

Town of Mount Pleasant, South Carolina
Commercial Design Review Board
Rules of Procedure

**Article 1
Organization**

Section 1. Rules

These rules of procedure are adopted pursuant to S.C. Code § 6-29-870 for the Mount Pleasant Commercial Design Review Board which consists of members appointed by Town Council.

Section 2. Officers

The officers of the Board shall be a chairman and vice-chairman elected for one year terms at the first meeting of the Board in each calendar year. The Board shall appoint a member of the staff of the Town as secretary of the Board.

Section 3. Chairman

The Chairman shall be a voting member of the Board and shall:

- a. Call meetings of the Board;
- b. Preside at meetings and hearings;
- c. Act as spokesperson for the Board;
- d. Sign documents for the Board;
- e. Have orders of the Board served on parties; and
- f. Perform other duties approved by the Board.

Section 4. 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.

Section 5. Secretary/Staff Member

The secretary shall:

- a. Provide and publish notice of appeals and meetings;
- b. Assist the chairman in preparation of agenda;
- c. Keep recordings and minutes of meetings and hearings;
- d. Maintain Board records as public records;
- e. Serve Board decisions on parties;
- f. Attend to Board correspondence; and
- g. Perform other duties normally carried out by a secretary.

Article II Meetings

Section 1. Time and Place

An annual schedule of regular meetings shall be adopted, published, and posted at the designated Town offices in December of each year. Special meetings may be called by the chairman upon 24 hours notice, posted and delivered to all members of the Board, and to the local media upon request. All meeting notices shall be posted in Town Hall. Meetings shall be held at the place stated in the notices, and shall be open to the public.

Section 2. Form of Application and Fees

Applications shall be filed on forms approved by the Board and provided to applicants by the secretary. The Board may require additional information as deemed necessary. The failure to submit adequate information may be grounds for dismissal. An application may be filed by the applicant or his or her designee. Every new application shall be accompanied by a fee, in an amount specified by the schedule of fees established by the Town. The fee shall not be required for applications that have been continued, deferred, or approved with conditions where the applicant is returning with such conditions before the Board. Any changes, alterations, or additions to plans after the Board has made a final disposition of the matter, may require additional fees.

Section 3. Time for Application

An application must be filed in accordance with the submittal dates published on the annual schedule of meetings or as otherwise revised by the Town.

Section 4. Calendar

Applications shall be marked with the date of receipt and placed on the agenda by the secretary.

Section 5. Withdrawal of Application

Any application may be withdrawn by written or verbal notice delivered to the secretary prior to action by the Board. An application which is withdrawn may be refiled on or before the next regularly scheduled submittal date.

Section 6. Continuances

The hearing of an application may be continued one time by the Board at the request of the applicant for good cause shown. Any subsequent request for continuance will require a new application.

Section 7. Agenda

A written agenda shall be furnished by the secretary to each member of the Board and, upon request to the news media, and shall be posted at least five (5) days prior to each regular meeting, and at least twenty four (24) hours prior to a special meeting. Items may be removed from the agenda or postponed by the Board at a meeting by a majority vote. The Board may limit the number items to be allowed on the agenda for any regular or special

meeting by a majority vote. The Board may limit the business matters to be heard at any regular or special meeting by a majority vote.

Section 8. Quorum

A majority of the members of the Board shall constitute a quorum. A quorum shall be present before any business is conducted other than rescheduling the meeting. There is no requirement, however, that a quorum vote on any given motion, and the rule of the quorum is merely that the members be present. Members who recuse themselves from hearing an item, but remain present, shall be counted as present in the quorum.

Section 9. Rules of Order

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

Section 10. Notice

Public notice of a regularly scheduled meeting of the Board shall be published in the Public Notices section of the local newspaper.

Article III Meeting Procedure

Section 1. Appearances

The applicant or any party in interest may appear in person or by agent or attorney. The Board may postpone or proceed to dispose of a matter on the record before it in the absence of an appearance on behalf of an applicant.

Section 2. Cross-examinations

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

Section 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 that is not cumulative or hearsay will be received. The chairman will rule on all evidentiary matters. Evidence may be placed in the record with an objection noted.

