



TOWN OF SURFSIDE BEACH ♦ TOWN COUNCIL CHAMBERS

November 9, 2010 ♦ 6:30 P.M.

TOWN COUNCIL
REGULAR COUNCIL MEETING

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8 **1. CALL TO ORDER**

9 Mayor Pro Tempore Childs called the meeting to order at 6:30 PM. Mayor Pro Tem
10 Childs and councilmembers Blair, Smith, Dodge and Samples were present. Mayor
11 Deaton and councilmember Johnson were absent; Mayor Deaton was on vacation and
12 Councilmember Johnson was ill. Staff present: Appointed Interim Administrator,
13 Fellner; Clerk, Pinnell; Interim Police Chief, Frederick; Fire Chief, Packard; and
14 Building and Planning Director, Donevant. Attorney Mr. Moss was also present.
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16 **2. INVOCATION AND PLEDGE OF ALLEGIANCE.**

17 Chaplin Don Turner gave invocation and Mayor Pro Tem Childs led the pledge of
18 allegiance.
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20 **3. AGENDA APPROVAL**

21 Mr. Smith made a motion approve the agenda. Ms. Dodge seconded the motion. **All**
22 **voted in favor. MOTION CARRIED.**
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24 **4. MINUTES APPROVAL** – Mr. Smith made a motion to approve the minutes from
25 the regular council meeting held on October 26, 2010. Ms. Blair seconded the
26 motion. **All present voted in favor. MOTION CARRIED.**
27

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

29 There were no public comments.
30

31 **6. COMMUNICATIONS: Presented by Interim Administrator Micki Fellner**

32 **a. Presentation of Check to Helping Hands, South Strand: Mayor Pro Tem Childs**
33 **and Interim Police Chief Frederick**

34 Interim Police Chief Frederick stated that the funds were raised at the Town
35 Family Festival at the Police Dunking Booth. Chief Frederick presented a check
36 in the amount of \$600 to Director Ms. Susan Alexander of Helping Hands, South
37 Strand. Ms. Alexander thanked the Town for the check adding that it will help
38 many people in the area. Ms. Alexander stated that she has seen many new
39 people come into Helping Hand for assistance and the donation would help many
40 of these people. Mr. Samples stated that Helping Hands is located at 812 Poplar
41 and anyone can stop by with donations.
42

43 **b. Building Report**

44 Ms. Fellner reported that there were 78 permits issued for a total of \$7,206.40;
45 last year in the same period 87 were issued for a total of \$17,227.13. Year to
46 date, using the calendar year, permits are up by 73 but down in total permit
47 revenue by \$10,547.64. There were 56 contractor licenses issued including new
48 issues and renewals for a total of \$7,420.35; last year in the same period 22 were
49 issued for a total of \$4,446.25. Year to date, using the calendar year, the town is
50 up 74 licenses and total permit revenue is up by \$4,630.59. 76 inspections were
51 conducted; last year in the same period 110 inspections were conducted. Year to

52 date the town is down by 46 inspections. Aggregate total of revenue year to date
53 is a down \$5,917.05.

54
55 **c. Police Report**

56 The general case load and calls for service increased during October. There were
57 838 calls for assistance and field activities which are up 24.5% from September of
58 2010 where there were 673. It is up 12.3% from October, 2009, 746, for the same
59 period last year. There were 247 charges and arrests; that's up 47.9% over
60 September, 2010 and up 6.9% over October, 2009 for the same period last year.
61 There were 44 criminal investigations assigned which is up 69.2% over
62 September, 2010 and up 76% over October, 2009 for the same period last year.
63 There were 32 investigative warrants which are up 128.5% over September, 2010
64 and up 255.5% over October, 2009 for the same period last year. On October
65 13th Captain Arron Miller, Sergeant Rodney Keziah, Corporal James Bender,
66 Detective Matt Prock, Officer Bob Walker, Officer Al Sanabria and Dispatcher
67 Lyn Frick were recognized, by internal commendation letter, for outstanding
68 performance of duty with regard to the Conway National Bank robbery on
69 Tuesday the 12th. Their actions led to the apprehension and arrest of 1 suspect
70 and the recovery of stolen funds. On November 1st, Corporal James Bender and
71 Officer David Turbeville were recognized, by internal commendation letter, for
72 their skill and initiative regarding a rash of thefts from local vending machines.
73 Their actions led to the arrest of 2 suspects and the recovery of stolen funds.
74 Their performance of duty was outstanding.

