

**TOWN OF MOUNT PLEASANT, SOUTH CAROLINA
HISTORIC DISTRICT PRESERVATION COMMISSION
RULES OF PROCEDURE**

I. Organization

1. Rules

These rules of procedure, also known as bylaws are adopted pursuant to [S.C. Code of Laws, Title 6, Chapter 29](#), section 870 for the Mount Pleasant Historic District Preservation Commission.

2. Membership

Members shall be appointed by Town Council and shall serve without compensation. Members are expected to serve for the entire term of appointment and attend scheduled meetings. Members should notify the Chairman and Secretary in advance if they expect to be tardy or absent. Attendance of each meeting will be recorded and maintained. Members shall abide by the attendance policy outlined in §156.156.430(C) of the [Mount Pleasant Code of Ordinances](#).

A. Education Requirements

Each appointed official must comply with the educational requirements as outlined in [S.C. Code of Laws, Title 6, Chapter 29](#), Article 9 and annually report proof of satisfaction to the Clerk of Council.

B. Conduct of Members

- 1) It is the responsibility of a Commission member to render a fair and impartial judgment and remain objective. All reasonable efforts shall be made to avoid individual communications with applicants or those with a vested interest.
- 2) A Commission member shall avoid the appearance of influence from applicants or those with a vested interest in a request before the Commission.
- 3) A Commission member should help to maintain the dignity and integrity of the meeting and all who participate.
- 4) Abuse of any meeting participant of any kind will not be tolerated and could be grounds from dismissal by the governing body.
- 5) A Commission member, upon recognition by the Chair, shall have the floor until he/she relinquishes it.
- 6) Each Commission member who wishes to speak will be afforded the utmost opportunity.
- 7) No Commission member shall interrupt while another is speaking, except where otherwise provided in the rules.
- 8) No Commission member should speak twice in a matter until all members have been afforded the opportunity to speak once.
- 9) Individual Commission members may express their views or request information without limitation on any subject provided that no member of the Commission shall speak for the Commission except as may be directed by the Commission. In all circumstances, members should exercise care to ensure that their statements and opinions are understood to be solely those of the members.

- 10) The Commission members shall refrain from initiating or responding to private communications (including but not limited to emails, instant messages, text messages, etc.) during the meeting. All electronic devices shall be silenced or turned off during the meeting.
- 11) The Commission members shall refrain from initiating, commenting, or responding on social media on any matter before the Commission as such communication creates an appearance of an inability to render an impartial and objective decision on an agenda item.

C. Conflict of Interest

Members shall abide by the provisions outlined in the [S.C. Code of Laws, Title 8, Chapter 13](#), section 700(B)(1) and (5) pertaining to conflict of interest. Recusals are permissible pursuant to these provisions.

D. Ex parte communication

As applicable, each appointed official must comply with the requirements regarding ex parte communication as outlined in [S.C. Code of Laws, Title 1, Chapter 23, Article 3](#). The provisions of this section shall apply from the date the matter pending before the Commission commences to and including the effective date of the final decision.

3. Officers

The officers of the Commission shall be a chairman and vice-chairman elected for one-year terms at the first regularly scheduled meeting of the Commission in each calendar year. Members of staff of the Town shall serve as secretary and recording secretary of the Board.

A. Chairman

The chairman shall be a voting member and shall:

- 1) Call special meetings;
- 2) Preside at meetings and hearings;
- 3) Swear in witnesses when applicable;
- 4) Act as spokesperson for the Commission; and
- 5) Perform other duties approved by the Commission.

B. Vice-chairman

The vice-chairman shall exercise the duties of the chairman in the absence, disability, or disqualification of the chairman. In the absence of the chairman and vice-chairman, an acting chairman shall be elected by the members present.

C. Secretary

The secretary, when applicable, shall:

- 1) Provide public notice of appeals and meetings;
- 2) Prepare the agenda;
- 3) See that the property involved is properly posted;
- 4) Keep and maintain Commission records as public records;
- 5) Serve Commission decisions on parties;
- 6) Attend to Commission correspondence; and

- 7) Perform other duties normally carried out by a secretary.

D. Recording Secretary

The recording secretary, when applicable, shall:

- 1) Assist with meeting room setup;
- 2) Ensure recording and A/V equipment are available and setup as needed;
- 3) Attend and record each meeting in accordance with Town procedures;
- 4) Transcribe recorded meetings in accordance with Town procedures; and
- 5) Serve as support staff to Secretary.

II. Meeting Procedures

1. Time and Place

An annual schedule of regular meetings shall be published each year and posted for the public. Special meetings may be called by the chairman upon at least 24-hour notice and must be posted for the public.

