

Council Members

District 1: John Thomas, *Chairman*
District 2: Ron L. Charlton
District 3: Everett Carolina
District 4: Lillie Jean Johnson, *Vice Chair*
District 5: Vacant
District 6: Steve Goggans
District 7: Louis R. Morant

**County Administrator**

Sel Hemingway

County Attorney

Wesley P. Bryant

Clerk to Council

Theresa E. Floyd

September 10, 2019

5:30 PM

County Council Chambers

GEORGETOWN COUNTY COUNCIL
County Council Chambers, 129 Screven Street,
Suite 213, Georgetown, SC 29440

AGENDA

- 1. INVOCATION**
- 2. PLEDGE OF ALLEGIANCE**
- 3. APPROVAL OF AGENDA**
- 4. PUBLIC COMMENT**
- 5. APPROVAL OF MINUTES**
 - 5.a Regular Council Session - August 27, 2019**
- 6. CONSENT AGENDA**
 - 6.a Procurement #19-027 Revised, Professional Exterminating and Pest Control Services, Term Agreement**
- 7. PUBLIC HEARINGS**
- 8. APPOINTMENTS TO BOARDS AND COMMISSIONS**
 - 8.a Georgetown County Planning Commission**
- 9. RESOLUTIONS / PROCLAMATIONS**
 - 9.a Proclamation No. 19-12 - Declaration of October 2019 as Fire Prevention Month in Georgetown County**
 - 9.b Resolution No. 19-13 - Declaration of Official Intent to Reimburse**
- 10. THIRD READING OF ORDINANCES**
- 11. SECOND READING OF ORDINANCES**
 - 11.a ORDINANCE NO. 19-16 - AN ORDINANCE TO REPEAL, REPLACE AND CREATE THOSE CERTAIN FEES PAYABLE TO THE PROBATE COURT OF GEORGETOWN COUNTY FOR THE**

**ISSUANCE OF MARRIAGE LICENSES, AS MANDATED BY
STATUTE**

- 11.b Ordinance No. 19-17 - An Ordinance to amend Appendix C, Stormwater Management Program, Part II, Flood Damage Prevention Ordinance**
- 11.c Ordinance No. 19-20 - An Ordinance to authorize Georgetown County to lease a portion of a tract of property owned by Georgetown County, designated as Tax Map No. 04-0406-001-01-00, to JB's Celebration Park Inc. for the purposes of constructing a Celebration Park for general public access.**

12. FIRST READING OF ORDINANCES

13. COUNCIL BRIEFING AND COMMITTEE REPORTS

14. BIDS

15. REPORTS TO COUNCIL

- 15.a Recognition -- Employee cook-off winners**

16. DEFERRED OR PREVIOUSLY SUSPENDED ISSUES

- 16.a Ordinance No. 2017-23 – To Amend the Pawleys Plantation Planned Development to change the land use designation for two parcels along Green Wing Teal Lane from Open Space to Single Family in order to allow an additional two single family lots to the PD (County Council deferred action on 10/24/17)**
- 16.b ORDINANCE NO. 19-18 - AN ORDINANCE AUTHORIZING (1) THE EXECUTION AND DELIVERY OF A FEE IN LIEU OF TAX AND INCENTIVE AGREEMENT BY AND BETWEEN GEORGETOWN COUNTY, SOUTH CAROLINA (THE "COUNTY") AND A COMPANY IDENTIFIED FOR THE TIME BEING AS PROJECT EAGLE, ACTING FOR ITSELF, ONE OR MORE AFFILIATES, AND/OR OTHER PROJECT SPONSORS (THE "COMPANY"), WITH RESPECT TO THE ESTABLISHMENT AND/OR EXPANSION OF OF CERTAIN FACILITIES IN THE COUNTY (COLLECTIVELY, THE "PROJECT"); (2) THE BENEFITS OF A MULTI-COUNTY INDUSTRIAL OR BUSINESS PARK TO BE MADE AVAILABLE TO THE COMPANY AND THE PROJECT; AND (3) OTHER MATTERS RELATING THERETO.**
- 16.c ORDINANCE NO. 19-19 - AN ORDINANCE TO ESTABLISH A JOINT COUNTY INDUSTRIAL AND BUSINESS PARK PURSUANT TO SECTION 4-1-170 OF THE SOUTH CAROLINA CODE OF LAWS 1976, AS AMENDED, TO BE KNOWN AS THE GEORGETOWN COUNTY PROJECT EAGLE JOINT COUNTY INDUSTRIAL AND BUSINESS PARK (THE "PARK"), IN CONJUNCTION WITH HORRY COUNTY, SUCH PARK TO BE GEOGRAPHICALLY LOCATED IN GEORGETOWN COUNTY; TO AUTHORIZE THE EXECUTION AND DELIVERY OF A WRITTEN PARK AGREEMENT WITH HORRY COUNTY AS TO THE REQUIREMENT OF PAYMENTS OF FEE IN LIEU OF AD**

