



Town of Hilton Head Island
Planning Commission
Rules of Procedure Committee Meeting
Tuesday, July 12, 2022, 9:00 a.m.
AGENDA

The Planning Commission meeting will be held in-person at Town Hall in the Benjamin M. Racusin Council Chambers.

1. Call to Order

2. FOIA Compliance – Public notification of this meeting has been published, posted, and distributed in compliance with the South Carolina Freedom of Information Act and the requirements of the Town of Hilton Head Island.

3. Roll Call

4. Approval of Agenda

5. Appearance by Citizens

Citizens may submit written comments via the [Town's Open Town Hall Portal](#). The portal will close at 4:30 p.m. the day prior to the scheduled meeting. Comments submitted through the portal will be provided to the Commission and made part of the official record.

6. New Business

a. Discussion of Proposed Amendments to the Planning Commission's Rules of Procedure

7. Adjournment

Please note that a quorum of Town Council may result if four (4) or more of their members attend this meeting.



TOWN OF HILTON HEAD ISLAND

Staff Report Memo

TO: Rules of Procedure Committee
FROM: Anne Cyran, AICP, *Principal Planner*
VIA: Shawn Colin, AICP, *Assistant Town Manager – Community Development*
VIA: Missy Luick, *Community Planning Manager*
DATE: July 7, 2022
SUBJECT: Proposed Amendments to the Planning Commission Rules of Procedure

Recommendation:

That the Rules of Procedure Committee recommend the Planning Commission adopt two proposed amendments to the Planning Commission Rules of Procedure to revise their regular meeting schedule and to allow publication of the revised schedule.

Summary:

Staff proposes two amendments to the Planning Commission Rules of Procedure, which are shown in Attachment A, Proposed Amendments to the Rules of Procedure. If the Planning Commission approves these amendments, the Commission may revise and republish the 2022 meeting schedule with one regular meeting each month, held on the third Wednesday of the month.

The first amendment will state the Commission may revise and republish the annual meeting schedule. The amendment would add the following sentence to Article V, Section 1.A, Meeting Schedule: “The Commission may revise and republish the schedule of regular meetings by majority vote.”

The second amendment is to state the Commission will hold one regular meeting each month instead of two regular meetings. The amendment would remove words “first and” from Article V, Section 1.B, Regular Meetings: “On the ~~first and~~ third Wednesday of each month, the Commission may hold a regular meeting to take action on such items as applications, ordinance amendments, map amendments or projects set forth in Appendix A-2 of the LMO.

The Chairperson may schedule special meetings if additional meetings are needed, as outlined in Article V, Section 1.C, Special Meetings.

Background:

Since several Commission meetings are cancelled each year due to a lack of agenda items, staff proposes the Commission amend the Rules of Procedure to reduce the number of regular meetings from two each month to one each month. Staff also proposes amending the Rules of Procedure to specify the Commission may revise and republish the annual schedule of regular meetings. If the Planning Commission approves these amendments, the Commission may revise and republish the 2022 meeting schedule with one regular meeting each month, held on the third Wednesday of the month.

Though the starting time of the regular meetings are not specified in the Rules of Procedure, staff proposes the regular meetings start at 9:00 AM instead of 3:00 PM to allow the Commission additional time to review applications and other items on the agenda.

Attachment:

- A. Proposed Amendments to the Rules of Procedure

Planning Commission Rules of Procedure
Town of Hilton Head Island

Article I

Purpose and Function

The Planning Commission exists to provide an ongoing and futuristic look at a continuing planning program that allows for the physical, societal and economic growth, as well as direction for the development and redevelopment of the Town of Hilton Head Island. Its main responsibilities include: the required and timely review of the Comprehensive Plan; to provide for the implementation of the Land Management Ordinance to ensure and promote the public health, safety, and community values; and to promote the general welfare of the Island community while providing economic opportunities for all Islanders. The Commission deliberates with public input, and serves as a recommending body to Town Council and not as a final decision-making entity except as provided by law. During public forums it may also act as an arbiter among staff, the public, applicants, and special interest groups. In carrying out its duties, the Planning Commission must work within the framework and requirements of the governing law while exercising elemental fairness and open mindedness.

Article II

Authority

Section 1. Authority.

The Town of Hilton Head Island Planning Commission is established by Sec. 16-2-201 of the Land Management Ordinance (LMO) of the Town of Hilton Head Island pursuant to the authority of Section 6-29-310, *et seq.*, of the Code of Laws of South Carolina, and hereinafter shall be referred to as the "Commission."

Section 2. Territorial Jurisdiction.

Pursuant to Appendix A.2.E of the LMO, the Commission shall have jurisdiction over all the lands within the Town. This jurisdiction may be expanded by the Town Council by ordinance and/or by intergovernmental agreement, in accordance with Section 6-29-330 of the Code of Laws of South Carolina.

Article III
Rules of Procedure

Section 1. Rules of Procedure.

