21 allegiance.
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23 **3. PUBLIC HEARING: *Transportation Element for Town Comprehensive Plan***

24 Mr. Dan Newquist, Community Planner for the Waccamaw Regional Council of
25 Governments presented the draft of the transportation element reviewed by the
26 Planning Commission to council. Mr. Newquist reported that the transportation
27 element became a requirement of the comprehensive plan in process under the South
28 Carolina priority investment act which was passed in 2007. Mr. Newquist went over
29 the procedures taken to draft the element. A survey of data was sent out to frame out
30 how to proceed with drafting the element. Some items pulled together were previous
31 planning efforts that focused on the Surfside Beach community in the past including
32 US Highway Business 17 corridor study conducted in 1999 and the last version of the
33 towns' comprehensive plan. Also collated into this was historic traffic count data
34 which is issued annually by SCDOT (South Carolina Department of Transportation),
35 some guidance was taken from GSATS (Grand Strand Area Transportation Study)
36 with their long range transportation plan and some other planning documents recently
37 adopted by the town including the parking plan and a five year streets paving and
38 sidewalks plan. Mr. Newquist reported that this information was shared with the
39 towns' Planning Commission and began a discussion regarding the goals and
40 objectives the Planning Commission felt were important. Transportation related
41 concerns were addressed and the goal is to create a vision that will help the
42 community develop a transportation system that is functional, meets the needs of all
43 residents and is properly maintained over the course of time. Mr. Newquist stated
44 that the element also includes coordination of goals on regional and state levels.
45 Business 17 is one of the main components of the transportation system so a specific
46 set of goals related to the safety and functionality of that roadway corridor are
47 included. Upon implementation of the element it would be important to anticipate
48 future needs as far as capacity along with operation and maintenance needs. Also
49 addressed in the plan is the preparation of an evacuation route. Specific needs of
50 businesses in the community are also a consideration along with concerns of senior
51 citizens and encouragement of alternate modes of transportation is also addressed.
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Mr. Newquist stated that the major roadways in the town were addressed including Surfside Drive, Ocean Blvd, Melody Lane, 16th Avenue North and US Business 17; some other roadway corridors just outside the town boundaries that impact the general transportation of the town including Glens Bay Road and SC Rout 544. A 20 year historic traffic count analysis was performed and projections were provided. After analysis of all the data a transportation assessment of future needs was performed and this further refined the goals and objectives outlined in the plan. An important component of any planning document is to develop an implementation strategy to provide a framework to move forward. A number of important steps and action items were discussed and for each item a timeframe was established and entities responsible for accomplishing steps were given. Strategies and safety concerns were addressed along with coordination of projects.

Mr. Samples asked if the frontage roads on Highway 17 were addressed. It was confirmed that the frontage roads are not included in the counts. Through the GSATS level there is an analysis through GSATS that includes a traffic count for the intersection of 15th Avenue North and Business 17. The calculations show 4,000 trips per day at this intersection on the frontage road. Mr. Samples stated that the reason he raised this question was that many people in town use the frontage roads to get around the traffic that is on Highway 17. Mr. Samples stated that it may be useful to incorporate information concerning the frontage roads in the planning document. Mr. Newquist stated that some of the specific goals outlined regarding the US 17 corridor emphasize the capacity needs and safety concerns. The initial survey pointed out the frontage roads as a concern. Mr. Newquist stated that when the town goes through any improvement projects this would be a good time to do specific counts. Mr. Samples asked when the appropriate time would be to identify improvement projects. Mr. Newquist stated that the regional planning agency GSATS is the agency to address with improvements. Mr. Smith stated that on page 13, table 4, the section titled *Planned Transportation Improvements* lists approved projects and asked if these were approved by Surfside Council or another agency. Mr. Newquist stated that a number of the improvements are approved by the GSATS improvement program. Some are approved by other entities such as the bus shelter at the town hall complex. Mr. Smith asked about other projects that need to be in the plan that may not be approved by the entities mentioned. Mr. Smith stated that when he was on the Planning Commission he requested the plan to not include 13th Avenue and that a traffic signal be placed at 16th Avenue North. Mr. Smith stated that this needs to be changed. Mayor Deaton stated that this change was presented and declined by SCDOT. Mr. Smith questioned the town not being able to put in its plan what they want. Mayor Deaton stated that since Business 17 is a State road the State needs to approve everything the town wants to do. Mr. Samples stated that Mr. Smith is asking the correct plan by asking, whose plan is this? Does the council have to adopt this plan or can it be changed? Mr. Samples stated that he understands that this plan was recommended by the Planning Commission but as elected representatives of the town asked if council has the authority to make changes to the plan. Mr. Newquist stated that this would be up to the town council and local officials. Mayor Deaton stated that this is a public hearing and this would not be voted on this evening and recommendations are being taken. Mr. Smith stated that another recommendation he would like to make is to add intersection improvements between 10th Avenue North

102 and 11th Avenue North with a single light at 10th Avenue North. Mr. Smith stated that
103 the previous town administrator has requested that some of the crossovers on
104 Business 17 be closed and believes that SCDOT rejected those as well and he would
105 like to have this identified as being something that the town wants to do even though
106 it is not approved by the State. Mr. Smith stated with this in mind additional traffic
107 control signs on Business 17 need to be placed; there are places that do not have a left
108 turn lane and people are making u-turns and this is very unsafe. Mr. Smith stated that
109 he feels this should be identified in whatever transportation plan the council adopts.
110 Mr. Samples stated that he seconds Councilman Smiths' recommendations. Mr.
111 Johnson had a question on table 3 page 10. The traffic projections were being shown
112 as decreasing on certain roads from 2010 to 2030 and questioned this. Mayor Deaton
113 addressed this question by stating that the roads are being downgraded as the
114 utilization of Highway 31 and Bypass 17 increase. Mayor Deaton added that Surfside
115 has lost several businesses to the Bypass and what the area is experiencing is a
116 downgrading of roads such as Business 17 as the area graduates into better road
117 systems. Mr. Johnson stated that the roads he is referring to are in town such as
118 Ocean Blvd., 16th Avenue North, etc. Mr. Newquist stated that these numbers were
119 taken from a statistical analysis and the input of the numbers were based on SCDOT
120 traffic count numbers; there had been a historic trend and a linear regression model
121 used which computes long term figures by taking 20 years of traffic count numbers
122 and if the numbers have declined then this is what it projects out to 5 plus years. The
123 table gives a few plausible scenarios and indicated in the document is that these
124 figures would be contingent upon a number of issues; what kind of future
125 development there would be, how many visitors; there may be a decrease in cars and
126 increase in bicycle use and so on. Ms. Blair asked about the historic counts. Mr.
127 Newquist referred council to charts 1 and 2 on page 7 which showed that the last 10
128 years were profiled and that there has been a fluctuation in the traffic counts. Mr.
129 Newquist stated that additional comparisons comparing winter vs. summer could be
130 included. Mr. Samples stated that he wondered how the count is calculated and asked
131 if seasonal numbers are taken into account. Mr. Samples stated that he does not see
132 where the count has dropped since 2002. Mr. Samples asked about logistics
133 regarding suggestions and recommendations. What is the next step and how
134 councils' comments get incorporated into the plan. It was confirmed that this would
135 come back to council as an ordinance with two readings. Mr. Johnson confirmed to
136 those in the audience that council received the comprehensive plan on Friday and
137 there is a lot to digest and it will come back to council.

PUBLIC COMMENTS ON PUBLIC HEARING

139 ***Bob Hanson, 15th Avenue S.:*** "I'd like to thank Dan Newquist for the work that he's
140 done on this. Very good job. Also Jackie and Tom Britton. This is not a complete
141 document; this needs to be reviewed by the council which is what you're doing. It
142 needs to be melded with your GSATS information that you're working on and then it
143 will become a final document after it has been reviewed. This is one step in the
144 process; the public hearing. Mr. Smith worked with us, Rod Smith, and his reference
145 on page 13, chart number 4 we did discuss that and I believe that 13th Avenue should
146 be changed to 14th Avenue and the other items . . . and that would alleviate other
147 incidents that have come up in several public hearings and I believe that should be
148 changed and some of the other comments that Rod had should be adopted. This can
149 come back to us; we have until the end of the year to review the 5 year plan. In
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151 addition to this transportation element we have an infrastructure element which we
152 just started working on so that needs to be finished also. Those are my comments
153 thank you for your review and we will take your comments, review it and bring it
154 back to you and the GSATS information that you want changed needs to be included
155 in your comments. Thank you very much.”

