

A RESOLUTION

TO REPEAL THE BYLAWS OF THE PLANNING COMMISSION OF THE CITY OF GREENVILLE AND ADOPT NEW BYLAWS

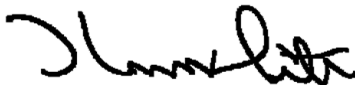
WHEREAS, the city of Greenville Planning Commission (formerly known as the "Zoning Commission of the City of Greenville") has been abiding by Bylaws which were established by Resolution No. 97-33; and

WHEREAS, the purpose of this Resolution is to repeal the current Bylaws, to adopt new Bylaws, to address inconsistencies found in the current Rules of Procedures (2006), and to include updated board procedures for public hearings as well as more comprehensive functions and roles; and

WHEREAS, the city of Greenville Planning Commission is presenting the attached Bylaws to City Council for approval;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF GREENVILLE, SOUTH CAROLINA, Bylaws of the city of Greenville Planning Commission are approved as attached hereto as an Exhibit and incorporated herein by reference.

RESOLVED THIS 24 DAY OF JUNE, 2013.



MAYOR

Attest:



CITY CLERK

**EXHIBIT
PLANNING COMMISSION BY-LAWS**

The following by-laws, pursuant to City Ordinance 97-6, shall apply to the Planning Commission (“Commission”) as established in City Ordinance 19-2.1.2.

ARTICLE I. DEFINITIONS.

The following definitions shall apply to the terms below as they may appear throughout the by-laws:

[none at this time]

ARTICLE II. FUNCTIONS AND ROLE.

1. Purpose. The Commission shall have the powers and duties as enumerated in South Carolina state law and in Sections 19-2.1.2 and 19-2.2 of the City of Greenville’s Land Management Ordinance.

ARTICLE III. MEMBERSHIP.

1. Commission Size. The Commission shall be comprised of seven (7) voting members appointed by City Council.
2. Membership. Members must reside within the City limits. If a member moves out of the City, the member shall no longer qualify for membership.
3. Officers. The officers of the Commission shall consist of a chairperson and a vice-chairperson.
 - a. The initial chairperson shall be selected by City Council and shall serve for one year. Following the initial one year, the chairperson shall be selected by the Commission. The vice-chairperson shall be elected by the Commission.
 - b. Members shall serve on the Commission for at least one (1) year before serving as officers on the Commission, absent extraordinary and extenuating circumstances. Officers shall be elected during the month of January, or as soon thereafter as feasible.
 - c. Terms of office for officers shall be for one (1) year.
 - d. The chairperson shall preserve order and decorum at all meetings while promoting discussion by all members in deliberations.
 - e. In the chairperson’s absence, the vice-chairperson shall serve as chairperson. In all other circumstances, the next senior member shall preside.
 - f. The staff liaison shall provide the services of secretary and shall keep notes during meetings and prepare minutes of meetings for approval by the Commission at its next regular meeting.

4. Attendance Requirements.
 - a. A member shall not miss (a) three (3) consecutive regular meetings or (b) thirty percent (30%) of all meetings within a calendar year for reasons other than sickness or bona fide emergency. This attendance policy is subject to change by City Council and members are expected to comply with the attendance policy in effect during their tenure.
 - b. Any member who is unable to attend a meeting, whether regular or special, shall contact the staff liaison as much in advance of the meeting as possible so that the staff liaison can determine and report to the chairperson whether or not a quorum can be established.
 - c. The staff liaison shall maintain a record of attendance for each board member. The staff liaison shall be responsible for notifying the City Clerk, at such intervals as is requested, of any members who violate the attendance requirements. The City Clerk shall then provide Council with the details of the violation.
5. Tenure.
 - a. All terms of appointment to the Commission shall be four (4) consecutive years.
 - b. Term limits shall be governed by the policies City Council otherwise established for boards and commissions.
6. Resignation. Members shall provide resignation in writing to the City Clerk's Office with a copy to the Commission chairperson. The resignation shall state its effective date if different from the date tendered.
7. Ethics. All members shall be subject to the provisions of the South Carolina State Ethics Act and the City of Greenville's Code of Ethics.
8. Training/Continuing Education.
 - a. All members must take any education programs required by state or local law. Failure to do so shall result in a member's removal from the Commission.
 - b. The City Manager, at his discretion, shall convene a meeting of all chairpersons for the purpose of allowing the Commission chairperson to share experiences in addressing issues of process and procedures with other Board or Commission chairpersons.

ARTICLE IV. QUORUM AND VOTING PROCEDURES.

1. At least a majority of all qualified voting members must be present to conduct meetings and to vote.
2. All votes shall be decided by a simple majority of those present and voting. When a public hearing is required, votes shall be taken by roll call.
3. A list of members and any votes taken shall accompany all Commission recommendations and resolutions or dissenting opinions.

4. Members present, including the chairperson, shall vote and shall not abstain, unless there is a conflict of interest as defined in the provisions of the South Carolina State Ethics Act and the City of Greenville's Code of Ethics.
5. In the instance of a conflict of interest, the conflict shall be stated for the record and a Statement form completed.
6. Voting by proxy or absentee is prohibited.

