



TOWN OF SURFSIDE BEACH ♦ TOWN COUNCIL CHAMBERS  
April 15, 2011 ♦ 8:00 A.M.

TOWN COUNCIL  
SPECIAL COUNCIL MEETING

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1. **CALL TO ORDER**

Mayor Deaton called the meeting to order at 8:00 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. Smith was also present.

Mr. Childs made a motion to go into executive session. Mr. Smith seconded the motion. Mr. Samples asked “are we prepared to discuss coming out of this meeting who the principals are?” Mayor Deaton responded that he assumed that would be taken care of Council comes out with a 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 go back into General Session. Mr. Childs seconded the motion. **All voted in favor. MOTION CARRIED.**

Mayor Deaton stated that Council met in executive session to discuss a contractual matter with the pier restaurant space. Mr. Smith made a motion to authorize the Administrator to enter into the lease agreement tended to the Town by Mr. John Sifonios contingent upon the Town’s receipt and acceptance of evidence of one, the prospective tenants credit worthiness, and two, satisfactory background check. Mr. Childs seconded the motion. Mr. Samples asked if he was correct in that “there can be no assignment of this lease without Town Council’s prior approval?” Mayor Deaton asked if he wanted confirmation from the Administrator or the attorney. Attorney Mr. Smith stated that this was correct, the lease states “for this lease to be assigned to anybody whether it be an LLC or another individual you would have to have the approval of Council.” Mr. Samples “so, Council would have to reconvene and actually take a proactive action.” Mr. Smith, “That’s right.” “There would be a request from the tenant through the Administrator and it would be placed as an agenda item for Council to consider.”

**Mr. Childs:** “I believe that this vote will be one of the most important votes that we will cast in this Council. I believe that if we defeat this motion the majority of the people and businesses in this Town will see this as an anti-business vote. This restaurant space is not the only thing at stake. I truly believe if we don’t put a restaurant on the pier, the Pier Outfitters and the ice cream shop will suffer because of lack of customers who would frequent the restaurant. The walk-ons on the pier and the use of the parking meters would be minimized. We cannot afford to wait any length of time to fill this space. With the current number of foreclosures and gas prices going up daily we cannot let the pier become a white elephant and receive no income for the Town. After the bidding process failed we are lucky to find a business

52 that is interested. Please look at the big picture of our Town and support this lease for  
53 a restaurant at the pier.”

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55 **Mr. Samples:** “It has been a long arduous process, and again, this body bears  
56 responsibility and should be held accountable for the situation that we find ourselves  
57 in. I agree with Councilman Childs that we need to move forward but in my own  
58 mind we created a mess and now we’re trying to fix it. Pending the successful  
59 background checks which are described in the motion; I presume that we will  
60 reconvene or at least be apprised of the outcomes of that credit check and criminal  
61 background checks so that we are assured that the prospective tenant is somebody  
62 who would be a good ambassador for the Town of Surfside Beach.”

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64 **Mr. Johnson:** “I agree with Mr. Samples and I would like to ask our Town  
65 Administrator to at least keep Council apprised of the results of those inquiries,  
66 please.”

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68 **All voted in favor. MOTION CARRIED.**

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70 **3. ADJOURNMENT**

71 **Mr. Smith made a motion to adjourn.** Mr. Childs seconded the motion. **All present**  
72 **voted in favor. MOTION CARRIED.** The meeting was adjourned at 8:46 AM.

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74 Approved: April 26, 2011

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78 Sharon Pinnell, Town Clerk  
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83 K. Allen Deaton, Mayor \_\_\_\_\_  
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101 **Clerk’s Note:** This document constitutes minutes of the meeting, which was audio taped. This meeting was transcribed by Clerk Pinnell.  
102 In accordance with FOIA, meeting notice and the agenda were faxed and/or emailed to local media and interested parties. A complete  
103 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  
104 area. Meeting notice was also posted on the Town marquee. When (\*\*\*) is used a section of the transcription is inaudible.