156
157 Mayor Deaton confirmed that Mr. Hanson currently serves as the chairman of the
158 Planning and Zoning Commission.

159
160 **Gene Maruca 116 7th Avenue South:** “I understand the need for traffic control lights
161 on the north end; I live on the south end. One of my major concerns has always been
162 10th Avenue South. I challenge anybody to shoot out and go south from 10th Ave.
163 Check the accident count at that intersection. No one has mentioned that; it’s nice we
164 take care of the north end but show a little compassion for us peons on the south end.”

165
166 Mayor Deaton stated that this was another request from council which was not
167 approved by SCDOT. Mayor Deaton added that he is on the GSATS committee and
168 he is still working on it.

169
170 **Harry Kohlmann, 1610 S. Ocean Blvd:** “I’m not sure if this falls into the criteria but
171 on Ocean Blvd you have crosswalks but they’re not marked correctly; there should be
172 stripes in the crosswalks. You should also have signs up; I believe it’s a state law you
173 have to stop for people in the crosswalks. Nobody . . . nobody does it, well, maybe
174 one person does it. I’m going to be watching you now though, but it’s a safety issue
175 especially with all the illegal parking on Ocean Blvd. and maybe you can possibly
176 slow down the traffic. Instead of 30 miles per hour drop it to 20, 25 miles per hour on
177 Ocean Blvd because there’s so many young people with families crossing that street I
178 think that’s very important.”

179
180 Mayor Deaton stated that he agrees that pedestrian friendly is very important.

181
182 **Mr. Childs:** “I really agree with Mr. Kohlmann on those crosswalks. I was always
183 wondering why they didn’t stripe them to start with because if you’re driving a car it
184 really doesn’t even look like a crosswalk. It’s just a couple of white lines in the
185 middle of the road. The place where I came from they did stripe them, wide stripes
186 and they were obvious what they were but I think that’s a very good point.”

187
188 **Mayor Deaton:** “In Myrtle Beach some of the business owners at the hotel areas, are
189 actually cooperating with the City of Myrtle Beach to add raised areas in their
190 crossovers and enhance those so that they’re more obvious, so, maybe that’s
191 something we can look at in the future.”

192
193 **Ms. Blair:** “I just wanted to say that within the element on page 22, goal 6 is to
194 address safety concerns especially crosswalks and there’s actually a picture of a very
195 well marked crosswalk that caught my attention; I thought that it stood out and it
196 immediately lets motorists know that you’re approaching a cross area and it’s marked
197 with a different color, it’s much more than a stripe but I think that is . . . it has been
198 addressed and it is there to look at reconfiguring some roadways or some crosswalks

199 that are not conducive to safety for our citizens now, so that is part of what we'll be
200 looking at."

201
202 **Mr. Samples:** "Just to follow up on page 13, I see in the 2011 GSATS, I guess it's
203 item number 6, there's an item called US Highway 17 Business landscaping. Is that
204 funded? Do you happen to recall how much?"

205
206 **Mr. Chris Clark, representative from GSATS:** "\$40,000 federal and a \$10,000
207 match from the town."

208
209 **Mr. Samples:** "Is it specifically identified to a particular strip?"

210
211 **Mr. Clark:** "It's all of 17 and the town submitted an application which identifies the
212 type of plants I think it's palmetto trees with knock out rose bushes similar to what
213 was installed on Ocean Blvd. and there's spaces that are identified for it in the
214 proposal."

215
216 **Mr. Samples:** "Is that something the town will conduct the procurement on?"

217
218 **Mr. Clark:** "No, the Department of Transportation will."

219
220 **Mayor Deaton:** "And we have to jump through a lot of hoops there too because
221 we're not self certified; Myrtle Beach is self certified with a lot of their improvements
222 along 17, we're not. We have made a request to, we have the chairman, Danny
223 Isaacs, as our guy now for the first time so they need to give a big stick for the first
224 time and we requested a project manager for our region and this is something that's
225 never been done before and he is very open to that idea, if we have a project manager
226 that means that we have an open book right straight to the process which will
227 alleviate a lot of the bureaucracy and a lot of the red tape and we're working very
228 hard on that and the state is encouraging us to take the roads back also and we really
229 don't want to do that unless the money comes with them for maintenance so these
230 projects, we're working very hard to get a project manager for the region which
231 would include Conway all the way to North Myrtle Beach down to Georgetown
232 County area so that is something that we're working on, so the process is going to be
233 slow right now as it stands but it is funded, correct Chris?"

234
235 **Mr. Clark:** "Point of clarification on that chart on page 13, table 4, those are projects
236 that have been funded programs so these specific titles come directly from our
237 program; they're not something that Dan is suggesting you fund; he's quoting from
238 our program and that's where these titles and these locations come from."

239
240 **Mayor Deaton:** "And this is quite an extensive process; this is not something that is
241 done overnight; it is done over years. You go through the pecking order and it's very,
242 very difficult to get these things funded and move them up the line and it takes
243 somebody to pay attention and do it and we appreciate you Mr. Clark, you do a good
244 job."

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246 **Mr. Smith:** "Third item down in that table, Business 17 and 5th Avenue North
247 intersection, is that funded and if so, how much?"

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Mr. Clark: “Yes, there’s \$160,000 for that project, probably 6 months ago there was a letter sent to the town specifying what improvements we’d like to make there and we haven’t received any affirmative correspondence back from the town whether to proceed with that. What was suggested is similar to what was done at Glens Bay Road and at 544 to just close the frontage road off at 5th North and the department has suggested that they do it just as a temporary measure for a couple of months to see how it worked and if it worked then we could do it permanently so we’d have to have a municipal agreement from the town to pursue.”

Mr. Childs: “Could you tell me, I had asked you earlier, what the reason was that the former town administrator had a problem with that? I remember one time I asked him and he was flailing his arms ‘oh, you don’t know the whole thing’. Do you know why this was stopped because I know you said they were ready to go; that you were.”

Mr. Clark: “I think he felt there would be opposition from council.”

Mr. Samples: “And I don’t know the plan. I first heard of it tonight but if I understand it correctly, you expressed to me that it would be, the north part of the frontage road would end at 5th Avenue headed south, is that correct? It would end at 5th Avenue North; you would close it off there.”

This was confirmed to be correct.

Mr. Clark: “They would barricade on the frontage road at both sides of 5th North.”

Mr. Samples: “But there’s no light north of 5th Avenue and so it just seems to me that you’re going to create a problem somewhere else for people who are headed south.”

Mr. Clark: “We agree completely, we think that it’s probably a comprehensive look from one side of the town to the other; all these frontage roads; all the median breaks; all the access points from the frontage roads to 17, comprehensively, probably need to be looked at.”

Mr. Samples: “Just to follow up on that because that’s very important because these intersection improvements which Surfside Beach gets through the GSATS process up to this point totally miss the need for this town. I just want to go on the record that the towns’ needs are well known, ok? We sat in here with other higher elected officials; they understand what . . . that that frontage road is a major problem.”

Mayor Deaton: ‘Well we actually sat in here with the Chairman and the Vice Chairman and me and two other individuals and the council and our message was very clear so that message should be carried through but it is a very slow process; there’s years in this process and to be fair we did not have a lot of representation on GSATS for a long time folks. Now we’re stepping up. Surfside is well represented on GSATS now; we’re paying attention; we’re there at every meeting; I’m pushing our agenda forward and it’s something that is very important to this community and so, yeah, the frontage roads are important to us because they’re very dangerous and

297 they need to be addressed but we're getting things funded as we go and we're moving
298 forward."

