

Written by: Debra Herrmann

1. **SUBJECT:** First Reading Ordinance #19-0892

2. **PURPOSE:** To amend Chapter 2 Administration to comply with recently Adopted Chapter 5 transferring elections to Horry County; to address Time Of Entering Office; Time of Meetings; regular Meeting Agenda Order; Executive Sessions; Addressing the Council; Committee Appointments; Appearance Of Citizens; Code Codification

3. **FACTS:**

a. Town Council adopted Ordinance 19-0886 to transfer the town's election function to Horry County that changes the town elections to November

b. Section 2-17 Qualifications for mayor and town council should be amended to cite Section 5-16.

c. Section 2-22 Time of entering and leaving office should be amended to eliminate the redundant sentence "Time of entering and leaving office," and to change the meeting dates from "May" to "December"

d. Section 2-36 Time of Meetings. Councilmembers have discussed having one meeting a month at various times. The ordinance is drafted to eliminate the meeting on the second Tuesday and to have one meeting on the fourth Tuesday monthly, except in December when the regular meeting will be held on the second Tuesday.

e. Section 2-36 (b) Reserved is being omitted; it has been reserved for several iterations of the code, therefore paragraphs (c) and (d) become (b) and (c), respectively.

f. Section 2-36 (b) Special Meetings was clarified to complete the process by which four members of council may call a special meeting and to comply with FOIA

g. Section 2-39 Agenda and order of proceedings was amended to reflect current FOIA, and to streamline the meeting

h. Section 2-39 paragraph (e) was amended to reflect current FOIA

j. Section 2-40 Addressing the council was amended to reflect both masculine and feminine titles

k. Section 2-41 Recognition of speakers was amended to reflect both masculine and feminine titles

l. Section 2-52 Paragraph (e) executive sessions is repealed and executive sessions are included in the regular meeting agenda under Section 2-39(b); a new paragraph (e) is added to state how the agenda may be amended pursuant to FOIA

m. Section 2-54 Appearance of Citizens is amended to state "Public Comments," and defines the purpose; one public comment section during which speakers may address agenda items and/or municipal services & operations; advance registration required for comments on services and operations, and a section included to address decorum. *Note:* 30 South Carolina Municipalities were surveyed. 21 required signing up before the meeting from as few as 15 minutes prior to several hours prior (one town required 2 days in advance, one town required 7 days in advance), and 3 towns required speakers to sign up and be added to the agenda with statements of the topic to be discussed.

n. Section 2-58 Codification of ordinance. This section was amended to state that codification will occur bi-annually.

o. Section 2-61 Appointment of committees, paragraph (b)(ii) was amended to allow volunteer submissions at any time and volunteers for a particular committee will be presented for Town Council's consideration at the next regular meeting after a vacancy occurs instead of waiting 30 days.

4. RECOMMENDATION: Motion to adopt first reading of Ordinance #19-0892 as presented or with amendments as deemed appropriate by Town Council.

the regular meeting shall be held on the second Tuesday at 5:30 p.m., unless some other hour is fixed.

~~(b) Reserved.~~ *Note: This paragraph is being omitted because it has been reserved for several iterations of the code.*

~~(e)~~ **(b) Special meetings.** Special meetings of the town council may be called by the mayor in cases of emergency, or when in the mayor's judgment the good of the town requires it. Special meetings may also be held when notice is given in writing and signed **in the town clerk's office** by at least four (4) members of town council. Notice shall state the **purpose**, time and place of such meeting, **to be posted in compliance with the SC Freedom of Information Act.** If a quorum (see [section 2-38](#)) is present, the meeting shall proceed with all the validity of a regular council meeting or a special meeting called by the mayor.

~~(d)~~ **(c) Meetings on election day.** Any town council meeting, regardless of type, that falls on an election day shall be moved to the Monday immediately prior to the regular scheduled date at the regular hour and meeting place.

