



The Town of Hilton Head Island  
**Emergency Meeting of Town Council**  
**Saturday, March 21 2020, 4:00 p.m.**  
Benjamin M. Racusin Council Chambers  
**AGENDA**

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*As a courtesy to others please turn off / silence ALL mobile devices during the Town Council Meeting.  
Thank You.*

- 1. Call to Order**
- 2. FOIA Compliance** - Public notification of this meeting has been published, posted, and distributed in compliance with the South Carolina Freedom of Information Act and the requirements of the Town of Hilton Head Island.
- 3. New Business**
  - a. Emergency Ordinance 2020-05 - Council Authorization of Video or Teleconference Town Council Meetings
  - b. Emergency Ordinance of 2020-06 – Authorization of the Towing of Vehicles Parked on Public Roads and Right-of-Ways
  - c. Emergency Ordinance 2020-07 – Delaying of the Collections of Business License Fees, Local ATAX, and Local Hospitality Tax until June 20, 2020.
- 4. Adjournment**

**A ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, ESTABLISHING THE STANDARDS FOR ELECTRONIC MEETINGS IN THE TOWN OF HILTON HEAD ISLAND**

**WHEREAS**, on March 16, 2020, Hilton Head Island Mayor John J. McCann, pursuant to Hilton Head Island Municipal Code 7-7-20; has declared a Local State of Emergency; and

**WHEREAS**, on March 13, 2020, Governor Henry McMaster issued Executive Order No. 2020-08 related to 2019 Novel Coronavirus (“*COVID-19*”) and declared that a State of Emergency exists in South Carolina; and

**WHEREAS**, on March 15, 2020, the Centers for Disease Control and Prevention issued guidance recommending the suspension of large events and mass gatherings that consist of 50 people or more in order to slow the spread of COVID-19; and

**WHEREAS**, while it is imperative for local government to continue to operate during States of Emergency, it is equally imperative for local governments to take steps to minimize the need for large gatherings in order to protect public health and safety and the health and safety of local government officials and staff; and

**WHEREAS**, the South Carolina Freedom of Information Act, , which is codified at Title 30, Chapter 4 of the Code of Laws of South Carolina 1976, as amended, (the “*Act*”) defines a “Meeting” as “the convening of a quorum of the constituent membership of a public body, whether corporal *or by means of electronic equipment*, to discuss or act upon a matter over which the public body has supervision, control, jurisdiction or advisory power” (emphasis added); and

**WHEREAS**, due to the State of Emergency related to COVID-19, it is advisable to make provisions for the holding of electronic public meetings, while ensuring any electronic meeting fully complies with the open meeting requirements of the Act; and

**WHEREAS**, the Act further permits that emergency meetings of public bodies may be held without having provided twenty-four hours’ notice of such meeting; and

**WHEREAS**, South Carolina law provides that municipalities may enact emergency ordinances to meet public emergencies affecting life, health, safety or the property of the people upon a single reading, provided that such ordinance does not levy taxes, grant, renew or extend a franchise or impose or change a service rate, upon the affirmative vote of at least two-thirds of the city or county council present, and provided that such emergency ordinance shall expire automatically on the sixty-first day following its enactment; and

**WHEREAS**, it is hereby determined that a public emergency affecting life, health, and safety does exist, and therefore, it is appropriate and necessary to conduct an emergency meeting in order to enact this Emergency Ordinance.

**NOW THEREFORE**, be it hereby ordained in this emergency meeting of the Town Council (the “**Governing Body**”), as follows:

**Section 1. Standards for Electronic Meetings.** The Governing Body is hereby authorized to conduct public meetings exclusively in electronic form, provided the medium for such meeting, whether telephonic, broadcast video, computer-based, or other electronic media, or any combination of these, and the conduct of the electronic meeting, allows for the following standards and practices to be met:

(a) At the beginning of any electronic meeting, the presiding officer shall poll the members of the Governing Body to confirm attendance, and any member of the Governing Body attending by way of electronic media shall be considered present for the purposes of constituting a quorum.

(b) Throughout the duration of the electronic meeting, all members of the Governing Body, as well as any officials or staff required to speak at such meeting, must have the capability to be heard at all times by any other member of the governing body and by the general public.

(c) Any vote of the Governing Body must be conducted by individual voice vote of the members of the Governing Body, who shall verbally indicate their vote on any matter by stating “yay” or “nay.” All individual votes shall be recorded by the clerk, secretary, or presiding officers, as appropriate.

(d) Meetings shall be recorded or minutes kept in the same manner as an in-person meeting as required by the Act.

(e) All members of the governing body, officials, staff, and presenters should identify themselves and be recognized prior to speaking. Members of the Governing Body shall strictly comply with the rules of the Governing Body as they relate to procedural matters in order to preserve order and allow for the effectiveness of electronic meetings.

