

# Planning Commission Rules of Procedure

(reviewed and adopted 4/14/2010)

## Article I Organization

**Section 1. Rules.** These rules of procedure are adopted pursuant to S.C. Code § 6-29-360 for the Town of Sullivan's Island Planning Commission which consists of seven members appointed by Council.

**Section 2. Officers.** The officers of the Commission shall be a chairman and vice-chairman elected for one year terms at the first meeting of the Commission in each calendar year. The Commission shall appoint a member of the staff as secretary of the Commission.

**Section 3. Chairman.** The chairman shall be a voting member of the Commission and shall:

- a. Call meetings of the Commission;
- b. Preside at meetings and hearings;
- c. Act as spokesperson for the Commission;
- d. Sign documents for the Commission;
- e. Transmit reports and recommendations to Council; and
- f. Perform other duties approved by the Commission.

**Section 4. Vice-Chairman.** The vice-chairman shall exercise the duties of the chairman in the absence, disability, or disqualification of the chairman. In the absence of the chairman and vice-chairman, an acting chairman shall be elected by the members present.

**Section 5. Secretary.** The secretary shall:

- a. Provide notice of meetings;
- b. Assist the chairman in preparation of the agenda;
- c. Keep minutes of meetings and hearings;
- d. Maintain Commission records as public records;
- e. Attend to Commission correspondence; and
- f. Perform other duties normally carried out by a secretary.

## Article II Meetings

**Section 1. Time and Place.** An annual schedule of regular meetings shall be adopted, published and posted at the designated Town office in December of each year. Special meetings may be called by the chairman upon 24 hours notice, posted, and delivered to all members and local news media. Meetings shall be held at the place stated in the notices, and shall be open to the public.

**Section 2. Agenda.** A written agenda shall be furnished by the secretary to each member of the Commission and the news media, and shall be posted at least five days prior to each regular meeting, and at least 24 hours prior to a special meeting. In general, proposed agenda items will be submitted to the Secretary or Chairperson seven (7) working days prior to a Commission meeting. The Chairperson shall approve (or disapprove) proposed Agenda items at this time. When circumstances dictate it to be in the public's best interest, Agenda items may be added at the meeting with the approval of a majority of Commission members, subject to any applicable public notice requirements.

**Section 3. Quorum.** A majority of the members of the Commission shall constitute a quorum. A quorum shall be present before any business is conducted other than rescheduling the meeting.

**Section 4. Rules of Order.** Robert's Rules of Order Newly Revised, 10<sup>th</sup> Edition, shall govern the conduct of meetings except as otherwise provided by these Rules of Procedure.

**Section 5. Voting.** Motions shall be passed or denied by a majority vote of the Planning Commission. If a member has a conflict of interest, he or she must abstain from deliberating or voting on the question and must advise the Chair of the reason for abstention.

**Section 6. Conduct.** Except for public hearings, no person shall speak at a Commission meeting unless invited to do so by the Commission.

### **Article III Public Hearings**

**Section 1. Notice.** The secretary shall give the notice required by statute or ordinance for all public hearings conducted by the Commission. Members of the public desiring to be heard shall give written notice to the secretary prior to the commencement of the hearing.

**Section 2. Clarification.** Prior to opening up the public hearing, staff shall give a brief overview of the public hearing item to help the public understand the nature of the item.

**Section 3. Agenda.** In order to be courteous to the public, the agenda may be amended to allow the public hearing item(s) to be moved to the beginning of the agenda.

**Section 4. Procedure.**

**For subject matters where public hearing is applicant initiated the process shall be:**

General public interested in making comments shall sign in and provide name and address. Public comments shall normally be limited to three (3) to five (5) minutes in length. If a previous speaker has already expressed a stated view, the speaker will be asked to state that he/she agrees with the previous comments instead of reiterating a point already made.

1. Staff description of application presented
2. Applicant opening statement made
3. Public Hearing opened
4. Comments Received from Public
5. Public Hearing closed
6. Questions by Commission
7. Applicant closing statement made
8. Staff recommendations rendered
9. Motion
10. Commission discussion
11. Vote

**For subject matters where public hearing is not applicant initiated the process shall be:**

General public interested in making comments shall sign in and provide name and address. Public comments shall normally be limited to three (3) to five (5) minutes in length. If a previous speaker has already expressed a stated view, the speaker will be asked to state that he/she agrees with the previous comments instead of reiterating a point already made

1. Staff overview presented
2. Public Hearing opened
3. Comments Received from Public
4. Public Hearing closed
5. Questions by Commission
6. Staff recommendations rendered
7. Motion
8. Commission discussion
9. Vote

#### **Article IV Records**

**Section 1. Minutes.** The secretary shall record all meetings and hearings of the Commission on tape which shall be preserved until final action is taken on all matters presented. The secretary shall prepare minutes of each meeting for approval by the Commission at the next regular meeting. Minutes shall be maintained as public records.

**Section 2. Reports.** The secretary shall assist in the preparation and forwarding of all reports and recommendations of the Commission in appropriate form. Copies of all notices, correspondence, reports and forms shall be maintained as public records.

**Section 3. Attendance.** The minutes shall show the members in attendance at each meeting.

#### **Article V Review Procedure**

**Section 1. Zoning Amendments.** Proposed zoning text and district amendments shall be considered and recommendations shall be forwarded to the governing body within 30 days after receipt of the proposed amendments, unless additional time is given by the governing body. When so authorized, the Planning Commission shall conduct any required public hearing prior to making a recommendation.

**Section 2. Plats.** All plats that are subject to review and approval shall be reviewed and approved by the Commission in accordance with the provisions of applicable state laws and local ordinances.

**Section 3. Comprehensive Plan.** All zoning and land development regulation amendments shall be reviewed first for conformity with the comprehensive plan. Conflicts with the comprehensive plan shall be noted in any report to the governing body on a proposed amendment. The elements of the comprehensive plan shall be reviewed and updated on a schedule adopted by the Commission meeting the requirements of S.C. Code §6-29-510(E).

**Section 4. Reconsideration.** The Commission may reconsider any review when so requested by the governing body, or when an applicant brings to the attention of the Commission new facts, a mistake of fact in the original review, correction of clerical error, or matters not the fault of the applicant which affect the result of the review.

#### **Article VI**

##### **Potential Conflict of Interest Policy**

**Section 1.** 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.”

**Section 2.** 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.

#### **Article VII**

##### **Adoption and Amendment**

**Section 1. Amendment.** These rules may be amended at any regular meeting of the Commission by majority vote of the members of the Commission at least seven days after the written amendment is delivered to all members.

**Section 2. Adoption.** These rules were adopted by vote of a majority of the members of the Commission at a regular public meeting on April 14, 2010.

Attest: \_\_\_\_\_  
Secretary

\_\_\_\_\_  
Chairman

*Modified and adopted by Planning Commission on April 14, 2010.*