



TOWN OF SURFSIDE BEACH ♦ TOWN COUNCIL CHAMBERS
June 25, 2009 3:00 p.m.

BOARD OF ZONING APPEALS
MEETING MINUTES

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1. **CALL TO ORDER**

There was absence of both Chairman and Vice Chairman. Mr. Britton called the meeting to order at 3:10 p.m. Commission Members Ott, Dodge, Watson along with new members Cornelius and Olivetti were present. Vice Chairman Willm, and BZA member Lanham were absent. A quorum was present. Staff present: Ms. Shmaruk and Ms. Pinnell. Staff member Ms. Donevant was absent. Also present was Mr. Britton from the Waccamaw Regional Council of Government. Mr. Britton called for a motion to appoint an acting chair from the board. Ms. Dodge made a motion to appoint Mr. Ott as acting Chairman. Ms. Watson seconded the motion. **All voted in favor. MOTION CARRIED.**

2. **PLEDGE OF ALLEGIANCE**

Mr. Ott led the Pledge of Allegiance.

3. **AGENDA APPROVAL**

Ms. Dodge made a motion to approve the agenda as presented. Mr. Olivetti seconded the motion. **All members present voted in favor. MOTION CARRIED.**

4. **MINUTES APPROVAL**

Ms. Watson made a motion to defer the approval of the meeting minutes from March 26, 2009 to the next meeting. Mr. Olivetti seconded the motion. **All members present voted in favor. MOTION CARRIED.**

5. **ELECTION OF CHAIRPERSON**

Ms. Dodge made a motion to nominate Ron Ott as Chairperson. Mr. Cornelius seconded the motion. Mr. Ott stated that he would like to do it for one year and then see everyone get a chance each year to be Chairman of the committee. There was a roll call vote. **All members present voted in favor. MOTION CARRIED.**

6. **TRAINING**

Mr. Britton explained that training was set up in the conference room at town hall. Mr. Britton asked who would be attending the training session and asked of those not attending if they had any questions pertaining to the BZA rules of procedure. Mr. Britton stated that he would not like to see someone miss the training and have a question when he was not at a meeting. Mr. Ott asked if this was the same training he had in Georgetown. Mr. Britton stated that if a member attended the 6 hours of orientation training this was part of the same requirement training. Mr. Britton explained that orientation is a mandatory requirement for new members. Introduction to the BZA and how to conduct a meeting training will be held in September and recommended those on the BZA to attend this continuing education seminar. There was additional discussion regarding training.

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Mr. Ott stated that the training he attended in Georgetown pertained mostly to Planning and Zoning and not Board of Zoning Appeals. Mr. Britton stated that they are trying to gear more training towards particular boards explaining that the September course will be intro to BZA. Ms. Dodge asked if a member needed to have training prior to making a decision on the BZA and Mr. Britton stated that no, they did not, state law states that orientation training must be completed within 365 days of appointment. If training is missed and not taken until after the 365 days there is a provision that would allow for the removal of an individual who did not have the training within that time period. Mr. Britton stated that attorneys can challenge decisions of a planning commissioner or BZA member by lack of their members training. Mr. Britton recommended that BZA and Planning commission members get their training as soon as possible. It was confirmed that a BZA decision can be appealed to circuit court. Mr. Ott asked of the board could be held liable if they ruled incorrectly due to inexperience or lack of training. Mr. Britton stated that South Carolina has a partial shield law which protects people on BZA's and Planning Commissions from being held personally liable for adverse decisions; there is partial coverage from the standpoint that there is the federal side and the local or state shield law does not protect someone in federal court. There was additional discussion regarding the low probability of this happening. Mr. Britton clarified that he is a certified planner and is not an attorney and suggested that the board members pose these concerns and questions to the town attorney. The appeals process for State court is 30 days from receiving post mark notice of the BZA decision. Mr. Britton stated that he is not 100 percent certain of the statute of limitations in a federal case but would imagine it to be more than 30 days. There was some additional discussion regarding the four criteria and BZA's role. There was some discussion regarding previous BZA rulings. Mr. Britton stated that applicants need to be educated on the criteria needed for a zoning request. Mr. Britton stated that every decision made is based on what is presented at the public hearing and that it is important for the board to build the record by asking the questions that need to be answered to meet the qualifications.

Mr. Ott stated that the meeting would be reconvened in the conference room at town hall for training.

7. ADJOURNMENT

Ms. Donevant ended the training session ended at 7:00 PM

Sharon Pinnell, Town Clerk

Approved: _____

Ron Ott, Chairman

Guy Lanham, Commission Member

Vincent Olivetti, Commission Member

Zoning Board of Appeals

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Edgar Cornelius Jr., Commission Member

Darrell Willm, Vice-Chairman

Holly Watson, Commission Member

Ann Dodge, Commission Member

Clerk's Note: This document constitutes minutes of the meeting, which was audio taped. In accordance with FOIA, meeting notice and the agenda were faxed and/or emailed to local media and interested parties. A complete list is on file in the clerk's office. The agenda was posted on bulletin boards outside council chambers and in the town hall reception area. Meeting notice was also posted on the town marquee.

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