

**TOWN OF SULLIVAN'S ISLAND  
SOUTH CAROLINA  
PLANNING COMMISSION  
REGULAR MEETING MINUTES  
Wednesday, April 14, 2010**

A regular meeting of the Town of Sullivan's Island Planning Commission was held at 6:30 p.m., Wednesday, April 14, 2010 in Town Council Chambers, 1610 Middle Street all requirements of the Freedom of Information Act having been satisfied. Present were Commission members Chairman Hal Currey, Vice-Chairman John Winchester, Aussie Geer, Nicky Bluestein and Anne Osborne Kilpatrick; Asst to Administrator Darrow and Building Official Robinson.

**I. Call to Order.** Chairman Currey called the meeting to order, noted Commission members Bobby Thompson and Elaine Fowler had excused absences, and stated the press and public were duly notified pursuant to state law.

**II. Approval of Agenda.**

**MOTION: Ms. Kilpatrick made a motion to approved the agenda with the addition as Item 1 under New Business a Chairman's Status Report on Action Items from the March meeting, as recommended by Chairman Currey; seconded by Mr. Bluestein. MOTION UNANIMOUSLY PASSED.**

**III. Approval of Minutes.**

Commission reviewed the March 10, 2010 Planning Commission minutes. The Commission discussed the verbiage on page 2 of the March minutes relating to grass-roots community historic preservation initiatives and groups. After discussion the following motion was made:

**MOTION: Mr. Winchester made a motion to approve the March 10, 2010 minutes with the following amended language (page 2, paragraph two, starting at third sentence):**

**"It was a consensus of most Commission members that there were a significant number of residents interested in historic preservation and that an historic preservation committee or society could be viable and citizen initiated."**

**Seconded by Ms. Geer**

**MOTION PASSED FOUR (4) TO ONE (1) – Mr. Bluestein voting nay.**

**IV. Correspondence & General Public Comments – None**

**V. New Business**

**A. Final Plat Review/Approval – 2850 Jasper Boulevard**

**Staff Comments:**

Building Official Robinson noted the plat before the Commission is a resurvey of 2850 Jasper Boulevard as a correction of lot line discrepancies. He briefly reviewed the history of plat adjustments along this property's block Station 28–28 ½ (also known as Lots 177 – 182):

1. In the early 1900's the Town platted the block and recorded it in 1902 (known as the Lamble plat). Over the years lot line discrepancies were discovered.
2. In 2003 a buyer on the block hired a surveyor to survey the lot lines along the block.

All owners on block agreed in writing to adjust the block plat to correct discrepancies. Town Attorney and Staff reviewed and approved the changes and a previous Planning Commission approved the revised block plat.

3. Unintended result of block plat approval: Approximately a year later it was found that the adjustments to the block (Lots 177, 178, 179, 180, 181 and 182) had created a reduction in the 40 foot right-of-way (Station 28 ½). This reduction was due to the Dawsey property (2850 Jasper, Lot 232 ½) having a Line of Occupation established by the Rhett Platt and verified by surveyor Ben Cheetham in 1964. This resulted in the right-of-way reduction to Station 28 ½ of 40 feet at Jasper Boulevard and approximately 15 feet at the marsh side.
4. Mr. Jose Biascoechea (owner 2830 Jasper) contracted to purchase 2850 Jasper Boulevard, Lot 232 ½, in January 2009 and in an effort to correct the lot line discrepancies entered into litigation with the neighbor to the east of Lot 232 ½ (Richardson family, Lot 232). The Town of Sullivan's Island and the Dawsey family also participated in the litigation. The result of the litigation is an agreed upon settlement line on the east side of Lot 232 ½ (line D to E on proposed plat).
5. The plat before the Commission tonight is a compromise by Jose Biascoechea, the Dawsey family, the Richardson family and the Town of Sullivan's Island to correct and clarify the lot lines for Lot 232 1/2, Moultrieville, commonly known as 2850 Jasper Boulevard. This is being done per the court order (**attached with proposed plat as Exhibit A**). Building Official Robinson clarified that the correct property line for 2850 Jasper Boulevard on the proposed plat are the lines marked A to B to D to E. (**Exhibit A**).
6. Building Official Robinson noted that Staff has reviewed and approved the new 2850 Jasper Boulevard plat changes, specifically Water and Sewer Manager Greg Gress, Town Attorney Dodds and himself as acting Zoning Administrator.

