
AN ORDINANCE TO AMEND THE CODE OF ORDINANCES

ORDINANCE NO. 2023-03

BE IT ENACTED BY THE TOWN COUNCIL OF THE TOWN OF PAWLEYS ISLAND:

AN ORDINANCE OF THE TOWN OF PAWLEYS ISLAND, SOUTH CAROLINA AMENDING THE EXISTING CODE OF ORDINANCES OF THE TOWN OF PAWLEYS ISLAND

INTENT

It is the intent of this ordinance to amend the existing Code of Ordinances of the Town of Pawleys Island, to revise Article II, Division 2 Meetings.

WHEREAS, in order to assist in achieving this goal, the Code of Ordinances of the Town of Pawleys Island is to be modified,

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF PAWLEYS ISLAND, SOUTH CAROLINA, PURSUANT TO THE SOUTH CAROLINA CODE OF LAWS 1976 (AS AMENDED), THAT:

The existing Code of Ordinances be modified and shall read as follows:

Sec. 2-58. Generally.

- (a) *Regular.* Regular meetings of the town council shall be held on the second Monday at 5:00 p.m. in each month unless changed by a majority vote of members present at any regular or special meeting.
- (b) *Special.* Special meetings of the town council may be held on the call of the mayor or of a majority of the members. Notice of a special meeting shall be given immediately to all available members and the news media by the town clerk.
- (c.) *Appointed Committees.* The following committees which have been established by the Town Council are subject to the provisions of this section of the code of ordinances: Planning Commission, Architectural Review Board, Zoning Board of Appeals, Accommodations Tax Committee, and Events Committee.
- (d) *To be open to public.* All regular and special meetings of the council and appointed committees shall be open to the public. The Town shall provide reasonably convenient means for members of the public to attend any meeting in person. The Town shall also provide a virtual remote option for the Public's convenience whenever it is reasonable and feasible to do so.
- (e) *Physical meeting location.* For all meetings, the Town shall provide a physical meeting location where members of the public may attend. Unless otherwise posted in advance of the meeting, the physical location for all town council and appointed committee meetings shall be: Pawleys Island Town Hall- 323 Myrtle Ave. Pawleys Island, SC 29585.
- (f.) *Remote Virtual Means.* Includes live electronic means, such as videoconference or teleconference, which allows remote attendees to both hear and be heard by all other individuals in remote or physical attendance, including members of the public, staff, and other members of town council or appointed committees.

(Ord. No. 1986-10, § 1-26, 5-22-1986)

Sec. 2-59. Executive sessions.

By majority vote in a public meeting, council may hold an executive session as permitted by the South Carolina Freedom of Information Act. S.C. Code 1976, § 30-4-70. The motion to enter executive session shall include a detailed description of the purpose for the executive session and cite all of the specific subsections of S.C. Code 1976, § 30-4-70(a) that apply to the executive session. Authorized purposes include:

S.C. Code 1976, 30-4-70(a)(1)

Discussion of employment, appointment, compensation, promotion, demotion, discipline, or release of an employee, a student, or a person regulated by a public body or the appointment of a person to a public body. (The identity of the individual or entity being discussed is not required to be disclosed.)

S.C. Code 1976, 30-4-70(a)(2)

Discussion of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim or other matters covered by the attorney-client privilege, settlement of legal claims, or the position of the public agency in other adversary situations involving the assertion against the agency of a claim.

S.C. Code 1976, 30-4-70(a)(3)

Discussion regarding the development of security personnel or devices.

S.C. Code 1976, 30-4-70(a)(4)

Investigative proceedings regarding allegations of criminal misconduct.

S.C. Code 1976, 30-4-70(a)(5)

Discussion of matters relating to the proposed location, expansion, or the provision of services encouraging location or expansion of industries or other businesses in the area served by the public body. (The identity of the individual or entity being discussed is not required to be disclosed.)

No vote or formal action shall be taken in executive session except to adjourn or return to public session.

Minutes of executive sessions will not be taken.

It shall be unlawful for a member of council or person in attendance at an executive session to disclose to another person or make public the substance of a matter discussed.

(Ord. No. 1986-10, § 1-27, 5-22-1986; Ord. No. 2019-05, 9-9-2019)

Sec. 2-60. Quorum and rules of order.