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300 **Mr. Samples:** "If I could just finish with this comment. What I heard Mr. Clark say
301 is that 6 months ago they sent a letter to the town asking for some guidance on the use
302 for this program project and that they haven't heard anything back from the town in
303 the past 6 months and what I also know is that if we're silent there are other
304 communities that have needs and that the money will be re-programmed."

305
306 Mayor Deaton stated that it happens all the time "and we had a changing of the guard
307 and I'm sure that our interim administrator is aware of this because she has been
308 paying a lot of attention to GSATS and other issues but we will be addressing it."

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310 **Ms. Dodge:** "There's one crossover that concerns me greatly because I think
311 somebody's going to be killed there and it may very well be me because we use it.
312 It's 15th Avenue North. That is the worst intersection coming off of that frontage
313 road and people will be stretched out all the way across it, could you put up a barrier
314 there and stop that? In the center? Something needs to be done and I don't know
315 what it is other than somebody standing out there and managing the traffic coming
316 across, going down, coming south and so forth, but it's terrible there."

317
318 This item was noted. Mayor Deaton thanked Mr. Clark and Ms. Dodge.

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320 **Mr. Clark:** "If I may, I would just like to apologize to Ms. Fellner. Since she's been
321 on board we've been working very well with her and she has been aware of these
322 projects; we've met several times with them and I think she has us on the agenda for
323 the 10th; we've discussed that so I think we are on a path forward to get some
324 response on those projects. We look forward to working with her again."

325
326 **4. AGENDA APPROVAL**

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

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330 **5. MINUTES APPROVAL** – Mr. Samples made a motion to approve the minutes from
331 the regular council meeting July 12, 2010. Mr. Childs seconded the motion. **All**
332 **voted in favor. MOTION CARRIED**

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334 **6. PUBLIC COMMENTS**

335 There were no public comments.

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337 **7. COMMUNICATIONS: Presented by Interim Administrator Micki Fellner**

338 **a. American Heart Association Horse Ride November 5, 2010**

339 Ms. Sara Nelson, Director of the Beach Ride for the American Heart
340 Association presented her request to council to allow horses on the beach in
341 Surfside Beach for the American Heart Association fundraising ride to be held
342 on November 5th, 2010. Ms. Nelson stated that people come from all over the
343 country with their horses and it usually raises about \$250,000 for their
344 Association. This is the 29th year with Myrtle Beach. Litter cleanup will be
345 provided at no cost to the town. Mr. Samples made a motion to approve the

346 ride in Surfside Beach. Ms. Blair seconded the motion. Mr. Childs stated that
347 he had questioned this the first time but after contacting the chairman of
348 stormwater and DHEC they had no concerns as long as there was clean up and
349 since cleanup would be provided he has no objections. Mr. Johnson asked if
350 there was a rain date. Ms. Nelson stated that there is no rain date. **All voted**
351 **in favor. MOTION CARRIED.**

352
353 Mayor Deaton stated that he would like the town to provide a mechanism so
354 that future variances can be allowed for future town events such as this. Ms.
355 Fellner stated that this is currently with the attorney. Mr. Samples stated that
356 any oral motion based on code of ordinances is a resolution and a resolution
357 only needs one reading. Mayor Deaton stated that he agreed but asked for the
358 attorneys' opinion on a resolution trumping an ordinance. Mr. Moss stated
359 that it takes a document of equal dignity which is another ordinance to allow
360 an ordinance to be overridden. Mr. Moss recommended that a modification to
361 the ordinance that creates the prohibition be made to allow for charitable
362 events if deemed appropriate but a resolution of council he does not feel it is
363 appropriate to seek to suspend the operation of a prohibition by resolution.
364 Mayor Deaton stated that it would be a good idea for council to have a
365 mechanism in place to allow future events which may be prohibited by
366 another ordinance. Mayor Deaton stated that he is not delaying the horse ride,
367 council wants this to happen, but would request an ordinance for future
368 events. Mr. Samples stated that when he was first elected the town expended
369 a lot of professional welfare, payment, at that time it was engineers and that he
370 is concerned that the town is needlessly spending money for legal services he
371 questions. He is very concerned as to how much money the council has spent
372 on, what he feels, are unnecessary ordinances. There were comments in the
373 audience. Mayor Deaton stated that council is trying to conduct business and
374 asked the audience to refrain from comments.

375
376 **b. Finance Report**
377 Ms. Fellner reported that the business renewals for 2010 through June 30th
378 were \$562,000; last years' collections for the same period were \$599,000
379 which is down 6 percent. This was anticipated due to the economy. Ms.
380 Fellner reported that the number of businesses has remained the same; the
381 license cost is based on the gross sales, therefore, since revenue was down in
382 2009 the cost of the license would decrease. Hospitality and local
383 accommodations for June 2010 were \$47,200 and \$7,300 respectively.
384 Hospitality collections were higher than last year which was \$46,800 and
385 accommodations taxes were slightly lower with last years' being \$8,100. Ms.
386 Fellner stated that these are not the final numbers; taxes are subject to accrual.
387 Taxes collected in July and August attributable to the period year 2009-2010
388 would be added to the revenue. The real estate, personal property and vehicle
389 tax collections from Horry County for 2010 were \$17,100 and at the same
390 time last year the collections were \$17,900. Both of the towns' enterprise
391 funds finished the year strongly. The sanitation fund collected \$114,000 in
392 service charges and the pier fund generated \$59,700 in income from all
393 sources. Although the fiscal year is over the finance department is still
394 working on the year end; a complete financial report will be issued after the

395 audit and 60 day accrual period is over. The report will highlight some of the
396 current month revenue and expenditure from June as well.

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398 Mr. Samples stated that this was the first year that he could remember where
399 the town finished a fiscal year and council did not have the detail. Mr.
400 Samples stated that he had a question as it related to when council adopted the
401 budget and it involved a Municipal Association business license fee adding
402 that the town collected \$596,000 which is about \$100,000 less than what was
403 projected when council adopted the budget and asked if there were additional
404 Municipal Association business license fees to be accrued. Mr. Samples
405 stated that he is disappointed that council does not have at least an estimate
406 from the finance department. Mr. Samples asked if the \$59,000 collected on
407 the pier fund included any County recreational funds. Ms. Fellner stated that
408 this was a good question but she did not believe so but would check to make
409 sure none was allocated.

410
411 Mr. Johnson stated that he agreed with councilman Samples adding that he
412 had expected some figures or at least estimates for the month of June year end
413 particularly because the year-end has changed. Mr. Johnson stated that he
414 believes this is the first year that council has not had these figures or at least
415 estimates and is disappointed that the Finance Director is not at the meeting
416 this evening. Ms. Fellner stated that, unfortunately, one of Ms. Hursey's
417 major training sessions for the year occurs during this time of year adding that
418 she had a lot of preparation for the training and has been busy with the year-
419 end audit. Ms. Fellner stated that this is not an excuse but there is a lot to be
420 done for the audit. Mr. Johnson stated that he understands but the fact that she
421 was trying to clear things up for the audit it gives council the perception that
422 we could be trying to get those figures to match these figures when in fact
423 they don't match at all and he wishes that council, at least, had some
424 estimates. Ms. Fellner stated that this is not what is happening; staff is not
425 trying to make two sets of figures match adding that the figures are the
426 figures; there are not two sets of anything. Ms. Fellner stated that
427 unfortunately the training is out of her control adding that she did not want to
428 go to the training but she needed to attend to keep her certification which
429 benefit the town. Mr. Johnson stated that he has no problem with this but he
430 would like to have figures for the year end the following July. Mr. Samples
431 stated that he assumed council would receive a July report in August. Ms.
432 Fellner stated that council would be provided this information in August.

