



SURFSIDE BEACH PLANNING & ZONING COMMISSION WORKSHOP  
TOWN COUNCIL CHAMBERS  
JUNE 24, 2019 ♦ 6:00 P.M.

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1. **Welcome and Introduction**, Sabrina Morris, Planning, Building and Zoning Director. At 6:00 p.m. Ms. Morris welcomed everyone and introduced Ms. Crosby.

Commission members present: Chairman Hellyer, and members Brown, Lane-Laveglia, and Sluder. Members Pesce and Truett were absent. One seat is vacant. A quorum was present. Others Present: Town Attorney Crosby; Town Clerk Herrmann; Director Morris, and Permit Flood Coordinator Mazzo.

2. **Elise Crosby, Town Attorney.** Ms. Crosby's discussion included:

- Statutory Authority. The planning commission is formed under State Law (TITLE 6, Chapter 7 visit <https://www.scstatehouse.gov/code/statmast.php>) and Town Code (Sections 2-76, et seq. visit [https://library.municode.com/sc/surfside\\_beach/codes](https://library.municode.com/sc/surfside_beach/codes)) It is important to have uniformity in the planning process; every town has a planning commission. Town Code authorizes the commission to adopt bylaws, which the commission may wish to review.
- Freedom of Information Act (FOIA).
  - Agenda. The act requires publication of an agenda at least 24 hours in advance of the meeting, and all records of the commission are subject to inquiries from the public under the Act.
  - Meetings: Members were discouraged about purposely meeting together, because that could be viewed as a public meeting. Attending social gatherings is allowed as long as a quorum is not together. If you are talking about the public's business, it is a public meeting if there is a quorum (4 members). There are many kinds of meetings: physical, electronic, telephonic (conference calls,) all of which fall under this Act. The original message is a public record; a response to the sender is a public record, but if the reply is to 'all', and messages are sent back and forth, that is a conversation on a matter of the public's business, which is considered a meeting.
  - Public Documents. The commission has proprietary materials for development projects, but almost every document the members receive are public documents and subject to FOIA inquiries. There may be exemptions, but actions could be filed in court to compel delivery. The town does not release personal, private information. When FOIA requests are submitted, public documents are sent to the requesting party.
  - Email. The members are not assigned town email addresses, so messages you send regarding the commission's business are not on the town server unless it is sent to an employee. If you privately email someone about the town's business, it is not a public document because it is not in the town's possession. However, if someone finds out about it, they can compel the town to produce the document. Ms. Crosby suggested members copy Ms. Morris or another staff member whenever they reply to anyone about planning commission business.
- Agenda & Meeting Schedule. An agenda is required under State Law. The commission bylaws state the agenda must be delivered five days in advance, which allows sufficient time for reviewing the package prior to the meeting. Action items must be on the agenda. If the commission makes a finding of an emergency, an action item may be added to the agenda. Staff prepares an agenda and meeting package for you. Meetings are the first Tuesday every month at 6:00 p.m. She encouraged members to diligently review the packages prior to the meeting.

