

South Carolina



Planning Education Advisory Committee

Committee Members:

August 14, 2018

Stephen G. Riley, Chairman
Representing MASC
Term Expires: 2017

Anderson County
Anderson Planning & Community Development
Jeff Parkey, AICP
Planning Director
PO Box 8002
Anderson, SC 29622

Phillip L. Lindler
Representing SCAC
Term expires: 2019

Cliff Ellis
Representing Clemson University
Term expires: 2020

Christopher Witko
Representing USC
Term expires: 2020

Wayne Shuler
Representing SCAPA
Term expires: 2018

Re: *Applications for Accreditation of CE credits for New Program*

Dear Mr. Parkey:

On July 31, 2018, I received the program materials you submitted for "Anderson County Planning Commission Workshop – Legislation & Parliamentary Procedures." Upon receipt of the materials, an email was sent to confirm receipt by all Committee members as well as a deadline set for comments.

Under the "no objection policy" adopted July 8, 2009, the request for accreditation of these programs has been approved, and the signed "Notice of Decision" is attached. A formal after-the-fact approval will be handled as part of a Consent Agenda at the regular quarterly meeting of the Committee, scheduled at 10:00 a.m. on Tuesday, November 6, 2018.

Thank you for your efforts to help make this program a success.

Sincerely,

Stephen G. Riley, ICMA~CM
Chairman

cc: Phillip Lindler, Cliff Ellis, Christopher Witko and Wayne Shuler

South Carolina Planning Education Advisory Committee (SCPEAC)

NOTICE OF DECISION

Title of Program: Anderson County Planning Commission Workshop – Legislation & Parliamentary Procedures

11. The following action has been taken by the SCPEAC on this application:

ACCEPTED WITHOUT OBJECTION Date: August 14, 2018


REVIEWED BY FULL COMMITTEE Date: _____

- a) X ACCREDITED for: 90 min. CE credits: 1.5
- b) _____ DENIED ACCREDITATION
- c) _____ RETURNED for more information

12. If accredited:

a) Authorized Course No.: 2018-09

b) Date of accreditation: 08/14/2018

Signature of SCPEAC Representative: 

**For further information, contact Mr. Stephen G. Riley, Chairman,
843-341-4701 or steve@hiltonheadislandsc.gov**

**APPLICATION FOR ACCREDITATION
OF A CONTINUING EDUCATION PROGRAM**

Note: This certification form, together with the required information referenced therein, shall be submitted to the Committee. If no objections are raised by a member of the SCPEAC within 10 working days of receipt, the continuing education program shall be considered accepted. If an objection is raised, a teleconference meeting shall be scheduled, with appropriate public notice, as soon as reasonably possible, to review the application.

Applications are due no later than 30 days prior to the first scheduled presentation of a program or class. The Committee will consider extenuating circumstances where the 30 day deadline cannot be met.

1. Name and address of organization providing or sponsoring the orientation program:

- a. Organization Name: _____
- b. Address: _____
- c. City: _____
- d. State: _____
Zip Code: _____
- e. Telephone: _____
- f. Email: _____

2. Contact Information:

- a. Name of Contact Person: _____
- b. Title: _____
- c. Telephone: _____
- d. Email: _____

3. Information on orientation program:

- a. Title of Program:

- b. Date(s) and Location(s) of Program:

- c. Brief description of the program and its content:

4. Method of presentation (check all that apply. All sessions must have a Coordinator present):

- a. Presentor(s) in room with participants



- b. Live presentation via close circuit TV, video conferencing, or similar; Coordinator present
- c. Videotape or CD/DVD presentation; Facilitator present
- d. Webinar or similar; Coordinator present
- e. Other (describe) _____

5. Description of materials to be distributed (check/fill in all that apply):

a. Powerpoint handout: <input checked="" type="checkbox"/>	number of slides:
b. Other handouts: <input checked="" type="checkbox"/>	total pages:
c. CD/DVD: <input type="checkbox"/>	
d. Other (describe) _____	
e. None: <input type="checkbox"/>	

6. When are materials distributed?

- a. Sent before the program:
- b. Handed out at the program:
- c. Other (describe) _____

7. Required attachments (5 copies distributed as described below):

- a. Course description and outline including estimated time per section
- b. Brochure, if available
- c. Course Presenter(s) and credentials (include brief resumes and qualifications)
- d. Copies of all handouts and course materials
- e. Evaluation Form and method of evaluation (each program must be evaluated)

8. Instruction Time:

- a. Indicate the total minutes of instruction time: _____

Note: Breaks, meals and introductions should not be counted. A reasonable period of Q and A should be included and counted.

9. Method of Advertisement:

- a. Describe the ways in which you intend to let potential attendees know about this orientation program:

10. Certification. By Submitting this application, the applicant agrees to:

- a. Allow in-person observation, without charge, of the Program by the SCPEAC Committee members. Any food, travel or lodging costs will be the responsibility of the Committee member(s).

b. The applicant acknowledges that its approval for this Program may be withdrawn for violations of the regulations or failure to comply with the agreements and representations contained herein and as may be required by the SCPEAC.

i. Name of Organization: _____

ii. Name of Representative: _____

iii. Title: _____

iv. Phone: _____

v. Email: _____

vi. Signature: _____

vii. Date: _____

Application and all Materials may be submitted in one of the following means:

1. Electronic submission to each of the committee members listed below via email; or
2. Hardcopy via U. S. Mail, 1 copy each to each committee member; or
3. Electronic submission of the application via email to all committee members, and submit hardcopy supporting materials via U.S. Mail to each member, if materials not available electronically.
4. Please cc all applications to the Chairman's assistant, Krista Wiedmeyer at kristaw@hiltonheadislandsc.gov

To access committee members email and postal addresses visit the link below:

<http://www.scstatehouse.gov/scpeac/members.htm>

NOTICE OF DECISION

11. The following action has been taken by the SCPEAC on this application:

<input type="checkbox"/> ACCREDITED for	_____ CE credits
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DENIED ACCREDITATION

RETURNED for more information

i. Reason: _____

12. If accredited:

Accredited Course No: _____

a. Date of accreditation: _____

b. Certification is valid until: _____

Signature of SCPEAC Representative: _____

**For further information, contact Mr. Stephen Riley, Chairman,
843-341-4701 or steve@hiltonheadislandsc.gov**

August 28, 2018
Anderson County Planning Commission Training Workshop
11 AM – 1 PM
2nd Floor Conference Room
101 South Main Street
Anderson, SC 29621

AGENDA

1. Welcome
Jeff Parkey, AICP, PhD; Anderson County Planning & Community Development Director
2. Planning Commission's Responsibilities
Jeff Parkey, AICP, PhD; Anderson County Planning & Community Development Director
3. Planning Commission's Policies and Procedures
*Jeff Parkey, AICP, PhD; Anderson County Planning & Community Development Director
and Celia Boyd Myers, AICP; Anderson County Planning & Community Development
Assistant Director for Community Development*
4. Parliamentary Procedures
John K. DeLoache, ATL SC Association of Counties Senior Staff Attorney
5. Question and Answer

Biographies

Jeff Parkey, AICP, PhD

Jeff Parkey, PhD, AICP is the Director of the Anderson County Planning & Community Department in Anderson, South Carolina. He holds a Master of City and Regional Planning (1999) and a PhD in Policy Studies (2010), both from Clemson University. He is a Director-at-Large for the South Carolina chapter of the American Planning Association (SCAPA), chairs the SCAPA Community Planning Assistance Team program, and is a member of the American Institute of Certified Planners (AICP). He is also an adjunct faculty member with the Master of Public Administration program at Clemson University.

