

MINUTES
COMMISSION MEETING
OPEN SESSION

March 19, 2014

The meeting was called to order by Chairman Phillip Florence, Jr., at 9:45 a.m. Other members present were Vice Chair E. Kay Biermann Brohl, Jonathan H. Burnett, Dr. Richard H. Fitzgerald, G. Carlton Manley, Twana N. Burris-Alcide, and James I. Warren, III.

The news media was duly notified.

Staff present:

Herbert R. Hayden, Jr., Executive Director
Cathy L. Hazelwood, Deputy Director/General Counsel
Daniel F. Choate, Investigator
Jimmy Bagnall, Investigator
Ami Franklin, Assistant Director, Administration
Kristin M. Smith, Administrative Coordinator
Karen A. Wiggins, Court Reporter

Others present:

Meg Kinnard
Andy Benke
Mitchell Willoughby
Benjamin P. Mustian
Richard Eckstrom
Rusty Bennett
Bill Higgins

Chairman Florence welcomed everyone and reminded the Commissioners to use their microphones to be heard for the record.

MINUTES

Motion was made by Vice Chair Brohl, seconded by Mr. Manley, to accept the Minutes as presented. Chairman Florence asked for any discussion or opposition. There being none, the motion carried with no opposition to approve the Open and Executive Session Minutes from the January 15, 2014 Commission meeting.

OFFICE OPERATIONS

Budget 2013/2014

Mr. Hayden directed everyone to the green folder for information on the budget for the fiscal year July 1, 2013, through March 17, 2014, noting that everything was in line and nothing different than what is normally presented. The Budget report was approved as presented.

Compliance Reports

Mr. Hayden presented for information only the Compliance reports for January and February, 2014. Mr. Hayden noted that some line items were behind, but added this will always vary year to year. The Compliance reports were approved as presented.

POINT OF ORDER

Mr. Hayden asked to take up the Advisory Opinion and Motion to Dismiss at this time. There was no opposition.

ADVISORY OPINION

SEC AO2014-002

Ms. Hazelwood presented to the Commission a matter concerning the Town of Sullivan's Island. Attending for this matter were Andy Benke, Rusty Bennett, and Bill Higgins. Ms. Hazelwood presented the Town of Sullivan's Island's question on whether a planning commission member, who owns a part interest in a town restaurant and owns the property where the restaurant is located, may participate in the discussion or vote on zoning matters in the commercial district, specifically related to food and beverage establishments, and whether the same planning commission member may participate in discussion or vote on zoning matters as a whole in the commercial district. Statements were given by Bill Higgins, Rusty Bennett, and Andy Benke. Questions, clarification, discussions and responses ensued. Chairman Florence asked for further statements or discussions. There being none, Chairman Florence thanked everyone for coming and presenting their comments in this matter, and stated that the Commission would take this matter under advisement. After discussion the Commission accepted the Advisory Opinion providing that the planning commission member may not participate in the discussions or votes regarding zoning matters in the commercial district relating to food and beverage establishments; however, the planning commissioner member may participate in zoning matters as a whole in the commercial district.

Chairman Florence asked to take a break at this time. There was no opposition.

MOTION TO DISMISS

C2014-033 The Honorable Richard A. Eckstrom

Ms. Hazelwood gave an opening statement. Mitchell Willoughby, attorney for the Respondent, gave an opening statement and a request to dismiss this complaint. Attorney Willoughby then gave a presentation of arguments using statute references, advisory opinions, and handouts of pertinent and relative material and information in connection with this matter alleging that Mr. Eckstrom's attendance at the political event was not personal, but attended as a guest at a political event. Commissioners asked questions and attorneys responded. Considerable discussion ensued. Chairman Florence asked for further statements or discussions. There being none, Chairman Florence thanked everyone for coming and stated that the Commission would take this matter under advisement and issue an order. Attorney Willoughby asked to present to Ms. Hazelwood a Post Order. There was no opposition. After consideration discussion, Mr. Manley made a motion, second by Dr. Fitzgerald, to accept the Motion to Dismiss. Mr. Burnett and Vice Chair Brohl opposed. The motion carried on a 4-2 vote.

APPEALS

Mr. Hayden asked to take up the Appeals and reminded the Commissioners of the policy that staff has provided copies of a summary of each individual's background, information on the penalties and staff recommendation, copies of the letters of appeals from the individuals, and then any supportive documentation and correspondence that may be applicable to the case. The appeal statement is in writing, staff recommendation is in writing, and unless there are questions, there will be no presentation or verbal recommendation.

Kent C. Caudle

Mr. Hayden presented this matter. Mr. Burnett asked to be recused from this matter on the grounds that he and Mr. Caudle were good friends. There was no opposition. Discussion ensued. Mr. Manley made a motion, seconded by Dr. Fitzgerald, to deny the appeal, but reduce the penalty to \$1,500. Discussion ensued. Chairman Florence asked for further discussion or opposition. Dr. Fitzgerald opposed. The motion carried on a 4-1 vote .

Mark A. Howard

Mr. Hayden presented this matter. Discussion ensued concerning request for a zero penalty. Mr. Burnett made a motion, seconded by Mrs. Burris-Alcide, to deny the appeal and keep the reduction in place which has already been paid. Chairman Florence asked for further discussion or opposition. There being none, the motion carried on a 6-0 vote..

DISCUSSION

Legislation

Mr. Hayden presented an update on H.3945 which passed the Senate, but is now sitting over on the House side. Mr. Hayden stated that there was no forward movement on the other 25 bills and amendments at this time, and reminded the Commission that this is the second year of the session, and all bills will die when the legislature goes home.

New Appointments

Mr. Hayden updated the Commission on new appointments, stating that there are seven waiting to be confirmed. Special recognition was given to newly-appointed Commissioners Twana Burrell-Alcide (term expires 2018) and James I. Warren, III (term expires 2015). Discussion ensued concerning the nominees waiting to be confirmed. Mr. Manley asked about the current Commissioners being required to file a 2015 SEI. Mr. Hayden responded that those not serving next year after March 30 will not have to file a 2015 SEI.

POINT OF ORDER

Mr. Hayden announced that for the first time for such an event, a Special Commission meeting will be held in April for training all nine new commissioners and electing a new Chair and Vice Chair. Mr. Hayden also added that a ceremony is planned for the May Commission meeting to present plaques for the retired commissioners.

EXECUTIVE SESSION

A motion was made by Mr. Burnett, seconded by Mr. Warren, to go into Executive Session. The motion carried.

RETURN FROM EXECUTIVE SESSION

Upon return from Executive Session, a motion was made by Mr. Manley, seconded by Vice Chair Brohl, to adopt and ratify actions taken in Executive Session. The motion carried.

ADJOURNMENT

Chairman Florence asked for further discussions. There being none, a motion was made by Vice Chair Brohl, seconded by Dr. Fitzgerald, to adjourn. The motion carried.

Respectfully submitted,

Karen A. Wiggins
Administrative Specialist