These *Rules of Procedure* are adopted by the Commission pursuant to SC Code 6-29-360 and Appendix A.2 of the LMO. Any Committee of the Commission so appointed by the Chairperson shall follow these *Rules of Procedure* to the extent applicable to the conduct of its proceedings. These *Rules of Procedure* can be suspended by majority vote of the Commission or Committee members to meet circumstances that may arise in the course of the deliberations. If a situation arises in which these *Rules of Procedure* are not specific concerning an issue, then the most recent edition of *Robert's Rules of Order* shall govern the conduct of meetings of the Commission or Committee on the issue not covered.

Section 2. Amendment.

These *Rules of Procedure* may be amended at any regular meeting of the Planning Commission after review and recommendation by its Rules and Procedures Committee. Any amendment must be by a majority vote of the Commission members held at a meeting of the Commission at least seven (7) calendar days after a written draft of the amendment is delivered to all of its members.

Article IV
Commission Organization and Duties

Section 1. Membership.

A. Number and Qualifications. The Commission shall consist of nine members appointed as Commissioners by the Town Council. To the extent practicable, the appointed members shall include at least one attorney and one design professional (either a registered architect or a registered landscape architect). None of the members shall hold an elected public office or position with the Town of Hilton Head Island or Beaufort County, South Carolina.

B. Length of Terms. One third of the members of the Commission shall be appointed annually for three-year terms effective each July 1, with all such terms ending on June 30 of the applicable year, unless a member is appointed to fill a vacancy. Vacancies shall be filled by the Town Council by appointments for the balance of any unexpired terms.

C. Term Limits. No member may serve more than two successive terms, except at the pleasure of the Town Council for extraordinary circumstances where Council believes it is in the best interest of the community to have a continuation for a specified period of a particular member of the Commission. This limitation shall not prevent any person from being appointed to the Commission after an absence of one year. Service to fill an

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unexpired term of less than one and one-half years shall not constitute a term of service for the purpose of these term limits.

D. Attendance/Absences. Commissioners are expected to attend all Commission meetings and all Committee meetings to which they are appointed. If a Commissioner is unable to attend a meeting, the Chairperson or Secretary of the Commission shall be notified in advance of the scheduled meeting. The Chairperson will determine if the absence is excused or unexcused. The Secretary shall keep records on an annual basis of the number of unexcused absences of members.

E. Removal. If a Commissioner has a total of three unexcused absences from the annually scheduled regular meetings, the Commission shall consider and may recommend to the Town Council that the Commissioner's appointment be revoked. The Town Council may remove a Commissioner for cause, according to Section 2-13-70(b) of the Code of the Town of Hilton Head Island. Cause may include, but shall not be limited to, nonattendance at the Commission's meetings.

Section 2. Officers.

The officers of the Commission shall be a Chairperson and a Vice-Chairperson, elected annually by the Commissioners at the last meeting in the month of June for one-year terms beginning on the first meeting in July. Neither of these two positions shall be filled by a Commissioner beginning his or her first year of service as a Commissioner.

A. Chairperson. The Chairperson shall be a voting member of the Commission and shall:

1. In consultation with the Staff Coordinator, create agendas for all meetings;
2. Preside at all meetings and hearings of the Commission;
3. Act as spokesperson for the Commission;
4. Sign documents for the Commission;
5. Designate a Commissioner or personally act as liaison with other governmental agencies and Town Commissions;
6. Assign or delegate tasks to other Commissioners as may be necessary to perform the Commission's functions;
7. Make appointments to Committees of the Commission and be an ex-officio member of all Committees with a voice in discussions, but with no authority to vote on questions before Committees of the Commission unless otherwise specified herein;
8. Prepare a semi-annual report of Planning Commission's activities;
9. Transmit reports and recommendations to Town Council;
10. Work with the Staff Coordinator to ensure all business is conducted in accordance with these Rules of Procedure;
11. Cancel a scheduled Commission meeting if there are no agenda items; and
12. Perform such other duties as approved by the Commission.

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B. Vice-Chairperson. The Vice-Chairperson shall exercise the duties of the Chairperson in the absence, disability, or disqualification of the Chairperson, or if the Chairperson is the proponent of a motion as provided in these Rules of Procedure. In the absence of both the Chairperson and Vice-Chairperson, an acting Chairperson shall be elected by the members present at a meeting of the Commission.

C. Secretary. With the advice and consent of the Town's Community Development Director, the Chairperson annually shall appoint or reappoint a member of the Town's Community Development Department staff as Secretary of the Commission. The Secretary will not be eligible to vote or to otherwise deliberate in the proceedings of the Commission. The Secretary shall:

1. Publish and post notices of all meetings of the Commission;
2. Assist the Commission's Staff Coordinator in preparation of meeting agendas;
3. Distribute the agenda, prior minutes and other relevant materials to each Commissioner in advance of each meeting;
4. Record the proceedings of Commission's meetings on audio tape and prepare written minutes of meetings for approval by the Commission at its next regular meeting, as well as recording in the written minutes the attendance of Commissioners at each meeting;
5. Maintain the Commission's notices, correspondence, reports and forms as public records for a period of time consistent with the records retention schedule of the Town of Hilton Head Island; and,
6. Assist in the preparation and forwarding of all reports and recommendations of the Commission.