Celia Boyd Myers, AICP

Celia Boyd Myers, AICP is the Assistant Director for Community Development with the Anderson County Planning & Community Development Department, specializing in environmental planning, land use and comprehensive planning issues. She has been with Anderson County since 2002. Celia is the secretary to the Anderson County Planning Commission; and she also serves as the County's Americans with Disabilities Act (ADA) compliance coordinator, advocating for universal design. Celia holds a Bachelor of Science in Economics and Finance from Anderson University in Anderson, SC. She earned her AICP in 2015. A member of SCAPA since 2013, Celia is currently the Chapter's Communications Officer.

John DeLoache, Esq.

John DeLoache is the Senior Staff Attorney with the SC Association of Counties. John serves as in-house counsel to a professional trade association representing South Carolina's 46 County governments. His primary focus is directed to state & national public policy & regulation; public entity research; GASB financial reporting and public entity risk management & insurance issues.

Anderson County Planning Commission Training Evaluation Form

**Tuesday, August 28, 2018
11 AM – 1 PM**

Please circle the appropriate responses below and provide your comments.

- 1. The program content was practical and useful.**

Strongly Agree					Strongly Disagree
5	4	3	2	1	

- 2. The information was presented in an effective, understandable manner.**

Strongly Agree					Strongly Disagree
5	4	3	2	1	

- 3. The training helped me gain new insight and understanding.**

Strongly Agree					Strongly Disagree
5	4	3	2	1	

- 4. I expect this training will make a difference in the way I fulfill my duties.**

Strongly Agree					Strongly Disagree
5	4	3	2	1	

- 5. What I found most useful was:**

- 6. Suggestions/Other Comments:**

Anderson County Planning Commission Workshop

8/28/18



Development Standards Department

- Land development regulations
- Subdivision regulations
- Zoning interpretation and enforcement
- Septic tank permits
- Land use permits

Planning Department

- Comprehensive Plan
- Ancillary plans and studies
- Zoning design and amendment (rezoning)
- Capital Improvements Plan
- Secretariat for Planning Commission

Purpose of Planning Commission

- Undertake continuing planning program for physical, social, economic growth, development, redevelopment
- Planning program promotes public health, safety, morals, convenience, prosperity, general welfare, efficiency, economy

Planning Commission Continuing Education Requirements

Planning Commissioners are required to earn state-mandated educational credits, as outlined in Chapter 29, Title 6, Article 9 of SC State Code. *(Code selection is below.)*

Requirements: Within one year of appointment, Planning Commissioners are to attend ***a six-hour orientation training session***; Each year thereafter, Planning Commissioners are to attend ***at least three hours of continuing education***.

SECTION 6-29-1340. Educational requirements; time-frame for completion; subjects.

(A) Unless expressly exempted as provided in Section 6-29-1350, each appointed official and professional employee must:

(1) no earlier than one hundred and eighty days prior to and no later than three hundred and sixty-five days after the initial date of appointment or employment, attend a minimum of six hours of orientation training in one or more of the subjects listed in subsection (C); and (2) annually, after the first year of service or employment, but no later than three hundred and sixty-five days after each anniversary of the initial date of appointment or employment, attend no fewer than three hours of continuing education in any of the subjects listed in subsection (C).

(B) An appointed official or professional employee who attended six hours of orientation training for a prior appointment or employment is not required to comply with the orientation requirement for a subsequent appointment or employment after a break in service. However, unless expressly exempted as provided in Section 6-29-1350, upon a subsequent appointment or employment, the appointed official or professional employee must comply with an annual requirement of attending no fewer than three hours of continuing education as provided in this section.

(C) The subjects for the education required by subsection (A) may include, but not be limited to, the following:

(1) land use planning; (2) zoning; (3) floodplains; (4) transportation; (5) community facilities; (6) ethics; (7) public utilities; (8) wireless telecommunications facilities; (9) parliamentary procedure; (10) public hearing procedure; (11) administrative law; (12) economic development; (13) housing; (14) public buildings; (15) building construction; (16) land subdivision; and (17) powers and duties of the planning commission, board of zoning appeals, or board of architectural review.

(D) In order to meet the educational requirements of subsection (A), an educational program must be approved by the advisory committee.

Planning Commission Responsibilities

- Comprehensive Plan
- Land Use/Zoning Ordinances
- Subdivision Regulations
- Official Map
- Capital Program
- Plat Approval

Anderson County Code Section 38-67

Land Use and Zoning

Land Use and Development Standards

- Chapter 38 Anderson County Code
- Subdivision Regulations
- Applies to all unincorporated areas of the County, both zoned and unzoned

Zoning Ordinance

- Chapter 70 Anderson County Code
- Applies to zoned areas of the County, in addition to Chapter 38 regulations

Subdivision Regulations

Purpose and Scope

- Encourage planned subdivisions by establishing adequate standards for construction and design
- Discourage inferior developments which might adversely affect the local tax base
- Secure rights for the public with respect to roads and utilities
- Improve land records by establishing standards for surveys and plats
- Provide common grounds of understanding between the subdivider and local government agencies
- Balance the interests of the homeowner, the public, and the subdivider

Subdivision Regulations

- Subdivision plats cannot be filed or recorded until approved by the Planning Commission, or the Subdivision Administrator where allowed (38-287)
- Subdivider submits preliminary plat to Planning Commission
- Subdivision Administrator reviews plat
 - If plat does not include required information found in 38-312 Sub. Admin. rejects and provides reasons to applicant
 - If plat meets requirements, Sub. Admin. makes recommendation to PC for approval or rejection with reasons for recommendation
- At PC meeting where plat is to be discussed, Sub. Admin. presents recommendation
- PC votes to either approve or reject (38-311)

Subdivision Regulations

- If PC votes to approve preliminary plat
 - Approval noted
 - Certified by the Subdivision Administrator
 - Constitutes general approval of road alignments, dimensions, layout, shape of lots, proposed road right-of-ways
- Approval by other governmental agencies must also be obtained
- If PC votes to reject plat
 - Notify subdivider of rejection by mail
 - May provide list of specific suggested changes to the plat

Subdivision Regulations

Final Plat

- Final subdivision plat shall be prepared and submitted to the Planning Commission by the subdivider within 12 months after approval of preliminary plat (38-331a)
- Authority to approve or disapprove final plats delegated to the Subdivision Administrator (38-331e)

Subdivision Regulations

Variances

- PC may modify subdivision regulations due to substantial or excessive difficulties and hardship
- Modifications must be reasonable, and must not interfere with general welfare of the public

Appeals

- Actions of the Subdivision Administrator may be appealed to the Planning Commission
- Actions of the Planning Commission may be appealed to the Circuit Court

(38-408)

Capital Improvements Plan

SC Planning Enabling Legislation

A capital improvements program setting forth required projects for consideration by the County government prior to preparation of the capital budget

Planning Department

- Compiles project info from County departments
- Submits to PPW, Finance Department
- Usually in January, will change to October

Planning Commission

- Will see in December
- Approves that the capital improvements program process has been followed



Anderson County Planning Commission Informational Guide

2018





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General Information

Anderson County is home to over 190,000 persons (2017 estimate) across 757 square miles. Anderson has grown nearly 13% over the last 10 years. Recent growth can largely be attributed to people moving to the County from other states and nations for reasons, such as retirement or economic opportunities. Compared to 50 years ago, today's population is, in general - older, living in smaller households, better educated and wealthier. However, these demographic trends do not apply evenly across the population or geographic regions of the County.