75
76 The meter report is as follows: October 2010 the town took in \$12,209.94; the
77 aggregate total for 2009, March 15 through September 30, was \$157,059.03. The
78 aggregate total for 2010, March 1 through October 31, is \$217,874.59. For an
79 additional 45 days and extended hours of meter enforcement the town realized an
80 aggregate total increase of \$60,815.56 which is approximately 30% over the prior
81 year. All other police statistics are available online at surfsidebeach.org on the
82 police blog.

83
84 Mr. Samples asked if the meter report included the net increased revenue. Ms.
85 Fellner confirmed that it is the net number. Mr. Childs stated that he read the
86 Interim Police Chiefs memo regarding sharing of information and he feels it is
87 very important adding that he feels this will eliminate rumors and added that the
88 chiefs' entire report was very thorough.

89
90 **d. Fire Report**

91 The Fire Department handled 59 total incidents in October, including 1 structural
92 fire with an estimated property loss of \$245,000; 48 of the calls were rescue and
93 emergency medical calls which makes up approximately 81 percent of the calls.
94 Calendar year-to-date there were 678 total incidents; there were 675 for same
95 period in 2009. 10 inspections were completed or are pending this month. 5 plan
96 and pre-plan reviews were conducted; 8 public education opportunities were
97 pursued in October. The total year-to-date is 32 for educational opportunities
98 which are up from 18 last year in the same period.

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e. Administrator's Report

i. Workshop date with Planning Commission to Review Zoning Ordinance- Three dates to choose from 11/17, 11/29 or 11/30

Ms. Fellner stated that there are three possible dates for workshop with the Planning Commission to Review the Zoning Ordinance. Ms. Fellner asked for a vote from council on which date they preferred: Nov. 17th, 29th or 30th, all at 6:00 PM. There was consensus of council that November 29th at 6:00 PM would be a good date to have the workshop. Mr. Samples asked if the attempt would be to cover the entire 130 pages of the ordinance and asked if there would be adequate time allotted. Ms. Donevant stated that the main thing that will be concentrated on at the workshop is the policy item changes. There have been suggested changes to both technical and policy but the workshop would be centered on the policy changes. Ms. Donevant stated that council would receive a copy by Friday of this week. Mr. Samples asked for a summary to be provided as well to assist council with proposed changes.

ii. Surfside Drive Bid Update

Even though the Sun News received the correct information on time, they failed to publicize the bid prior to the mandatory pre-bid meeting. We still had 17 contractors attend the first pre-bid meeting. Since then an additional mandatory pre-bid meeting date has been added. Ms. Fellner stated that she spoke with the pre-bid attendees to explain the situation and also let them all know that they did not need to attend the second pre-bid meeting. An addendum was added to the bid reflecting this; it has been advertised in the Sun News. It was reposted with the addendum on the website and it was sent to Ms. Mary Fowler at SCBO who informed the town that it does not need to be reposted at SCBO. Mr. Samples asked if the bid due date changed as a result. Ms. Fellner answered that it did not.

iii. Permits and Plan Review Status are currently on-line

The Town has posted the October Building Permit Report to the website and will continue to post this monthly on the P, B & Z departmental page. The Town is also posting a monthly Plan Review Status Report but this month none were submitted or are pending to post; the Town will just make a note on the page if there is nothing to post for that time period adding that sometimes the Town does not have plans in the process.

iv. Bus Shelters

Ms. Fellner reported that she and Public Works Director, John Adair met with a representative from the Coast RTA (Regional Transportation Authority) and instructed him regarding the placement of the shelters. To let the public know, the way it works is that GSATS provides the funding to Coast RTA and Coast RTA then provides the Town with the shelter materials; they also pay for labor and materials to build the pad. The Town is currently in the process of getting quotes for this. Once the pad is complete they have a contractor install the shelter, bench and trash receptacle. Ms. Fellner stated that she was going to show a slide of the

149 locations but the projector was not working. The shelters would be located
150 on the west side of Business 17 in front of Piggly Wiggly on the Frontage
151 Road and the on the east side of 17 in will be in front of Town Hall.