Section 3. Staff Coordinator.

The Town's Community Development Director shall appoint a member of Staff to assist the Chairperson and the Secretary in Commission coordination, including discussing agenda items and any other item that needs attention for the efficient running of the Commission's meetings.

Section 4. Duties of the Commission.

The LMO and the Code of South Carolina set forth the duties of the Commission and those mandated items that fall under the Commission's purview, including the review process. These duties include, among others:

1. preparing and periodically revising plans and programs for the development and redevelopment of areas in the Town;
2. preparing and recommending for adoption to the Town Council as a means for implementing the plans and programs:
 - a. zoning ordinances to include zoning district maps and appropriate revisions thereof;
 - b. regulations for subdivision or development of land and appropriate revisions thereof, and to oversee the administration of the regulations that may be adopted;
 - c. an official map and appropriate revisions on it showing the exact location of

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- existing or proposed public street, highway and utility rights-of-way, and public building sites, together with regulations to control the erection of buildings or other structures or changes in land use within the rights-of-way, building sites, or open spaces within its jurisdiction, or a specified portion of it;
- d. a landscaping ordinance setting forth required planting, tree preservation and other aesthetic considerations for land and structures;
 - e. a capital improvements program setting forth projects required to implement plans which have been prepared and adopted, including an annual listing of priority projects for consideration by the governmental bodies responsible for implementation prior to preparation of their capital budgets; and
 - f. policies or procedures to facilitate implementation of planning elements ;
3. reviewing and making decisions on applications for street/vehicular access easement name reviews;
 4. reviewing and making decisions on applications for public project reviews for compatibility with the Comprehensive Plan for location, character, and extent of the project;
 5. reviewing and taking action on traffic impact analysis plans;
 6. reviewing and approving all subdivisions. The Commission has currently delegated review and approval authority for subdivision plats to the LMO Official. Staff shall submit a quarterly report to the Commission summarizing all subdivision plats approved for the past year; and
 7. reviewing and deciding appeals on subdivision reviews (minor and major), development plan reviews (minor and major), development project name reviews, and small residential development reviews.

Pursuant to the Code of South Carolina, all new members of the Commission shall attend a 6 hour Orientation Program and all members shall attend a 3 hour/year Continuing Education Program.

Section 5. Committees.

With permission of Town Council, the Commission, in the performance of its duties, has formed Committees consisting of members of the Commission. These Committees assist staff in refining plans and issues before them, and report their findings to the Commission for action.

A. Standing Committees.

1. *Comprehensive Plan Committee.* This Committee reviews all elements and appendices of the Town of Hilton Head Island Comprehensive Plan, and other special studies or plans as directed by the Commission. This Committee will review the staff prepared periodic updates on implementation of the Comprehensive Plan and make timely recommendations to the Planning Commission.
2. *LMO Committee.* This Committee reviews all proposed amendments to the Land Management Ordinance.
3. *CIP Committee.* This Committee reviews the Capital Improvements Program in light of the implementation of the Comprehensive Plan.
4. *Rules of Procedure Committee.* This Committee reviews and recommends revisions

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to these Rules of Procedure as may be needed.

5. *Nominating Committee.* This Committee is formed by appointment by the Chairperson with confirmation of the Committee members by the Commission, no later than the first meeting in the month of June of each year. This Committee shall recommend a slate of officers for the coming year, and shall report their recommendation to the Commission at the election. In the event the Committee fails to recommend the appointees, the slate of officers shall be elected by the members of the Commission. The Commission may decide to not elect a nominating Committee, instead holding the election of officers by accepting all nominations from the floor during the election.

A majority vote is normally required to be elected to office. If no one in an election receives a majority vote, the vote must be repeated until one of the candidates does get a majority. Votes can be taken by secret ballot or show of hands if there is more than one candidate.

B. Membership of Committees.

1. No Committee shall have more than four regular members.
2. The Chairperson of the Commission shall sit as an Ex-officio member on all Committees except the Nominating Committee. The Chairperson may be a member of the Nominating Committee with voting privileges.
3. Committee members are responsible for attending Committee meetings in accordance with these Rules of Procedure.

C. Referral Back to Committee.

The Planning Commission may refer an agenda item back to a Committee for further review no more than two times after it has been sent to the full Commission for action.

D. Ad Hoc Committee.

From time to time Town Council may establish an *ad hoc* committee with its membership and charge determined by Town Council and such committee may be designated a committee of the Planning Commission with duty to report regularly to the Planning Commission and periodically to Town Council.

Article V **Meetings and Quorum**

Section 1. Regular and Special Meetings.

