



**SURFSIDE BEACH TOWN COUNCIL
SPECIAL COUNCIL MEETING MINUTES
FEBRUARY 28, 2014 ♦ 4:00 P.M.
TOWN COUNCIL CHAMBERS**

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9 **1. CALL TO ORDER.**

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11 Mayor Samples called the special meeting to order at 4:00 p.m. Mayor Samples,
12 Mayor Pro Tempore Mabry, and Councilmembers Dodge, Johnson, Kohlmann, Smith
13 and Stevens were in attendance. A quorum was present. Others present:
14 Administrator Fellner and Town Clerk Herrmann.
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16 **2. PUBLIC COMMENTS – AGENDA ITEMS.** (3 minutes).
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18 Mr. Tom Dodge of 15th Avenue North said he did not know what he was
19 commenting on based on the agenda. It appeared there was another lawsuit. He
20 reiterated his earlier requests made at previous meetings that the town inform the public
21 about ongoing suits, including names, type of action, and current status. Mr. Dodge,
22 who is the husband of Councilmember Ann Dodge, said he could not ask her, because
23 she never told him “squat” about executive session.
24

25 **3. BUSINESS.**
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27 **Direction to Town Administrator regarding pending litigation.**
28

29 Mayor Samples said this would be discussed after executive session.
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31 Ms. Mabry said council had a fiduciary obligation never to discuss executive
32 session matters, so even if she wanted to tell, neither she nor any other councilmember
33 could speak about executive session matters. Horry County Court posts all litigation
34 cases online at the Horry County website, which is available to the public. Sometimes,
35 the executive session was simply a status update. It was not that council was trying to
36 keep “secrets” from the public, but the law obligated members from speaking about
37 certain matters.
38

39 **4. EXECUTIVE SESSION.**
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41 **Pursuant to FOIA §30-4-70(a)(2) discussion of the settlement of legal**
42 **claims.**
43

44 Mr. Smith moved to enter executive session at 4:03 p.m. Mr. Stevens seconded.
45 All voted in favor. **MOTION CARRIED.**
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47 Mr. Smith moved to reconvene regular session at 4:31 p.m. Mr. Stevens
48 seconded. All voted in favor. **MOTION CARRIED.**

49
50 Mayor Samples said that no action was taken during executive session.

51
52 Mr. Smith moved to direct the administrator to proceed with the mediation. Mr.
53 Johnson seconded. All voted in favor. **MOTION CARRIED.**

54
55 **5. ADJOURNMENT.**

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57 Mr. Johnson moved to adjourn the meeting at 4:31 p.m. Mr. Smith seconded. All
58 voted in favor. **MOTION CARRIED.**

59
60 Prepared and submitted by,
61
62 _____
63 Debra E. Herrmann, CMC, Town Clerk

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65 Approved: March 25, 2011

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68 _____
69 Douglas F. Samples, Mayor

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72 _____
73 Mary M. Mabry, Mayor Pro Tempore Ann Dodge, Town Council

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75 _____
76 Mark L Johnson, Town Council Elizabeth A. Kohlmann, Town Council

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78 _____
79 Roderick E. Smith, Town Council Randle M. Stevens, Town Council

80 Clerk's Note: This document constitutes action minutes of the meeting, which was recorded.
81 Appointments to hear the recordings may be made with the town clerk. In accordance with FOIA, meeting
82 notice and the agenda were distributed to local media and interested parties. The agenda was posted on
83 bulletin boards outside Council Chambers; in the Town Hall reception area; and on the town website.
84 Meeting notice was also posted on the Town marquee. When (**) is used, a section of the transcription is
85 inaudible. Public and Council comments are edited.