The current economic climate is vibrant, with Anderson County attracting over \$3 million in capital investment since 2009 and announcing over 1,000 new jobs in 2017. The unemployment rate for the first half of 2018 is 3.6%. This is lower than both South Carolina and the US on average. Anderson's location between Charlotte and Atlanta, along with 37 miles of I-85 frontage, makes it an attractive location for national and international companies.

While declining over the years, another important facet of Anderson County is its rich agricultural tradition. From 2007 to 2012, the County lost over 14,000 acres of farmland. Even so, Anderson County continues to rank highly in SC for cattle, sheep, forage, oats, chicken broilers and horses/ponies. Recent buy local and organic movements along with programs, such as Certified SC Grown, Fresh on the Menu and Farm to School could provide opportunities to slow the recent decline.

Anderson County has a beautiful and unique natural environment, with a strong regional identity acting as an economic driver for the area. Over the years, the natural and built environments have contributed to our prosperity. Nature benefits everyone, every day; whether environmental, economic, psychological or social.

Each characteristic of Anderson County joins together to create the community, many wish to call home.



Planning Commission Roster

District One

Ed Dutton
129 Sea Palms
Anderson, SC 29621
864.222.4076
duttone@att.net

District Three

Brad Burdette
1608 Highway 413
Anderson, SC 29621
864.224.7653
Brad.burdette@aol.com

District Five

David Cothran
3600 Dixon Road
Anderson, SC 29625
864.202.1394
decothran@gmail.com

District Seven

Debbie Chapman
207 Wesley Ellison Road
Williamston, SC 29697
864.934.7288
dchapman@williamstonsc.us

District Two

Lonnie Murray
214 Westwind Harbour Drive
Anderson, SC 29626
864.225.3690
Lonniemurray2002@yahoo.com

District Four

Jerry Vickery
128 Dandelion Trail
Anderson, SC 29621
864.225.7574
charlesj@bellsouth.net

District Six

Jane Jones
101 Bent Twig Road
Easley, SC 29642
864.420-8893
Jbondjones@aol.com



Job Description and Responsibilities

The Anderson County Planning Commission was established in conformance with Title 6, Chapter 29 of the South Carolina Code and Chapter 38, Article 2, Division 2, Section 38-66 of the Anderson County Code. (See *below for full text.*)

Membership: Seven members appointed by County Council.

Terms: 3 years

Responsibilities: Develop and carry out a continuing planning program for the County's physical, social and economic growth, as well as development and redevelopment, predominantly through the Comprehensive Plan;

Prepare and recommend measures for carrying out the planning program, including: zoning ordinance and land development regulations;

Grant approvals for new subdivision and land use developments, in accordance with County regulations;

Possess a general understanding of planning and zoning concepts, as well as the commission's by-laws; maintain regular attendance; and

Attend state-mandated six-hour orientation training within one year of appointment, plus at least three hours of continuing education each year thereafter.

Commitment: The Commission meets on the second Tuesday of each month at 6:00 PM in the County Council Chambers, located at 101 South Main Street, Anderson. There are normally two to six items on each agenda and meetings may last over an hour. Commissioners are to review the monthly Planning Commission agenda packet prior to each meeting and be familiar with agenda items. Members are also required to earn continuing educational units each year.

Staff Liaisons: Celia Boyd Myers, AICP, Assistant Director for Community Development, serves as the Planning Commission Secretary. She may be contacted through email at cboyd@andersoncountysc.org or phone at 864.964.6656.

Questions related to specific items placed on the Commission's agenda may be directed to the respective Planning & Community Development staff at 864.260.4720 (Rezoning, Comprehensive Plans, Capital Improvement Plans, etc.) or Development Standards staff (Subdivisions, Variances, Land-Use Permits, etc.) at 864.260.4719.



Title 6, Chapter 29 - South Carolina Local Government Comprehensive Planning Enabling Act of 1994

ARTICLE 1 - Creation of Local Planning Commission

SECTION 6-29-310. "Local planning commission" defined.

For purposes of this chapter, "local planning commission" means a municipal planning commission, a county planning commission, a joint city-county planning commission, or a consolidated government planning commission.

SECTION 6-29-320. Bodies authorized to create local planning commissions.

The city council of each municipality may create a municipal planning commission. The county council of each county may create a county planning commission. The governing body of a consolidated government may create a planning commission. Any combination of municipal councils and a county council or any combination of municipal councils may create a joint planning commission.

SECTION 6-29-330. Areas of jurisdiction; agreement for county planning commission to act as municipal planning commission.

(A) A municipality may exercise the powers granted under the provisions of this chapter in the total area within its corporate limits. A county may exercise the powers granted under the provisions of this chapter in the total unincorporated area or specific parts of the unincorporated area. Unincorporated areas of the county or counties adjacent to incorporated municipalities may be added to and included in the area under municipal jurisdiction for the purposes of this chapter provided that the municipality and county councils involved adopt ordinances establishing the boundaries of the additional areas, the limitations of the authority to be exercised by the municipality, and representation on the boards and commissions provided under this chapter. The agreement must be formally approved and executed by the municipal council and the county councils involved.

(B) The governing body of a municipality may designate by ordinance the county planning commission as the official planning commission of the municipality. In the event of the designation, and acceptance by the county, the county planning commission may exercise the powers and duties as provided in this chapter for municipal planning commissions as are specified in the agreement reached by the governing authorities. The agreement must specify the procedures for the exercise of powers granted in the chapter and shall address the issue of equitable representation of the municipality and the county on the boards and commissions authorized by this chapter. This agreement must be formally stated in appropriate ordinances by the governing authorities involved.

SECTION 6-29-340. Functions, powers, and duties of local planning commissions.

