

Town of Edisto Beach

Planning Commission Rules of Procedure

Article I

Organization

Section 1. Rules. These rules of procedure are adopted pursuant to S.C. Code subsection 6-29-360 for the Town of Edisto Beach Planning Commission which consists of seven members appointed by Council.

Section 2. Officers. The officers of the Commission shall be a chairperson and vice-chairperson elected for one (1) year terms at the first meeting of the Commission in each calendar year. The Commission shall appoint a secretary, who may be an employee of the Town, or a member of the Planning Commission.

Section 3. Chairperson. The chairperson shall be a voting member of the Planning 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-Chairperson. The vice-chairperson shall exercise the duties of the chairperson in the absence, disability, or disqualification of the chairperson. In the absence of the chairperson and vice-chairperson, an acting chairperson shall be the senior member present.

Section 5. Secretary. The secretary shall:

- a. Provide notice of meetings;
- b. Assist the chairperson in preparation of 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. Meetings of the Commission shall be scheduled once per month; however, if there shall be no business scheduled to be brought before the Commission fourteen (14) days before the scheduled meeting for any particular month, that meeting may be cancelled by the chairperson, with notification of the cancellation posted at Town Hall. Special meetings may be called by the chairperson upon twenty-four (24) hours notice, posted, and delivered to all members. Meetings shall be held at the place stated in the notices, and shall be open to the public. Work sessions will be called as necessary by the chairperson, noticed in the same fashion as a special meeting, and shall be open to the public.

Section 2. Agenda.

a. A written agenda shall be furnished by the secretary to each member of the Commission and shall be posted at least twenty-four (24) hours prior to each regular meeting, and at least twenty-four (24) hours prior to a special meeting. Items may be added to the agenda at a meeting by majority vote.

b. For an item to be placed on the Commission agenda, the required number of copies of all paperwork, including required documents, must be received by the Building Code Administrator for review for completeness and initial review and staffing in accordance with chapter 71, with the required submission for the transmittal to the Planning Commission prior to the close of business on the fourteenth (14) day prior to a formal Planning Commission meeting. Applications involving amendments to the official zoning maps or the zoning or subdivision must be submitted to the Building Code Administrator at least thirty (30) calendar days prior to a Planning Commission meeting in order to be heard at that meeting. Applications determined to be incomplete by the Building Code Administrator will be returned to the applicant for re-submittal for a subsequent meeting, with re-submission also being at least fourteen (14) days in advance of the Planning Commission meeting or thirty (30) calendar days in advance of the Planning Commission meeting for those items involving amendments to the Official Zoning Maps or the zoning or subdivision.

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. The latest edition of Robert's Rules of Order shall govern the conduct of the meetings except as otherwise provided by these Rules of Procedure. The Town attorney will act as parliamentarian. In his/her absence, the senior non-presiding member will be parliamentarian.

Section 5. Voting. A member must be present to vote. Each member shall vote on every question unless a member has a conflict of interest on a particular issue. An abstention from voting (but not a recusal caused by an ethical consideration or conflict of interest) shall be considered a vote in favor of the motion. The question of disqualification shall be decided by the member affected, who shall announce the reason for disqualification,

give it to the chairperson in writing, have it placed in the minutes and refrain from deliberating or voting on the question.

Section 6. Conduct.

- a. All commission members shall conduct themselves in a manner that avoids any appearance of impropriety.
- b. Except for public hearings, no person shall speak at a Commission meeting unless invited to do so by the Commission.

Section 7. Decision. Passage of any action shall be a majority of those members present and qualified to vote. A tie vote shall constitute a denial of the motion. All decisions shall be accompanied by a written summary of the action.

Article III

Public Hearing Procedure

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 commencement of the hearing.

Section 2. Procedure.

- a. Applicants on the agenda should be present at the scheduled work session and formal meeting to answer any questions raised by the Commission, and may not rely on Town staff to act as an advocate for the applicant. Any item on the agenda may be deferred based on the Commission's discretion if there are no representatives present to answer questions raised by the Commission. If the applicant or the representative of the applicant fails to appear at a work session and/or a formal meeting a second time the application may be denied at the Commission's discretion.
- b. In matters brought before the Commission for public hearing which were initiated by an applicant, the applicant, his/her agent or attorney shall be heard first, members of the public next, and staff next. The applicant shall have the right to reply last. No member of the public may speak for more than five (5) minutes without consent of the Commission. No person speaking at a public hearing shall be subject to cross-examination. All questions shall be posed by members of the Commission. Members of the public shall speak in the order in which requests were received.