Commission members thanked Staff for its review of this plat. Chairman Currey inquired and Building Official Robinson clarified that 2850 Jasper Boulevard retains 0.5 acres +/- with this new plat. Building Official Robinson also clarified that he took the proposed plat to the Richardson family (Lot 232) to review and the family approved the new plat.

**MOTION: Mr. Winchester made a motion to approve the final plat for Lot 232 ½ known as 2850 Jasper Boulevard (TMS# 529-07-00-030) as presented; seconded by Ms. Geer; MOTION UNANIMOUSLY PASSED.**

Building Official Robinson noted that the Town's Station 28 ½ right-of-way will be trimmed back and marked with posts to define it as public space and to allow public access to the waterway.

### **B. Comprehensive Plan Needs & Goals – Implementation Review**

Chairman Currey noted the Commission decided to review each of the Needs & Goals articulated for each Element in the recently approved Town Comprehensive Plan. The Commission noted that the purpose of this review was to identify ways the Planning Commission could track and potentially facilitate the implementation of different Needs & Goals, in concert with Council.

#### **1. Action Items from March meeting, Chairman's Report**

Chairman Currey and Commission members took this time to follow-up on action items assigned to Commission members in the past couple of months:

## **Cultural Resources**

**Wildflowers at Fort Moultrie:** Chairman Currey noted he still needed to go to Fort Moultrie to request the Fort allow natural growth of wildflowers in the spring through a longer delay between each lawn cutting during this time of year.

**Certified Local Government Designation (CLG):** Chairman Currey reported that a meeting has been scheduled between Building Official Robinson, other Town Staff, representatives from the SC Historic Preservation Office (SCHPO) and a consultant, Mr. Sidebottom formerly of SCHPO. At this meeting the Town will discuss the CLG concept and, Chairman Currey noted, this may lead to enhanced training for the Design Review Board.

**Island Historic Preservation Society:** Chairman Currey noted that the community would need a resident to volunteer who has the initiative and interest to spearhead a new group. Mr. Bluestein volunteered to review the Zoning Ordinance as it relates to the Design Review Board standards and responsibilities and to report his findings to the Commission in May. Thereafter the Commission briefly reviewed the Town Historic District Designation map.

## **Natural Resources**

**Trash and Recycle:** Chairman Currey expressed concern that, despite the current number of containers, the Town may have an insufficient number of trash cans and recycle containers and the beach paths and/or insufficient summertime collections dates. Chairman Currey indicated he would investigate this situation and report in May.

**Native Plants:** Asst. Administrator is tasked with researching and gathering a list of barrier Island native plants and posting it on the Town website to encourage residents to plant these varieties.

**Baseline Study of Intercoastal Waterway (ICW) -dredging:** Ms. Fowler indicated she would check with Staff to determine if/when dredging activity might occur by the Army Corps of Engineers (ACE) in the ICW. Also, the Commission noted it would be good for the Town to consider conducting a baseline study of the waterway, if a study is not already planned by another agency.

### **2. Community Facilities Needs & Goals:**

Mr. Winchester suggested, and Commission agreed, to defer until May the discussion of this Comprehensive Plan Needs and Goals section. This deferral would allow Commission members time to research the status of different implementation items. Community Facilities sections were assigned as follows:

**Mr. Winchester:      Water, Utilities and Stormwater Management**  
**Ms. Geer:              Fire Protection, Public Safety and Emergency Preparedness**  
**Chairman Currey:    Government Facilities, Town Services and Community Support**

### **3. Housing Needs & Goals**

Commission reviewed Housing Element Needs & Goals (**Exhibit B**).