(A) It is the function and duty of the local planning commission, when created by an ordinance passed by the municipal council or the county council, or both, 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. Specific planning elements must be based upon careful and comprehensive surveys and studies of existing conditions and probable future development and include recommended means of implementation. The local planning commission may make, publish, and distribute maps, plans, and reports and recommendations relating to the plans and programs and the development of its area of jurisdiction to public officials and agencies, public utility companies, civic, educational, professional, and other organizations and citizens. All public officials shall, upon request, furnish to the planning commission, within a reasonable time, such available information as it may require for its work. The planning commission, its



members and employees, in the performance of its functions, may enter upon any land with consent of the property owner or after ten days' written notification to the owner of record, make examinations and surveys, and place and maintain necessary monuments and marks on them, provided, however, that the planning commission shall be liable for any injury or damage to property resulting therefrom. In general, the planning commission has the powers as may be necessary to enable it to perform its functions and promote the planning of its political jurisdiction.

(B) In the discharge of its responsibilities, the local planning commission has the power and duty to:

- (1) prepare and revise periodically plans and programs for the development and redevelopment of its area as provided in this chapter; and
- (2) prepare and recommend for adoption to the appropriate governing authority or authorities as a means for implementing the plans and programs in its area:
 - (a) zoning ordinances to include zoning district maps and appropriate revisions thereof, as provided in this chapter;
 - (b) regulations for the subdivision or development of land and appropriate revisions thereof, and to oversee the administration of the regulations that may be adopted as provided in this chapter;
 - (c) an official map and appropriate revision on it showing the exact location of 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 political jurisdiction or a specified portion of it, as set forth in this chapter;
 - (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 budget; and
 - (f) policies or procedures to facilitate implementation of planning elements.

SECTION 6-29-350. Membership; terms of office; compensation; qualifications.

(A) A local planning commission serving not more than two political jurisdictions may not have less than five nor more than twelve members. A local planning commission serving three or more political jurisdictions shall have a membership not greater than four times the number of jurisdictions it serves. In the case of a joint city-county planning commission the membership must be proportional to the population inside and outside the corporate limits of municipalities.

(B) No member of a planning commission may hold an elected public office in the municipality or county from which appointed. Members of the commission first to serve must be appointed for staggered terms as described in the agreement of organization and shall serve until their successors are appointed and qualified. The compensation of the members, if any, must be determined by the governing authority or authorities creating the commission. A vacancy in the membership of a planning commission must be filled for the unexpired term in the same manner as the original appointment. The governing authority or authorities creating the commission may remove any member of the commission for cause.



(C) In the appointment of planning commission members the appointing authority shall consider their professional expertise, knowledge of the community, and concern for the future welfare of the total community and its citizens. Members shall represent a broad cross section of the interests and concerns within the jurisdiction.

SECTION 6-29-360. Organization of commission; meetings; procedural rules; records; purchases.

(A) A local planning commission shall organize itself electing one of its members as chairman and one as vice-chairman whose terms must be for one year. It shall appoint a secretary who may be an officer or an employee of the governing authority or of the planning commission. The planning commission shall meet at the call of the chairman and at such times as the chairman or commission may determine.

(B) The commission shall adopt rules of organizational procedure and shall keep a record of its resolutions, findings, and determinations, which record must be a public record. The planning commission may purchase equipment and supplies and may employ or contract for such staff and such experts as it considers necessary and consistent with funds appropriated.

SECTION 6-29-370. Referral of matters to commission; reports.

The governing authority may provide for the reference of any matters or class of matters to the local planning commission, with the provision that final action on it may not be taken until the planning commission has submitted a report on it or has had a reasonable period of time, as determined by the governing authority to submit a report.

SECTION 6-29-380. Funding of commissions; expenditures; contracts.

A local planning commission may cooperate with, contract with, or accept funds from federal government agencies, state government agencies, local general purpose governments, school districts, special purpose districts, including those of other states, public or eleemosynary agencies, or private individuals or corporations; it may expend the funds; and it may carry out such cooperative undertakings and contracts as it considers necessary.

Anderson County Code, Section 38-66 – Planning commission

- (a.) *Establishment.* There is hereby established and created the planning commission.
- (b.) *Members.* The planning commission shall consist of seven members, with one appointment per council district. Each member, once initially appointed, shall serve pursuant to the terms and provisions contained in [section 2-351](#) of the Anderson County Code of Ordinances, as amended.
- (c.) *Terms of office.* Terms of office of the planning commission shall run from July 1 through June 30 of the respective years of the term. The initial appointments under this section shall be for the period until July 1, 1993, and then for the initial term of office as shown in subsection (b) of this section. The determination as to which appointed member shall serve which term shall be made by random drawing by the chairman at the initial organizational meeting. The chairman shall then communicate to the clerk to county council the terms of office of each member so that the clerk may ensure that appropriate replacement appointments are made on an annual basis.



Anderson County Code, Section 38-67 – Duties, responsibilities of the planning commission

(a.) *Authority.* The planning commission is empowered and entrusted with the authority granted in section 6-29-310, et seq. S.C. Code 1976, as amended, and is constituted and established pursuant to [section 38-66](#) of this Code.

(b.) *General duties.* The planning commission shall prepare the comprehensive plan and program for the physical, social and economic growth of the unincorporated areas of the county and of any municipalities within the county which may designate it as the official planning commission of such municipality, in order to promote the public health, safety, morals, convenience, prosperity or the general welfare, as well as, efficiency and economy in the development of such jurisdiction. The comprehensive plan and program shall include recommended means of implementation and shall be based upon careful and comprehensive surveys and studies of existing conditions in probable future development. In the discharge of its responsibilities, the planning commission shall have the power to:

(1) Prepare a comprehensive plan and program for the development of Anderson County for consideration by county council and to make recommendations to county council for revisions thereto.

(2) Prepare and recommend for adoption to the appropriate governing authority or authorities as a means for implementing the plan and program:

a. Land use and/or zoning ordinances or resolutions, and maps and appropriate revisions thereof for its jurisdiction.

b. Regulations for the subdivision of land and appropriate revisions thereof within its jurisdiction, and to administer its lawfully adopted regulations.

c. An official map and appropriate revision thereof showing the exact location of existing or proposed public road, 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 such rights-of-way, building sites or open spaces within its political jurisdiction or a specified portion thereof.

d. A capital program for its jurisdiction based on the comprehensive plan and the capital improvements necessary to implement the plan. Such a capital program shall include an annual capital budget based on estimates of the costs of proposed projects and the means of financing them. The planning commission shall submit the capital program, including the capital budget to the governing authority or authorities as directed.

The planning commission may make, publish and distribute maps, plans and reports and recommendations relating to the plan and program and the development of its political jurisdiction to public officials and agencies, public utility companies, civic, educational, professional and other organizations and citizens. All public officials shall, upon request, furnish to the planning commission, within a reasonable time, such available information as it may require for its work. The planning commission, its designated staff and agents, in the performance of its functions, may enter upon any land, and make examinations with reasonable notice to the landowner and with due consideration of the impact on the landowner. In general, the planning commission shall have such powers as may be necessary to enable it to perform its functions and promote the planning of its political jurisdiction.