VALOREM TAXES WITH RESPECT TO PARK PROPERTY AND THE SHARING OF THE REVENUES AND EXPENSES OF THE PARK; TO PROVIDE FOR THE DISTRIBUTION OF REVENUES FROM THE PARK WITHIN GEORGETOWN COUNTY; AND OTHER MATTERS RELATED THERETO.

17. LEGAL BRIEFING / EXECUTIVE SESSION

17.a Personnel Matter / County Administrator Position

18. OPEN SESSION

19. ADJOURNMENT

Item Number: 5.a
Meeting Date: 9/10/2019
Item Type: APPROVAL OF MINUTES

AGENDA REQUEST FORM
GEORGETOWN COUNTY COUNCIL



DEPARTMENT: County Council

ISSUE UNDER CONSIDERATION:

Regular Council Session - August 27, 2019

CURRENT STATUS:

Pending

POINTS TO CONSIDER:

n/a

FINANCIAL IMPACT:

n/a

OPTIONS:

1. Approval of minutes as submitted.
2. Offer amendments.

STAFF RECOMMENDATIONS:

Recommendation for approval of minutes as submitted.

ATTACHMENTS:

Description	Type
☐ DRAFT - Minutes 8/27/19	Backup Material

Georgetown County Council held a Regular Council Session on Tuesday, August 27, 2019, at 5:30 PM in County Council Chambers located in the historic Georgetown County Courthouse, 129 Screven Street, Georgetown, South Carolina.

Present:	Everett Carolina	Lillie Jean Johnson
	Ron L. Charlton	Louis R. Morant
	Steve Goggans	John W. Thomas

Staff:	Wesley P. Bryant	Sel Hemingway
	Theresa E. Floyd	

Other staff members, members of the public, and representatives of the media were also present. In accordance with the Freedom of Information Act, a copy of the agenda was sent to newspapers, television, and radio stations, citizens of the County, Department Heads, and posted on the bulletin board located outside of Council Chambers in the historic Courthouse.

Chairman John Thomas called the meeting to order. Councilmember Ron Charlton gave an invocation, and all joined in the pledge of allegiance.

APPROVAL OF AGENDA:

Councilmember Ron Charlton made a motion to approve the meeting agenda to include recommendations to move the following reports forward on the meeting agenda to follow public comments: *Recognition of Employee of the 2nd Quarter*; and *Presentation of an Innovation Award*. Councilmember Steve Goggans seconded the motion. Chairman Thomas called for discussion on the motion, and there was none.

In Favor:	Everett Carolina	Lillie Jean Johnson
	Ron L. Charlton	Louis R. Morant
	Steve Goggans	John W. Thomas

PUBLIC COMMENTS:

Tom Stickler

Mr. Stickler stated that he was a member of a citizens group in favor of integration of the Opticom Emergency Vehicle Preemption System for Georgetown County. The system intercedes with traffic signals to prevent traffic delays in the response time of emergency vehicles. The system has been proven to reduce emergency response times by 25-40%, and reduce accidents involving emergency vehicles by 75%. The annual subscription cost of implementing this system is \$143,704.56, and this would not increase for 10 years. The group has circulated a petition and collected over 1100 signatures of citizens and business owners that support the system. As a member of the Board of Directors of Waccamaw Neck Council of Property Owner Associations he urged Council to support this endeavor.