Section 4. Conduct of Hearing

The normal order of hearing, subject to modification by the chairman, shall be:

- a. Statement of matters to be heard (chairman or secretary);
- b. Presentation by applicant (10 minute limit);
- c. Unsworn public comment when appropriate (2 minutes per person);

- d. Presentation by town official (10 minute limit);
- e. The Board may question participants at any point in the hearing;
- f. Matters in which additional time is granted may be moved to the end of the agenda.

Section 5. Disposition

The Board may deliberate and make a final disposition of a matter by majority vote of members present at the hearing. A member may not vote on a matter that the member has not heard. Deliberation shall be conducted and votes taken in public. The vote shall serve as the final decision of the Board and the time frame for an appeal shall commence at the announcement of said decision, unless the applicant or his or her designated agent is not present. In such case, a copy of the decision in the form of minutes shall be served by certified mail. The time frame for appeal in this case shall commence on the date of receipt of the minutes.

Section 6. Form of Order (Minutes)

An order shall be issued disposing of a matter by granting or denying an application with such conditions or modifications as may be deemed necessary. A matter may be dismissed for lack of jurisdiction.

Section 7. Service of Order (Minutes)

The minutes, as approved by the Board, shall serve as the order of the Board with respect to each application. The secretary shall deliver a copy of an order to each party in interest upon request or as otherwise required under this Article.

Section 8. Rehearing

The Board may grant a rehearing of an application which has been dismissed or denied upon written request filed with the secretary within fifteen (15) days after the date of the decision or receipt of minutes, whichever is applicable, accompanied by new evidence which could not reasonably have been presented at the hearing, or evidence of a clerical error or mutual mistake of fact affecting the outcome.

Section 9. Ex parte communication

Unless required for the disposition ex parte of matters authorized by law, no commissioner or hearing officer who, in a contested case, is to render a final decision or to make a proposed final decision shall communicate, directly or indirectly, in connection with any issue of fact with any person or party, or in connection with any issue of law, with any party or the party's representative, without notice and opportunity for all parties to participate.

Unless required for the disposition of ex parte matters authorized by law, no party or intervenor in a contested case, no other agency, and no person who has a direct or indirect interest in the outcome of the case, shall communicate, directly or indirectly, in connection with any issue in that case, with a hearing officer or commissioner, or with any employee or agent of the commission assigned to assist the hearing officer or

commissioners in such case, without notice and opportunity for all parties to participate in the communication.

The provisions of this section shall apply from the date the matter pending before the commission commences as a contested case, as set forth by the Regulations of State of South Carolina, to and including the effective date of the final decision.

Article IV Records

Section 1. Minutes

The secretary shall record all meetings of the Board on tape which shall be preserved until final action is taken on all matters presented. The secretary shall prepare minutes of each meeting in a timely manner for approval by the Board. Minutes shall be maintained as public records.

Section 2. Minutes (Orders) and Documents

The secretary shall assist in the preparation and service of all minutes (orders) of the Board in appropriate form. Copies of all agendas, documentary evidence, minutes (orders) and forms shall be maintained as public records.

Article V Appeals

Section 1. Appeal from Commercial Design Review Board to Circuit Court

A person who may have a substantial interest in any decision of the Commercial Design Review Board or any officer, or agent of the appropriate governing authority may appeal from any decision of the board to the circuit court in and for the county by filing with the clerk of court a petition in writing setting forth plainly, fully, and distinctly why the decision is contrary to law. The appeal must be filed within thirty days after the affected party or his or her designated agent receives actual notice of the decision of the commercial design review board.

Section 2. Notice of Appeal; transcript; supersedeas

- (A) Upon filing of the appeal, the clerk of the circuit court shall give immediate notice of it to the secretary of the board and within thirty days from the time of the notice the board shall file with the clerk a duly certified copy of the proceedings had before the commercial design review board, including a transcript of the evidence heard before it, if any, and the decision of the board including its findings of fact and conclusions.
- (B) The filing of an appeal in the circuit court from any decision of the board does not ipso facto act as a supersedeas, but the judge of the circuit court may in his discretion grant a supersedeas upon such terms and conditions as may seem reasonable and proper.

Article VI

Adoption and Amendment

Section 1. Adoption

These rules were adopted by a vote of a majority of the members of the Board at a special public meeting on January 30, 2019.

Section 2. Amendment

These rules may be amended at any regular meeting of the Board by majority vote of the members of the Board at least seven (7) days after written amendment is delivered to all members.