152
153 Mr. Smith asked if the Department of Transportation has gotten back to the
154 Town on the 5th Avenue North intersection improvements. Ms. Fellner
155 stated that she was in e-mail contact with Mr. Brian Dix of SCDOT and the
156 subcommittee was copied. Mr. Dix stated that he had run everything by
157 Mike Bathea of SCDOT and they are currently in the process of completing
158 a few items and should get back to the Town shortly. Mr. Smith asked Ms.
159 Fellner to comment on the beach clean up after the American Heart Assoc.
160 horse beach ride this past weekend. Ms. Fellner stated that there have now
161 been three cleanups. There was an issue during the ride and the Town
162 received complaints from residents. The County was contacted to assist
163 with the cleanup immediately. The County was supposed to clean up after
164 the event but apparently they did not do a wonderful job and as of this
165 morning Public Works' staff had been working with shovels to remove the
166 horse waste and then once it was removed by shovel a beach rake was then
167 used to attempt to additional cleanup. Mr. Samples stated that he
168 understand the concern on the part of those offended by a "little manure"
169 adding that he was out Saturday afternoon and he did not see any although
170 he did not walk the entire beach. Mr. Smith stated that he was out this
171 morning and he did see some.

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173 Mr. Samples stated that he wanted to make sure that council would be
174 brought up to date on the construction of the entertainment deck at the pier.
175 Ms. Fellner stated that she has the e-mail ready to go but that she just needs
176 to get one more item to add. Ms. Fellner stated that council should be
177 receiving the e-mail the following day. Ms. Fellner stated that the deck is
178 currently with the delegation.

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180 **7. BUSINESS**

181 *a. First Reading Ordinance #10-0691 Lease Purchase Fire Truck*

182 Mr. Smith made a motion to adopt ordinance 10-0691. Ms. Blair seconded the
183 motion. Mr. Samples asked for the ordinance to be read. Clerk Pinnell read the
184 ordinance which is on file. **All present voted in favor. MOTION CARRIED.**

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186 *b. Pier Restaurant Bid*

187 Ms. Fellner stated that she would need direction in the form of a motion from
188 Council to rebid the pier restaurant property. Mr. Smith made a motion to rebid
189 the restaurant property. Ms. Dodge seconded the motion. Mr. Samples asked for
190 an explanation of what is being done. Ms. Fellner stated that the town would be
191 rebidding the restaurant property; it will be put back through the bid process as it
192 was before. The dates in the RFP; the sample lease, unless given direction, would
193 remain the same. Mr. Smith asked what the date for the bids to be submitted
194 would be. Ms. Fellner stated that she would have to back into the dates. Ms.
195 Fellner confirmed that the bid would go out before the end of the week. Mr.
196 Samples brought up advertising the bid. Ms. Fellner stated that the bid would be
197 made available immediately on the website and will then be advertised for 30