A. Meeting Schedule. An annual schedule of regular meetings of the Commission shall be adopted, published and posted at the Town Government Center in December of each year. The Commission may revise and republish the schedule of regular meetings by majority vote.

B. Regular Meetings. On the ~~first~~ and third Wednesday of each month, the Commission

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may hold a regular meeting to take action on such items as applications, ordinance amendments, map amendments or projects as set forth in Appendix A.2 of the LMO. A Public Hearing may be required as part of these meetings as provided in Chapter 2 of the LMO. The Commission may also conduct a regular meeting as a work session on certain projects and other business to allow for discussion of a project or for training of the Commissioners.

C. Special Meetings. Other special meetings may be called by the Chairperson of the Commission, or by majority vote of the Commission, upon 24 hours notice that is posted and delivered to all members of the Commission and to the local media.

Section 2. Quorum.

A majority of the members of the Commission or a majority of a Committee shall constitute a quorum for that body. A quorum shall be present on each agenda item before any action is taken by the Commission or Committee. If there is lack of a quorum of the Commission, the agenda item may be discussed by those members present; however, no action shall be taken and the item will be rescheduled to the next meeting. If there is a lack of a quorum of a Committee, the item may be discussed by those members present and they may forward their comments to the full Commission at their next meeting. Since Committees are advisory in nature, the Commission Chairperson may take the submitted Committee comments, note in the record that they represent comments from individual members and not the full Committee, and may then decide to take action on the project or remand the project back to the Committee for a full Committee recommendation.

The Secretary will notify the Chairperson in the event projected absences will result in the lack of a quorum.

If a quorum is initially established at a meeting, then a member leaves, the quorum is no longer present. In such an event, transaction of substantive business will not continue for lack of a quorum and the item will be postponed to the next meeting.

Article VI **Meeting Administration**

Section 1. Media Notices.

The Secretary shall give the notice required by statute or ordinance for all meetings of the Commission and Committees to include LMO Section 16-2-102E.2 and Appendix A.2.D.4.

Section 2. Agenda.

A written agenda shall be furnished by the Secretary to each member of the Commission and media. An agenda may be changed at the related meeting by a majority vote of the members present. Any agenda item which requires a public hearing shall be so noted on the agenda and publicly announced at the scheduled meeting. Generally, the agenda should contain:

1. Call to Order;
2. Pledge of Allegiance to the Flag;
3. Roll Call;
4. Freedom of Information Act Compliance;
5. Approval of Agenda;
6. Approval of Minutes;
7. Appearance by Citizens for Items Not on Agenda;
8. Unfinished Business;
9. New Business;
10. Commission Business;
11. Chairperson's Report;
12. Committee Reports;
13. Staff Reports; and
14. Adjournment.

Section 3. Minutes.

A. Meetings. Minutes of meetings is governed by the Code of South Carolina Sections 30-4-70 through 30-4-90. Minutes of each Commission and Committee meeting shall be recorded by the Secretary and approved at the next available meeting after their preparation. Minutes of the Commission shall be sent to the Town Council and distributed to the Commission. Final approved Minutes shall be available on microfilm for previous years, and may be posted on the Town's Web site for public information.

B. Minimum Contents of Minutes.

1. Kind of meeting (regular, working or special).
2. Name of the organization.
3. Date and place of the meeting.
4. Presence of the Chairperson and Secretary or the names of substitutes.
5. Presence of a quorum.
6. Names of all members present.
7. Names of all those elected or appointed in appearance, including Town Council members.
8. Time the meeting was called to order.
9. Whether the minutes of the previous meeting were approved or corrected.
10. All adopted and defeated motions. (Withdrawn motions need not be recorded.)
11. Name of the maker of the motion.
12. Record the vote of each member upon each motion, or, if absent or failing to vote, indicating that fact.

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13. Record any stated reason(s) for a member's vote.
 14. The adjournment and the time of adjournment.
 15. Attached reports.
- C. **Lack of Quorum.** If there is lack of a quorum of the Commission or a Committee, minutes may be recorded but shall include a statement in the header of each page indicating that a quorum was not present and the minutes are not official. Such minutes shall not be approved by the Commission or Committee at a later meeting.
- D. **Motions.** Motions must be recorded verbatim.

Article VII **Meeting Organization**

Section 1. Regular Meetings.

The below sequence shall generally be followed:

1. The Chairperson introduces the agenda item by reading its description on the agenda;
2. Staff presents the item and their recommendation to approve, approve with conditions, or disapprove;
3. If the item involves an application, the Applicant, his attorney, or agent may make remarks;
4. At the discretion of the Chairperson, comments from the public may be received on the agenda item; (Public comment is not required during these types of meetings; only during a public hearing.)
5. Staff may speak to clarify the issue;
6. If the item involves an application, the Applicant, his attorney, or agent shall have the right to reply last;
7. Motion and discussion by the Commission;
8. Clarification from Staff, if necessary; and
9. Vote by the Commission.