For the purposes of these ordinances, a quorum shall be identified and defined as a majority of the councilmembers or appointed committee members during the conduct of business at any meeting of the town council or appointed committee. The mayor or mayor pro tempore shall preside over council meetings, except that in the absence of both, the members present shall elect a presiding member. The chair or vice-chair shall preside over their respective appointed committee. Except as otherwise required by state law or ordinance, all proceedings of council and appointed committees shall be governed by "Robert's Rules of Order" and the town attorney shall act as parliamentarian.

(Ord. No. 1986-10, § 1-28, 5-22-1986)

Sec. 2-61. Minutes.

The town clerk shall keep the minutes of all public meetings of the town council and appointed committees, which shall be a matter of permanent public record. At each council or committee meeting, the minutes of the

previous meeting shall be presented for approval, if available. The minutes must indicate which members were absent and note if any members attended by remote virtual means. Minutes shall not be considered the official record of a meeting until approved by council or committee. Any member of the council or committee desiring to express a position on a matter voted upon by the council or committee in the minutes may do so by presenting the position in writing to the council or committee no later than the next regular meeting.

(Ord. No. 1986-10, § 1-29, 5-22-1986)

Sec. 2-62. Appearance of citizens.

Any citizen of the municipality may speak at a regular meeting on a matter pertaining to municipal services and operations, except personnel matters, by signing an agenda list maintained by the clerk prior to the meeting stating the subject and purpose for speaking. Each person who gives notice may speak at a time designated by the presiding officer and may be limited to a three minute presentation at the discretion of the presiding officer. Attendees participating by electronic/virtual means may also speak during this designated time on the agenda provided that they have notified the clerk in writing prior to the meeting.

(Ord. No. 1986-10, § 1-30, 5-22-1986; Ord. No. 2019-06, 9-9-2019)

Sec. 2-63. Agenda.

Matters to be considered by the town council or committee at a regular meeting shall be placed on a written agenda prepared by the chief administrative officer and publicly posted by the town clerk by noon of the day preceding the meeting. Matters not on the agenda may be considered upon request of a member unless two members object. The agenda and associated documents shall be physically available at the in-person meeting location and accessible online for those attending virtually.

(Ord. No. 1986-10, § 1-31, 5-22-1986)

Sec. 2-64. Town attorney to attend.

The town attorney shall attend all meetings of the town council unless excused by the council. He shall act as parliamentarian, propose ordinances and resolutions, review all ordinances, resolutions and documents presented to the council and give opinions upon questions of procedure, form and law to any member of the council.

(Ord. No. 1986-10, § 1-32, 5-22-1986)

Sec. 2-65. Remote Virtual council or committee meeting attendance and protocols.

Council members and appointed committee members may also participate virtually in council or committee meetings and possess the same authority as members who are physically present at the meeting, provided that all of the following conditions are met:

- (1) A quorum of the council members are present. In identifying whether a quorum has been met, the town may use council members or appointed committee members who are present physically OR virtually.
- (2) The presiding officer is present at the physical meeting location.
- (3) Council members and appointed committee members, attending in person and by remote virtual means, and persons in attendance at the council or committee meeting can hear any and all comments

made at the meeting. Upon calling the meeting to order, the presiding officer shall poll the members to confirm attendance and that an audio connection is established and,

- (4) All comments, motions and votes of the individual member(s) attending by remote virtual means are recorded in the minutes of the meeting.

Remote virtual means participation shall be limited to situations that prevent physical attendance at meetings and not used as the primary method of meeting attendance. Council members and appointed committee members shall notify the Town Clerk or Town Administrator in advance of the meeting if they will be attending the meeting by remote virtual means.

(Ord. No. 2019-07, 9-9-2019)

Secs. 2-66—2-86. Reserved.

This Ordinance shall take effect and amend the existing Code of Ordinances of the Town of Pawleys Island, and be in full force after the date of its adoption by the Town Council of the Town of Pawleys Island.

Adoption of the foregoing Ordinances moved by Guerry Green and seconded by Rocky Holliday and after discussion and call to vote thereon, the vote was as follows:

Those in favor: Mayor Henry, Guerry Green, Ashley Carter, Sarah Zimmerman, Rocky Holliday
Those opposed: None

Date of First Reading: March 13, 2023
Date of Second Reading: April 10, 2023

APPROVED: 
Brian Henry, Mayor

DATE: 4/11/23

ATTEST: 
Daniel O'Hara, Town Clerk

DATE: 4/11/23