198 days. The advertised use would be for a full service restaurant which would
199 include breakfast, lunch and dinner. Mr. Samples stated that it had been
200 mentioned that the sample lease would be identical to the current lease and he
201 knows that there had been some discussion regarding an accelerant clause and a
202 few other items. Ms. Fellner asked the attorney to address this. Town attorney
203 Mr. Moss addressed a non-performance acceleration clause to be added to the
204 existing lease. Mr. Moss stated that such a provision could possibly “chill”
205 possible bid participants adding that he feels that it is a kind of onerous provision
206 in a lease agreement adding that it would be up to council if they wanted it added
207 or not. Mr. Moss stated that it is a commercially progressive provision in a lease
208 and he feels that it could be enforceable unless there was a situation where a
209 tenant ended up in bankruptcy court; it would be enforceable in a state court. Mr.
210 Samples stated that he understands the concern over the “chilling effect” it may
211 have. It was confirmed that the current period of performance in the lease is listed
212 for 5 years. Mr. Samples stated his concern is that the town has already issued
213 essentially the same RFP twice and it has been unsuccessful in both instances.
214 Mr. Samples stated that he shares the same concern over chilling of competition
215 but he feels that a 5 year term has a similar effect. The town will be getting a new
216 tenant and he wants to go back and revisit “how we feel about that”. Mr. Samples
217 stated he would suggest that it might be worthwhile for the protection of the Town
218 to go with a shorter period lease that would include some form of acceleration
219 clause to separate out a real restaurateur from somebody who just wants to be a
220 restaurateur. Mr. Samples explained to the public that an accelerant clause is that
221 when a tenant signs they promise to fulfill their financial obligations to pay the
222 rent they agreed upon and if they do not pay they can be sued in court. Mr.
223 Samples made a motion to amend the original motion to change the 5 years in the
224 lease to a 2 year lease reiterating that he feels a 5 year lease has a chilling effect
225 on competition. Ms. Dodge seconded the motion. Ms. Fellner asked if the town
226 would offer the bidders the option to add more years on the back end. Mr.
227 Samples stated that he has seen it written two ways; an option for a certain
228 amount of years with a possibility to renegotiate rental terms and with an option
229 that specifies the number of years with the stated increase for the landlord or the
230 Town in this case. It was confirmed that the lease currently reads for a 5 year
231 lease with an option of another 5 years. Mr. Smith stated that he feels it should be
232 left as it is. Mr. Samples stated that he feels the Town needs to be protected with
233 an acceleration clause. Ms. Blair asked for confirmation on the acceleration
234 clause stating that her understanding is that once a lease is signed by whatever
235 term agreed upon they are also agreeing that they will forego the obligations of
236 the money agreement whether they are there in business or not for that term. Mr.
237 Samples stated that they would be obligated to pay until the town agrees to re-let
238 the property. Mr. Samples stated that if it is re-let at a lesser rate they are still
239 obligated. Mr. Moss stated that it is up to the pleasure of the council; there could
240 be a provision placed to guarantee the rate of return of rents and if the premises
241 had to be re-let due to default then the defaulting tenant would be responsible to
242 guarantee the performance of the full amount or there would be an acceleration of
243 sums due for the full term of the lease adding that the latter provision sounds like
244 a penalty. Mr. Moss stated that he feels it could be enforced through state course
245 because it claims commercial parties dealing with penalties. If this was a
246 bankruptcy case the penalty provision would not stand. Mr. Childs stated that

247 council has gone over this numerous times and he would suggest leaving the bid
248 package as it currently stands without changes. **Mr. Samples and Ms. Dodge**
249 **voted in favor of the amendment. Ms. Blair, Mr. Smith and Mr. Childs voted**
250 **against. MOTION FOR AMENDMENT FAILED.** Mr. Samples made a
251 motion to amend to eliminate the second 5 year option and just have a straight 5
252 year. Ms. Dodge seconded the motion. Mr. Childs stated he would like to see it
253 remain as is. Mr. Smith stated that he would like to leave it as is; 5 years with a 5
254 year option. Ms. Dodge and Mr. Samples voted in favor of the amendment. Ms.
255 Blair, Mr. Smith and Mr. Childs voted against. **MOTION FOR AMENDMENT**
256 **FAILED.** Mr. Samples stated “we are going to leave the bid, leave the
257 documents as they were that we’ve been so successful up to this point.” Mr.
258 Samples stated that there was something else council discussed and he requested
259 that a letter be sent to the office of the Attorney General that clarifies that council
260 has to continue competing. Mr. Samples stated that the town has issued two
261 RFP’s and neither has been successful and theoretically this could keep going on.
262 He would like clarification as a public body regarding public property; is the town
263 “trapped” in this competition. Mr. Samples stated that he would like something
264 advisory to clarify whether the town would be in violation of law if it did not
265 compete the restaurant property. Mr. Samples stated that he has heard from
266 others that the council has latitude; its job is to do what is right for the Town
267 adding that State law requires that the town has an appropriately competitive
268 policy; the Town has that and he does not believe that State law mandates that the
269 Town has to compete the restaurant and he would like to hear it from the Attorney
270 General and he would like future councils to know whether they need to compete
271 a public owned property or not. Mr. Samples made a motion to amend the
272 original motion to add sending a letter to the Attorney General with this request
273 stated. Ms. Dodge seconded the motion. Mr. Smith asked to keep the amendment
274 separate from the original motion. Mr. Samples stated he would not like to keep
275 it separate adding that the entire procurement process with the pier has “not been
276 pleasant” and he wanted to make it clear that he has not wavered from his position
277 regarding the pier restaurant bid. Mr. Samples stated that he feels that it was a
278 mistake the way it was handled and he wants future councils to be able to avoid
279 the mistake this council has found themselves in. He would like clarification that
280 the Town must compete a restaurant in the future adding that he does not feel that
281 the actions taken in the last year have been in the best interest of the town or the
282 people of the town. Mr. Samples stated that he feels the town “effectively chased
283 a business out of town during a downturn”. **Ms. Blair, Ms. Dodge, and Mr.**
284 **Samples voted for the amendment. Mr. Smith and Mr. Childs voted against.**
285 **MOTION CARRIED.** **Ms. Blair, Mr. Smith and Mr. Childs voted on the**
286 **original motion to send the bid package out as it currently exists. Ms. Dodge**
287 **and Mr. Samples voted against. MOTION CARRIED.**