Section 2. Public Hearings.

The below sequence shall be followed:

1. The Chairperson *declares the Public Hearing open* after reading the item on the agenda;
2. Staff presentation of the application or proposal and their recommendation to approve, approve with conditions, or disapprove;
3. The Applicant, his attorney, or agent may make remarks;
4. Comments from the public. No person shall speak for more than five minutes without the consent of the Commission Chairperson. All questions will be posed by members of the Commission. The Chairperson asks the public to approach the podium and speak their name into the microphone for the record. The Chairperson has a right to get the speaker 'back on track.' The Chairperson has the right to limit the number of times a member of the public may speak;

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5. The Applicant, his attorney, or agent shall have the right to reply last. The Chairperson has the right to limit the number of times the Applicant, his attorney, or agent may speak;
6. No member of Staff, the public, or the Commission shall be subjected to cross-examination by the Applicant, his attorney, or his agent;
7. The Chairperson *declares the public hearing closed*. No other comment from the public should be allowed after the closing of the public hearing;
8. Motion and discussion by the Commission. Motions should not be made until the hearing on the issue is closed and the Commission then discusses the information they have heard, deliberates, and a motion is made;
9. Clarification from Applicant, if necessary;
10. Clarification from Staff, if necessary; and
11. Vote by the Commission.

Section 3. Recess.

A recess shall be declared as deemed appropriate by the Chairperson or by majority vote of the Commissioners present at the meeting.

Section 4. Executive Session.

Executive Session is a meeting at which the proceedings are closed to the public. A member can be punished under disciplinary procedures if he violates the secrecy of an executive session. Any non-members permitted to be present in Executive Session are honor-bound not to divulge anything that occurred or that was discussed in Executive Session.

Permitted reasons for Executive Session are:

1. Personnel reasons
2. Contracts
3. Legal advice relating to a pending, threatened or potential claim(s)
4. Discussion regarding development of security personnel
5. Investigative proceedings regarding allegations of criminal misconduct
6. Economic development (specific criteria in FOIA)
7. Other specific criteria (contained in the FOIA).

Entering and Adjourning an Executive Session:

1. A motion to close the current meeting and go into executive session is made and passed by a majority vote;
2. Chairperson must announce the specific purpose of the executive session;
3. No formal action may be taken in executive session except to:
 - a. Adjourn
 - b. Return to public session

The Commission can request attendance by non-members as they deem appropriate.

Section 5. Submission of Additional Material.

1. Except for materials submitted for a matter which is the subject of a public hearing, all additional material must be submitted to the Secretary of the Commission and received by the Secretary no later than four business days prior to the meeting date. This material shall be sent by the Secretary to the Commission on the third business day prior to the meeting date.
2. Written materials or other communication which has not been sent to the Secretary, but which has been sent directly to the Commission Members, shall not be considered by the member or the Commission. This is to ensure that the Staff and the Planning Commission members have adequate time to review and consider the additional material, and to ensure that all Commission members receive the same information.

Section 6. Communication (Written or Oral) with Outside Parties.

1. Once a decision or action has been rendered by the Commission on any agenda item, discussions between Commission members and applicants and their attorneys on that agenda item should no longer take place. All further communications should be handled through the Town Attorney.
2. Communication with non-Commission members on behalf of the Commission on any matter will be at the discretion of the Chairperson or by a majority vote of the majority of the members.
3. Commission members shall refrain from discussing a pending agenda item with the Applicant, his Attorney, or his Agent prior to the scheduled public meeting. Commission members shall refrain from discussions other than administrative matters regarding a pending agenda item with staff prior to the public meeting. 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 comply with the Freedom of Information Act.

Section 7. Communication (Written or Oral) among Commission Members.

All discussion of agenda items among Commission Members, with the exception of administrative matters, is to be conducted only during the public meeting and not prior to the meeting or during recesses.

Section 8. Postponement of Agenda Items.

At the Chairman's discretion, no scheduled agenda item may be postponed by the Applicant, his Attorney, or Town Staff for more than one meeting without reasonable cause. If an Applicant, his Attorney or Town Staff is denied a postponement of a scheduled agenda item, they may withdraw the application. Nothing shall prevent refile of the application at a later date.

Article VIII
Procedures for Hearing an Appeal

The following procedures shall be applicable in the presentation of an Appeal from a decision of any Administrator:

Section 1. Jurisdiction.

Once an appeal has been accepted by the Planning Commission, the jurisdiction of the Official shall cease.

Section 2. Presentation of the Appellant, Town Staff and Applicant.