Insurance Service Organization (ISO) Rating: Building Official Robinson reported that the Town received a favorable ISO inspection through the Community Rating Service (CRS) Program. The Town should be able to make a final official report on a favorable rating in October 2010 and how it will affect Town residents.

Affordable Housing: Chairman Currey said he would investigate Town status regarding affordable housing options.

## **VI. Unfinished Business**

### **A. Planning Commission Rules of Procedure: Potential Conflict of Interest Policy**

Chairman Currey noted that Ms. Fowler submitted a revised language regarding a Commission potential conflict of interest policy, submitting this language is very appropriate for the Commission (**Exhibit C**). Chairman Currey clarified that only the SC Ethics Commission can make a determination whether a Commission member has an actual conflict of interest and must abstain from discussion and vote on a topic.

**MOTION: Ms. Kilpatrick made a motion to modify the Planning Commission Rules of Procedures to incorporate language regarding potential conflict of interest as outlined in Exhibit C attached to these minutes; seconded by Ms. Geer; MOTION UNANIMOUSLY PASSED.**

**The Commission received reports on the following ongoing projects:**

### **B. Accreted Land Management Plan**

Chairman Currey reported that the Town continues to wait for the consultant team (Coastal Science and Engineering) to draft a revised management plan based upon the guidance documents approved by Council on December 15, 2009. Chairman Currey noted that, to an outside observer, there may appear to be limited visible progress on the Plan. Chairman Currey noted that he does not know the circumstances for any project delay.

Mr. Bluestein submitted that the project delay is due to pending legal action and that legal action could delay any action on the Accreted Land Management Plan for years to come. Mr. Bluestein expanded his comments to note that over 500 people on the Island support litigation challenging the Accreted Land Management Plan.

In response to a member's request that this revelation be included in the minutes so that Council could be informed of this circumstance, Mr. Bluestein advised the Commission members present that Council and the Mayor were aware of this situation.

### **C. Master Community Commercial District Plan**

Chairman Currey noted that Council discussed the Plan at its March 1, 2010 Committees of Council meeting. Chairman Currey noted that Council divided the consultant team's (Seamon, Whiteside & Associates/ Urban Edge Studios) recommendations into three groups: (1) inclined to consider action soon; (2) inclined to eliminate; and (3) more study and information required. Chairman Currey noted that Council would develop a modified

Master Plan through a process of eliminating consultant's suggestions. As to items needing more study and information, Chairman Currey suggested Council may refer, after its April meetings, items to the Commission for feedback. If/when such an assignment were to be presented to the Commission, Chairman Currey noted the Commission would develop a work schedule and strategy.

**D. Bicycle Friendly Community – Update**

Chairman Currey noted that the first organizational meeting for the Bicycle Advocacy Committee will be held at 6:00PM on Monday, April 19, 2010 at Town Hall. The new committee chairman, Ward Lasso, will conduct this meeting. Chairman Currey noted he intends to attend, as an interested resident, along with Councilwoman Watson, Chair of the Recreation Committee, Staff members Administrator Benke and Asst. to Administrator Darrow, and interested residents. He noted that Councilwoman Watson wants to have the national Bicycle Friendly Community designation application submitted by the summer deadline.

Chairman Currey noted this group is an example of a new community based grass-roots committee that promotes needs and goals articulated in the Comprehensive Plan.