433
434 c. Public Works Report

435 Ms. Fellner reported that town crews are currently spraying under the new
436 licenses maintained by Public Works Director Mr. Adair who is now certified
437 by the Department of Pesticide Regulations and Aquatic Pest Control, Public
438 Health Pest Control and Turf and Ornamental Health Control. The town
439 collected 615 tons of solid waste in June and last years' collections were 622.
440 29 tons of mixed debris was collected and last year it was 46. 108 tons of
441 yard debris was collected this year and last year it was 106. The tons of
442 recyclables collected was 44 and last year it was 41. The handrail on the pier
443 ramp has been installed. Surfing flags and signs have been installed to more

444 easily identify surfing areas for the public, especially the visitors. Four
445 benches had been constructed and installed at the dog park. There had been
446 numerous residents requesting a place to sit while their dogs were recreating
447 at the park. Ms. Fellner reported that on July 30th there will be an
448 information meeting beginning at 8:45 am regarding the towns' first floating
449 wetland; immediately following the informational meeting the public will be
450 shown the installation of the wetland at Myrtle Lake. Ms. Nicole Saladin
451 from the Stormwater Consortium will hold the informational meeting. Mr.
452 Johnson commended Mr. Adair for getting his certification for the spraying so
453 that the town does not have to rely on other municipalities. Ms. Fellner stated
454 that Mr. Adair achieved this on short order. Mayor Deaton asked what kinds
455 of chemicals are being used. Mr. Adair stated that a phosphate similar to
456 Roundup is used for aquatic weeds and also Diquat Dibromide which is a
457 commonly used contact herbicide; also used to get rid of algae is copper
458 sulfate. Mr. Adair stated that the town can continue to spray for mosquitoes
459 as well. The town uses Pyrethrin, which is a regulated product, for spraying
460 around town for mosquitoes. Most of the chemicals used in town are general
461 use and this is restricted use. Ms. Blair congratulated Mr. Adair for getting
462 the certifications adding that there is a lot to know adding that she has taken
463 some of these tests and currently has one of two of these certifications but not
464 all and thanked him for getting all of the certifications. Mr. Childs
465 congratulated Mr. Adair for getting the certifications adding that he is doing a
466 great job with the few people he has to work with.

467
468 **d. Recreation Report**

469 Ms. Fellner reported that the Dixie League ages 13-14 automatically advanced
470 to the State tournament in Sumter where they have won 5 games and are
471 advancing to the Dixie Junior Boys World Series tournament in Alabama
472 beginning July 31st. The Dixie Youth majors ages 11 to 12 All Star team have
473 won advancement to the State tournament in Clemson, SC where they are
474 currently 3 and 0 out of a 5 game series. Registration of over 30 adult softball
475 has begun and the town currently has 11 teams registered and games began
476 July 12th and the season ends September 16th. Plans are in progress for an
477 over 30 softball fall league to begin in October. Mr. Johnson stated that he
478 has been pleased to see a lot of activity the past few weeks at Martin Field and
479 recommended local residents to go out and support those teams. Ms. Dodge
480 commended Ms. MaryLynn Stalnaker for the work she does with all of the
481 ball teams adding that she has never seen a more dedicated employee and
482 stated that she deserved a round of applause from everyone in the audience.
483 Applause was given.

484
485 **e. Administrator's Report**

486 Ms. Fellner reported that as of 1:00 PM today the town had received 132
487 resumes for the Grounds Supervisor position.

488
489 **i. Wrecker Rotation**

490 Ms. Fellner reported that the wrecker rotation is being finalized. The
491 rotation will include: Beach Auto Body, Coastal Collision, DeFalcos
492 Automotive and Towing, Low Country Tops and Wrecker Service

493 and Surfside Wrecker Service. Mr. Samples asked if this was
 494 something new. Ms. Fellner stated that this is something that is
 495 supposed to be done every year and has never been done before.
 496 There should be an annual review of the wrecker rotation and
 497 insurance and licenses need to be checked prior to being placed on
 498 rotation. Mr. Johnson questioned one of the towing services stating
 499 that he believes one was taken out of the rotation a year or so ago
 500 and asked if the problem was rectified. Ms. Fellner stated that they
 501 all qualify according the current rules and regulations. Mr. Johnson
 502 asked if this could be investigated further adding that he would like
 503 to see what the history was regarding a service being removed from
 504 the rotation schedule. Mr. Samples stated that he also recalled a
 505 service being removed. Mr. Samples stated that if the service meets
 506 the requirement then “they probably learned their lesson, I would
 507 hope, because they know that they would be removed from the
 508 rotation.” Mr. Childs stated that a company was removed for
 509 unethical business practices. Ms. Fellner stated that she would look
 510 into this.

511
 512 *ii. FireStation Floor Update*

513 Ms. Fellner stated that the grinding of the concrete floor is over half
 514 complete. The rooms on the south side of the building and two bays
 515 have been ground and sealed. The result is a finish that is both
 516 aesthetically appealing and extremely low maintenance. Ms. Fellner
 517 stated that the architect came by along with some councilmembers
 518 and everyone seems very pleased. Mr. Childs stated that he saw the
 519 floor and added how great it looked. Mr. Childs questioned the
 520 application process of the tile being placed in the offices. Ms.
 521 Fellner stated that she had gone over the process carefully with DP3
 522 and Mashburn and the application needs to meet certain
 523 specifications and they will stand by the process and the product.
 524 The excess cost of adding VCT to these floors was also discussed
 525 briefly. Ms. Fellner reported that the town is still holding \$65,000
 526 in retainage; \$45,000 will be released upon completion of the floors
 527 and the remainder will be disbursed as the final punch list items are
 528 completed.

529
 530 **8. BUSINESS**

531 *a. Second Reading Ordinance #10-0687: Amend Agenda Order of Proceedings*
 532 Mr. Smith made a motion to adopt 2nd reading of ordinance 10-0687. Mr.
 533 Childs seconded the motion. **All voted in favor. MOTION CARRIED.**

534 *b. Second Reading Ordinance #10-0684: Health & Sanitation Insanitary*
 535 *Pools/Bodies*
 536 Mr. Childs made a motion to adopt 2nd reading of ordinance 10-0684. Ms.
 537 Dodge seconded the motion. Mr. Childs stated that this is a great ordinance;
 538 there are abandoned pools in town that have been nests for mosquitoes and
 539 this ordinance will give the town the authority to go in and clean the
 540 properties when owners refuse to do so. **All voted in favor. MOTION**
 541 **CARRIED.**

542 c. *Decision paper: Need for replacement of Grounds Supervisor*
543 Ms. Fellner asked council for authorization to hire a Grounds Supervisor since
544 Mr. Newell resigned the position. Mr. Childs made a motion to hire a
545 replacement of the Grounds Supervisor. Mr. Smith seconded the motion. Mr.
546 Samples stated that Sunday it will be August 1st and the most important work
547 Public Works has to do for the next 2 months is picking up trash and added
548 that the town is almost at the end of the season. Mr. Samples stated that given
549 the fact that council has not been given financial data he sees no harm in
550 adhering to the freeze that council adopted adding that he knows it is tough
551 but feels that the town has good people and knows they will do their best. Mr.
552 Samples stated that it is part of a managers' responsibility to prioritize and
553 "what falls to the bottom, falls to the bottom; this town is going to go on."
554 Mr. Samples stated that the number one issue this year is holding the line on
555 expenditures. Ms. Dodge stated that she wholeheartedly agrees adding that
556 council put the freeze in place and should continue with it. Mr. Smith stated
557 that he supports hiring a Grounds Supervisor adding that he feels it is an
558 important position and that the town needs someone in this position. Ms.
559 Blair stated that she agrees adding that if this was a new position not funded in
560 the past then she would agree with sticking to the freeze but feels that since
561 this position was already incorporated there is a need. Ms. Blair stated that it
562 is known that if there is no one supervising people then people will slack off
563 and although it is near the end of the tourist season the weather here is just as
564 likely to be as nice into December and there is a lot to be done regarding
565 Grounds with the flowerbeds and shrubs and parks and leaves will fall. Ms.
566 Blair stated that she supports replacing this position. Mr. Samples stated that
567 since there had been numerous applications received there will be someone
568 terrific to take the place of an individual who was hired as an Arborist. Mr.
569 Samples stated that this individual worked for the town less than 2 years and it
570 was a new position when he was hired. Mr. Samples stated that he feels the
571 council needs to hold the line and the town needs to make do with less. Mr.
572 Samples stated that "we are going to spend this town broke". Mr. Johnson
573 stated that he agrees the town needs to hold the line on several items or issues
574 but he does not know how long the town needs to go without having this
575 position filled. The town does have some fall sports coming up. Mr. Childs
576 stated that he feels the current Grounds crew is understaffed as it is for the
577 amount of work the council and town expects out of them. **Ms. Blair, Mr.**
578 **Johnson, Mr. Smith, Mayor Deaton and Mr. Childs voted to fill the**
579 **position. Ms. Dodge and Mr. Samples voted against. MOTION**
580 **CARRIED.**