1. Staff shall have a maximum of twenty (20) minutes to present the facts and applicable legal principles that the Staff believes support the position of Staff with respect to the Appeal. During the presentation by Staff, members of the Planning Commission may ask such questions as they deem appropriate. At the discretion of the Chairman, Staff's time may be extended if the Staff is unable to complete the presentation due to questioning from the Planning Commission.
2. The Appellant shall have a maximum of twenty (20) minutes to present the facts and applicable legal principles that the Appellant believes support the position of Appellant with respect to the Appeal. During the presentation by Appellant, members of the Planning Commission may ask such questions as they deem appropriate. At the discretion of the Chairman, Appellant's time may be extended if the Appellant is unable to complete the presentation due to questioning from the Planning Commission.
3. The Party in Interest, if other than the Appellant, shall have a maximum of twenty (20) minutes to present the facts and applicable legal principles that the Party in Interest believes supports the Application that is the subject of the Appeal. During the presentation by the Party in Interest, members of the Planning Commission may ask such questions as they deem appropriate. At the discretion of the Chairman, the Applicant's time may be extended if the Party in Interest is unable to complete the presentation due to questioning from the Planning Commission.
4. The parties may determine who shall present their case first to the commission. If the parties do not agree, then the Planning Commission shall determine who shall present their case first. The party that presents their case first shall have a maximum of five (5) minutes to present any desired rebuttal. The other party shall then have a maximum of five (5) minutes to present any desired rebuttal to any new matters raised or discussed.
5. Following the presentation, the Planning Commission may ask such additional questions of the Appellant, Party in Interest or Staff as the members deem appropriate.
6. Either party may call witnesses to testify regarding facts related to the appeal case. Witnesses shall be sworn in by the Chairperson.
7. The Planning Commission may subpoena witnesses and in the case of contempt may certify such fact to the Circuit Court having jurisdiction over such matters.
8. Public comment is not normally permitted in a case involving an appeal.

Section 3. Vote on the Appeal.

Following the presentation by all parties as set forth above, the Planning Commission, upon a Motion duly made and seconded, shall vote on the Appeal.

1. Pursuant to the provisions of Section 6-29-1150, *South Carolina Code of Laws* and Section 16-3-607, *Code of the Town of Hilton Head Island, South Carolina*, the Planning Commission shall:
 - a) Approve the Staff Action on the land development plan from which the Appeal was taken; or,
 - b) Modify the Staff Action on the land development plan from which the Appeal was taken, and to that end, the Planning Commission shall have authority to impose any conditions on the Land Development Plan authorized by law; or,
 - c) Reverse the Staff Action on the land development plan from which the Appeal was taken.
2. The Motion shall contain, at a minimum, a finding of those facts which the member making the Motion deems material to the decision.
3. Following the Vote, the Planning Commission shall issue a written Notice of Action. The written notice of action shall include the decision as well as the findings of fact and conclusions of law, if any, adopted by the Planning Commission.
4. The Notice of Action shall be mailed by certified letter to the Appellant and Applicant affected by the Appeal, if different from that of the Appellant.
5. The decision of the Planning Commission shall be deemed final and applicable upon mailing of the Notice of Action.

The certificate of mailing shall be made a part of the Planning Commission's file on the Appeal.

Article IX **Conducting the Meeting**

The Chairperson:

1. Is responsible for maintaining order.
2. Should begin the meeting promptly at the scheduled hour if a quorum is present.
3. Should have a well prepared agenda and follow it.
4. Should be familiar with these Rules of Procedure.
5. Keeps the Commission working together by explaining procedure clearly and communicating the next order of business. If a motion is confusing, it is his duty to clarify it. This may mean helping a member rephrase a motion or requiring that a long motion be submitted in writing.
6. "Assigns" the floor by recognizing those members who wish to speak by calling them by

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- name. No other member may interrupt or call out remarks without being out of order. Private discussion between Commission or Committee members while another has the floor is out of order and disruptive members should be reminded of this rule.
7. Should impartially call on members of the public wishing to speak. He should give such members on both sides of an issue an opportunity to speak.
 8. Should remain calm and objective, keeping the meeting moving. A sense of humor and a smile can often save the day!
 9. Should always restate the motion before taking a vote. If a motion is confusing, it is the Chairperson's duty to clarify it – rephrasing it or putting a long motion in writing. (Complex motions may be brought to the meeting pre-written.) The motion is said to be pending once it has been stated by the Chairperson. It must be disposed of in some manner before other business can be considered.
 10. States, "Since there is no second, the motion is not before this meeting," if a motion fails to get a second.
 11. Opens debate by saying "Is there any discussion?" The Chairperson *must* open all debatable questions to debate.
 12. May take part in the discussion and vote on the issue. The Chairperson should not dominate the discussion, but seek to involve everyone's comments in an equal and impartial manner.
 13. May make a motion by passing the gavel to the Vice-Chairperson or designee who will then preside over the issue.
 14. Recognizes members who wish to speak by stating their names.
 15. Puts the question to vote. The vote is taken in the following way:
 - a. The Chairperson restates the motion – keeping the members clear about the purpose of the vote.
 - b. "All in favor of the motion please say aye.....those opposed say no."
 16. Announces the result of the vote by interpreting the action taken.
 17. Should not allow irrelevant discussion. Restate the question and, if necessary directly request the member to "confine his remarks to the pending question."
 18. Should use the gavel sparingly, tapping it once to open and close the meeting.
 19. Can assist a member in making a motion.
 20. Should not make the motion unless it is a small Committee.
 21. Can adjourn the meeting without a motion by stating "If there is no further business and there is no objection, the meeting will be adjourned. There being no objection, the meeting is adjourned."

