



## MEMORANDUM

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TO: Planning Commission

FROM: Kendra Lelie, AICP, Director of Growth Management

RE: COFA 01-16-9477 RATIFICATION OF ACTION TAKEN  
CYPRESS RIDGE ENTRANCE APPLICATION

DATE: February 24, 2015

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During the previous Planning Commission meeting a situation occurred whereby there was a quorum present to call the meeting to order, however, on the Cypress Ridge Entrance application (COFA 01-16-9477) which required action, members had to abstain due to conflicts of interest as set forth in the South Carolina Ethics Act. Due to member absences and the abstentions of others, the number of members eligible to vote was less than the number necessary for a quorum.

Although Robert's Rules of Order would allow action taken in this circumstance to be valid, there is a 1930 case from the South Carolina Supreme Court that states a member that is ineligible to vote cannot be counted towards the quorum. While the vote on the Cypress Ridge Entrance COFA application was a 2-0 to approve the application, the referenced South Carolina case disqualified the quorum as there were not four members eligible to vote.

Town Staff has reviewed this with the Town Attorney. To correct the action of the Commission, the Town Attorney provided a process whereby the Planning Commission is asked to ratify the Cypress Ridge Entrance COFA decision made at the last meeting. This will ensure the approval is valid, not require rehearing of each application, and not delay the Applicant in the project.

Staff requested that every member not present at the January Planning Commission meeting listen to the tape of the Cypress Ridge Entrance COFA case in question in order to ratify the decision at the February 24, 2016 Planning Commission meeting.