581 d. *Decision paper: Award Split Pump Contract-Amend Budget*
582 Ms. Fellner stated that staff is requesting council to approve the awarded bid
583 to Thomas Incorporated in the amount of \$24,911.00 for the mini split pump.
584 This is the greener more efficient units which the town received a grant for.
585 The town will replace and move some units to replace the unit that failed in
586 council chambers. Ms. Fellner stated that a unit is also failing at the Civic
587 Center as well. Mr. Childs made a motion to award the split pump contract to
588 Thomas Incorporated in the amount of \$24,911.00. Mr. Smith seconded the
589 motion. Mr. Samples stated that he went on the Secretary State website and
590 could not find Thomas Inc. Mr. Smith asked if he could amend the motion.

591 There was some discussion and questions regarding the bid award. All
592 motions were withdrawn. Mr. Childs made a motion to suspend the rules for
593 discussion. Ms. Blair seconded the motion. **All voted in favor. MOTION**
594 **CARRIED.** Mr. Johnson stated that Thomas Inc. was the only company that
595 broke out all of the individual heat pumps. Ms. Fellner stated that this is
596 probably the reason it was selected but unfortunately she did not have a copy
597 of the bid in front of her and did not feel comfortable giving an explanation.
598 Ms. Fellner stated that she would rather come back to council than misspeak.
599 Mr. Johnson made a motion to defer this item to the next meeting. Mr. Smith
600 seconded the motion. **All voted in favor. MOTION CARRIED.**

601

602 **9. DISCUSSION ITEMS**

- 603 • *Surfside Drive:*

604 Mr. Childs made a motion that Councilwoman Ann Dodge be seated by the
605 seat vacated by Mr. Truett on the subcommittee to redevelop the commercial
606 district on Surfside Drive. Mr. Samples seconded the motion. **All voted in**
607 **favor. MOTION CARRIED.**

- 608 • *Conflict of Interest:*

609 Ms. Ann Dodge stated that she is adamant that the town have a conflict of
610 interest policy. Ms. Dodge stated that she had received the letter from the
611 attorney and respectfully disagrees with it. Ms. Dodge stated that the town
612 does not need to use the conflict of interest form that she wrote but added that
613 the town does need to do something. The town has had conflict of interest
614 instances in the last few months and there have been no guidelines to follow
615 which she feels has been an embarrassment to the town. Ms. Dodge stated
616 that personally this has infuriated her and feels that the town needs to do
617 something. Ms. Dodge made a motion to adopt the conflict of interest policy
618 statement which she drew up adding “I think we should attach the anti-
619 fraternization policy that is currently in the handbook and add the rules of
620 conflict written by the State Ethics Commission and have that as our entire
621 policy for conflict of interest and it would cover all employees,
622 councilmembers and volunteers.” Mr. Samples seconded the motion. Mr.
623 Samples stated that since this matter was discussed at the last meeting he
624 thought there was a consensus of council on the direction council wanted to
625 take; additional correspondence was received from the attorney suggesting
626 that the South Carolina State law is so comprehensive in nature that it may fall
627 victim to a challenge in the State Supreme Court. An example was used that it
628 may be similar to the Myrtle Beach Helmet law. Mr. Samples stated that
629 council is talking about the town employees and “while the State Ethics law is
630 written in a manner that, presumably, covers all town employees, I think the
631 intent of what Ms. Dodge crafted was not so much to change but to clarify and
632 to provide a tool and the means in administering the existing State law in an
633 effective manner; more effective than the current policy manual does.” Mr.
634 Samples stated that he thought that it was clear that the attorney and staff
635 would be able to review and draft a conflict of interest document.
636 Councilman Smith stated at the last meeting that the document should be
637 prepared so that each employee would read it and resign it each year.
638 Councilmembers are required to sign ethics statement each year. Mr. Samples
639 stated that he thought the direction was clear and he wants the people in town

640 to know where this body sits. Mayor Deaton stated that this will be done by
641 vote. Mr. Samples stated that there is no time limit for him to discuss his
642 opinion. Mr. Samples stated "I want the people in town to clearly know who
643 voted which way when it came to adopting a clearer tool to prohibit conflicts
644 of interest or perceived conflicts of interest in the town of Surfside Beach. I
645 know where I'm going to be. Thank you."

646
647 Mr. Johnson stated that he agrees that he thought council gave direction to
648 bring something back for them to review. Mr. Smith stated that he would like
649 staff and the attorney review this matter adding that he does not feel
650 comfortable with Ms. Dodges' proposal as written. Ms. Blair stated that she
651 does not have a problem in looking at these issues and clarifying to prevent
652 future conflicts but it would be foolish to not seriously consider the attorney's
653 advice. Ms. Blair stated that she would like to reach a happy medium. Mr.
654 Samples stated that it is not being suggested to change the ethics law; the issue
655 is implementing the ethics law for the Town of Surfside Beach. Mr. Samples
656 stated that it was suggested to have a form to be signed on an annual basis and
657 feels this maintains clear visibility. Mr. Samples stated that this is an example
658 of good transparent government and he does not see where there would be a
659 problem. Mr. Samples stated that if this was a clearly identified issue then the
660 legislature would not have set up a separate commission to address the
661 vagaries of conflicts adding that this "isn't a motorcycle helmet law we're
662 talking about; this is the issue of ethics which, yes is, touchy . . . difficult."
663 Mr. Samples stated that his view is if he sees something unethical he knows it
664 adding that the town needs to do a better job than it has done in the recent
665 past. Ms. Dodge stated that she wrote this policy and added that anyone could
666 write a policy but nobody did adding that this has been going on and on and
667 something needs to be done. Ms. Dodge stated that "we have had too many
668 instances of conflicts of interest; if we had something for the employees to go
669 by, I think that wouldn't occur or maybe it wouldn't occur as frequently."
670 Mayor Deaton stated that he does not disagree with anything said tonight but
671 that he does depend upon legal counsel and staff to create documents adding
672 that there is a good start to a document which Ms. Dodge presented and he
673 would depend on staff for the final decision paper and recommendation. Ms.
674 Dodge commented "but they did not do it."

675
676 Mr. Moss addressed Ms. Dodge stating "I don't think you and I disagree as
677 much as you might think we disagree and I'm not sure that fair consideration
678 has been given to the full text of my opinion. For example, in the written
679 opinion I explained to you that I don't think the State is preoccupied in the
680 fields of nepotism and favoritism category and I think there's room here for
681 you all to undertake policy decisions. With respect to the conflict of interest
682 policy the State legislature has occupied that field and while I'm mindful that
683 no one wants to be perceived as to not want to adopt a conflict of interest
684 policy or not to enforce those policies the rules are clear; the legislature's
685 occupied the field; that's the lesson that Myrtle Beach just learned and many
686 town's have learned it prior to that; I just brought that up because that's been
687 an example that's been in the media recently and that's the basis upon which
688 the Supreme Court struck down their ordinance and so I don't think it's

689 appropriate for this council, frankly, to adopt a law, an ordinance that gets into
690 that territory that's been preempted by the legislature. Now, having said that,
691 I also set forth that my opinion might be appropriate for the town, by
692 ordinance or resolution, to reaffirm its commitment to making sure that all
693 those that are elected or appointed or retained adhere to the State Ethics act."
694 Mr. Moss stated that he found hundreds of opinions that were promulgated by
695 the State Ethics Commission and they will answer any opinion request the
696 town gives them. Mr. Moss stated that he feels that to try to superimpose the
697 towns' laws upon what the legislature has established is "just asking for
698 trouble". Mr. Moss stated that he has additional materials available for any
699 council member who wishes to view them. Mr. Moss stated that he would
700 suggest that the council reaffirm its commitment to conflicts of interest in the
701 personnel section, Article VI. Council may request that employees file the
702 same conflict of interest statement filed by council. Mr. Moss stated that the
703 problem would lie if someone were to challenge the conflict of interest policy.
704 Mr. Moss stated that he is willing to work with council but suggested council
705 be careful in how they create a policy.