Article X
Commission Actions

Section 1. Motions.

Main Motions	A main motion is defined as a proposal that certain action is taken or an opinion be expressed by the group. The words to use are: "I Move."
Secondary Motions	A secondary motion is one which can be made <i>while</i> the main motion is on the floor and <i>before</i> it has been decided. Secondary motions are divided into three classes which relate to their use in parliamentary procedure. Those classes are: <ul style="list-style-type: none"> ○ Subsidiary motions ○ Privileged motions ○ Incidental motions
Subsidiary Motions	Subsidiary motions relate directly to the motion on the floor. They may change the words, send it to a Committee, delay it, etc. They are designed to expedite business by disposing of the pending motion other than by adopting or rejecting it. <i>Subsidiary motions are the class of motions most frequently used in meetings.</i> These motions have rank (order of precedence of motions) among themselves. A motion of higher rank can be made while a motion of lower rank is on the floor. The lower rank motion "yields" to the higher rank motion. (Motion to postpone has higher rank than the motion to commit and takes precedence. If motion to postpone is adopted, the main motion and the motion to commit are postponed until the next meeting.)
Privileged Motions	Privileged motions are motions of an emergency nature, such as to recess or adjourn. They do not relate to the motion on the floor but to the welfare of the group. They are of high rank and must be handled before any other business that may be pending.
Incidental Motions	Incidental motions are procedural. They deal with process, such as enforcing proper procedure, correcting errors, verifying votes, etc. When introduced, they must be decided before business can resume.
Amending Motion	General consent can be used with amendments to motions if the Chairperson feels the group will accept the amendment. "If there is no objection, the motion is so amended." <i>Restate the motion.</i>
Motions Commit	Have precedence over the motion to amend. More than one motion can be on the floor but only one question. All pending motions must relate to the main motion on the floor. No new business may be introduced.
Point of Order	Motion used if a Commission member feels the Chairperson is failing to operate within the rules.

Restorative Motions or Motions that Bring Back a Question

Restorative Motion	Allows a group to change its mind. <ul style="list-style-type: none"> ○ They are a separate category because of their contradiction to the parliamentary rule that once a question has been decided it cannot be brought up again at the same meeting. ○ Within limits, members have the right to rethink a situation if they feel their decision has been made too quickly or without enough information. ○ The two most commonly used restorative motions are: <i>Rescind</i> and <i>Reconsider</i>.
Rescind	Rescind is the motion to use to quash or nullify a previously adopted motion. It may strike out an entire motion, resolution, bylaw, etc. <ul style="list-style-type: none"> ○ Rescind is <i>not in order</i> when any action has already been taken as a result of the vote, such as any kind of contract when the other party has been notified.

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	<ul style="list-style-type: none"> ○ It must be seconded. ○ It requires a <i>two-thirds</i> vote unless <i>notice has been given</i> at the previous meeting, either verbally or in writing. If notice has been given, the motion requires only a <i>majority</i> vote.
Reconsider	<p>Reconsider is the motion which allows a group to reconsider the vote on a motion. It enables a majority of the members, within a limited time, to bring back a motion for further consideration after it has been acted upon. Its purpose is to prevent hasty or ill-advised action.</p> <ul style="list-style-type: none"> ○ Reconsider has special rules to prevent its abuse by a disgruntled minority, since it allows a question already decided to be brought up again. ○ Rules limit who can make the motion. It can only be made by someone who voted on the <i>prevailing</i> (winning) side. ○ It has a <i>time limit</i>. It must be made on the <i>same day</i> that the vote to be reconsidered was taken. ○ It requires a second. ○ It may be debated and it opens up the motion to which it is applied to debate. ○ It requires only a majority vote. ○ It may be made and seconded while other business is pending because of its time limit. However, it is not debated and voted on until the business on the floor is completed. ○ All action that might come out of the original motion is stopped at the time that reconsider is made and seconded. This is the main value of the motion, and it should be made as quickly as the situation calling for it is recognized.
Amend a Motion	<p>Change the wording to make it clearer, more complete, or more acceptable <i>before the motion is voted upon</i>. The amendment must be germane to the motion on the floor to be in order. Adoption of the amendment does not adopt the motion. If the group votes “no” on the amendment, the motion is on the floor in its original wording.</p>
Amend an Amendment	<p>First amendment is called the primary and the amendment to the amendment is the secondary amendment. Only two amendments may be pending at any time. First vote on the amendment to the amendment (secondary), then vote on the original amendment (primary), then vote on the main motion. Amendments require a majority vote.</p>
Friendly Amendments	<p>Change in wording to enhance the original motion – can be changed by general consent.</p>
Hostile Amendments	<p>Gives a different meaning to a motion and may defeat the intent of the main motion.</p>
To Commit or Refer a Motion	<p>Sends the question to a small group (Committee) to be studied and put into proper form for the group to consider. Motion includes specific directions as to where the question ought to go (what Committee). Motion can be applied to any main motion with any amendments that may be pending. It must be seconded, it can be debated, and requires a majority vote.</p>
Postpone	<p>Delays action on a question until later in the same meeting or until the next meeting. <i>A motion cannot be postponed further than the next regular meeting.</i> Can be applied to all main motions, it must be seconded, it can be debated, it can be amended (as to time of the postponement), it requires a majority vote. Motion is called up automatically when the time to which it was postponed arrives (place under Unfinished Business on agenda of next meeting).</p>
Limit Debate	<p>Motion to exercise special control over debate – reducing the number and length of speeches allowed. Used with any motion, must be seconded, is not debatable, can be amended (but only as to the length of speeches or when the vote will be taken), requires 2/3 vote, vote must be taken by show of hands or a rising vote in a large group. (Need a timekeeper and timer if speeches have a time limit.)</p>
Previous Question	<p>The motion used to cut off debate and to bring the group to an immediate vote on the pending motion. (Call the question for an immediate vote). Previous question can be ruled out of order if the motion is debatable and has not received debate. Motion requires 2/3 vote (by show of hands or standing vote). Not debatable.</p>
Postpone	<p>Lowest-ranked subsidiary motion is used to kill a main motion. It avoids a direct vote on the</p>