- (c.) *Preparation of comprehensive plan.* It shall be the duty of the planning commission to prepare the comprehensive plan for the long-range development of its area and to perfect it from time to time. Among other things, such comprehensive plan may show existing and proposed roads, highways, expressways, bridges, tunnels, viaducts and approaches thereto; routes of railroads and transit lines, terminals, ports, airports; parks, playgrounds, forests, reservations and other public open spaces; sites for public buildings and structures; districts for residence, business, industry, recreation, agricultural, forestry; special districts for other purposes; limited development districts for purposes of promoting conservation, adequate water supply, sanitation, sewage treatment, drainage, protection against floods, road side appearance and the like; areas for housing developments; location of public utilities, whether publicly or privately owned, including but not limited to sewerage and water supply systems; zoning districts and other features. The plan shall recommend long-range development patterns and programs which shall be expressed in five-year increments. The comprehensive plan shall be based upon and include appropriate studies of the location and extent of present and anticipated population, social and economic resources and problems, and other useful data. Such plan shall be adopted, added to and changed from time to time by a majority vote of the planning commission. The planning commission shall review the comprehensive plan or parts thereof as often as necessary, but not less than once every five years, to determine whether changes in the amount, kind or direction of development in the area or other reasons make it desirable to make additions or amendments to the plan. The plan shall be considered to be an expression of the planning commission's recommendations to the appropriate governing bodies with regard to the future growth and development of its area of jurisdiction and, as such, shall be a public record.
- (d.) *Approval of plats.* From and after the time the planning commission shall have prepared and adopted a comprehensive plan or at least a major road portion of such comprehensive plan and shall have recommended to the governing authority of the jurisdiction regulations for the subdivision of land within the municipality or county, respectively, which regulations shall have been adopted by the governing authority of the city or county, then no plat, except summary plats as described in article III of this chapter, of a subdivision within the municipality or within the unincorporated portion of the county shall be filed or recorded in the office of the county where deeds are required to be recorded until it shall have been submitted to and approved by the planning commission and such approval entered in writing on the plat by the secretary of the planning commission. The filing or recording of a plat of a subdivision without the approval of the planning commission as required by this section is hereby declared a misdemeanor and, upon conviction, is punishable as provided by law, not to exceed the penalty provision of magistrate's court.



Training Requirements

Planning Commissioners are required to earn state-mandated educational credits, as outlined in Chapter 29, Title 6, Article 9 of SC State Code. (*Code selection is below.*)

Requirements: Within one year of appointment, Planning Commissioners are to attend a six-hour orientation training session; Each year thereafter, Planning Commissioners are to attend at least three hours of continuing education.

ARTICLE 9 - Educational Requirements for Local Government Planning or Zoning Officials or Employees

SECTION 6-29-1310. Definitions.

As used in this article:

- (1) "Advisory committee" means the State Advisory Committee on Educational Requirements for Local Government Planning or Zoning Officials and Employees;
- (2) "Appointed official" means a planning commissioner, board of zoning appeals member, or board of architectural review member;
- (3) "Clerk" means the clerk of the local governing body;
- (4) "Local governing body" means the legislative governing body of a county or municipality;
- (5) "Planning or zoning entity" means a planning commission, board of zoning appeals, or board of architectural review;
- (6) "Professional employee" means a planning professional, zoning administrator, zoning official, or a deputy or assistant of a planning professional, zoning administrator, or zoning official.

SECTION 6-29-1320. Identification of persons covered by act; compliance schedule.

(A) The local governing body must:

- (1) by no later than December 31st of each year, identify the appointed officials and professional employees for the jurisdiction and provide a list of those appointed officials and professional employees to the clerk and each planning or zoning entity in the jurisdiction; and
- (2) annually inform each planning or zoning entity in the jurisdiction of the requirements of this article.

(B) Appointed officials and professional employees must comply with the provisions of this article according to the following dates and populations based on the population figures of the latest official United States Census:

- (1) municipalities and counties with a population of 35,000 and greater: by January 1, 2006;



(2) municipalities and counties with a population under 35,000: by January 1, 2007.

SECTION 6-29-1340. Educational requirements; time-frame for completion; subjects.

(A) Unless expressly exempted as provided in Section 6-29-1350, each appointed official and professional employee must:

(1) no earlier than one hundred and eighty days prior to and no later than three hundred and sixty-five days after the initial date of appointment or employment, attend a minimum of six hours of orientation training in one or more of the subjects listed in subsection (C); and

(2) annually, after the first year of service or employment, but no later than three hundred and sixty-five days after each anniversary of the initial date of appointment or employment, attend no fewer than three hours of continuing education in any of the subjects listed in subsection (C).

(B) An appointed official or professional employee who attended six hours of orientation training for a prior appointment or employment is not required to comply with the orientation requirement for a subsequent appointment or employment after a break in service. However, unless expressly exempted as provided in Section 6-29-1350, upon a subsequent appointment or employment, the appointed official or professional employee must comply with an annual requirement of attending no fewer than three hours of continuing education as provided in this section.

(C) The subjects for the education required by subsection (A) may include, but not be limited to, the following:

(1) land use planning; (2) zoning; (3) floodplains; (4) transportation; (5) community facilities; (6) ethics; (7) public utilities; (8) wireless telecommunications facilities; (9) parliamentary procedure; (10) public hearing procedure; (11) administrative law; (12) economic development; (13) housing; (14) public buildings; (15) building construction; (16) land subdivision; and (17) powers and duties of the planning commission, board of zoning appeals, or board of architectural review.

(D) In order to meet the educational requirements of subsection (A), an educational program must be approved by the advisory committee.

SECTION 6-29-1350. Exemption from educational requirements.

(A) An appointed official or professional employee who has one or more of the following qualifications is exempt from the educational requirements of Section 6-29-1340:

(1) certification by the American Institute of Certified Planners;

(2) a masters or doctorate degree in planning from an accredited college or university;

(3) a masters or doctorate degree or specialized training or experience in a field related to planning as determined by the advisory committee;

(4) a license to practice law in South Carolina.

(B) An appointed official or professional employee who is exempt from the educational requirements of Section 6-29-1340 must file a certification form and documentation of his exemption as required in Section 6-29-1360 by no later than the first anniversary date of his



appointment or employment. An exemption is established by a single filing for the tenure of the appointed official or professional employee and does not require the filing of annual certification forms and conforming documentation.

SECTION 6-29-1370. Sponsorship and funding of programs; compliance and exemption; certification as public records.

(A) The local governing body is responsible for:

- (1) sponsoring and providing approved education programs; or
- (2) funding approved education programs provided by a sponsor other than the local governing body for the appointed officials and professional employees in the jurisdiction.

(B) The clerk must keep in the official public records originals of:

- (1) all filed forms and documentation that certify compliance with educational requirements for three years after the calendar year in which each form is filed; and
- (2) all filed forms and documentation that certify an exemption for the tenure of the appointed official or professional employee.

SECTION 6-29-1380. Failure to complete training requirements; false documentation.

(A) An appointed official is subject to removal from office for cause as provided in Section 6-29-350, 6-29-780, or 6-29-870 if he:

- (1) fails to complete the requisite number of hours of orientation training and continuing education within the time allotted under Section 6-29-1340; or
- (2) fails to file the certification form and documentation required by Section 6-29-1360.