706
707 Ms. Dodge stated that she had called John Peterson at the City of Myrtle
708 Beach, the City of Conway and the City of North Myrtle Beach regarding
709 conflict of interest. Ms. Dodge stated that she feels that North Myrtle Beach
710 had the best policy and they had never been challenged adding that she would
711 feel comfortable using the one she presented and if council is not comfortable
712 doing that then she suggested using the one from North Myrtle Beach. Mr.
713 Samples asked for confirmation on what Mr. Moss was proposing. It was
714 confirmed that he would propose an amendment to Article VI in the town
715 ordinance which would incorporate certain procedures and requirements that
716 would reiterate and require town staff; town appointed and elected officials to
717 comply with the State law. Mr. Moss stated that he does not recommend
718 adopting a comprehensive ordinance that would potentially be perceived to
719 conflict with State law but instead adopt, in the personnel section, strong
720 requirements that personnel will comply with the State law. Ms. Dodge and
721 Mr. Samples voted to approve motion. Ms. Blair, Mr. Johnson, Mr. Smith,
722 Mayor Deaton and Mr. Childs voted against. MOTION FAILED.

723
724 Mr. Samples made a motion to direct Mr. Moss to prepare the necessary
725 revisions that would emphasize what he believes he already heard from
726 council and would include an annual form that everyone signs and agreed to
727 the suggestion that the Department Heads and above file the Statement of
728 Economic Interest with the Town Administrator. Mr. Smith seconded the
729 motion. **All voted in favor. MOTION CARRIED.**

730

731 **10. PUBLIC COMMENTS – Agenda Items only – 5 minutes per speaker**

732 *Ms. Beth Kohlmann, 1610 S. Ocean Blvd.:* "Mr. Mayor, I believe you've forgotten
733 that this is a meeting for the people. We've elected you all here and some of us, I
734 worked very hard to put you in the seats that you're in, and when you are conducting
735 this meeting and I did review Roberts Rules of Order front to back many times and
736 you do a good job of it most of the time but for you to shut up one of our
737 councilmembers is wrong; it's wrong. I don't care what you think or say, you are

738 wrong. He speaks for us and you know what he's one of the very few . . . and don't
739 answer me . . ."

740
741 **Mayor Deaton:** "Listen ma'am. Hold on a second. This is the comments but if you
742 know Roberts Rules you know that you're not supposed to personalize these issues.
743 We're talking about town issues not personal issues. That is very clear in Roberts
744 Rules."

745
746 **Ms. Kohlmann:** "This is an issue. This is an issue, ok, because you shouldn't be
747 controlling what people up there say and when they can say it and when they can't.
748 They speak for us. We don't always agree with them but, gosh darn it; they speak for
749 us, so let's start from the beginning of this whole thing. A few years ago this room
750 was practically empty with people, wasn't it, and then a group of people got together
751 and they were called concerned citizens. They were labeled by people up there as
752 being politically connected with an agenda, well, guess what? You're telling us all
753 that this isn't a dog and pony show; this isn't the Jerry Springer show, no, it's your
754 show, you go on TV saying that people love drama yet you create it, so how dare you,
755 do what you do, week after week, you come up here and you hush people up and you
756 do all this stuff and everything is 'don't get too involved in that, don't talk about that
757 too much', well, heck yes, we want to talk about it and a lot of the people that are
758 sitting up there want to talk about it too and, guess what else? Eight months have
759 gone by; you know what we are the Jerry Spring show because look at what's
760 happened in eight months. All the things that those concerned citizens were talking
761 about and about how certain people say, the same people, including me, get up to the
762 podium every council meeting and all they do is complain, no, we were bringing light
763 to some situations that needed light brought to, didn't they, obviously, because a lot
764 of things have changed in eight months and everything we said was wrong, was
765 wrong and there's much more to come and then it gets dumped on other people to fix
766 it; it's just unfair, I mean, I'm going to make it real personal. You told me right at the
767 skate park that you didn't like who I was associated with so you were going to get me
768 put off the Recs Department, couldn't do that, because none of them wanted me to go,
769 Mr. Mayor. It's true and you know it's true; I don't lie. So what did you do? You
770 got rid of the Recs Department; you're going to pay him to write up these ordinances,
771 how long does it take to write an ordinance? You're going to have to start paying
772 him the next time you pass gas."

773
774 **Leon Graff, Owner of Borgata:** "I'm going to stay with the same issues I'm here
775 with every council meeting; Surfside Drive. We just put Ms. Dodge on this
776 committee or whatever; what does that really mean now? Can anybody answer that?
777 What does it really mean? If you look at the minutes from the April 12th meeting,
778 Surfside Drive was supposed to be rebid in the beginning of July and it was supposed
779 to be approved by the middle of July; nothing's been done. You still haven't done
780 anything about sidewalks over there. You still haven't done anything about
781 handicapped parking; federal violation. It's a lawsuit looking to happen and I keep
782 saying it every time but I don't hear anything being done about it. I'd like some
783 answers or something."

784
785 **Mr. Tom Dodge, 15th Avenue North:** "Looneyville. I cannot believe people on that
786 dais will vote against an ethics ruling. I just cannot believe it. Do you have

787 something to hide? I digress. At the seven twelve council meeting I brought up the
788 fact that the last council and the now mayor wasted \$48,500 for a parking study. I
789 also said that was my money and all of these people behind me's money. The mayor,
790 having the last word, said the \$48,500 came from the parking meter funds and that it
791 did not come from tax dollars. He also said, talking about the meters, that's where we
792 generate the money to buy a piece of property, not a parking study, and it is
793 designated for that, in your words. Since meter money is designated for buying
794 property as you said, where do you get off spending it for a parking study? Let's look
795 at the scenario. If we do buy a piece of property then we are \$48,500 short of paying
796 for it, guess what? It will come out of some other taxpayer monies; again, this is
797 called waste. Mr. Mayor I was born at night but not last night. Any monies the town
798 has or gets is our money; the taxpayers' money, any money. You were on town
799 council in 2003 when that plan was incorporated into the new plan and that was paid
800 for with taxpayer money. You were on council when the first plan was made. What
801 did you do with that plan and what are you going to do with the new plan? So far in
802 seven years you did nothing and we are out \$53,000. We, the residents, come to
803 council meetings to learn what's going on in the town we love and call home. You
804 and council should inform us of what's going on and I have a couple of points. On
805 May the 18th, Mr. Mayor you were on TV and discussed the situation about our past
806 administrator, what has happened? Number two, the police storage room beneath
807 Pier Outfitters was built and then torn down, what happened? Number three, the
808 stage project at the pier was to be ready for July the 4th, nothing has been done since
809 July 2nd, what happened? Listed number four, Mr. Booth, in all reality stole Mr.
810 Cahill's sign for Nibil's restaurant roughly one and one half years ago a new sign was
811 to be built months ago. This should be paid for by Surfside Beach, what happened?
812 Number five, the skate park was approved June the eighth, nothing has been done,
813 what happened? Thanks for coming out."

814
815 **Joyce O'Brien, 613 S. Myrtle Dr.:** "To add to this gentlemen's question, my
816 question is general. I don't understand the whole bidding process. I'm not going to
817 pretend I'm a lawyer; I'm not a council person so my simple, general question is,
818 what is the procedure? Why do we have so many conflicts? If, number one bidder is
819 disqualified for whatever reason why must it be rebid when there's two other people
820 who bid? That's my question, I don't understand the process. Maybe you can
821 explain it or someone can tell me, why it needed to be rebid when there are two other
822 contractors available."