**VII. Next Meeting – 6:30PM, Wednesday, May 12, 2010**

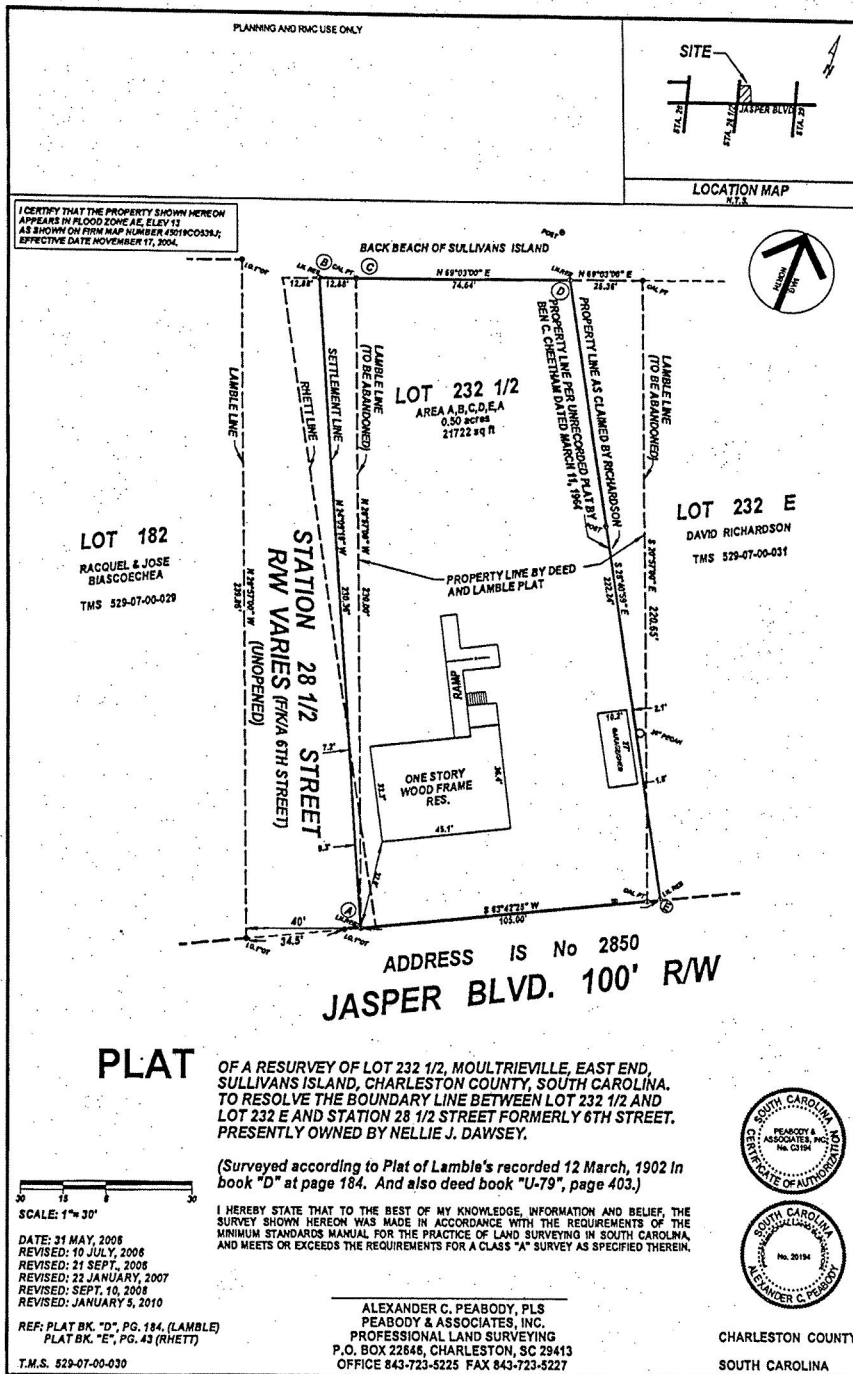
Ms. Kilpatrick noted she would not be at the May meeting as she will be out of town. There being no further business, the meeting was adjourned at approximately 7:43 p.m. (Ms. Geer motioned; Ms. Kilpatrick; unanimously passed).