(B) A professional employee is subject to suspension or dismissal from employment relating to planning or zoning by the local governing body or planning or zoning entity if he:

- (1) fails to complete the requisite number of hours of orientation training and continuing education within the time allotted under Section 6-29-1340; or
- (2) fails to file the certification form and documentation required by Section 6-29-1360.

(C) A local governing body must not appoint a person who has falsified the certification form or documentation required by Section 6-29-1360 to serve in the capacity of an appointed official.

(D) A local governing body or planning or zoning entity must not employ a person who has falsified the certification form or documentation required by Section 6-29-1360 to serve in the capacity of a professional employee.



Effective Board Members

Planning Commissioners are appointed by County Council and are requested to serve until the expiration of term. However, a Commissioner may resign upon written notice to the County. Likewise, the County may wish to end a Commissioner's service prior to the end of term and may do so for any reason whatsoever, upon written notice to the Commissioner.

Planning Commissioners are reminded that they represent the County and are expected to conduct themselves accordingly.

Responsibilities of an Effective Planning Commissioner

- Know the goals of the Planning Commission and its role within the County's overall goals;
- Know the responsibilities of the Planning Commission, as outlined in the Commission's By-Laws and Code;
- Serve as a representative of the entire community, using good judgement when weighing personal viewpoints against the Commission as a whole;
- Faithfully attend meetings and training opportunities. Notify staff when an absence is known in advance;
- Never willingly or openly embarrass the County, County Council or County Staff;
- Keep an open channel with County Council, but do not use to circumvent the Commission or staff;
- Respect the right of other Commissioners and staff to disagree and ensure meetings are fair to all points of view;
- Strive to resolve controversies and conflicts within the Commission, seeking the help of counsel or guidance from staff when needed;
- Create unity and keep in mind the best interests of the County;
- Assist County Council in developing public trust and confidence in the Boards and Commission system.



Effective Leadership

While the Chair and Vice-Chair serve as leaders of the Planning Commission, all members are leaders in the eyes of the community. Therefore, each member should attempt the following principles of effective leadership.

Principles of Effective Leadership

- Team Building: Encourage participation in membership, while respecting the opinions and suggestions of all members.
- Evaluate: The Commission should formulate a mission and goals for the upcoming year. After reviewing past activities, the Chair should work with the Commission and staff to assess the progress the Commission has made and ensure goals are being met in line with the mission.
- Delegate: When delegating, the Chair should be sure the specific function and purpose is understood. Subcommittees are a way to enable Commissioners to actively participate and have ownership in the actual workings of the board. Also, an effective Chair/Vice-Chair should develop a sense of when to invite comments from hesitant members to encourage participation from everyone.

Avoid Criticism During Meetings

Public meetings are often where the Commissioners' public reputations are made. Practice the following steps, in order to avoid negative impressions from the public:

- If Chair, keep control of the meeting. If many people wish to address the Commission, time rationing may be required so all may be heard. Ensure the meeting stays focused on the issues at hand and does not become sidetracked. Additionally, ensure policies regarding public comments are adhered to in order to be fair to all parties.
- Be fair and unbiased. Members should never bring up pros or cons of an item, prior to reports and public comments. Discussion should stay on the facts and not the presenters.
- Vote. Don't get so bogged down in details and searches for new data that items do not get resolved. Also, Commissioners are appointed to vote on each item. Unless you need to recuse yourself based on an actual or perceived conflict of interest, a vote should be recorded.
- Do not waste the community's time. Try to never ask people who have come for an evening meeting to wait for hours until being heard. Allow comments to be made early, in case individuals need to leave the meeting



before the Commission hears the item of interest. Additionally, if the meeting has continued over several hours, do not be afraid to schedule an extra meeting. Tired members often make hasty decisions.



Relationship with Staff

A staff person is assigned to the Planning Commission to act as Secretary and serve as liaison between the Commission and staff. Other County staff serves the Commission by researching and investigating requests and questions raised by the Commission. Staff is also responsible for taking a recommendation made by the Commission to County Council or a Council sub-committee. In order to avoid misunderstands and to keep the channels of communication open, try the following:

- For general inquiries, contact the Planning Commission Secretary;
- For specific inquiries regarding an agenda item, contact the responsible department;
- When contacting staff members, ensure the inquiries are within the framework of the Commission’s responsibilities;
- Avoid requests from staff that is out of their scope of duty and avoid asking for special favors or considerations;
- Notify the Planning Commission Secretary and responsible department with citizen complaints and refer the citizen to County staff;
- Try to be aware of how much time staff spends on Commission-related activities, in addition to other duties, prior to requesting additional tasks;
- Staff is responsible for keeping the Commission informed of upcoming meetings, trainings and other news/activities.

Staff associated to the Planning Commission:

Planning and Community Development:

Director:

Jeff Parkey, AICP, PhD – 864.260.1057

Assistant Director, Community Development/
Planning Commission Secretary:

Celia Boyd Myers, AICP – 864.964.6656

Assistant Director for Long-Range Planning:

Rhonda Sloan – 864.260.6993

Planner:

Lisa Mann – 864.964.6634

Development Standards:

Director:

Alesia Hunter, CZA, CFM, CI – 864.260.4774

Subdivision Administrator:

Tim Cartee – 864.964.6652

Land Use Specialist:

Henry Copeland – 864.260.4719



Planning Commission By-Laws and Operating Procedures

Anderson County Planning Commission By-Laws, *approved March 8, 2016.*

ARTICLE I – AUTHORIZATION

1. This Planning Commission is established pursuant to and in conformance with Title 6, Chapter 29 of the South Carolina Code and Chapter 38, Article 2, Division 2, Section 38-66 of the Anderson County Code.
2. The official title of the commission shall be the “Planning Commission”, hereinafter referred to as the “Commission”.

ARTICLE II – PURPOSE

1. The Commission shall perform all those functions assigned to it by Title 6, Chapter 29, Section 6-29-340 of the South Carolina Code and Chapter 38, Article 2, Division 2, Section 38-67 of the Anderson County Code.

ARTICLE III – MEMBERSHIP

1. The Commission shall consist of seven (7) members appointed by County Council. County Council shall consider members based on their professional expertise, knowledge of the community, and concern for the future welfare of the total community and its citizens. Members shall represent a broad cross section of the interests and concerns within the jurisdiction.
2. Members shall serve terms of three years and may be replaced at will by County Council.
3. Terms of office of the Commission shall run from July 1 through June 30 of the respective years of the term.
4. The Commission shall annually elect a Chairperson and Vice-Chairperson, hereinafter referred to as Chair and Vice-Chair, from among the regular members and a Secretary, who may be a member or may be a County employee.

ARTICLE IV – DUTIES OF OFFICERS

1. The Chair shall preside at all meetings of the Commission and at other meetings and public hearings called by the Commission. The Chair shall call special meetings of the Commission when required and shall transmit reports, plans, and recommendations of the Commission to the appropriate governing authority, and in general, shall act as spokesperson for the Commission. The Chair shall appoint all committees. The Chair shall certify all official documents involving the authority of the Commission and certify all minutes as true and correct copies. The Chair shall rule on all procedural questions, subject to reversal by majority vote of members present.



