



MEMORANDUM

TO: Historic Preservation Committee

FROM: Katie Peterson, Planning Assistant

RE: COFA-10-15-9382, 9383, 9384, 9385 RATIFICATION OF ACTION TAKEN
5733, 5739, 5747, AND 5753 GUILFORD PLACE (LOT 1A-4A)

DATE: March 2, 2016

During the previous Historic Preservation Committee meeting a situation occurred whereby there was a quorum present to call the meeting to order, however, on the Lot 1A-4A applications (COFA-10-15-9382, COFA-10-15-9383, COFA-10-15-9384, and COFA-10-15-9385) 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 Lots 1A-4A COFA applications were 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 Committee, the Town Attorney provided a process whereby the Historic Preservation Committee is asked to ratify the Lots 1A-4A COFA decisions made at the last meeting. This will ensure the approvals are valid, not require rehearing of each application, and not delay the Applicant in the project.

Staff requested that every member not present at the February Historic Preservation Committee meeting listen to the tape of the Lots 1A-4A COFA cases in question in order to ratify the decisions at the February 3, 2016 Historic Preservation Committee meeting.