Respectfully submitted,  
Lisa Darrow, Asst. to Administrator

Approved at the Wednesday, May 12, 2010 Planning Commission Meeting

**Planning Commission Meeting  
Wednesday, April 14, 2010  
EXHIBIT A**

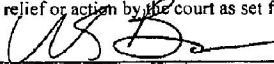
**Proposed Final Plat: 2850 Jasper Boulevard**



**Planning Commission Meeting  
Wednesday, April 14, 2010  
EXHIBIT A**

**Court Order Regarding 2850 Jasper Boulevard  
Estate of Nellie J. Dawsey v. Town of Sullivan's Island, et al**

STATE OF SOUTH CAROLINA )	IN THE COURT OF COMMON PLEAS
COUNTY OF CHARLESTON )	
Margaret D. Crosby as Personal Representative of )	CASE NO.
the Estate of Nellie J. Dawsey, )	
<input checked="" type="checkbox"/> Plaintiff )	2007-CP-10-1744
v. )	
)	MOTION AND ORDER INFORMATION
)	FORM AND COVER SHEET
Town Of Sullivan's Island, David E. Richardson, )	
Elizabeth Richardson And William L. Richardson )	
<input type="checkbox"/> Defendant. )	

Plaintiff's Attorney: William S. Barr, Bar No. 547 Address: 11 Broad Street, Charleston, SC 29401 phone: 843-577-5083 fax: 843-723-9039 e-mail: <a href="mailto:wsb@barrungermcintosh.com">wsb@barrungermcintosh.com</a> other:	Defendant's Attorney: Donald Budman, Bar No. Address: PO Box 30280, Charleston, SC 29417 phone: 843-763-1118 fax: 843-763-7518 e-mail: other:
<input type="checkbox"/> MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III) <input type="checkbox"/> FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III) <input checked="" type="checkbox"/> PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)	
<b>SECTION I: Hearing Information</b>	
Nature of Motion: Estimated Time Needed:      Court Reporter Needed: <input type="checkbox"/> YES / <input type="checkbox"/> NO	
<b>SECTION II: Motion/Order Type</b>	
<input type="checkbox"/> Written motion attached <input checked="" type="checkbox"/> Form Motion/Order I hereby move for relief or action by the court as set forth in the attached proposed order.	
 Signature of Attorney for <input checked="" type="checkbox"/> Plaintiff / <input type="checkbox"/> Defendant	January 25, 2010 Date submitted
<b>SECTION III: Motion Fee</b>	
<input checked="" type="checkbox"/> PAID - AMOUNT: \$25.00 <input type="checkbox"/> EXEMPT: <input type="checkbox"/> Rule to Show Cause in Child or Spousal Support (check reason) <input type="checkbox"/> Domestic Abuse or Abuse and Neglect <input type="checkbox"/> Indigent Status <input type="checkbox"/> State Agency v. Indigent Party <input type="checkbox"/> Sexually Violent Predator Act <input type="checkbox"/> Post-Conviction Relief <input type="checkbox"/> Motion for Stay in Bankruptcy <input type="checkbox"/> Motion for Publication <input type="checkbox"/> Motion for Execution (Rule 69, SCRCP) <input type="checkbox"/> Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions Name of Court Reporter: <input type="checkbox"/> Other:	
<b>JUDGE'S SECTION</b> <input type="checkbox"/> Motion Fee to be paid upon filing of the attached order. <input type="checkbox"/> Other:	_____ JUDGE CODE: _____ Date: _____
<b>CLERK'S VERIFICATION</b>	
Collected by: _____ Date Filed: _____	
<input type="checkbox"/> MOTION FEE COLLECTED: _____	

STATE OF SOUTH CAROLINA )  
 COUNTY OF CHARLESTON )  
 MARGARET D. CROSBY as )  
 Personal Representative of the )  
 ESTATE OF NELLIE J. DAWSEY, )  
 Plaintiff, )  
 vs. )  
 TOWN OF SULLIVAN'S ISLAND, )  
 DAVID E. RICHARDSON, )  
 ELIZABETH RICHARDSON, and )  
 WILLIAM L. RICHARDSON, )  
 Defendants. )