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- Public Hearings. The planning commission is required to hold public hearings on zoning text amendments and rezoning requests. Members should pay attention and refer to public comments when evaluating the issue. Members will receive information from staff; may view the property; speak with individuals one-on-one; receive phone calls, or receive letters from the public, but it is very important that those conversations and/or documents be brought before the commission during the meeting so all members have benefit of the information and it becomes part of the permanent record. Encourage those with opinions to attend public hearings.
  - Parliamentary Rules. *Roberts Rules of Order* is adopted in the bylaws.
    - Quorum. A majority of the members must be present to hold a meeting. Once quorum is established, a member may be excused, if necessary, and the meeting continue.
    - Motions. All members are required to vote on all motions. A majority of those present and voting is required to approve a motion; a tie vote fails.
    - Meetings are anytime a quorum of the members meet and discuss business upon which the commission will act.
    - Any action by the commission must be made in a meeting that was properly advertised and open to the public
  - South Carolina Ethics Act. As members of a public body, the State Ethics Act applies to you. The question of disqualification to vote is with the member who shall announce the reason, and complete a statement in writing for the permanent record (Recusal Statement, copy attached). The member who chooses to recuse may not deliberate or vote on any motion. If you, a family member, a family member of your immediate family, an individual with whom you are associated, or a business with which you are associated has an economic interest in a matter before the commission, you may choose to recuse. Even though the commission doesn't make binding decisions, caution must be taken to avoid the appearance of favoritism or punishment because of family or business relationships.
  - Official Map. The planning commission is responsible for recommending revisions to the town's official map, if they are needed.
  - Zoning. The planning commission, a land owner, or Town Council may propose a change to the zoning ordinance. Any changes to the zoning ordinance must be reviewed by the commission for a recommendations to Town Council. The commission has no authority to change the code; that power is the elected officials'. Town Council may adopt the recommendation as submitted; amend it, or adopt something entirely different.
  - Comprehensive Plan. The Comprehensive Plan must be reviewed every five years and updated every ten years. The plan includes population, economic development, natural resources, cultural resources, community facilities, housing, land use, transportation, and priority investment. The commission has to evaluate each element, analyze it, report on existing conditions, and make recommendations for needs and goals to Town Council for adoption.
  - Land Development. The town has planning staff, but this commission by State Law and Town Code are supposed to establish principles and policies for guiding development of the town. You are charged with proposing ordinances for orderly development to Town Council in accordance with the Comprehensive Plan. Members should consider the Comprehensive Plan and Land Development Regulations that stipulate things like curb height and street width, to ensure a proposed ordinance complies with them. If a rezoning is approved, but the project is not completed, the commission shall review the project's rezoning.
  - Liability. Commission members are covered through the town's insurance for actions taken as a corporate body. However, Ms. Crosby discouraged members from acting individually using the

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107 mantle of being a planning commissioner. For example, you speak with individuals and vote  
108 based on information received. That is exactly what you are appointed to do. However, if you  
109 publicly slandered the individuals from whom information was received on social media, then you  
110 would not be covered under the Public Servant Insurance.

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- 112 • Legal Representation. Ms. Crosby's contract includes that she will attend board and commission  
113 meetings as requested; provide legal representation in court at the request of the town. Should  
114 an item present a conflict, other counsel would be recommended to the commission, as Town  
115 Council is her client.
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  - 117 • Recommendations to Town Council. Once the commission approves an action by motion, then  
118 staff will take the recommendation to Town Council at its regular meeting. Commission members  
119 are welcomed to attend the meetings. The commission may also vote to authorize the chairman  
120 to attend a council meeting to make a request directly from council as long as funds are  
121 budgeted.
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  - 123 • Funding, Travel and Training. Town Council appropriates funds during each budget year for  
124 members to take their mandatory training. Members may be reimbursed for actual expenses. If  
125 the commission needs an appropriation for a non-budgeted item or professional services,  
126 approval must be received from the town administrator and Town Council. Note: Newly  
127 appointed members are required to complete six (6) hours of training before their first  
128 anniversary date, and then three (3) hours of training annually. Ms. Morris will arrange training.
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  - 130 • Staff Liaison. Director Morris is the liaison to Town Council. (843.913.6354, [smorris@surfsidebeach.org](mailto:smorris@surfsidebeach.org))

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132 3. Open question and answer from commission members to town attorney. Mr. Sluder asked  
133 whether a privacy agreement with a business client would supersede his responsibility to the planning  
134 commission. Ms. Crosby said after a sale is complete, the information is public. There is a stipulation for  
135 declaring documents private to which developers must comply and a process is followed before  
136 disclosure, if any, to the public.

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138 4. Executive Session (if needed for legal questions from the commission.) Ms. Crosby said the  
139 commission has authority to enter executive session to hear legal advice or to discuss development plans,  
140 and other discussions provided for in the Freedom of Information Act.

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142 5. Adjourn. The workshop adjourned at 6:49 p.m.

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144 Prepared and submitted by,

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146 Debra E. Herrmann, CMC, Town Clerk

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148 Approved: September 10, 2019

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150 Robert Hellyer, Chairman

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153 Clerk's Note: This document constitutes minutes of the meeting that was digitally recorded, and is not  
154 intended to be a complete transcript. Appointments to hear recordings may be made with the town  
155 clerk; a free copy of the audio will be given to you provided you bring a new, unopened flash drive. In  
156 accordance with FOIA §30-4-80(E), meeting notice and the agenda were distributed to local media and  
157 interested parties via the town's email subscription list. The agenda was posted on the entry door at  
158 Town Council Chambers. Meeting notice was also posted on the town website at and the marquee.