2. The Vice-Chair, in the absence of the Chair, shall serve as Chair, and perform the duties of the Chair as outlined above. In the event of some misfortune or resignation of the Chair, the Vice-Chair shall perform the Chair's duties until such time as the Commission shall elect a new Chair.
3. The Secretary shall record or supervise the recording of all minutes of the Commission meetings; assist the Chair in the preparation of the agenda; shall make all postings and notifications to comply with Article VI.4; shall prepare and distribute minutes of the Commission meetings; if the Secretary is a member, she/he may delegate any or all of these duties to County staff.

ARTICLE V – COMMITTEES

1. The Chair may create Special Committees, not to exceed three (3) members, to study matters which in his/her judgment would best be handled by a Committee as opposed to the general Commission. The Chair shall designate one member of each Special Committee as its Committee Chair.
2. Any Committee shall meet at the call of its Committee Chair, subject to the provisions of Article VI.4.
3. A majority of its members shall constitute a quorum of any Committee. There shall be no Committee meeting without a quorum.
4. The Commission Chair shall be an ex officio member of every Committee.

ARTICLE VI – MEETINGS

1. Regular meetings of the Commission shall be held on the second Tuesday of each month at 6:00 P.M. Special meetings shall be called as needed. When a meeting date falls on a legal holiday as recognized by the State of South Carolina, the meeting shall be held the previous business day, unless otherwise designated by the Commission.
2. Special meetings may be called at any time upon the written request of the Chair or acting Chair or any three members of the Commission.
3. The Commission shall conduct its meetings in accordance with procedure set forth in Robert's Rules of Order except where amended by the Commission's By-Laws.
4. The Commission and each of its committees shall comply with the provisions of the South Carolina Freedom of Information Act and the requirements set forth in Anderson County Ordinance #342 and subsequent ordinances concerning freedom of information and the conduct of public meetings.
5. The Commission shall function by making recommendations in its area of responsibility to County Council. Recommendations from the Commission shall be submitted in writing to County Council or formally presented at County Council meetings. The Commission or any



of its members may seek information and assistance from and work with any County staff in accomplishing its purpose.

6. The Commission may hold public hearings on any matter which it deems to be in the public interest, in addition to those required by law or County Council. An accurate, written record shall be made of the proceedings and maintained as a part of the Commission's files.
7. All records of the Commission shall be a public record.

ARTICLE VII – NOTICE OF MEETINGS

1. All Commission members shall be given notice of the date, time, and place of any meeting at least twenty-four hours in advance. Commission members shall be notified in writing, telephone, email, or other means.

ARTICLE VIII – QUORUM

1. Four members shall constitute a quorum of the Commission for transacting business and taking official action. No official Commission business will be conducted without a quorum.

ARTICLE IX – VOTING

1. Unless otherwise provided in these By-Laws, voting at all meetings of the Commission shall be by the raising of hands and abstentions shall be recorded by name. No proxy votes shall be accepted.
2. No members shall vote or participate in discussion on any issue in which he/she has a personal conflict of interest, a direct professional interest, or a financial interest. Any member who is unsure whether a particular issue that comes before the Commission poses a conflict of interest may seek a legal opinion.
3. No Commission member shall miss three consecutive meetings without due cause. Absence from three consecutive meetings shall be considered appropriate cause for dismissal of the member from the Commission by County Council, upon the recommendation of the Chair.

ARTICLE X – ORDER OF BUSINESS

2. The order of business at all regular meetings shall be as follows:
 - a. Determination of a quorum
 - b. Approval of minutes
 - c. Conduct public hearings
 - d. Report of standing committees
 - e. Report of special committees
 - f. Old Business
 - g. New Business
 - h. Other Business



i. Adjournment

ARTICLE XI – FISCAL YEAR

1. The fiscal year of the Commission shall begin on the first day of July and terminate on the 30th day of June as per Chapter 38, Section 38-66 of the Anderson County Code.

ARTICLE XII – AMENDMENTS

1. These By-Laws may be amended by a majority vote of Commission's membership after thirty days prior notice.
2. By-Law changes must be kept in accord with Ordinance #370 whereby County Council established the Anderson County Planning Commission.

ARTICLE XIII – EFFECTIVE DATE

1. These By-Laws shall take effect and be in full force from and after their adoption by the Commission.

ARTICLE XIV – ADOPTION

1. Adoption by the Planning Commission at a meeting held in Anderson County, South Carolina on the 23rd day of March, 1993 as amended on April 9, 2002 and March 8, 2016.



Parliamentary Procedures

Robert's Rules of Order is the standard for facilitating discussions and group decision-making. The Anderson County Planning Commission By-Laws state that the Commission shall conduct its meetings in accordance with procedure set forth in *Robert's Rules of Order*, except where amended by the Commission's By-Laws.

Robert's Rules Basics:

Motion: To introduce a new piece of business or to propose a decision or action, a motion must be made by a Commissioner, such as "I move that..." A second to that motion must then be made by a Commissioner, such as "I second it." After discussion, the Commission then votes on the motion. A majority vote is required for the motion to pass.

Amend: This is the process used to change a motion under consideration. If a Commissioner likes the motion, but not exactly as offered, the Commissioner may amend the motion ("I move to amend the motion on the floor.") After obtaining a second from another Commissioner, the vote on that amendment is taken. The now amended motion is voted on by the Commission.

Question: In order to end debate/discussion immediately, the question is called ("I call the question.") This requires a second and vote. A two-thirds majority is required for passage. If the call to question is passed, the motion on the floor is voted on immediately.

Table: To table a discussion or item on the agenda is to lay aside the item at hand, until later during that meeting or at another time. A Commissioner might state, "I make a motion to table this item until the next meeting. In the meantime, I request staff/applicant provide additional information so we can better discuss the issue." A second and majority vote is required to table the item being discussed.



Public Hearing Guidelines

A public hearing is a method for governing bodies to gain input from the public at-large. Anderson County requires public hearings for several items, including: rezonings, variances, text amendments to the ordinance, the Comprehensive Plan and Capital Improvement Plans. Public hearings require notice by the County. Notices include:

- Posting of the meeting agenda at least 24 hours prior to the meeting to a bulletin board in the office of the public body, in the building where it will meet or any website maintained by the County;
- Notice placed in a newspaper of general circulation in the community at least 15 days prior to the hearing, including time and place. Some items require 30 days' notice, per County ordinance;
- In rezoning cases, a notice for public hearing must be posted on the property, visible from each public street that borders the property;
- In rezoning cases, County ordinance requires notice by mail to property owners within a 2,000 foot radius of the subject property;
- If a list is maintained of individuals/groups requesting notice, meeting notices must be sent.

Prior to a public hearing, Commissioners should review the agenda to anticipate possible conflicts. If you have questions regarding an agenda item, Commissioners are encouraged to meet with staff prior to the hearing. This will prepare you and save time during the meeting.