823
824 Mayor Deaton referred Ms. O'Brien to speak with Ms. Fellner after the meeting or to
825 set up a future meeting with her.

826
827 **Ms. O'Brien:** "Why can't it be answered now?"

828
829 **Mayor Deaton:** "Because this is a comment section."

830
831 **Ms. O'Brien:** "Well, I'm making a comment."

832
833 **Mayor Deaton:** "Right, comment, not question and answer, comment."

834

835 **Ms. O'Brien:** "Okay, my comment is I disagree with the process. Can someone
836 enlighten me? That put in a comment. Is that comment?"

837
838 **Mayor Deaton:** "If you'll set up an appointment or you can meet with MS. Fellner.
839 She'd be glad to explain it to you."

840
841 **Ms. O'Brien:** "Isn't this transparencies? I asked a simple question and I made a
842 comment. I don't understand why it can't just be answered? Are you going to pay
843 me for my time to meet because my time is valuable also. Are you going to pay me
844 to meet with someone on my time? This is a public meeting. This is why I'm here.
845 This is a public . . . I'm a public citizen. Why do I need to make a personal meeting
846 with someone? Cat got your tongue? No one? Anyone? Someone?"

847
848 **Carrie Johnson, 9th Avenue S.:** "I would just like to comment on Martin Park. It
849 was said there was a lot of things going on there in the last few days, the last couple
850 of weeks, there has been. I was just wondering why we don't have a concession stand
851 there and maybe a scoreboard. From what I understand Horry County offered to give
852 us money and the Rotary Club offered some labor so why isn't it there? We could
853 probably have more things there if we had a concession stand it would be income
854 producing for the town. Also, I was a little bit taken aback the last time when you all
855 asked the staff to write their own handbook, the conflict of interest, that's kind of like
856 asking the hen to watch the henhouse."

857
858 **Gene Maruca, 116 7th Avenue S.:** "With all that's going on in our town I want to
859 commend our temporary administrator for the broad shoulders and the burden she
860 carries; not only dealing with the council every day but trying to clean up the mess we
861 had the past couple of years. Tonight in executive session I understand you're going
862 to look over some 100 applications. Since I've been in the town, any time a job was
863 posted you maybe got 5 to 6. How in the world did we get over 100 applications for a
864 job? A little research, our temporary administrator is doing her job. She put it out on
865 the web; pretty good it went out all over the country. I think we should give her some
866 serious consideration and take a slow approach, no need to rush bringing someone
867 from outside that's going to turn us upside down again. Been there, done that. Right
868 now everything appears to be getting back to normal. Let's work with her so she can
869 better serve council. Thank you."

870
871 **Harry Kohlmann, 1610 S. Ocean Blvd.:** "I'd first like to thank the police department
872 for the great work they have done in the past few weeks, using a pro-active response
873 to a spike in burglaries in the south side of town, they were able to apprehend the
874 person with stolen property not only on his person but in his residence. This guy was
875 not necessarily the guy doing all the burglaries but it was good work, the past few
876 weeks, they've actually been thinking, using their noggin' not just patrolling, they've
877 been using different strategies and it's really working. It's a breath of fresh air. The
878 officers are also very visible in engaging the community in conversation which they
879 never really did well before; it's a welcome change. Thank you to all of our officers.
880 Another issue I'd like to speak about is the parking problem on Ocean Blvd. I
881 brought this subject up at a council meeting on April 14 of 2009, when I told you
882 where the problematic parking areas were, who was causing them, why they existed
883 and how to stop this from happening; complete with pictures. All this I did for zero

884 dollars and one council person remarked that this has been going on for probably 10
885 years or so. I don't want to wait another 10 years for something to be done.
886 Personally, I don't like anyone parking on Ocean Blvd.; it's a safety concern but if we
887 can't stop it then I suggest we meter Ocean Blvd.; both sides metered or just the west
888 side metered and the east side signed no parking at all or vice a versa. That is a
889 decision you have to make. Then the town should sell non-resident stickers to people
890 in Deerfield, Caropines and all the developments west of 17 Business. These stickers
891 would look similar to resident stickers but in a different color but they would cost
892 \$100 or more. The rental home companies could buy placards with a non-resident
893 sticker affixed to them so that their renters could park at the meters without having to
894 pay figuring they paid a lot of money to come here to stay anyway. The only ones
895 who would have to pay would be people who are not residents of Surfside Beach.
896 People we are talking about, who live on 707 or developments along Homestown
897 Road who don't pay our millage, don't pay our taxes. The only ones who would have
898 to pay are people who are not residents and not renters. So, these are the people who
899 don't pay any of our taxes, who bring their lunch and their drinks with them but leave
900 their garbage for us. Hopefully now somebody up there, somebody up there, meaning
901 you guys, will do something about this problem because in the last 16 months all we
902 did is put up a few signs and planted three palm trees which really has done nothing
903 to remedy the problem. Oh yes, we also spent \$48,000 on a traffic plan which was
904 basically the same plan as the 2003 parking plan except we got a 20 dollar helicopter
905 ride and then we get a comment made by a member of the council at the last meeting;
906 this member said the \$48,000 that was paid for the parking plan came from parking
907 meters and not taxes. It doesn't matter where it came from it was a waste of money
908 and I believe the mayor is the only one who thinks it wasn't a waste of money. Why
909 is that, Mr. Mayor? That \$48,000 could have bought 320 palm trees which the town
910 could have used to virtually eliminate all parking on Ocean Blvd., now, unfortunately,
911 we don't have that money for the trees and we still have the parking problem and it is
912 only going to get worse as more developments increase west of 17 Business. Thank
913 you."

914 915 **11. COUNCIL COMMENTS**

916 *Mr. Childs:* "Mr. Kohlmann, I agree with a lot of what you said. We do have to start
917 on that parking plan. We have the parking plan, we paid for it, we're not going to
918 build a garage in our day but I think we have to start looking at it and we have to start
919 implementing part of that plan, piece by piece, and we do have to and I agree with
920 you on Ocean Blvd. and I agree with you on people that don't live in town coming in
921 . . . we are paying to have all the trash picked up; we're paying for anything they
922 might do in town but I do agree with you and I have asked the Mayor that we should
923 start working on it but it's got to be done right, you're right it's been going on too
924 long and it's way overdue and I hope that we will start that soon and the gentleman
925 from the Borgata, I am going to get with Mrs. Blair now that we have a new member
926 of the committee, Mrs. Dodge, and see if we can't get together here real soon; there's
927 only one stumbling block in that Surfside Drive and council agreed not to do anything
928 until the fall because of the tourists and the inconvenience of road blockage so it's
929 going to be done, we're hoping for fall; it's not going to be done this summer, let's be
930 up front about it but we're going to do it; we're not dragging our feet for anything,
931 we're just . . . council agreed as a body to put this off until the fall and that's all I can
932 tell you. We're going to do what we can; we got one little issue with it and that's the

933 parking down the center and I might add, that the parking down the center was put
934 there at the request of the business owners because we were told in the committee that
935 the businesses wanted parking as close to their door as there could be, that wasn't
936 something that the committee said 'let's put parking down the middle' that was the
937 request of your colleagues on Surfside Drive that wanted to park in the middle. We
938 did everything we could to make that happen; it's a traffic hazard and I think
939 everybody has gone back and looked at it and agrees it's a traffic hazard so we just
940 have one little issue there and it's not going to be hard to solve this but we're going to
941 get to it as soon as possible. I have told you two or three times; we're going to get
942 through the summer and we're going to do it. Thank you."

