

STATE OF SOUTH CAROLINA) AN ORDINANCE OF THE TOWN OF SURFSIDE BEACH
) TO AMEND CHAPTER 2, ADMINISTRATION TO COMPLY WITH
COUNTY OF HORRY) RECENTLY ADOPTED CHAPTER 5, AND TO ADDRESS TIME OF
) ENTERING OFFICE; EXECUTIVE SESSIONS, ADDRESSING THE
TOWN OF SURFSIDE BEACH) COUNCIL, COMMITTEE APPOINTMENTS, APPEARANCE OF
CITIZENS AND CODE CODIFICATION, REGULAR AGENDA
FORMAT, AND REGULAR MEETING TIMES

WHEREAS, the Mayor and Town Council of the Town of Surfside Beach, in council duly assembled on this 9th day of April 2019 desire to amend the Town Council meeting schedule; and

WHEREAS, Town Council adopted Ordinance #19-0886 to transfer the town's election function to Horry County; and

WHEREAS, Town Council discussed the proposed changes to the meeting agenda at various meetings; and

WHEREAS, Town Council wishes to prioritize public comments; and

WHEREAS, Town Council wishes to streamline its agenda consistent with state law and open government, and the efficient conduct of the Town's business; and

WHEREAS, Council desires to have a harmonious working relationship with its boards and commissions, and concludes it is in the Town's best interest to ensure multiple immediate family members are not serving as public members, to avoid conflicts or the appearance of impropriety; and

WHEREAS, it is the intent for this ordinance to be effective when passed and not to apply retroactively to vacate the seats of any appointed members presently sworn and serving, but shall apply to any seats where no member has been sworn to serve, regardless of appointment, which vacancy would be unfilled.

NOW, THEREFORE, Town Council hereby directs that the Town Code of Ordinances of the Town of Surfside Beach, South Carolina are hereby amended to read as follows:

Sec. 2-17. Qualifications for mayor and town council. To be eligible for the position of mayor or of councilmember of the town, a person shall be a duly qualified resident and qualified elector of the town at the time filing for candidacy under the Constitution and statutes of the state. Proof thereof shall be furnished pursuant to Section 5-16 hereof. Any person elected to town council shall reside within the corporate limits of the town during his tenure.

Sec. 2-22. Time of entering and leaving office. The elected mayor and members of council shall take office immediately after approval of the minutes for the previous meeting during the regular meeting scheduled on the second Tuesday of December. The mayor and members of council shall remain in office until after approval of the minutes for the preceding meeting during the regular meeting scheduled on the second Tuesday of December during the election year in which his or her term expires or until each successor is elected and qualified.

Sec. 2-36. - Time of meetings.

(a) *Regular meetings.* The regular meetings of town council shall be held at town hall in council chambers on the fourth Tuesday each month, at 6:00 p.m., unless some other hour is fixed or when there is an executive session on the published agenda, then the meeting shall resume immediately after the executive session ends, except during the month of December when the regular meeting shall be held on the second Tuesday at 6:00 p.m., unless some other hour is fixed; subject to executive session as stated herein.

(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.

(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) Executive Session (if appearing on published agenda)
- (4) Public hearing (if appearing on published agenda)
- (5) Motions related to Agenda (if applicable)
- (6) Approval of minutes of the last regular meeting of town council and other meetings, as applicable.
- (7) Public comments-Agenda Items Three (3) minutes per speaker.

- (8) Communications. (Employee Awards; Guest Presenters, if applicable)
- (9) Business items
- (10) Public Comments–Town Services or Business Conducted Three (3) minutes per speaker
- (11) Town Council discussion and/or comments Three (3) minutes per speaker
- (12) Adjournment

(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.

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

Section 2-54. 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, town business and/or business conducted at the meeting. Speakers may participate in either or both public comment sections.

(a) *Agenda Items.* Any person may speak on agenda items at a regular council meeting upon being recognized by the moderator during the appropriate time. Comments must pertain to an item on the agenda; 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 Town Services or Business Conducted.* Any individual wishing to address Town Council during a regular meeting during public comments regarding town services or business conducted during the meeting may do so upon being recognized by the moderator at the appropriate time. 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.

(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; 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) 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.

(e) Board, commission, and committee members shall continue to serve until reappointment, resignation, removal, or the seat being deemed vacated under section 2-61(n) of this section, or until their successors are appointed by town council, but for no greater than one (1) year without official reappointment by town council. Members serving on town boards, commissions, and committees are resident volunteers unless specified otherwise by ordinance, state or federal law, or by town council and serve without compensation.

(f) Members of any board, commission or committee are appointed by Town Council and serve at the pleasure of the council. Appointees may be removed by vote of council. Members cannot hold any other public office or position in the town.

Note: Paragraphs (a); (b)(i); (b)(iii); (b)(iv); (c); (d); (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. Immediate family members (as defined in the Employee Handbook) are not eligible to serve simultaneously on boards, commissions, or committees. 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's seat shall be deemed vacated when the councilmember is sworn to office, without further action of Council.

Section 2-79 Reserved.

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 14th day of May 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

Approved