

Town of Kiawah Island

Planning Commission Rules of Procedure

Preamble

I. Purpose and Function

Under the provisions of the South Carolina Code of Laws, the Planning Commission exists to undertake a continuing planning program for the physical, social, and economic growth, development, and redevelopment of the area within its jurisdiction. The plans and programs must be designed to promote public health, safety, morals, convenience, prosperity, or the general welfare as well as the efficiency and economy of its area of jurisdiction.

The Commission plays a critical role in shaping the Town of Kiawah Island's comprehensive planning efforts, ensuring that land use policies, zoning ordinances, and other regulations are effectively implemented to reflect the community's values and objectives. In carrying out its duties, the Planning Commission must work within the framework and requirements of the governing law while exercising fairness and open-mindedness. The Commission deliberates with public input and serves as an advisory, recommending body to Town Council and not as a final decision-making entity except as provided by law.

The Planning Commission's operations shall be guided by this set of rules of procedure that ensure transparency, consistency, and fairness in decision-making. These rules should enable the Planning Commission to fulfill its duties in an efficient and lawful manner, adhering to the principles of public participation, equitable representation, and informed decision-making. By establishing clear and effective rules of procedure, the Town of Kiawah Island's Planning Commission will be empowered to operate in a manner that fosters public trust and allows for thoughtful, responsible planning.

II. 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 seven (7) members appointed by Town Council, the Governing Body. Appointments are for four years duration, staggered in time so as to provide continuity. Members shall serve until successors are appointed and qualified. Members are subject to term limits as set forth in Chapter 12 – Land Use Planning and Zoning Ordinance, Article II – Zoning., Division 1. – Generally, Section 12-23. – Planning Commission.
- Members of the Planning Commission shall also be governed by the Town of Kiawah Island’s Volunteer Policy, as amended which provides general volunteer requirements, process for volunteer recruitment and appointments and end of service term protocols.
- Section 3** **Officers and Election of Officers** – The officers of the Commission shall be a Chair and Vice-Chair elected for one-year term or until the officer’s successor is elected. Neither of these two positions shall be filled by a Commissioner beginning his or her first year of service as a Commissioner. The election of the officers shall occur at the ~~s~~at the first-third meeting of the Commission in each calendar year, after any incoming members being appointed have been seated. The terms of the officers elected shall be effective once the Chair declares each officer elected. The Town Clerk will serve as the secretary for the Commission.
- Section 4** **Chair** – The Chair 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;
 - ~~g)~~ Coordinate request from members of Planning Commission for further information to the Planning Department;
 - ~~f)h)~~ Coordinate with the Planning staff to develop the agenda; and
 - ~~g)i)~~ Provide a proper and detailed onboarding process for new commission members.
- Section 5** **Vice-Chair** – The Vice-Chair shall exercise the duties of the Chair in the absence, disability, or disqualification of the Chair. In the absence of the Chair and Vice-Chair, an acting Chair shall be elected by the members present.
- Section 6** **Secretary** – The secretary shall:
- a) Provide the notice of meetings;
 - b) Assist the Chair 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 in its support of the Planning Commission 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, 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 or made available for pick up to each member of the Commission at least ~~seven~~ five (5) ~~business~~ days prior to the scheduled Commission meeting.
 2. Special meeting information shall be ~~presented~~ emailed or made available for pick up 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) ~~Unless otherwise prescribed by South Carolina Code of Laws, email~~ 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 emailed at least five (5) days prior to the scheduled Commission meeting. Notices and reports may also be placed online on the Town's Website for applicants to view ~~emailed~~ or picked up by applicants at the Planning Department office, ~~and, in these cases, would not be required to be mailed.~~

Section 8

Removal from Office – An existing officer of the Planning Commission may be removed from office for reasons as misconduct, neglect of duty, or malfeasance before their term of office term expires. The member requesting the removal of the existing officer shall prepare and submit a written statement for the record describing the matter for removal of the officer and the nature of the potential acts caused for such removal. The member requesting removal may present a motion for removal of officer for consideration. After a majority vote of all seven members of the Planning Commission, the existing officer is removed. An election to fill the vacancy will be held immediately after an officer has been removed from office. For the avoidance of doubt, any such removal or replacement contemplated in this Section 8 shall apply solely to said commissioner's role as an officer (i.e., Chair or Vice-Chair, as prescribed in Section 3 herein) and shall not affect said commissioner's status as a member of the Planning Commission.

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) Unless otherwise scheduled, tThe Planning Commission will shall 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 2:00 PM in the Council Chambers.
- c) Special meetings may be called by the Chair 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 shall set the agenda for all meetings of the Commission. The Chair 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 on the Town's website at least ~~seven-five (57) 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~~must 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.)~~latest edition, 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. Members shall abide by the provisions outlined in S.C. Code of Laws. Title 8, Chapter 13 Section 700 pertaining to conflict of interest. Recusals are permissible pursuant to these provisions. 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 for 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.

Section 7

Communication – All discussion of a pending matter before the Commission shall take place in the public meeting. This is to avoid the appearance of improper ex parte communications and to comply with the South Carolina Freedom of Information Act.

Section 7-8 **Executive Sessions** – By majority vote the Commission may hold an executive session as permitted by the South Carolina Freedom of Information Act, S.C. Code 30-4-70, as amended. The reason for holding an executive session must be stated into the record.

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. 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 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 and recordings 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 7, 2024~~ February 5, 2025.

John Taylor, Jr, Planning Director
Town of Kiawah Island

Dr. Ronald Curran, Chair

Kiawah Island Planning Commission