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Indefinitely	question on the floor. Shouldn't be used.
Lay on the Table	Highest-ranked subsidiary motion. Cannot be amended or debated. It is out of order when used to "kill or avoid dealing with a measure". Was designed as a courtesy motion to allow a group to set aside a question for something more important, such as arrival of a speaker.
Withdraw a Motion	Permission to withdraw a motion allows a member who realizes he has made a hasty or ill-advised motion to withdraw it with the consent of the group. This device saves time in disposing of the motion. The presiding officer usually handles the request by use of general consent.
Dilatory Tactics	A dilatory tactic is the misuse of parliamentary procedure to deliberately delay or prevent action in a meeting. It is the duty of the presiding officer to prevent a dissident minority from misusing legitimate forms of motions to obstruct business. Such motions should be ruled out of order or those members engaged in such game playing should not be recognized.

Section 2. Voting.

A. General. A Commissioner must be present to vote. Each Commissioner, including the Chairperson, shall vote on every question before the Planning Commission unless disqualified by law. The Chairperson, who sits as an ex-officio member of all Committees, shall not vote on any question before any Committee. However, the Chairperson may be a member of the Nominating Committee with voting privileges.

B. Disqualification. The question of disqualification shall be decided by the Commissioner affected, who shall announce the reason for disqualification, give it to the Chairperson in writing, and have it placed in the minutes of the meeting. Any Commissioner so disqualified shall leave the dais while the disqualifying matter is being considered and refrain from deliberating or voting on the question.

C. Reason(s) for Votes. A commissioner shall be given the opportunity to express the reason for his/her vote.

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D. Types of Votes.

Majority Vote	<ul style="list-style-type: none">• More than half of the votes cast.• The minority has the right to be heard, but once a decision has been reached by a majority of the members present and voting, the minority must then respect and abide by the decision.
Silence is Consent	Those members who do not vote, agree to go along with the decision of the majority by their silence.
Two-thirds Vote	A two-thirds vote is necessary whenever you are limiting or taking away the rights of members or whenever you are changing something that has already been decided. A two-thirds vote has at least twice as many votes on the winning side as on the losing side. A show of hands should be taken for <i>all</i> motions requiring a <i>two-thirds vote</i> . If a motion requires a two-thirds vote, the Chairperson should inform the group of that.
General Consent	Is an informal agreement of the group, the method in which action is taken without a formal vote or on occasion without a motion. The Chairperson initiates the procedure to expedite business. Usually done to approve and correct the minutes. <ul style="list-style-type: none">• The presiding officer always pauses after asking if there is any objection. If there is <i>any</i> objection, the matter is put to a vote in the usual way.• A member may object because he feels it is important to have a formal vote and dispel any suspicion of railroading.

Article XI
Finances and Personnel

Section 1. Expenditures.

Reimbursement for expenses incurred in the performance of official duties approved in advance by the Town's Community Development Director shall be made to members of the Commission upon submission of vouchers supported by receipts.

Section 2. Staff or Consultants.

The Commission may recommend to Town Council the need for hiring additional staff personnel or consultants needed to assist the Commission in completing its duties.

For the Planning Commission
Town of Hilton Head Island, South Carolina

Date of Approval:

By: _____
Its Chairperson