2. Agenda

A. Order of Agenda

An agenda shall be furnished by the Secretary and posted in accordance with the [S.C. Freedom of Information Act](#). As applicable, agenda items will be listed as outlined in section II.3 of these rules of procedure in the following order:

- 1) Approval of Agenda
 - a) Consent Motion
- 2) Approval of Minutes
- 3) Public Comment
- 4) General Correspondence
- 5) Administration of Oath
- 6) Business (in accordance with section II.3 below)
- 7) Adjournment

B. Order of Business

Business items shall be placed after the administrative items (section 2.2, 1-5), in the order as numbered and according to the date and time received:

- 1) Items required by ordinance or rules and typically include applications from the public requiring action of the body.
- 2) Matters submitted by Council or departmental staff for the body's consideration.
- 3) Matters proposed by a member of the body with at least one additional sponsoring board member initiated at least one meeting in advance of consideration and having received an affirmative vote for inclusion by the body.
- 4) Items deferred by the Commission that are not finalized after a period of six months shall be deemed terminated and become null and void.
- 5) Applications and other Items may be removed from the agenda at a meeting by a majority vote.

3. Applications

- A. Requests to be heard before the Commission shall be made by submitting the appropriate application form(s) approved by the Department of Planning and Development in accordance with the submittal deadline published on the annual schedule of meetings. The application may be filed by the applicant or his or her designee.
- B. All meetings required prior to submission, whether with the Commission or staff, must be held prior to an application being filed. Failure to meet preliminary meeting requirements may be grounds for rejection of an application.
- C. Applications may require a submittal and review fee in an amount specified by the schedule of fees established by the Town.
- D. Failure to submit required information or forms and applicable fees may be grounds for rejection of the application.
- E. Requests not permitted or prohibited according to the Mount Pleasant Code of Ordinances shall be rejected unless relief has been sought from the appropriate governing body or appellate body.
- F. Any changes, alterations, or additions to plans after final disposition of the request shall require a new application and applicable fee.

4. Quorum

The number of members that constitute a quorum shall be pursuant to [Mount Pleasant Code of Ordinances](#), §156.430(E). A quorum shall be present before any business is conducted other than rescheduling a meeting. Those recusing themselves for a conflict of interest pursuant to [S.C. Code of Laws, Title 8, Chapter 13](#), section 700(B)(1) and (5), remaining present, shall be counted as present for the purposes of establishing a quorum.

5. Rules of Order

Robert's Rules of Order shall govern the conduct of meetings except as otherwise provided by these Rules of Procedure.

III. Hearing Procedures

1. Conduct of Hearing

In matters brought before the Commission, the following process and time limits will be followed:

- A. Chair or designee announces agenda item (reads title)
- B. Staff presentation—no time limit
- C. Applicant presentation—10 minutes
- D. Public comments—up to 3 minutes per speaker as outlined in §30.36
- E. Commission Questions—no time limit
- F. Applicant and staff response—up to 3 minutes
- G. Chair or designee closes public comment
- H. Commission comments and deliberation—no time limit
- I. Commission Disposition of Request (motion and vote)

The times set above may be changed on majority acceptance of a motion to suspend the rules with a new time set.

2. Appearance

The applicant or any party in interest may appear in person or by agent or attorney. In the absence of an applicant, the Commission may decide by a majority vote to either postpone the matter or proceed with hearing the matter.

3. Evidence

Relevant documents, photographs, maps, plans, drawings, etc., will be received in the record without authentication in the form of legible copies. Relevant testimony which is not cumulative or hearsay will be received. The Chair or designee will rule on all evidentiary matters. Evidence may be placed in the record with an objection noted.

4. Witnesses

Testimony by each witness shall be presented under oath. The oath shall be administered by the Chair or the Chair's designee.

5. Public comment

Public comment shall be allowed in accordance with the provision of the [Mount Pleasant Code of Ordinances §30.36](#) (Ord 19016). Public comment is not a question and answer period or dialogue between the Commission or public at any point during the meeting.

Except for public hearings, no person shall speak at a meeting unless invited to do so by the Commission.

The Chair or designee will recognize and accept testimony and public comment from all who wish to be heard. No person speaking on an agenda item shall be subject to cross-examination. All inquiries or questions from the public during the meeting shall be posed to the Commission and not the applicant or other member of the public. Commission members shall refrain from making comments and/or asking questions during the applicant presentation or public comment.

Irrelevant testimony or public comments will not be accepted, nor will the reading of repetitious letters or petitions be permitted by the public. Documents received during the meeting may be filed with the Secretary so that the record will show the names of the persons supporting or opposing an application.