David Gundling

Mr. Gundling spoke on behalf of the Pawleys Island Litchfield Business Association (PILBA) in opposition of a proposal to implement a business license fee in Georgetown County. He said this would place an undue financial burden in addition to the costs, including higher property taxes and others costs placed on local businesses that are trying to remain competitive. Mr. Gundling said the business community feels they are already paying more than their fair share in taxes, and would ask that County Council

explore and consider other options that are more evenly distributed, allowing the area to remain business friendly.

Wesley Gibson

Mr. Gibson spoke on behalf of *Citizens for Progress*, stating that as an advocate for recreation and children, he was present to commend the County Administrator, and County Council, for moving forward with the bid for multi-purpose fields and other facility improvements at the Beck Recreation Center. The community has been asking for this for a while, and he expressed appreciation to his Council representative who has been supportive throughout. This will give children and adults the opportunity to walk and play in a safe place. On a separate matter, Mr. Gibson asked County Council not to put the aquatic centers on the “back burner” of its capital improvement plans. Georgetown is surrounded by water, and it is critical that our residents learn to swim.

Marvin Neal

Mr. Neal said he “echoed” Mr. Gibson’s comments regarding the need for an aquatic center in Georgetown County, and urged County Council to make this a priority. On a separate matter of concern, as President of the NAACP, Mr. Neal said it seems that County Council has not been receptive to his previous comments. The comments are not directed to anyone personally, but are to address specific situations, such as the hiring practices of Georgetown County. Mr. Neal voiced concerns regarding a County employee who was hired 15 years ago at \$7 per hour, and now earns \$11 per hour. He said there is a problem when an employee receives a \$4 increase within a 15 year period, especially considering that the top positions in the County are all paid over \$100,000 per year. This is only one reason why the next administrator should not be “status quo”. County Council should take this opportunity for a fresh new start in its hiring practices, and implementing fairness in the County’s salary appropriations. Nepotism still exists within Georgetown County government, and County Council should look closely at this.

Karen Yaniga

Ms. Yaniga stated that she was speaking on behalf of herself, and also Mayor Jimmy Braswell of Pawleys Island (who had a prior commitment for this evening). She stated that Mayor Braswell has recognized the island residents and those visiting. The “Life Saving Lights” proposal was initiated in 2017. At that time, Mayor Bill Otis and the Pawleys Island Town Council passed a resolution supporting the Opticom System. Today, Mayor Braswell and the Pawleys Island Town Council continue to fully support implementation of the system. Ms. Yaniga provided council members with packets of new information from four different cities with data collected by the system regarding decreases in the response time of emergency vehicles to arrive at the scene of the emergency. Most people in this community would like County Council to pass a \$3 fee per taxable parcel in support of this system. Ms. Yaniga asked individuals in the meeting room who supported this endeavor to be acknowledged by raising their hand. The majority of those in attendance were in support.

MINUTES:

Regular Council Session – July 23, 2019

Councilmember Ron Charlton moved to approve the minutes of the regular council meeting held on July 23, 2019. Councilmember Steve Goggans seconded the motion. Chairman John Thomas called for discussion on the motion, and there was none.

In Favor:	Everett Carolina	Lillie Jean Johnson
	Ron L. Charlton	Louis R. Morant
	Steve Goggans	John W. Thomas

CONSENT AGENDA:

The following reports were included on the Consent Agenda, and therefore approved previously during the meeting:

Procurement 19-037, Town of Andrews Drainage Study and Proposed Improvements – County Council awarded a Professional Services Agreement to Stantec Consulting Services, Inc. to conduct a drainage study for the Town of Andrews.

