



**WALTERBORO CITY COUNCIL  
SPECIAL CALLED MEETING  
JULY 9, 2024  
CITY HALL  
4:00 PM**

**AGENDA**

**I. Call to order:**

**II. Executive Session:**

1. Receipt of Legal Advice – Business License Appeal Hearing.

**III. Open Session:**

**IV. Business License Appeal Hearing – Essential Elegance (4:45 PM):**

1. Procedures for Hearing an Application for Appeal (Attached).

**V. Adjournment:**

## **Procedures for Hearing an Application for Appeal**

The following procedures shall be applicable in the presentation of an appeal of denial of business license:

### **Section 1. Jurisdiction**

Once an appeal has been taken from any final decisions of the business license department, the jurisdiction of the business license with City Staff shall cease on notice of appeal, unless the matter is remanded by the Council to the Staff.

### **Section 2. Presentation of the Applicant, the Staff, and any Necessary Parties**

A. The Applicant shall have a maximum of twenty (20) minutes to present the facts and applicable legal principles that the Applicant believes support the Application for Appeal. During the presentation by the Applicant, members of the Council may ask questions as they deem appropriate. At the discretion of the Mayor, the Applicant's time may be extended if the Applicant is unable to complete the presentation due to questioning from the Council.

B. Staff shall have a maximum of twenty (20) minutes to present the facts and applicable legal principles that the Staff believes are applicable to the Application for Appeal. During the presentation by the Staff, members of the Council may ask questions as they deem appropriate. At the discretion of the Mayor, Staff's time may be extended if the Staff is unable to complete the presentation due to questioning from the Council.

C. If there are any necessary parties to an appeal, as determined by the Council, other than the Applicant and the Staff, such necessary parties shall each have a maximum of twenty (20) minutes to present the facts and applicable legal principles that they believe are applicable to the Application for Appeal. During the presentation by any necessary party, members of the Council may ask questions as they deem appropriate. At the discretion of the Mayor, a necessary party's time may be extended if they are unable to complete the presentation due to questioning from the Council.

D. Following the presentations, Upon Recognition by the Mayor, Individual Councilmembers may ask such additional questions of the Applicant, the Staff, or any necessary parties as the Council members deem appropriate.

E. The Applicant, the Staff, and necessary parties shall each have a maximum of ten (10) minutes to present any rebuttal or clarification they may deem appropriate. The Applicant shall have the right to last reply.

F. The Council may subpoena witnesses and in the case of contempt may certify such fact to the Circuit Court having jurisdiction over such matter.

### **Section 3. Vote on the Application for Appeal**

A. Following the presentations by all parties set forth above, the Council upon a motion duly made and seconded, shall vote on the Application for Appeal.

B. The motion shall contain, at a minimum, a finding of those facts which the member making the motion deems material to the decision, including appropriate references to relevant sections of the business license code.

C. When voting on the motion, the Council shall:

1. Affirm the action or decision of the business license official; or
2. Modify the action or decision of the business license official, and that end, the Council shall have all powers of the business license official, and may issue a building license, or direct that a business license be issued; or
3. Reverse the action or decision of the business license official, and may issue a business license, or direct that a business license be issued; or
4. Remand the action or decision of the business license official for such further considerations as the Council deems necessary.

D. Following the vote, the Council shall issue a written Notice of Decision. The Written Notice of Decision shall include the decision as well as the findings of fact and conclusions of law adopted in the business license code.

E. The Notice of Decision shall be mailed by certified mail to the Applicant and any necessary parties.

F. The Notice of Decision of the Council shall be deemed final and applicable upon mailing the Notice of the Decision.

G. The Clerk of the Council shall file a copy of the Notice of Decision in the official record book. The certificate of mailing shall be made a part of the Council's file on the Appeal.

### **Section 3      Miscellaneous**

#### **A. Executive Session**

If a member determines that the Council would benefit from the advice of legal counsel in executive session, upon a motion duly made, seconded and by a majority vote by Council, the Council shall meet in executive session.

#### **B. Recess**

A recess shall be declared as deemed and appropriate by the Mayor or by a majority vote of the Council. No discussion of the appeal shall be conducted by the Council during the recess.