943
944 **Mr. Samples:** "Ms. O'Brien in answer to your question, technically we could have
945 gone to the other bidders. Why we didn't, I really don't know the answer. I agree
946 with Councilman Childs' remarks with respect to Surfside Drive. I also believe
947 though that we need to set up an ongoing adhoc committee that addresses
948 transportation issues in general to include parking. Committees are used to get the
949 work done. The Planning Commission does a great job but they have a statutory
950 responsibility as it relates to other issues and the fact is that Highway 17, Surfside
951 Drive, Ocean Blvd. need a focus. With all respect to Mayor Deaton who serves as a
952 member of the GSATS Policy Committee; three heads are better than one and that's
953 what I envision in a committee that can not only follow the policy discussion but the
954 technical committee that meets and meet periodically with other transportation
955 entities, I mean, you heard SCDOT, for example and, you're right it is a long process,
956 there's no question about it. We're not going to fix our problems overnight but it's
957 something, I believe, it really needs to come from council so that there's some
958 continuity that goes with it because if you're not at the table we'll never get funded. I
959 want to clarify a comment because I know it was not meant the way that it may have
960 sounded and it was in a public comment section. We task staff to do all sorts of
961 things and I have confidence in the products when staff sets their mind to it, to
962 prepare. I have no problem with staff inputting on a conflict of interest policy,
963 ultimately, or whatever it is we come up with. We all want the same thing, we want
964 good, honest clean transparent government and most of the time that's what we try
965 for, occasionally, I mean we're all adults, we live in the 21st century; we know that
966 money and other things, frankly, influences far too many things. We need a strong
967 commitment on the part of all of us to avoid ethical problems so I support whatever
968 we got to do to move it along and to live by it because we should have made changes,
969 ok, we should have made changes some time ago. It took the new council, I'm going
970 to say that, time to get their feet on the ground to act but they did, but we're not done.
971 We got messes to clean up that are going to show up for a long time."

972
973
974 **Mr. Smith:** "I'd like to concur with Mr. Samples in the fact that we do need a
975 transportation subcommittee. There are too many projects that should have moved
976 forward but have not because there was no one person or group of people, small
977 group of people that could push for it so I think we need a transportation
978 subcommittee too. On the ethics I think that the staff is, with the assistance of the
979 attorney, are capable of making the proper changes to our policy so that it meets the
980 state ethics laws and so forth but it should also include something that the employees
981 and staff sign each year so that they are reminded of what the policy is; as time goes

982 by people tend to forget these things and it's a good idea, that's why the state ethics
983 policy is, for elected officials, to sign a statement each year. Now the other things I
984 want to talk about are improving our signage. It appears that a lot of our tourists
985 don't read very well. They still have dogs on the beach; I think we need to improve
986 that sign somehow, even if we have to have a sign that we put up during the summer
987 months that is bigger than what we currently have; those little small letters nobody
988 sees it, it says 'no dogs on the beach', we need some signage that says 'no smoking
989 on the pier'. I was down at the pier the other day and there were people smoking on
990 it; it's town property, I don't think it's appropriate that we smoke on the pier. The
991 other thing and the reason I was so interested in the Grounds Supervisor getting hired
992 is on Ocean Blvd. there's a lot of bushes that are blocking the sidewalk when there
993 are two people out walking it's difficult because there are bushes in the way. It
994 would be nice if the Grounds people could take care of that. For the town
995 administrator I think we need a project list. Over the last few weeks I've been
996 informed by way of e-mail of projects that have not been completed. Since I'm new
997 on the council I was unaware of some of these projects; there's a whole host of things
998 that need to have attention but if you don't know about them, you can't say anything
999 so I think the staff needs to maintain some type of project list that says, for example,
1000 current status, when it was first brought before council, when council approved it and
1001 how much has been completed, etc. etc., cost and so forth but new people, like
1002 myself, there's so many things that we don't know about it until Doug mentions it,
1003 thank you Doug, so that we can be aware of all these projects, it would be nice if we
1004 had a project list and then the last thing I want to mention is that the pier restaurant
1005 lease is not acceptable; we need to do some more work on that and so when we
1006 discuss it in executive session we won't have much to discuss because it's not ready."

1007
1008 **Ms. Dodge:** "I bow to the vote of council regarding the conflict of interest but
1009 believe me it's not over until we have a strong policy that meets legal requirements. I
1010 appreciate every one of you getting up and speaking from your hearts and from your
1011 love of this town. You are voicing things that need to be brought to our attention as
1012 councilmembers and we appreciate it. May not show it every minute but we
1013 appreciate it. Thank you."

1014
1015 **Mr. Johnson:** "Since some pet peeves were aired earlier I'll just throw out a couple
1016 of mine. The biggest thing, maybe the transportation study committee, subcommittee
1017 can take a look at the golf carts that are rented out of town and are taking up the
1018 spaces in town for the local residents. Maybe we need to impose a fee on these out of
1019 town carts. I don't want to say tax but I'll say a user fee. As far as the transportation
1020 study goes further, on Ocean Blvd. there is a major problem with bicycles and
1021 walkers and runners in the morning, I mean, there is a major, major problem in the
1022 summertime ladies and gentlemen and I almost took out one former councilmember
1023 myself and I didn't realize who they were at the time, I did voice my concern. I was
1024 really surprised that the Surfside Drive project has not come back to council because
1025 we have discussed it and I think it looks to me like there is a minor tweak that can be
1026 made to that and we could be ongoing again; take out whatever needs to be taken out
1027 and get the bids out and let's get going on it. As far as the police department and fire
1028 department separation; I would like it be placed on the agenda for the next meeting to
1029 give council a brief update as to where we are on that and I would also like to
1030 commend the police department with their pro-active action concerning some issues

1031 that have gone on within town. They are doing a very good job and this is not
1032 coming from one particular person; it was coming from several police department
1033 employees who I have spoken with and I did not solicit their information; they just . .
1034 . it seems like there is amazingly just a whole lot of freedom and some pride in what
1035 the police department is doing and I'm really glad to see that occurring.”

1036
1037 *Ms. Blair:* “I'll stay brief. I just want to say that I don't think that anybody up here is
1038 voting against a conflict of interest policy but instead they want to just get it right and
1039 not have to revisit it and not be challenged and cover all of the issues; everything that
1040 councilman Dodge has taken the time and awesome effort to point out and again, a
1041 thank you to her, and to Mr. Moss for the points that he has taken the time to bring to
1042 our attention that might need to be readdressed and I just don't want any of you to go
1043 away thinking that anyone is opposed to tightening up a conflict of interest policy
1044 because I know that not to be the case and I'll fall back on Mr. Maruca, I believe he
1045 used the term taking a slow approach with regards to another issue; there is no
1046 pushing reason that we had to vote for that tonight but rather take another two weeks
1047 and see what comes back to us and we haven't even had the chance in all honestly
1048 and fairness to the time that Mr. Moss has already put into what he had already
1049 written for us we haven't even seen. So just out of fairness to him to look at both of
1050 the efforts of both my fellow councilwoman and Mr. Moss and see what works the
1051 best for us in the right way. Thank you all for coming and I hope you have a
1052 wonderful week.”

1053
1054 Mr. Smith made a motion to go into executive session. Mr. Childs seconded the
1055 motion. **All voted in favor. MOTION CARRIED.**

1056
1057 **12. EXECUTIVE SESSION**

1058 FOIA 30-4-70(a)(1) Personnel matters including Town Administrator Applications:
1059 FOIA 30-4-70(a)(2) contract matters Pier Restaurant lease.

1060
1061 Mr. Smith made a motion to come out of executive session and resume regular
1062 session. Ms. Dodge seconded the motion. **All voted in favor. MOTION**
1063 **CARRIED.**

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1065 Mayor Deaton stated that no action was taken in executive session.
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13. ADJOURNMENT

Mr. Smith made a motion to adjourn. Ms. Dodge seconded the motion. **All present voted in favor. MOTION CARRIED.** The meeting was adjourned at 9:25 PM.

Approved: August 10, 2010

Sharon Pinnell, Town Clerk

K. Allen Deaton, Mayor

Roderick E. Smith, Town Council

Vicki W. Blair, Town Council

Ann Dodge, Town Council

Douglas F. Samples, Town Council

Mark L Johnson, Town Council

Robert F. Childs, III, Mayor Pro Tempore

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.