Procurement 19-047, Litchfield Exchange Roof Replacement – County Council awarded a construction contract to Nunnery Roofing & Remodeling Co. of Sumter, SC for roof replacement on the Litchfield Exchange Building in the amount of \$276,490.00.

Procurement #19-048, Replacement of three (3) Ford F-250 Utility Trucks for Facility Services – County Council authorized the procurement of three (3) 2020 Ford F-250's from Dick Smith Ford, Inc., utilizing SC State Contract pricing at a total cost of \$109,932.

Procurement #19-066, Motorola Solutions Maintenance and Service Agreement for 911 Consoles & Equipment-FY20 Renewal – County Council authorized the renewal of a Maintenance and Service Agreement with Motorola Solutions to continue uninterrupted coverage through June 30, 2020 at a cost of \$68,688.60.

Procurement #19-032, Beck Recreation Center Multi-Purpose Fields & Facilities – County Council awarded a construction contract to Gulf Stream Construction Company, Inc. in the base bid amount of \$1,751,788, plus alternates ("Option 2 Package") for a total contract amount of \$1,870,343.

Procurement #19-051, Replacement of (2) Chevrolet Tahoes for GC Fire – County Council awarded a purchase order to Love Chevrolet, for two (2) 2019 Chevrolet Tahoes in the amount of \$73,618.00.

West Georgetown County Regional Wastewater Treatment System Service Agreement – County Council approved proposed updates to the West Georgetown County Regional Wastewater Treatment System Service Agreement.

BOARDS / COMMISSIONS:

Planning Commission

Councilmember Lillie Jean Johnson moved for the appointment of Mr. Zannie Graham to the Georgetown County Planning Commission. Councilmember Everett Carolina offered a second on the motion. There was no discussion on the motion, and it was approved by unanimous vote.

In Favor:	Everett Carolina	Lillie Jean Johnson
	Ron L. Charlton	Louis R. Morant
	Steve Goggans	John W. Thomas

RESOLUTIONS / PROCLAMATIONS:

Proclamation No. 19-10

Councilmember Lillie Jean Johnson moved for the adoption of Proclamation No. 19-10 proclaiming the week of September 17-23, 2019 as "Constitution Week" in Georgetown County. Councilmember Louis Morant offered a second. There was no discussion following the motion.

In Favor:	Everett Carolina	Lillie Jean Johnson
	Ron L. Charlton	Louis R. Morant
	Steve Goggans	John W. Thomas

Resolution No. 19-11

Councilmember Everett Carolina moved for the adoption of Proclamation No. 19-11 authorizing acceptance of USDA Rural Development Grant Funding in the amount of \$22,600 to be utilized for Rose Hill Fire Personal Fire Protection Equipment and agreeing to the responsibilities and administrative requirements of the grant. Councilmember Louis Morant seconded the motion. There was no discussion following the motion.

In Favor:	Everett Carolina	Lillie Jean Johnson
	Ron L. Charlton	Louis R. Morant
	Steve Goggans	John W. Thomas

ORDINANCES-Third Reading

No reports.

ORDINANCES-Second Reading:

Ordinance No. 19-10

Councilmember Ron Charlton moved to table Ordinance No. 19-10, an amendment to the Zoning Ordinance that would allow additional parking in commercial areas in the overlay zones only along Business 17 in Murrells Inlet while still maintaining the total landscaping amount required for a parking lot. Councilmember Lillie Jean Johnson seconded the motion. Upon a call for discussion from the Chairman, there was none.

In Favor:	Everett Carolina	Lillie Jean Johnson
	Ron L. Charlton	Louis R. Morant
	Steve Goggans	John W. Thomas

ORDINANCES-First Reading:

Ordinance No. 19-16 – An Ordinance to Repeal, Replace and Create Those Certain Fees Payable to the Probate Court of Georgetown County for the Issuance of Marriage Licenses, as Mandated by Statute.

Ordinance No. 19-17 - An Amendment to the County's Flood Damage Prevention Ordinance dealing with "temperature-controlled" prohibition for areas underneath a structure in the flood zone.