IN THE COURT OF COMMON PLEAS  
 NINTH JUDICIAL CIRCUIT  
 CASE NO.: 2007-CP-10-1744

ORDER

FILED  
 2010 FEB -9 PM 3:13  
 JULIE J. ARNSTROM  
 CLERK OF COURT  
 BY \_\_\_\_\_

10-1744

**Hearing Date:** January 15, 2010  
**Judge:** Mikell R. Scarborough  
**Plaintiff's Attorney:** William S. Barr  
**Defendant's Attorney:** Clayton B. McCullough  
**Defendant's Attorney:** Donald J. Budman

This matter came regularly before me on Friday, January 15, 2010 at 10:00 AM upon the Plaintiff's Motion for Summary Judgment. Present at the hearing were the Plaintiff's attorney, William S. Barr, the attorney for the Town of Sullivan's Island, Clayton B. McCullough, and the attorney for the defendant's Richardson, Donald J. Budman, accompanied by his client, David E. Richardson.

Prior to the hearing, the Court was informed that the parties had reached a settlement which they wish to place on the record.

Initially, Mr. Barr requested that he be allowed to amend the caption and substitute as the Plaintiff in the within action 2850 Jasper Blvd., LLC in place of Estate of Nellie J. Dawsey as a



result of the sale of their property to 2850 Jasper Blvd., LLC. Upon inquiry of the other attorneys involved, as there was no objection, the request was granted.

I find the file in this matter reveals that this action was commenced by the filing of a Summons and Complaint on April 27, 2007 and thereafter on April 30 an Amended Summons and Complaint was filed deleting reference to one of the named Defendants. Thereafter, the Town of Sullivan's Island and the Defendants, David E. Richardson, Elizabeth Richardson and William L. Richardson duly filed their Answers to the Amended Complaint.

The case is before me today upon the Plaintiff's Motion for Summary Judgment. After reviewing the Plaintiff's Memorandum and the Defendant's Richardson Affidavit in opposition and hearing arguments of counsel and the testimony of David E. Richardson, I make the following findings:

#### FACTS

The Plaintiff is the owner of what is now referred to as Lot 232 1/2, TMS # 529-07-00-030, located at 2850 Jasper Blvd. on Sullivan's Island. This action has been brought to establish and declare, the boundary lines between Plaintiff's Lot 232 1/2 and Lot 232E, TMS #529-07-00-031, lying generally to the East of Lot 232 1/2, owned by the Defendants, David E. Richardson, Elizabeth Richardson and William L. Richardson, (herein referred to collectively at the Richardson's) and Station 28 1/2, formerly 6<sup>th</sup> Street, generally lying to the West of the subject property, property of the Town of Sullivan's Island.

The discrepancies as to the location of the side lot lines arise as a result of two plats, both prepared for the Township of Sullivan's Island, the first being a plat of H.S. Lambie, dated April 1899 and recorded March 12, 1902 in the RMC Office for Charleston County at Plat Book D,



Page 184, and the plat of Richard Rhett, dated March 25, 1931 and recorded in the RMC Office for Charleston County at Plat Book E, Page 127.

Historically, lot 232 was initially conveyed as a single lot in 1899, prior to the recording of the Lamble plat, using the lot designation and the metes and bounds from the Lamble plat. Later deeds conveyed it by reference to the Lamble plat.

The Dawsey Estate, the former Plaintiff, was the owner of the western half of lot No. 232 now know as Lot 232 1/2 East End, TMS #: 529-07-00-030, by virtue of a deed from Julie Luntz Williams to Nellie J. Dawsey and Richard F. Dawsey, dated March 20, 1964 and recorded in the RMC Office for Charleston County at Book U79 at Page 408. The property was conveyed to Julie Luntz Williams by deed of the Board of Township Commissioners of Sullivan's Island dated March 9, 1964 and recorded in the RMC Office for Charleston County at Book U79 at Page 403. The foregoing two (2) deeds were conveyed by reference to a plat of H.S. Lamble Civil Engineer referenced above.