Article IV

Records

Section 1. Minutes. The secretary shall record all meetings and hearings of the Commission, which shall be preserved in accordance with the State of South Carolina records retention requirements 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 and the reason for absence submitted by any member. The Commission shall recommend to the governing body the removal for cause any member who is absent from three (3) consecutive meetings without adequate reason.

Article V

Review Procedure

Section 1. Zoning Amendments. Proposed zoning text and map amendments shall be considered and recommendations shall be forwarded to the governing body within thirty (30) days after receipt of the proposed amendments, unless additional time is given by the governing body. The Planning Commission shall conduct a public hearing prior to making a recommendation.

Section 2. Plats. All plats of the subdivision of land within the incorporated area of the Town submitted to the Building Department shall be reviewed and approved by the Planning Commission Chairman, Vice Chairman or a designated member of the Planning Commission prior to being filed with or recorded by the County Register of mesne conveyance.

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. Legal Perspective Review. Text amendments are initially approved by the Town Attorney as part of the Building Code Administrator review, and the Planning Commission may request the Building Code Administrator to have the Town Attorney present at the Planning Commission meeting to review and discuss the proposed ordinance amendments from a legal perspective with the Commission. Recommended adjustments in format and text will be adopted as deemed appropriate by the Planning Commission based on the Town Attorney's recommendations, and the recommendations will then be submitted to the Town Council for their consideration.

Section 5. Reconsideration. The Commission may reconsider any application when so requested by the governing body, or when an applicant or Town staff 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, upon motion for reconsideration made within ten (10) calendar days of actual notice of the decision.

Article VI

Finances

Section 1. Budget. The Commission shall submit written recommendations to the governing body for funding in the annual budget. The recommendations shall include an explanation and justification for proposed expenditures.

Section 2. Expenditures. Budgeted funds shall be expended only for approved purposes in accordance with financial policies and procedures set by the governing body, the Commission, may adopt an authorization for specified expenditures by designated staff members within the limits provided. Reimbursement for actual expenses incurred in the performance of official duties approved in advance by the Commission shall be made to members of the Commission and staff upon submission of vouchers supported by receipts.

Section 3. Personnel. The Commission shall employ such staff and consultants as may be authorized and funded by budget or make recommendations for staff members to be employed by the Town. Consultants shall be engaged by a majority vote of the Commission after review of proposals invited by public notice and mail, and personal interviews with applicants by the Commission, or a committee of Commission members and staff.

Article VII

Ethics Policies

Section 1. Conflict of Interest - No Planning Commissioner may knowingly use his/her official office to obtain an economic interest for himself/herself, a member of his/her immediate family, an individual with whom he/she is associated, or a business with which he/she is associated. This prohibition does not extend to the incidental use of public materials, personnel, or equipment subject to or available for a Commissioner's use which does not result in additional public expense.

Members have the right and the obligation to vote on all questions before them and to participate in the business of the Planning Commission, except when a conflict of interest exists.

- a. **Notification of Conflict of Interest** - Whenever the Planning Commission is considering a matter which raises a question of conflict of interest for a particular member, the member is responsible for alerting the Commission chairperson prior to the commencement of the meeting. Each member is responsible for determining when a conflict of interest exists.
- b. **Conduct at Meetings Where a Member has a Conflict of Interest** - If any member declares a conflict of interest with any particular item, the member shall notify the Commission and the public in attendance of the conflict of interest. The member shall recuse himself/herself from participation in both the Commission's discussion and voting on the item and shall remove himself/herself from the dais until the item has been completed by the Commission.
- c. **Minimizing Conflicts** - It is intended that situations resulting in conflict of interest for members shall be minimized.

Section 2. Ex Parte Communication - Ex parte communications are contacts between individuals seeking to influence a decision of members of the Planning Commission outside the meeting forum on any matter that is or will be before the Commission for consideration. The prohibitions of this policy shall apply beginning with the placing of an item on the Planning Commission meeting agenda for decision or at the time a Commission member becomes knowledgeable that a notice of public hearing before the Commission has been issued by the Town staff.

Members shall attempt to avoid ex parte communications concerning such matters. Should ex parte contacts occur where relevant and material information is obtained for consideration by a member, then such information shall be disclosed prior to or at the time of the public hearing and/or public meeting of the Commission so that interested parties may have an opportunity to respond.

a. **Managing Ex Parte Communications** - Commission members shall not initiate ex parte communications. If an ex parte communication is initiated by another person, the Commission member contacted shall:

1. Refrain from discussing the substance or merits of a case;
2. Inform the person, if necessary, that such a discussion could lead to disqualification of the member from voting;
3. Refer the person to the Town Building Department or to the Commission meeting, as appropriate; and
4. Report on the conversation to the Commission and the public at a public meeting.