Upon the conclusion of the presentations and public comment, each Commission member will have an opportunity to ask questions. Upon the close of the public hearing or public comments, no further testimony or comments will be heard from the public. The Board will then make final comments and deliberation of the request prior to a motion being made. Errors of fact may be corrected at any time after the close of the public hearing or public comments.

6. Correspondence

Written correspondence related to agenda items for the Commission shall be submitted to the Town two business days prior to the meeting day in order to be published with the agenda for the public. Correspondence received after that date, will not be forwarded to the Commission.

7. Cross Examination

No party shall have the right to cross-examine; however, the opportunity to question speakers with opposing viewpoints may be freely extended to the Commission when conducted in an orderly manner. Intimidation of speakers will not be allowed.

8. Electronic Devices

All electronic devices shall be silenced, turned off, or left outside the meeting room or building during the meeting.

9. Disposition/Action of the Board**A. Disposition**

The Commission may deliberate and either 1) approve, 2) approve with conditions, 3) defer, or 4) deny a matter by a majority vote of members present at the hearing and qualified to vote, provided that not less than a quorum is present. Deliberations shall be conducted in public and voting shall be in public for the record. All decisions by the Commission shall include findings of fact pursuant to [S.C. Code of Laws, Title 1, Chapter 23](#), section 350.

1) Approve

The Commission may approve a matter as submitted.

2) Approval with conditions

The Commission may approve a matter with conditions. The conditions should be clearly and distinctly enumerated and when applicable must include a timeframe for compliance.

3) Deferral Request by the Applicant

Parties filing appeals or applications may, after the application has been advertised as part of a meeting's agenda, request that the application be deferred. A request for deferral must be made in writing, signed (or sent via electronic mail) by the applicant or agent, and must specify an extraordinary and compelling reason for the deferral. The Commission must vote to approve or deny the request for deferral. Without an extraordinary and compelling reason, only one deferral shall be permitted. The deferred item shall be placed on the agenda of the next regular meeting. An item may be only be deferred one time.

Matters deferred that are not finalized after a period of six months shall be deemed terminated and become null and void. Resubmittal of terminated requests shall be processed as a new application with all prescribed fees and other requirements.

4) Deferral by the Commission

An application may be deferred by the Commission upon its own motion. Deferred requests are not considered approved and the request must be resubmitted to the Commission for review. A member may vote on a matter

that the member was not present for when the matter was initially heard. The deferred item shall be placed on the agenda of the next regular meeting. An item may be only be deferred one time.

The Commission may defer final disposition of a matter to a subcommittee of the Commission or staff by a majority vote of the members present at the hearing and qualified to vote. Matters deferred to a subcommittee or staff that are not finalized after a period of six months shall be deferred back to the Commission and placed on the next meeting's agenda.

5) Denial

Matters before the Commission for final disposition that are denied shall not be resubmitted for a period of twelve months, regardless of change(s) in ownership, unless it can be demonstrated that there has been a substantial change in the community or project design since prior consideration of the petitioner's proposal to justify another review. Justification for consideration of review within the twelve-month waiting period shall be submitted in writing to the Zoning Administrator or designee. Any person aggrieved from actions of the Zoning Administrator or other administrative official, may appeal to the appropriate appellate body pursuant to [S.C. Code of Laws, Title 6, Chapter 29](#).

a. Substantial change

A substantial change includes, but is not limited to any of the following as applicable:

- 1) Modification of the site that effects the number of primary structures, building location, and location of required site design elements such as parking, open space, or site access;
- 2) A change in height of the building(s) by more than ten (10) feet or one story;
- 3) A change of more than ten percent (10%) to the building footprint, density, or intensity of uses;
- 4) A change of more than five percent (5%) to lot coverage;
- 5) A change in the architecture, exterior elevation of the building(s), or type or style of dwelling units proposed to be constructed in a particular area or block;
- 6) A change of more than five percent (5%) to areas devoted to open space or the relocation of such areas;

6) Continuance by the Applicant

Parties filing applications may upon a showing of good cause, request that the application be continued for a specified amount of time. A request for a continuance must be made in writing, signed (or sent via electronic mail) by the applicant, or agent and must specify a reason for the continuance. Upon its own motion, the Commission may either approve the request for a continuance or proceed to hear the request. Without an extraordinary and compelling reason, only one such continuance shall be permitted. If a decision has not been rendered within the specified timeframe, the original request will

be placed on the next meeting agenda to be heard and the applicant notified of the date and time of hearing.