Before opening a public hearing, make sure those in attendance know and understand the rules. These rules are not biased against one side or another. Everyone participating should follow the rules; and if not, be made aware of their violation. Speakers should identify themselves and address the Commission with their comments. A public hearing is not the time for grandstanding, question and answer sessions, or conduct deemed inappropriate.

The Commission should be cautious to not compete with speakers or give preference to one person's ideas at the expense of others. Commissioners should not overreact to inflammatory comments; they do not require a response. Most are expressions of frustration. Commissioners should remain calm and fair throughout the hearing. Commissioners should refrain from making comments during the public hearing, debating with the public or entering into discussion with other Commissioners. Only after the public hearing is closed by the Chair, may Commissioners express their views on the proposal. Commissioners should set a personal goal to ensure the meeting works, with all being treated fairly.



Executive Sessions

Executive Sessions may be entered for narrow reasons. In the spirit of the Freedom of Information Act, the public's business is to be conducted in public. However, the Legislature has deemed reasons that outweigh public discussion. Items that may be within the Commission's purview include: legal advice, discussion of settlement or legal claims, legal claims against the body and investigative proceedings regarding allegations of criminal misconduct.

No action can be taken in executive session except procedural action, such as deciding to return to public session. Only discussion, presentation and receipt of information may be conducted within an executive session.



Ethical Considerations

Conflict of Interest

When a conflict of interest occurs, or is perceived, the Commissioner should enter a statement to be recorded into the minutes stating the basis for the conflict or perceived conflict and remove themselves from the participation of the item. It is recommended to leave the Chambers during discussion and voting for that item. If a Commission has a question regarding a potential conflict, please consult with County staff and/or County Attorney prior to the meeting.

Abstaining from a Vote

If a Commission chooses to abstain from a vote, the Commissioner should state that reason prior to the agenda item being discussed and remove themselves from the Commission for said item. Reasons for abstention should be discussed with staff and the Chair prior to the meeting. If abstaining, the Commissioner is prohibited from participating in discussions or influencing the other Commissioners or staff in any way. The minutes should reflect that the abstaining Commissioners did not participate in the discussion of the item.



FOIA (Freedom of Information Act)

The South Carolina Freedom of Information Act (FOIA) requires all that all public bodies conduct their meetings in public. Executive sessions may be entered for certain reasons, such as receiving legal advice, discussion of employment matters and contract negotiations.

Written public notice of regular meetings must be made at the beginning of each calendar year. Agendas for regular, called, special or rescheduled meetings must be posted at least 24 hours before the meeting. Any persons, organizations and media that request meeting notifications, must be notified.

Additionally, a person has the right to inspect, copy or receive an electronic transmission of any public record of a public body including: meeting minutes and documents/reports distributed to or reviewed by a board members during a public meeting.



Managing and Conducting Meetings of Planning Boards & Commissions

Establishment & Use of Rules of Procedure

- S.C. Planning Act requires Boards/Commissions to adopt their own rules and order of business
 - Robert's Rules of Order Newly Revised (11th ed.) is the most common in use.
 - Influenced by FOIA and other statutes
 - not designed for continuing bodies
- SCAC has published the Model Rules of Parliamentary Procedure (3rd edition planned)
 - Addresses unique rules applicable to S.C. local governments

Importance of Procedure

- Provides for orderly and efficient conduct of Board/Commission business
 - Provides authority for what can/can't be done
 - Allows participation by members, individuals & public
 - Allows for fair debate of issues without threat of intimidation of members & the public
- Ensures equal protection & due process for applicants

Making & Debating Motions

- Substantive motions (main/principal)
 - Puts a question before the body
 - Limited to one pending motion
- Procedural motions
 - Acts upon a substantive motion
 - Multiple motions at the same time
 - Amendments – limited to one pending per main motion
 - Amending an amendment
 - Order of precedence

Debate

- The Chair is responsible for controlling the flow of debate – ensure all members have the opportunity to speak
 - Person who raised the issue should speak first
 - First-in-line v. alternate viewpoint
 - Maintain decorum/courtesy
- Should the Chair participate in debate?
 - Another member should preside temporarily
- Ending debate
 - by motion of a member
 - Can't interrupt a speaker
 - 2/3 vote to cutoff debate
 - by the chair when debate exhausted

Voting

- Generally by voice/show of hands
- Passage
 - Majority: (simple-majority) 50% + 1
 - 2/3 Majority: (super-majority) 2/3 present/voting
 - S.C. Code may require that 2/3 of the members present to support
 - Actions affecting rights of members: amending agenda; call the question; postpone to time certain
- Voting by the Chair?

Meetings of Boards & Commissions

- Annual notice of regular meeting calendar
- Use of agendas after Act 70 of 2015
 - all public meetings must have an agenda
 - 24 hour minimum notice to public & media
 - Post of notice at:
 - the location of meeting,
 - media and
 - Website posting now required if site is regularly maintained

Agenda Amendments

Act 70 now restricts the ability to add items to the agenda once it is posted!

- **Before the meeting**

- items may be added to an agenda as long as a new 24 hour notice is provided
- If less than 24 hours – delay the meeting or wait until meeting begins

- **Once the Meeting has begun**

- an item for which action can be taken may be added with a 2/3 vote.
- Final action item added must have 2/3 vote and a finding by the chair that an emergency or exigent circumstance exists.

Meetings – Conflicts of Interest

- Financial interest by member, family, business/associates
 - Must file a conflict letter with the chair – published in the minutes
 - Disqualification – can't take any part in debate/vote – avoid even the perception of participation
 - Conflict of Interest vs bias
 - Quorum issues after *Preston* (Ct. App. 2017)

Misc. Rules for Meetings

- Provision for alternative attendance
 - Must have an adopted rule
 - Hear and be heard requirement
- Keep debate on topic and follow the agenda
- Don't allow abuse of proceedings
 - Personal attacks by members or the public
 - Against each other
 - Against the public
- Removal from a meeting
 - Public or member of the body

Quasi-Judicial Hearing

- Individual applicant to bring application/appeal before the body
- Members sit in a judicial capacity
- **Impartiality is essential:** Constitutional due process & equal protection issues!
 - Decisions are to be based on presented evidence only – no personal investigations
 - Avoid preformed opinion & public comment
 - Based on established criteria not personal opinion/agenda
- Applicant has the burden of proof

Public Hearings

- Statutorily required for certain actions
- ROP should include public input rules, which are publically announced
 - Time limits; for/against; number of speakers
- Follow the agenda
- Chair must maintain decorum and public safety
 - Don't allow speakers to attack other speakers or members – rules should prohibit comments targeting an individual member
- To receive information only
 - Members should refrain from personal comments or remarks to speakers

Workshops/Retreats

- Less formal than regular meetings or hearings
 - Includes planning charrettes
- Generally for goal setting & organization
- Still considered a FOIA “public meeting”
- Establish rules for public participation
- Follow an agenda
 - Amendments not as much of an issue
- Not designed for official action items