(f) Electronic executive sessions shall be permitted in accordance with the provisions of the Act and the Governing Body shall properly announce its reason for going into any executive session in conformance with Section 30-4-70 of the Act. Upon the entry into any electronic executive session, meeting minutes need not be kept and the electronic meeting utilized for such executive session may be held by (i) a separate telephonic, broadcast video, computer-based, or other electronic media, or any combination of these wherein the public shall not be permitted to participate, or (ii) on the initial telephonic, broadcast video, computer-based, or other electronic media, or any combination of these, with the implementation of necessary participation or listening restrictions, provided that in either instance all members of the Governing Body must have the capability to be heard at all times.

(g) With respect to any electronic meeting, any public comment periods provided for by local ordinance, Ordinance, policy, or bylaws are hereby suspended. Members of the public may submit written public comments which shall be distributed to the members of the Governing Body.

**Section 2. Suspension of Local Provisions.** During the period of effectiveness of this Ordinance, any ordinance, Ordinance, policy, or bylaw of the Governing Body that conflicts with the provisions hereof is suspended and shall be superseded hereby.

**Section 3. Effective Date; Expiration.** The provisions hereof shall be effective upon a single hearing and two-thirds vote of the Governing Body, and shall expire on the sixty-first day following the effective date hereof.

**DONE AS AN EMERGENCY ORDINANCE AT AN EMERGENCY MEETING,** and approved at a meeting duly assembled by no less than an affirmative vote of two-thirds of the members of the Governing Body present, this \_\_\_\_ day of \_\_\_\_, 2020.

**MOVED, APPROVED, AND ADOPTED THIS 21<sup>ST</sup> DAY OF MARCH, 2020**

\_\_\_\_\_  
**John J. McCann, Mayor**

**ATTEST:**

By: \_\_\_\_\_  
**Krista M. Wiedmeyer, Town Clerk**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**Curtis Coltrane, Town Attorney**

**Introduced by Council Member:** \_\_\_\_\_

**Read and Adopted on: March 21, 2020.**

**AN EMERGENCY ORDINANCE OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, TO TEMPORARILY SUSPEND THE OPERATION OF DEADLINES IMPOSED UPON THE TOWN; EXTEND TAX COMPLIANCE DEADLINES; AND MATTERS RELATED THERETO; AND SEVERABILITY**

**WHEREAS**, on March 13, 2020, the Honorable Henry McMaster, Governor of South Carolina, issued Executive Order No. 2020-08 related to 2019 Novel Coronavirus ("COVID-19") and declared that a State of Emergency exists in South Carolina; and,

**WHEREAS**, on March 15, 2020, the Centers for Disease Control and Prevention issued guidance recommending the suspension of large events and mass gatherings that consist of 10 people or more in order to slow the spread of COVID-19; and,

**WHEREAS**, on March 16, 2020, in accordance with section 7-7-20 of the Code of Ordinances for the Town of Hilton Head Island, South Carolina (the "Town Code"), the Honorable John McCann, Mayor of the Town of Hilton Head Island, issued a proclamation declaring a state of emergency throughout the Town to protect the public health, safety, and welfare of the residents, guests, and visitors to the Town of Hilton Head Island from the dangers caused by the increasing number of confirmed cases of COVID-19; and,

**WHEREAS**, in order to support the businesses of Hilton Head Island it is necessary to extend the deadline by which certain fees and taxes must be remitted to the Town without the imposition of a penalty or interest upon such payments.

**NOW, THEREFORE, BE IT, AND IT HEREBY IS, ORDERED AND ORDAINED BY THE TOWN COUNCIL FOR THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, AND IT IS ORDAINED BY THE AUTHORITY OF THE SAID COUNCIL, AND S. C. CODE ANN. § 5-7-250(D)(SUPP. 2019), AS FOLLOWS:**

1. All municipal tax deadlines occurring after the date hereof be extended in accordance with Executive Order 2020-10 issued by Governor Henry McMaster on March 17, 2020, any Business License Tax, Hospitality Tax, Hospitality Fee and Local Accommodations Taxes collected during March, 2020, and April, 2020, will not incur a penalty so long as such taxes and fees collected during this time are remitted to the Town in full no later than June 20, 2020.
2. The Emergency Ordinance becomes effective immediately upon adoption by two thirds affirmative vote of the Town Council for Hilton Head Island and will expire on the sixty-first day following adoption.
3. 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 the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

**MOVED, APPROVED, AND ADOPTED THIS 21<sup>st</sup> DAY OF MARCH, 2020.**

**Joh** \_\_\_\_\_

**ATTEST:**

**By:** \_\_\_\_\_

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**APPROVED AS TO FORM:** \_\_\_\_\_

**Curtis Coltrane, Town Attorney**

**Introduced by Council Member:** \_\_\_\_\_

*Glenn Stanford*

**Read and Adopted on: March 21, 2020**

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**Krista M. Wiedmeyer, Town Clerk**

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