Ordinance No. 19-18 – An Ordinance Authorizing (1) the Execution and Delivery of a Fee In Lieu of Tax and Incentive Agreement by and Between Georgetown County, South Carolina (THE "COUNTY") and a Company Identified for the Time Being as Project Eagle, acting for Itself, One or More affiliates, And/Or, Other Project Sponsors (THE "COMPANY"), with Respect to the Establishment and/or Expansion of a Certain Facilities in the County (Collectively, THE "PROJECT"); (2) The Benefits of a Multi-County Industrial Park to be Made Available to the Company and the Project, and (3) Other Matters Relating Thereto.

Ordinance No. 19-19 – An Ordinance to Establish a Joint County Industrial and Business Park Pursuant to Section 4-1-170 of the South Carolina Code of Laws 1976, as amended, to be Known as the Georgetown County Project Eagle Joint County Industrial and Business Park (THE "PARK"), in Conducting with Horry County, Such Park to be Geographically Located in Georgetown County; to Authorize the Execution and

Delivery of a Written Park Agreement with Horry County as to the Requirements of Payments of Fee in Lieu of Ad Valorem Taxes with Respect to Park Property and the Sharing of the Revenues and Expenses of the park; To Provide for the Distribution of Revenues From the Park Within Georgetown County; and Other Matters Relating Thereto.

Ordinance No. 19-20 - An Ordinance to authorize Georgetown County to lease a portion of a tract of property owned by Georgetown County, designated as Tax Map No. 04-0406-001-01-00, to JB's Celebration Park Inc. for the purposes of constructing a Celebration Park for general public access.

BIDS:

No reports.

REPORTS TO COUNCIL:

Employee of the Quarter

This report was moved forward on the meeting agenda, and presented previously during the meeting.

Walt Ackerman, Georgetown County Director of Administrative Services, introduced Tracey Howle, who has been named Georgetown County's Employee of the 2nd Quarter. As a key member of Georgetown County's Emergency Services team, Tracey Howle has been employed with Georgetown County for 26 years (since Sept. 1992). She started with Georgetown County EMS, handling administrative tasks, billing and some dispatching, along with other duties as assigned. With consolidation of Fire and EMS operations, she became administrative assistant to the Emergency Services Director, and now serves in the expanded role of administrative assistant for the Emergency Services Division, working under the direction of the County Administrator. She coordinates meetings and handles reports and daily administrative details for the County's two fire and EMS Departments, as well as Georgetown County Emergency Management, and works in the County's Emergency Operations Center when it is activated. Mr. Ackerman stated that Tracey's job is "never-ending". She is continually faithful in executing her duties, and recognized by all as an asset to Georgetown County.

Recognition - Innovation Award

This report was moved forward on the meeting agenda, and presented previously during the meeting.

Walt Ackerman, Georgetown County Director of Administrative Services, informed County Council that Midway Fire-Rescue Battalion, Chief Jeff Pifer, was awarded Georgetown County's Innovation Award for a policy he introduced regarding situations in which emergency responders encounter bedbugs in the course of performing their duties. The policy was deemed an effective way of reducing the likelihood of spreading bedbugs to county facilities, and thus saves money associated with combating bedbug infestation. Fire and EMS staff are on a daily basis called to enter homes all across their service areas, where they encounter a range of issues. Pifer researched policies enacted by larger departments and used those as a basis to craft one that fits Georgetown County's operations. The policy is both affordable and easy to duplicate and introduce in other departments and divisions where appropriate. The policy outlines procedures for creating "Bedbug Decon Kits," which can be deployed by the on-duty battalion chief. Not only does this help prevent the spread of bedbugs, but it is significantly less expensive than extermination services after an infestation has taken place. The policy was implemented in May and county officials are looking at other departments in which implementation might be useful.

Coast RTA - Request for Capital Funding

Councilmember Lillie Jean Johnson moved to authorize the disbursement of capital funds in the amount of \$240,038, as requested by Coast RTA, for funding three capital projects as outlined. Councilmember Everett Carolina seconded the motion. There was no discussion on the motion.

