

Town of Kiawah Island

Planning Commission Rules of Procedure

Preamble

Principles of Serving and Standards of Integrity

Members of the Planning Commission should adhere to the following values when serving in the public interest:

- Remember that your role is first and foremost to serve the community;
- Be at all times truthful with my colleagues, the public and others;
- Avoid any actions that would cause the public to question whether my decisions are based on personal interests instead of the public's interest;
- Do not accept any gifts or other special considerations because of my public position;
- Do not knowingly use false, inaccurate, or biased information in support of my position;
- Do not use your public positions for personal gain; and
- Carefully consider any promises made and keep them

Article I – Organization

Section 1 Rules – These rules of procedure are adopted pursuant to S.C. Code § 6-29-360 for the Town of Kiawah Island Planning Commission

Section 2 Membership – The Commission is composed of 7 members appointed by Town Council, the Governing Body. Appointments are for four years duration, staggered in time so as to provide continuity.

Section 3 Officers – The officers of the Commission shall be a chair~~man~~ and vice-chair~~man~~ elected for one-year terms at the first meeting of the Commission in each calendar year. The Town Clerk will serve as the secretary for the Commission.

Section 4 Chair~~man~~ – The chair~~man~~ 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;
- f) Perform other duties approved by the Commission; and
- g) Provide a proper and detailed onboarding process for new commission members.

Section 5 Vice-Chair~~man~~ – The vice-chair~~man~~ shall exercise the duties of the chair~~man~~ in the absence, disability, or disqualification of the chair~~man~~. In the absence of the chair~~man~~ and vice-chair~~man~~, an acting chair~~man~~ shall be elected by the members present.

Section 6 Secretary – The secretary shall:

- a) Provide the notice of meetings;
- b) Assist the chair~~man~~ in preparation of agendas;

- c) Keep minutes of meetings and hearings;
- d) Maintain Commission records as public records;
- e) Attend to Commission correspondence;
- f) Perform other duties normally carried out by a secretary;
- g) Maintain a record of Commission members' attendance at meetings of the Commission; and
- h) Give or serve all notices required by statute or ordinances or by these Rules and Procedures or as directed by the Commission.

Section 7 Staff – Town of Kiawah Island Planning Department staff shall:

- a) Provide technical assistance to the Commission, where necessary, to conduct the business and fulfill the responsibilities of the Commission.
- b) Prepare analyses and recommendations for zoning, conditional use, and subdivision applications and other matters of business for consideration of the Commission.
- c) Provide members of the Commission with copies and updates of regulations, ordinances, rules, plans, and policies which govern or should be considered in the performance of their duties.
- d) Provide members of the Commission with publications and notices of seminars, presentations, and instructions on matters which may expand members' knowledge and understanding in areas that would promote the mission of the Planning Commission.
- e) Provide members of the Commission with copies of applications with support information, plats and maps, and staff analyses and recommendations.
 - 1. Regular meeting information is to be mailed or emailed to each member of the Commission at least seven (7) business days prior to the scheduled Commission meeting.
 - 2. Special meeting information shall be presented to each member of the Commission for review at least forty-eight (48) hours prior to the scheduled Commission meeting with the exception for those special or emergency meetings being called within less than 48 (forty-eight) hours.
- f) Mail notices to applicants on all zoning and Comprehensive Plan amendments and subdivision applications including a copy of staff's analyses and recommendations. This notice shall be mailed at least five (5) days prior to the scheduled Commission meeting. Notices and reports may also be emailed or picked up by applicants at the Planning Department office and, in these cases, would not be required to be mailed.
- g) Mail notices to area property owners on all zoning change applications in accordance with the procedures of the Town of Kiawah Island's Land Use Planning and Zoning Ordinance.

Article II – Meetings

Section 1 Time and Place –

- a) An annual schedule of regular meetings shall be adopted, published, and posted at the designated Town office in December of each year.
- b) The Planning Commission will meet regularly on the first Wednesday, following the regular Town Council Meeting of each month at the Town of Kiawah Island Municipal Center, 4475 Betsy Kerrison Parkway, Kiawah Island, SC at 3:00 PM in the Council

Chambers.

- c) Special meetings may be called by the chair~~man~~ 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** – The chair~~man~~ shall set the agenda for all meetings of the Commission. The chair~~man~~ shall develop the agenda with Town staff. A written final agenda shall be furnished by the secretary to each member of the Commission and the news media and shall be posted at least seven (7) business days prior to each regular meeting, and at least forty-eight (48) hours prior to a special meeting, with the exception for those special or emergency meetings being called within less than 48 (forty-eight) hours. Items may be added to the agenda at a meeting.

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, except for workshops where business and studies may be conducted without a quorum.

Section 4 **Rules of Order** – Robert's Rules of Order, newly revised (currently in 12th ed.), shall govern the conduct of meetings except as otherwise provided by these Rules of Procedure.

Section 5 **Voting** – A member must be present to vote. A member attending virtually via video conferencing, teleconferencing, or web conferencing is considered present. Each member shall vote on every question unless disqualified by law. The question of disqualification shall be decided by the member affected, who shall announce the reason of disqualification and refrain from deliberating or voting on the question. On a tie vote, the motion is lost, and in the case of a subdivision or zoning matter, the application is disapproved.

The chair shall request the Secretary to call the roll of each member and ask their vote on any items requiring a vote.

Section 6 **Conduct** – Except for public hearings and the public comment period, no person shall speak at a Commission meeting unless invited to do so by the Commission chair~~man~~.

Section 7 **Executive Sessions** – It is a violation of the Town's Code of Ordinances for a member of the Planning Commission or person in attendance to disclose to another person or make public any matter discussed in executive session. If the Commission enters executive session during a meeting, a member attending virtually shall adhere to executive session privileges, ensure that no other person can hear the executive session, and shall acknowledge upon request that there are no other persons present or able to hear the executive session. Failure to protect the privileged discussions of an executive session can result in the member's removal from 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 commencement of the hearing.

Section 2 Procedure – In matters brought before the Commission for public hearing which were initiated by an applicant, the applicant, his 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 person may speak for more than five (5) minutes without consent of the Commission chair~~man~~. No person speaking at a public hearing shall be subject to cross-examination. All questions shall be posed by members of the Commission. In matters not initiated by an applicant, members of the public shall speak in the order in which requests were received, or in such order as the Commission chair~~man~~ shall determine.

Article IV – Records

Section 1 Minutes – The secretary shall record all meetings and hearings of the Commission. Recordings shall be preserved for a period of two years according to the South Carolina General Records Retention Schedules for Municipal Records; Sub article 4, Section 12-604.1. 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 – Commissioners are expected to attend each meeting. Should a commissioner be unable to attend, the secretary shall be notified.

Article V – Review Procedure

Section 1 Zoning Amendments – Per adopted ordinance.

Section 2 Plats – Per adopted ordinance.

Section 3 Comprehensive Plan – Per adopted ordinance.

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 results of the review.

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, when applicable, 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, including procurement rules. Upon adoption of a budget by the governing body, the Commission

may adopt an authorization for specified expenditures. 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.

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 (7) days after the written amendment is delivered to all members.

Section 2 Adoption – These rules were adopted by a vote of a majority of the members of the Commission at a regular public meeting ~~February 8, 2023~~ February 7, 2024.

John Taylor, Jr, Planning Manager
Town of Kiawah Island

Bill Dowdy, Chair~~man~~
Kiawah Island Planning Commission