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289 c. *Resolution #10-102 America Recycles Day; Hazardous Materials Drop Off*
290 Clerk Pinnell read the resolution that is on file. Mr. Smith made a motion to
291 adopt resolution 10-102 in support of America Recycles Day. Ms. Dodge
292 seconded the motion. Mr. Samples asked if the Solid Waste Authority would be
293 receiving the hazardous waste from the town. Mr. Smith stated that the town will
294 accept and package the material and take it out to the Solid Waste Authority. Mr.
295 Smith added that he feels this is a great opportunity for everyone to clean out their

garage and sheds of all no longer needed household hazardous materials. Ms. Dodge asked about the procedure to recycle paint. Ms. Fellner stated that questions could be answered by the Public Works Director Mr. Adair and announced that flyers were available at the door that lists all items that will be accepted. Mr. Smith answered Ms. Dodges' question. Full cans of paint will be accepted with lids on and once the Solid Waste Authority receives them they will package them properly. **All voted in favor. MOTION CARRIED.**

8. PUBLIC COMMENTS – Agenda Items only – 5 minutes per speaker

Tom Dodge, 1415 N. Poplar: “I just wanted to clear the air about what happened between me and the Mayor at the last council meeting. I’m sorry he is not here tonight to hear this. I approached the Mayor and politely asked why he allows residents to applaud at one part of a meeting and not at other parts. His quick answer to me was ‘you don’t know what you’re talking about’. He then said he did not want to talk to me anymore, end of question. After he tells me I don’t know what I’m talking about he was quoted in the 10/29 edition of the Myrtle Beach Herald as saying ‘we, Surfside Beach, play by a different set of rules’. This is our Mayor. He also stated in the article ‘I don’t understand the mentality of all these people who are so upset’. This is our Mayor talking about our citizens. I strongly resent his remarks to me directly and those remarks he made about the citizens of Surfside Beach in the newspaper. Page 2; October 27th was a sad day for the residents of Surfside Beach, after almost two years of trying, the Mayor, the former Town Administrator, the last Town Council and some current councilmembers got what they wanted. Jack Cahill and Nibils Restaurant are gone. It appears there was a clearly orchestrated move to make things very difficult for him to continue to succeed his business on the pier. Anyone would have to really go out on a limb to sign such a lease as he was given. The removal of his sign, the taking of the pier parking lot on several occasions, the increase of meter time until the end of October and other detrimental things were done to him. To me, these actions are reprehensible. In the 10/29 edition of the Myrtle Beach Herald the Mayor said ‘now we can lease the pier to anybody we choose, it doesn’t have to be a restaurant’. A couple of questions, who do you have in mind Mr. Mayor? What do you have in mind, Mr. Mayor? We have received nothing but bad press through newspaper articles, editorials and letters to the editor over the last couple of weeks. You people on town council who were against Jack Cahill should be ashamed.”

Chris Panos, stated he resides on 4th Avenue: “Members of the council, if I heard you correctly, the lease will be 5 with another 5 year option? Is that the way the lease is going to read? Versus 2 years? What I’d like to say to the council being that, I don’t know if any of you have ever been in the restaurant business, I was a distributor doing over 5 million dollars a year supplying restaurants, hotels, nursing homes and special events. There’s no way that a person will move into a restaurant and buy the equipment, stock up the restaurant and think, well, I’m going to do this and in 5 years I’ll get my money back. It’s impossible. You cannot furnish a restaurant with equipment, etc. and get your money back out of it in 5 years; it’s an impossibility especially if we have badder weather than what we’ve had, so, what I’m asking the council to do is to consider this information and if any of you sitting up there have run a restaurant you’ll understand exactly what I’m talking about. You cannot get your money back, it takes 5 years to get your money back and in being a distributor in

345 supplying restaurants, hotels, nursing homes or what have you and in doing an excess
346 of 5 million dollars a year I've seen them go under, I've seen people lose their money
347 because they thought they were going to get it all done in two years instead of getting
348 their money back out of it; it doesn't happen that fast and I just wanted to share this
349 with the council. Thank you very much."