In Favor:	Everett Carolina	Lillie Jean Johnson
	Ron L. Charlton	Louis R. Morant
	Steve Goggans	John W. Thomas

DEFERRED:

Ordinance No. 2017-23

County Council deferred action on Ordinance No. 2017-23, a proposed amendment to the Pawleys Plantation Planned Development pursuant to legal questions pertaining to the application as submitted by the Pawleys Plantation Property Owners Association.

EXECUTIVE SESSION:

A motion was made by Councilmember Ron Charlton, and seconded by Chairman Thomas, to move into Executive Session in order to discuss a matter related to airport property, an Economic Development matter (Project Eagle), and a personnel matter (County Administrator). Upon a call for discussion on the motion, there was none.

In Favor:	Everett Carolina	Lillie Jean Johnson
	Ron L. Charlton	Louis R. Morant
	Steve Goggans	John W. Thomas

OPEN SESSION:

As Open Session resumed, Chairman Thomas stated that County Council discussed the matters as previously disclosed. No decisions were made, nor were any votes taken by County Council during Executive Session.

Being no further business to come before County Council, Chairman Thomas adjourned the meeting.

Date

Clerk to Council

Item Number: 6.a
Meeting Date: 9/10/2019
Item Type: CONSENT AGENDA

AGENDA REQUEST FORM
GEORGETOWN COUNTY COUNCIL



DEPARTMENT: Purchasing

ISSUE UNDER CONSIDERATION:

Procurement #19-027 Revised, Professional Exterminating and Pest Control Services, Term Agreement

CURRENT STATUS:

On June 25, 2019, Council approved the lowest bidder, Clegg's Termite & Pest Control of Durham, NC for award for Professional Exterminating & Pest Control Services. After issues with untimely services, the vendor has formally provided the County with their 30 day notice of cancellation of the contract. Therefore, the County requests award of a new contract to the 2nd lowest bidder, Pro Tek Termite and Pest Control, for these services.

POINTS TO CONSIDER:

This original solicitation was advertised in a newspaper of general circulation in Georgetown County and the SC Business Opportunities On-Line Publication, posted on the County and SCBO websites, and direct mailed to all known offerors. There were seven (7) responses received.

- 1) SWAT Mosquito & Pest Control of Georgetown, SC @ \$18,210.00 total annual cost.
- 2) Best Home & Property Services of Conway, SC @ \$83,700 total annual cost.
- 3) Clegg's Termite & Pest Control of Durham, NC @ \$14,970.00 total annual cost.
- 4) Pro Tek Termite and Pest Control of Georgetown, SC @ \$17,490.00 total annual cost.
- 5) Pro Pest Pest Management of Murrells Inlet, SC @ \$27,420.00 total annual cost.
- 6) Titan Termite & Pest Control of Charleston, SC @ \$20,550.00 total annual cost.
- 7) Dodson Pest Control of Myrtle Beach, SC @ \$21,960.00 total annual cost.

FINANCIAL IMPACT:

This is a non-departmental expense, borne by each department according to the funding provided by their FY budget request. Billing will be based upon contracted or an otherwise "as used" basis, and will be centrally billed to purchasing for allocation. Total estimated cost to the County per year for all currently serviced areas will be \$17,490.00, or \$87,450.00 for the full five-year term, assuming no changes in service areas.

OPTIONS:

- 1) Approve a new service contract with Pro Tek Termite and Pest Control of Georgetown, SC.
- 2) Decline to award.

STAFF RECOMMENDATIONS:

Public Services recommends the new service contract to the 2nd lowest bidder, Pro Tek Termite and Pest Control to include the 3 add/alternate locations in immediate need of termite control. This vendor is local to Georgetown, SC. They were also our old provider for these services for the past 5 years and have always provided exceptional services to the County.