Section 2-39. - Agenda and order of proceedings.

(b) *Regular meetings.* The order of proceedings of the town council for regular meetings shall be:

- (1) Call to order.
- (2) ~~Invocation and~~ Pledge of Allegiance.
- (3) Public hearing (~~add if applicable~~ **if appearing on published agenda**).
- (4) ~~Agenda approval.~~ **Motions related to Agenda (if applicable)**
- (5) Approval of minutes of the last regular meeting of town council and other meetings, as applicable.
- (6) Public comments—Agenda items, **Municipal Services & Operations. Three (3) minutes per speaker.**
- (7) Communications. **(Employee Awards; Guest Presenters, if applicable)**
- (8) Business items.
- (9) Town Council **discussion and/or comments.**
- ~~(10) Public comments—General.~~
- ~~(10) Town Council comments.~~
- (10) Executive Session. (if appearing on published agenda.)**
- (11) Action on matters discussed in Executive Session (if applicable and appearing on published agenda.)**
- (12) Adjournment.**

~~(e) Scheduled executive sessions shall be published as a "Public Notice" on the agenda, and pursuant to subsection 2-52(e) be called to order prior to the regular meeting on the meeting day.~~

(e) Amendments to Agenda; Emergencies. No item may be added to the agenda after the meeting begins unless added by a two-thirds majority of members present and voting. If the item is one upon which final action may be taken or where there has not been and will not be an opportunity for public comment with prior notice, the two-thirds majority must make a finding that an emergency or exigent circumstance will exist if the item is not added. [Ref. South Carolina Code Sec. 30-4-80(A)]

Note: Sections 2-39 (a), (c), and (d), shall remain in full force and effect without any amendments thereto.

Sec. 2-40. Addressing the council. Every member of the town council when about to speak shall address the mayor as “Mr. Mayor; **Madam Mayor, or Ms. Mayor**” and in speaking shall avoid all disrespect to the town council and all personalities. The member shall confine himself to the subject under consideration.

Sec. 2-41. Recognition of speakers. The mayor when addressed by a member who rises in order, shall name the member using no title but that of “Mr. or **Ms.**” The member who shall rise first in order shall be first heard.

Section 2-52. Executive Sessions. Paragraph (e) is hereby repealed as executive session will be held during the course of the meeting as set forth in Section 2-39(b). ~~(e) Scheduled executive sessions.~~ Town Council shall be called to order for the purpose of holding a scheduled executive session prior to the regular meeting on the published meeting day. This Code does not prevent town council from entering into an executive session, if during the course of business during a meeting, retreat, or workshop it is determined that an executive session is appropriate pursuant to the Freedom of Information Act Section 30-40-70, et seq.

Note: Sections 2-52 (a), (b), (c), and (d) shall remain in full force and effect without any amendments thereto.

Section 2-54. ~~Appearance of citizens.~~ Public Comments. This code is to ensure that each member of the public in attendance at the regular meeting has an opportunity to comment on agenda items, municipal services, and operations. Town Council reserves the right to reject any speakers by majority vote.

(a) ~~Public Comments~~ **Agenda Items, Municipal Services & Operations.** Any citizen of the municipality or guest may speak on agenda items at a regular council meeting upon being recognized by the moderator during the public comments agenda items portion of the meeting as provided in subsection 2-39(b)(6). ~~Comments are limited to three (3) minutes per speaker, and must be germane to agenda items.~~ **Any person may speak on agenda items, municipal services and operations at a regular council meeting upon being recognized by the moderator during the appropriate**

time. Comments must pertain to an item on the agenda or as set forth on the registration form completed by the speaker (see paragraph (b) hereinbelow); the speaker must identify himself or herself, speak from the podium and limit comments to three (3) minutes. The mayor or presiding officer has discretion to limit the number of speakers on a particular topic.