350
351 **Shane Johnson, Pastor Solid Rick Baptist Church, 575 Highway 17, Surfside**
352 **Beach:** "This is about the sign ordinance. I know we discussed; you all discussed
353 earlier that it's going to be going over at the Planning meeting but this is our sign that
354 we're being fined for (Pastor Johnson held up a large sandwich/ A-frame sign). It
355 goes out Sunday morning, Sunday night and Wednesday night. The signs were, I
356 think, three hundred dollars for both of them. It's not a cheap; just stick in the
357 ground, sign. It comes in, comes out; it's got nothing offensive on it, if anything it's
358 got something that everybody needs on it; it's about Jesus and that's all it does, it
359 marks our driveway so people know where the House of God is at. I would just ask
360 the council to take that into consideration when they go over the sign ordinances and,
361 I mean, there's so much other big stuff out there to worry about than the signs. I
362 would appreciate it if the sign ordinance would be reconsidered to where that we can
363 put our sign out. Thank you."

364
365 **John Wright, 710 South Hollywood Drive:** "The reason I'm here again tonight is on
366 the ordinance for signs out by the road and another reason I'm here tonight, council, I
367 was amazed, I had never attended a council meeting until a month ago. I'm not very
368 proud of you tonight. This Town has a history of being called the Family Beach, the
369 Family Beach. If we're going to keep that on the sign we're going to have to make
370 some changes. I heard three ayes, three no's or two no's; three ayes and two no's and
371 the no's carried. I heard two no's and three ayes and the ayes carried. I'm not quite
372 sure how things are done here anymore but I am amazed, we've got three camera
373 crews here tonight. It was not because we are a Family Beach; they were here for the
374 controversy. Our little town in 2010 has had enough controversy. Let's try to work
375 together as a council, as citizens of Surfside Beach to be that Family Beach, to have
376 the reputation for the Family Beach, to have the reputation for visitors to come and
377 feel safe. We have a great fire department; we have a great police department. This
378 town has been great and it can be great again. Let's work together, let's work
379 together. Thank you."

380
381 **Randle Stevens, 412 1st Avenue N:** "The opinions I'm going to state are my own.
382 They are not of any group; any organization or anybody else; just opinions that I have
383 garnered from being from a family of lawyers. I noticed that this council, well not all
384 of you, but most of this council, cannot even go to the bathroom without a lawyer, an
385 attorney. Let me reiterate what this attorney of the law firm who is representing this
386 town has done and these are my opinions. Awhile back your law firm tried to do a
387 quick claim deed of federally protected property in this town. Knowing full well I
388 believe in my opinion they knew full well it was against the law but they did it. They
389 recommended to five members of the council past and present that you close a street
390 with a fraudulent resolution, in my opinion, and I believe, in my opinion, that the
391 attorneys who are officers of the court may have committed fraud on the court by
392 pushing that resolution to close the street when there was nothing to validate it and
393 now I have proof beyond a reasonable amount of speculation that that resolution was

394 false. Thirdly they made a lease, in my opinion, that is so complicated, I read it, I
395 went on-line and I read the first one; there's no way in the world if I was a successful
396 restaurant owner and had been in business for 40 years that I would have signed that
397 lease; I would have said 'hmmm, this is bad news' and now you want to get people in
398 this economy with a 5 year term? I agree with Mr. Samples you need to change this
399 lease. You lost a tenant that you had there for 20 years because you're too stubborn,
400 in my opinion; you're too hard headed, in my opinion, to change what you do. In my
401 opinion, you got attorneys that you have spent \$54,639.99, according to the check
402 registers from October, excuse me, August of 2009 'till October 2010 and what have
403 you got, bad advice, in my opinion. What recourse to you have against attorneys? I
404 can tell you what my father said 'if you can get another attorney to sue another
405 attorney, hell will freeze over first' and let me leave you with a little comment that
406 John McCain, the candidate for the President of the United States said 'what's the
407 difference between a lawyer and a Carp? One's a bottom scum sucking feeder and
408 the other one's a fish'. I believe we would do better with the carp."