7) Withdrawal

A request may be withdrawn by the applicant or designee upon written notice (or sent via electronic mail) delivered to the Secretary prior to action by the Commission. Applications withdrawn by the applicant shall be considered a termination of the application, except as specifically outlined in the [Mount Pleasant Code of Ordinances, §156.031](#). Resubmission of withdrawn applications may be refiled after six months and shall be placed on the agenda according to the date refiled except as specifically outlined in the [Mount Pleasant Code of Ordinances, §156.031](#). Resubmissions shall be processed as a new application with all prescribed fees and other requirements met.

10. Voting

All eligible Commission members present are expected to vote. A Commission member absent at a previous review of a request is eligible to vote on subsequent review of the same request. Voting shall be by voice, except where specifically outlined in the Mount Pleasant Code of Ordinances. An abstention from a vote or failure of a member to vote shall be considered a nonvote. Recusals are only allowed pursuant to [S.C. Code of Laws](#) and as outlined in section I.2.c. of these rules of procedure. A roll call vote can be requested by any member of the Commission. Commission members not present may not vote.

A. Consent motion

Any items listed on the published agenda could be recommended for approval through a consent motion where the Commission acts on a group of agenda items together. Once the consent motion is made and seconded, public comment for any agenda items proposed to be approved through consent will be allowed in accordance with the [Mount Pleasant Code of Ordinances §30.36](#) (Ord 19016). A Commission member may request removal of an item offered for consent approval in accordance with Robert's Rules of Order; discussion of such an item shall occur when originally listed on the agenda. A consent motion cannot be used for denial or disapproval of a request.

B. Tie votes

In the event of a tie vote on any given motion, the Commission shall endeavor to either approve or disapprove an applicant's request through subsequent motions and votes. If after at least one additional attempt the board remains deadlocked as determined by the Chair or designee, no further motions are necessary, no final decision has been made and the matter is unresolved. The applicant may then return at a subsequent meeting for further consideration of the relief requested. Since no final decision has been rendered, a return will not be considered a rehearing; rather, it will be considered a new hearing. All Commission members, including those that had not participated in the original hearing may participate in the new hearing. Those that previously participated must do so with an open mind to the new proceedings.

Any member prejudiced otherwise shall state so on the record and must not participate.

C. Vested Rights

A request approved by the Commission may be vested in accordance with the [S.C. Code of Laws, Title 6, Chapter 29](#), Article 11 and [Mount Pleasant Code of Ordinances §156.049](#).

11. Appeal of Commission Decision

A. Appeal of a Commission Decision

Any person aggrieved by a decision of the Commission may appeal to the appropriate appellate body. The appeal must be filed in a timely manner as outlined by the [S.C. Code of Laws, Title 6, Chapter 29](#), section 900.

IV. Records

1. Minutes

The Recording Secretary shall record all meetings and hearings of the Commission. The Recording Secretary shall prepare a transcription of minutes of each meeting for approval of the Commission. Minutes shall include, at a minimum the following information:

- A. Title and date of the meeting
- B. Commission members present and absent
- C. Staff members in attendance
- D. Time meeting was called to order
- E. Any action taken by the Commission and final disposition of agenda items
- F. Time meeting adjourned
- G. Name of transcriptionist

Recordings and minutes shall be preserved and maintained as public records according to the [S.C. Code of Laws, Title 30, Chapter 1](#) and the Town of Mount Pleasant document retention schedule.

2. Orders and Documents

Where applicable, the Secretary shall prepare and serve all orders of the Commission. Copies of all notices, correspondence, documentary evidence, orders, reports, and forms shall be maintained as public records in accordance with the [S.C. Code of Laws, Title 30, Chapter 1](#) and the Town of Mount Pleasant document retention schedule.

A. Form and Service of Order

The secretary shall assist in the preparation and service of all orders of the Commission in the appropriate form to each party of interest as outlined in the S.C. Code of Laws and the Mount Pleasant Code of Ordinances §156.433(A).

B. Reports

The secretary shall assist in the preparation and forwarding of all reports in the appropriate form to the Commission members.

V. Adoption and Amendments to Rules of Procedure

1. Adoption

The Commission shall approve adoption of the Rules of Procedure by majority vote of the members on an annual basis as outlined by the Mount Pleasant Code of Ordinances. The Secretary shall note the date of adoption on the Rules of Procedure as follow:

These rules were adopted by a majority vote of the members of the Commission at the meeting held on January 13, 2020.

2. Amendments

These rules may be amended at any regular Commission meeting by majority vote of the members at least seven days after the written amendment is delivered to all members and upon appropriate notice to the public.