~~(b) *Public Comments General.* Any citizen of the municipality or guest may speak at a regular meeting on a matter pertaining to municipal services and operation, except personnel matters, upon being recognized by the moderator during the public comments general portion of the meeting as provided in Section 2-39 regardless of whether the citizen or guest has already spoken during the public comments agenda items portion of the meeting. Comments are limited to five (5) minutes per speaker.~~

(b) *Registration Required.* Any individual wishing to address Town Council during a regular meeting during Public Comments regarding municipal services and operations shall register with the town clerk no later than Wednesday at 12 noon the week before the meeting by completing a form provided by the Town that states the speaker's name, address, telephone number, and subject about which they intend to speak. Speakers will be called in the order of registration receipt.

(c) *Decorum.* Individuals speaking shall avoid all disrespect to the town council and all personalities. No questions shall be entertained; this is a time for councilmembers to hear public opinion.

Speakers shall not:

- **make any personal attacks against the Mayor, Councilmembers, or staff;**
- **speak or read letters on behalf of another person;**
- **speak about personnel matters;**
- **call an individual by name;**
- **address an individual member of council;**
- **use profanity, make disruptive comments, make personal comments;**
- **deviate from the written topic submitted to Town Council, or**
- **defer his or her time to another individual.**

Sec. 2-58. Codification of ordinances. All ordinances shall be codified and updated **bi-**annually in a loose-leaf Code of Ordinances, except those adopted by reference and maintained in separate volumes, and copies shall be available for public inspection and purchase at reasonable cost.

Sec. 2-61 Appointment of committees.

~~(b)(ii) Upcoming vacancies on any board, commission, or committee shall be publicly advertised and include contact information for interested volunteers on the town website, on~~

~~town bulletin boards, and on the town's social media at least thirty (30) days prior to appointment of new members.~~ **Volunteers for boards, commissions, or committees may submit a brief summary of background pursuant to paragraph (iii) herein at any time. As vacancies occur those having volunteered for the particular board, commission, or committee shall be presented to Town Council for consideration at the next regular meeting.** Councilmembers shall have the opportunity to nominate candidates for any current or upcoming vacancy on any board, commission, or committee.

Note: Paragraphs (a); (b)(i); (b)(iii); (b)(iv); (c); (d); (e); (f); (g); (h);(i); (j); (k); (l), and (m) remain in full force and effect and are unchanged.

(n) An immediate family member of any member of town council shall not be appointed to any statutory committee, i.e. accommodations tax committee; board of zoning appeals; construction board of appeals or stormwater committee. Immediate family member is defined in the Town of Surfside Beach Employee Handbook. In the event a family member is serving on a statutory board when an immediate family member is elected to Town Council, then that individual shall resign from the committee when the member is sworn to office.

SEVERABILITY. If any provision, clause, sentence, or paragraph of this ordinance or the application thereof to any person or circumstances shall be held invalid, that invalidity shall not affect the other provisions of this article, which can be given effect without the invalid provision or application, and to this end the provisions of this article are declared to be severable.

EFFECT OF SECTION HEADINGS. The headings or titles of the several sections hereof shall be solely for convenience or reference and shall not affect the meaning, construction, interpretation or effect of this ordinance.

REPEAL AND EFFECTIVE DATE. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed. This ordinance shall take effect immediately upon approval at second reading by the Town Council of the Town of Surfside Beach, South Carolina.

BE IT ORDERED AND ORDAINED by the Mayor and Town Council of the Town of Surfside Beach, South Carolina, in assembly and by the authority thereof, this ____ day of _____ 2019.

Signatures on page 6.

Surfside Beach Town Council

Robert F. Childs, III, Mayor

David L. Pellegrino, Mayor Pro Tempore

Bruce Dietrich, Town Council

Mark L. Johnson, Town Council

Ron Ott, Town Council

Debbie Scoles, Town Council

Randle M. Stevens, Town Council

Attest: _____
Debra E. Herrmann, CMC, Town Clerk