409 410 **9. COUNCIL COMMENTS**

411 *Ms. Blair:* "That's hard to follow. Thank you all for being here; not much to say. It
412 is Veterans Day this week; just a personal thanks to any Veterans that we have in the
413 house tonight for all that you've done for us and I hope to see you all Thursday.
414 There will be a celebration or a gathering, I think it's at 2:00 on Thursday and hope to
415 see as many of you there as we can. Have a great week. Thank you."

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417 *Ms. Dodge:* "I'm going to read what I have written because I was very emotional
418 when I wrote it and I'm even more so now. The last town council meeting was
419 traumatic for me. As Mr. Samples said the worst possible outcome occurred with the
420 negotiations between the town and Nibils restaurant. The town lost a valuable icon
421 and appeared to give a message to the businesses of this town that they don't matter.
422 Was that the message that I personally wanted to convey? Absolutely not; the
423 businesses of this town play an important part in the economy of the town and we
424 need to work with them to improve relations between them and the town; hopefully it
425 is not irreparably impaired. To the citizens of the town who were incensed at the loss
426 of Nibils I understand your feelings and ask your forgiveness for the seemingly lack
427 of compassion shown for your wishes and for Nibils by some of this council. Mr.
428 Cahill did the best thing for himself, his business, his family and his employees by
429 moving forward and away from the seemingly unfriendliness of the Town of Surfside
430 Beach. His gain was our great loss. I agree with the gentleman who spoke about this
431 council needing to improve. We've got a really bad image and we need to work on it.
432 Thank you."

433
434 *Mr. Smith:* "I would like to say that I think the household hazardous waste activity
435 this weekend is a very good activity and I hope that the Town continues supporting
436 recycling by putting containers on the beach and the pier and also when it comes to
437 the pier restaurant, I was very disappointed that Mr. Cahill did not make a bid; he had
438 two opportunities and I think he, actually, disrespected you because he knew he
439 wasn't going to bid and he pretended that he was, so, I find that disrespectful myself.
440 I think that, as far as I'm concerned, I have nothing against Mr. Cahill, I was looking
441 forward to him putting in a bid and being that nobody wanted to bid against him I felt

442 sure that he would get it because nobody was going to bid against him so I'm very
443 disappointed that he didn't make the effort."

444
445 *Mr. Samples:* "I think Mr. Wright touched on an important point earlier when he said
446 we need to work together and, believe it or not, we do, we try and there's nothing
447 wrong with having a split vote, in fact, I'd be more concerned if we were voting
448 unanimously. What I want to say is I think some of the things that concern me, as a
449 councilman, when we do vote, is not, I would say this, you all pretty much know
450 where I sit, you may not agree with me and that's fine, we're not . . . people are
451 going to disagree but for the life of me, you know, I have sat here long enough to
452 have shared this dais with a number of different individuals and I have always
453 appreciated when somebody stood by their guns and expressed why they felt the way
454 they did, especially when I didn't agree with them but they expressed themselves and
455 they made their positions known and then we had our votes. You win some, you lose
456 some and I'm going to say this, until the day that I don't walk up here anymore,
457 hopefully, this is a two square mile town, it is a small town, we do see each other; we
458 see each other a lot. Let's please not lose those qualities that brought us here and we
459 have to work hard up here because, rest assured, there are lots of people, lots of
460 interests pushing and pulling and tugging in the modern world, in the, I call it the
461 complication, you know, everything is so complicated today instead of relying on
462 your conscience and your heart and forgetting what group . . . all I would ask is that
463 we all speak out minds. We are trying to do the right thing. Nibils, like it or not, is
464 history and so we have to move on, and so we have to move on . . . but rest assured
465 we're going to have some other decisions to make attached to that pier and that
466 restaurant and what goes in there and we're going to have decisions to make as it
467 relates to special events and whether or not beer and wine are served or not and we're
468 going to have decisions to make when it comes to our planning and zoning ordinances
469 and the things that we really have to work at and it is a majority of council that will
470 decide and it is a majority and I just ask that my peers will . . . don't be afraid to be . .
471 . don't be afraid to say something because you think you're wrong or you think it's
472 not popular. If you believe it, support it; speak up. Thanks."

473
474 **10. EXECUTIVE SESSION**– FOIA 30-4-70 (a) (1) Discussion Regarding
475 Administrator Position

476 Mr. Smith made a motion to go into executive session. Ms. Dodge seconded the
477 motion. **All present voted in favor. MOTION CARRIED.**

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

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11. 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 8:22 PM.

Approved: November 23, 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.