The Richardson's are the owners of a license in Lot 232 E, TMS # 529-07-00-031, by virtue of a deed to their father, Eugene Pregnall Richardson, in 1956 and by deed of distribution from his estate to them dated August 31, 1999 and recorded in the RMC Office for Charleston County at Book G355 at Page 344. The deed into their Father and the deed of distribution conveys the license by reference to the plat of Richard Rhett referenced above. Prior to the 1956 deed into the Richardson's father, the lot was conveyed by reference to the Lamble plat.

The lot immediately to the east of lots 232 E and 232 1/2, is a part of lot 233 E and has, since 1931, been conveyed by referenced to the Rhett plat. The fee simple deed to the part of lot 233E immediately to the east of lot 232 from the Town of Sullivan's Is. is by reference to the Rhett plat also.



The problems arise as a result of the lots by reference to the Rhett plat being perpendicular to Railroad Avenue, now Jasper Blvd., and the lots by reference to the Lamble plat, relative to Jasper Avenue, being at an angle.

Station 28 1/2, formerly Sixth (6<sup>th</sup>) Street 6, is platted on both plats referenced above.

The foregoing difference between the two plats cause the side property lines to cross each resulting in all of Lot 232 being pinched between Lot 233E and the run of the right of way of Station 28 1/2, formerly 6<sup>th</sup> Street.

The parties have agreed to the following resolution of their abutting property lines:

Attached hereto and specifically incorporated by reference herein is a survey of Alexander C. Peabody, PLS dated May 31, 2006 with its last revision of January 5, 2010 which is referred to in the party's settlement.

**AS TO THE PROPERTY LINE BETWEEN LOT 232 1/2 AND LOT 232E, PROPERTY OF THE RICHARDSONS**

The parties agree that the line described on the attached Peabody plat between points E and D entitled "property line as claimed by Richardson" and "property line per unrecorded plat by Ben C. Cheatham, dated March 11, 1964" be and shall hereafter be the property line delineating the common boundary between Lots 232 1/2 and Lot 232E.

**AS TO THE PROPERTY LINE BETWEEN LOT 232 1/2 AND THE RIGHT OF WAY OF STATION 28 STREET, NOW OWNED BY THE DEFENDANT, THE TOWN OF SULLIVAN'S ISLAND**

The parties agree that the property line between Lot 232 1/2 and the Station 28 1/2 Street right of way shall be that line on the attached plat between the points A and B entitled "settlement line".



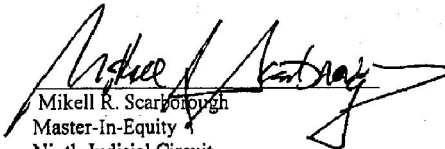
In order to consummate the parties settlement, the parties shall exchange Quit Claim Deeds quit claiming any right, title and interest that any of them may have over and upon the other parties properties by reference to the attached Peabody plat. The Quit Claim deeds between the Richardson's and 2850 Jasper Blvd., LLC will also include language, quit claiming any interest that they may have in that portion of the property lying generally to the North of the platted lot, formed by an extension of the side lot lines to the edge of the marsh.

After hearing the comments of counsel and the testimony of David E. Richardson, I find that the Agreement stated above should be made the Order of this Court, and

It is further Ordered that the Plaintiff shall be changed from The Estate of Nellie J. Dawsey to 2850 Jasper Blvd., LLC, and

Nothing contained in this order shall affect any of the parties claims to any property located generally to the northwest of lots 232 ½ and 2332E on the attached Peabody plat entitled "BACK BEACH OF SULLIVAN'S ISLAND" and extending out to the critical line abutting the marsh. Said property was not the subject matter of this litigation and this order does not constitute an adjudication of that issue., and

IT IS SO ORDERED.