ARTICLE V. MEETINGS.

1. Meeting Time & Place. An annual schedule of regular meetings with designated date, time, and place shall be adopted, published, posted at the designated City office, and provided to the City Clerk in December for the following year. Special meetings may be called by the Chair upon 24 hours posted notice. Meetings shall be held at the place stated in the notices, and shall be open to the public, except those meetings or portion thereof held in executive sessions in accordance with Sec 30-4-10, et seq. of the SC Code of Laws (Freedom of Information).
2. Meeting Frequency. The Commission shall meet monthly, provided there are matters for their consideration. Additional meetings may be called at the discretion of the Chair.
3. Rules of Order. Meetings shall be conducted in an orderly manner to ensure the fair treatment of all persons and issues before the committee. One or more generally recognized publications on procedure shall be available for reference when procedural issues are to be resolved. The Commission, in its discretion, may adopt its own rules of procedure.
4. Conduct of Public Hearings.
 - a. For each Item on the Agenda, the Commission will hear a report from Staff.
 - b. After the staff report, the Applicant will be given an opportunity to present his application and demonstrate that it complies with the relevant criteria.
 - c. Any member of the audience wishing to comment will be given 3 minutes to do so and will be asked to state their name and address for the record. The appointment of a spokesperson is recommended when more than one person is present to speak on an Item. Repetitive and off-topic statements should be avoided.
 - d. Comments and questions must be directed to the chairperson who will respond or direct the question to the appropriate party for response.
 - e. Questions asked by the Commissioners during a presentation will not count toward the time limit.
 - f. At its discretion, the Commission may allow the Applicant 3 minutes for rebuttal.
 - g. Signed written comments submitted to the Planning Office for Items prior to the hearing will be made part of the public record and given to the Commission to be considered in its decision.
 - h. After all comments are offered, the chairperson will close the hearing portion of the meeting and the Commission will discuss and evaluate the information presented in the context of the requirements of the City Code. The Commission

will usually render a decision on the item at the same meeting; however, the item may be continued to a date-certain to allow parties additional time to supplement information, allow further discussion, etc.

- i. The Chair reserves the right to modify an adopted rule of procedure as needed to render a decision.

ARTICLE VI. STAFFING ARRANGEMENTS.

1. The City Manager shall designate an employee to serve as a staff liaison. Specifically, it shall be the responsibility of the staff liaison to:
 - a. Submit a calendar of meetings to each Commission member. Information on special meetings shall be submitted in addition to the planned calendar of events.
 - b. Draft and mail agendas and information packets and arrange the time and place of meetings in consultation with the chairperson or vice-chairperson.
 - c. Process applications for development approval and permit requests submitted to the Commission in accordance with Sections 19-2.2 and 19-2.3 of the Land Management Ordinance.
 - d. Maintain and make available a public record of information for each application to the Commission.
 - e. Make available copies of written public comments, proposals or any other information submitted from other sources (i.e. neighborhood meetings, citizen organizations, departmental staff, appointed and elected officials) on a timely basis.
 - f. Digitally record meetings and hearings; preserve recordings until final action is taken on all matters presented,
 - g. May brief the City Manager, or his designee, on the findings and activities of the Commission using a status report at least once a year.
 - h. Serve as a liaison between the City and other departments and agencies.
 - i. Provide technical assistance to the Commission.
 - j. Serve as secretary to the Commission.
2. The City Attorney shall designate an attorney to serve as legal counsel to the Planning Commission and to be present at public hearings.
3. The City Manager shall, in coordination with Department Heads, assign additional staff as necessary to assist with ad hoc committees and coordinate initiatives with city staff.

ARTICLE VII. STAFF REPORTS AND RECOMMENDATIONS.

The staff liaison shall submit reports and recommendations for those agenda items requiring decisions or recommendations by the Commission. Other staff having experience, education, and professional training in the subject matter may provide input into the reports and recommendations, or may provide supplemental ones. The material submitted may be oral, written, or graphic, or some combination of all. The reports and recommendations shall be accepted as evidence of record to the same extent as oral testimony and exhibits accepted from applicants, opponents, persons who are subjects of an inquiry, expert and lay witnesses, and members of the public who provide information for the record of the proceedings.

ARTICLE VIII. NOTICE AND PUBLIC INFORMATION.

1. The staff liaison shall be responsible for ensuring compliance with the Freedom of Information Act and for notifying the City Clerk reasonably in advance of all meetings.
2. The staff liaison is required to comply with guidelines pertaining to matters of public notice and scheduling as provided Section 19-2.2.9 of the Land Management Ordinance.

ARTICLE IX. AMENDMENTS.

These by-laws applicable to the Commission may be amended at any regular meeting of the Commission by majority vote of the Commission at least seven days after written amendment is delivered to all members. Such amendments or revisions may only be made upon filing the amendments or revisions to the City Clerk and submitting them to City Council in accordance with City Council procedure for City Council's acceptance by resolution. The by-laws or revisions shall become effective upon acceptance by City Council.

Date Adopted: _____

by: _____

CHAIRMAN