



TOWN OF SURFSIDE BEACH ♦ TOWN COUNCIL CHAMBERS

March 4, 2011 ♦ 8:30 A.M.

TOWN COUNCIL
SPECIAL COUNCIL MEETING

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1. **CALL TO ORDER**

Mayor Deaton called the meeting to order at 8:30 AM. Mayor Deaton, Mayor Pro Tem Childs and councilmembers Blair, Smith, Dodge, Samples and Johnson were present. There was a quorum. Staff present: Administrator Duckett; Deputy Administrator, Fellner and Clerk, Pinnell. Attorney Mr. Moss was also present.

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

2. **EXECUTIVE SESSION**- FOIA 30-4-70 (a) (2) Discuss contractual matter regarding the pier restaurant.

Mr. Smith made a motion to come out of Executive Session and resume Regular Session. Ms. Blair seconded the motion. **All voted in favor. MOTION CARRIED.**

Mr. Childs made a motion to accept the letter of intent and authorize the Administrator to sign a properly executed lease agreement for the pier restaurant which was later withdrawn. There was disagreement amongst councilmembers with the motion made. Mr. Samples stated that it was his understanding that Council was to authorize the Administrator with appropriate representation to proceed further down the path and bring back to Council, prior to execution of the lease, terms and conditions discussed. A majority of councilmembers agreed with Mr. Samples. There was some additional discussion regarding amendments to the motion. An amendment was made by Mr. Samples which was later withdrawn. Mr. Smith asked Mr. Duckett for his interpretation. Mr. Duckett stated that when a letter of intent is received it includes all agreed upon business items. These business items would then be added to the lease to make it binding but understands if Council wants to review the lease. Mr. Samples stated that he does not feel that Council is prepared to accept, in final form, the interest letter and to consummate a lease. Mr. Samples asked attorney Mr. Moss his interpretation of the original motion. Mr. Moss stated that the motion would authorize the Administrator to enter into an executed lease agreement. Mr. Samples made another amendment which was later voided due to Mr. Childs withdrawing his original motion. Mr. Johnson stated that it is not his intent for the Town Administrator to enter into a lease agreement at this time. Ms. Dodge agreed with Mr. Johnson. Mr. Johnson stated that he needs additional information to make an educated decision at this point in time. Ms. Blair stated that she is not comfortable that this represents council's intent at this time.

Mr. Childs made a motion to accept the terms of the letter of intent dated February 14, 2011 and signed by James Cole, Associate Broker, Century 21 Strand Group and to authorize the Town Administrator to present a proposed lease agreement for the restaurant at the pier for Councils' approval. Mr. Smith seconded the motion. Mr.

52 Samples made a motion to amend the motion to include the word ‘non-binding’ prior
53 to letter of intent. Mr. Johnson seconded the motion. **All voted in favor. MOTION**
54 **CARRIED. All voted in favor of amended motion. MOTION CARRIED.**

56 **3. ADJOURNMENT**

57 Mr. Smith made a motion to adjourn. Mr. Childs seconded the motion. **All present**
58 **voted in favor. MOTION CARRIED.** The meeting was adjourned at 8:55 AM.

60 Approved: March 22, 2011

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62 Sharon Pinnell, Town Clerk

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69 K. Allen Deaton, Mayor

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69 Roderick E. Smith, Town Council

Approved

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74 Vicki W. Blair, Town Council

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74 Ann Dodge, Town Council

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79 Douglas F. Samples, Town Council

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79 Mark L Johnson, Town Council

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84 Robert F. Childs, III, Mayor Pro Tempore

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89 **Clerk’s Note: This document constitutes minutes of the meeting, which was audio taped. This meeting was transcribed by Clerk Pinnell.**
90 **In accordance with FOIA, meeting notice and the agenda were faxed and/or emailed to local media and interested parties. A complete**
91 **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**
92 **area. Meeting notice was also posted on the Town marquee. When (***) is used a section of the transcription is inaudible.**