  
Mikell R. Scarborough  
Master-in-Equity  
Ninth Judicial Circuit

Charleston, South Carolina  
January 15, 2010

**Planning Commission Meeting**  
**Wednesday, April 14, 2010**  
**EXHIBIT B**

**HOUSING**

The main type of housing on Sullivan’s Island is the single-family, detached homes, most of which homes are located on half-acre lots. Sullivan’s Island is rich with a diversity of housing styles. These homes, many historic, represent the eras of their construction. For example, there are areas of the island with an abundance of brick ranch houses from the late 1950’s and 1960’s, a popular style of that time. Creative reuse of structures is also evident on the Island. Many former military buildings have been converted into houses. Newer houses, especially those along the front northern portion of the Island, display a wide variety of designs, including modern and experimental themes.

**NEEDS AND GOALS:**

**1. Preserve the residential character of the Island.**

***(H.1.A.) Implementation:***

Keep housing density low through maintaining half-acre lot sizes and other regulations.  
(Town Council, Planning Commission; Ongoing)

***(H.1.B.) Implementation:***

Continue to regulate the vacation or short-term rentals on the Island by paying particular attention to restrictions that address items such as number of tenants, parking, permitted activities, licenses, etc.  
(Town Council; Planning Commission; Ongoing)

***(H.1.C.) Implementation:***

Preserve/encourage the diversity of structure styles on the Island.  
(Town Council; Design Review Board; Ongoing)

**2. Maximize Insurance Service Organization’s (ISO) rating for the Town through its Community Rating System (CRS) Program.**

***(H.2.A.) Implementation:*** Strengthen the Flood Damage Prevention Ordinance for all new construction and substantially improved structures.  
(Town Council; Town Administration; Ongoing)

**3. In compliance with South Carolina Legislative directions for the 2008 Comprehensive Plan review, address the issue of affordable housing.**

***(H.3.A.) Implementation:***

Explore opportunities for collaborative development of affordable and workforce housing with adjacent Towns and communities.  
(Town Council; Town Administration; Long Term)

**PLANNING COMMISSION MEETING**  
**Wednesday, April 14, 2010**  
**EXHIBIT C**

**AGENDA ITEM: VI (A) Unfinished Business**

**SIPC – CONFLICT OF INTEREST POLICY**

*(Commission Member Elaine Fowler)*

The Conflict of Interest Policy governing the members of the Sullivan’s Island Planning Commission is set forth in South Carolina Code of Laws §8-13-700(B)(§5), as it may be amended from time to time. Pursuant to that code section, no member of the Commission may make, participate in making or in any way attempt to use his or her membership to influence a decision in which he or she or a member of such member’s immediate family, an individual with whom such member is associated, or a business with which such member is associated has an economic interest (a “Conflict of Interest”). A Commission member who has or believes he or she may have a Conflict of Interest shall: (i) “prepare a written statement describing the matter requiring action or decisions and the nature of [the] potential conflict of interest with respect to the action or decision;” and (ii) “furnish a copy to the [Chair of the Commission], who is required to cause the statement to be printed in the minutes and shall require that the member be excused from any votes, deliberations and other actions on the matter on which the potential conflict of interest exists and shall cause such disqualification and the reasons for it to be noted in the minutes of the meeting.”

The Commission has also adopted the following procedures with regard to potential Conflicts of Interest. If a member of the Commission is not certain whether a particular relationship is a potential Conflict of Interest, or if any member of the Commission believes another member may have a potential Conflict of Interest that such member has not declared as provided above, such member may request the Chair to submit the issue to the Commission for a vote as to whether it believes a potential Conflict of Interest exists. If the Commission agrees that a potential Conflict of Interest does in fact exist, the Chair of the Commission shall inform the Commission member in question that the Commission is of the opinion that the above provisions should be applicable. If such member does not agree that he or she has a potential Conflict of Interest and elects not to follow the statutory procedures, the Chair of the Commission shall, upon approval by the Commission, appeal the matter to the South Carolina Ethics Commission.