ATTORNEY REVIEW:

No

ATTACHMENTS:

Description	Type
▣ Public Bid Opening Tabulation	Cover Memo
▣ Recommendation from Mr. Ray Funnye, Director of Public Services	Cover Memo



Public Bid Opening Tabulation
Bid# 19-027, Professional Exterminating and Pest Control
Services, Term Agreement
Wednesday, May 29, 2019 at 3:00 PM Eastern NIST

<u>OFFEROR</u>	<u>TOTAL ANNUAL PEST CONTROL COST</u> (Pg. 35, Item 11)	<u>Comments</u>
SWAT Mosquito & Pest Control	\$ 18,210 ⁰⁰	
Best Home & Property Services	\$ 83,700 ⁰⁰	
Pro Tek Termite & Pest Control	\$ 17,490 ⁰⁰	
Clegg's Termites & Pest Control	\$ 14,970 ⁰⁰	
Pro Pest	\$ 27,420 ⁰⁰	
Titan Termite & Pest Control	\$ 20,550 ⁰⁰	
Dodson Pest Control /MP	\$ 21,960 ⁰⁰	

OPENED BY: _____

WITNESS: _____

Jan Puckett



Wednesday, May 29, 2019 at 3:00 PM Eastern NIST

PLEASE PRINT CAREFULLY

[illegible]

From: Ray C. Funnye

Sent: Thursday, September 5, 2019 11:37 AM

To: Nancy Silver <nsilver@gtcounty.org>; Public Services <PublicServices@gtcounty.org>

Subject: RE: Clegg's Pest Control

Nancy,

In light of Cleggs Clegg's Termite and Pest Control submittal of a 30 days' notice of cancellation I recommend that we accept the notice and offer the Professional Exterminating and Pest Control Services to second low bidder, ProTek Termite & Pest Control. We have experienced satisfactory performance results from this local vendor in his recent pest control work with the county.

In addition to recommending pest control base contract to ProTek Termite & Pest Control I also recommend that termite control for the 3 add/alternate locations be included in the agreement.

Thanks for your consideration.

Ray

Ray C. Funnye

Georgetown County

Department of Public Services

(843) 545.3325 phone

(843) 545.3326 fax

rcfunnye@gtcounty.org

Innovation | Leadership | Teamwork



Ray,

Please see email below. I already have a Novus Agenda request entered and saved to next week's 9/10 Council meeting. Please send me your revised recommendation for me to attach to the Council

agenda. If Council approves this on 9/10 (assuming this doesn't get postponed), then I will send a contract for Neal's signature the morning of 9/11. Also, please advise if you still want Neal to do the termite control for the 3 add/alternate locations and I will get with him about that.

Thanks,
~Nancy

From: Brad Harvell [<mailto:bradharvell@cleggs.com>]

Sent: Thursday, September 5, 2019 9:02 AM

To: Nancy Silver <nsilver@gtcounty.org>

Subject: Clegg's Pest Control

Nancy,

Thank you for reaching out yesterday and talking with me and a few of your co-workers via phone. During our phone conversation your co-worker, Ray stated that we were the lowest bid and that is why you decided to go with us for pest control. Ray also stated that it would be no hard feelings if we were unable to finish out the contract. You all also noted that you did have a local company that could step in and take over the contract. Being based in Charlotte, NC and only having 1 technician in Charleston, SC we have done our best to accommodate you and your county. Unfortunately, due to having limited staff in your area, this email will serve as our 30 days' notice of cancelation. We will do our best to finish out the month and get everything serviced. As you and your co-workers stated in the conference call yesterday, there would be no hard feelings and that you would simply move on to the next company. We will work out the 30 days' notice but if you would like us to stop today, per Ray and Beth's request, we can do that as well. Please let me know your intentions as soon as possible.

Thank you,

Brad Harvell

Branch Manager

Clegg's Termite and Pest Control

Cell: 919-810-5851

Office: 704-921-2847

Item Number: 8.a
Meeting Date: 9/10/2019
Item Type: APPOINTMENTS TO BOARDS AND COMMISSIONS

AGENDA REQUEST FORM
GEORGETOWN COUNTY COUNCIL



DEPARTMENT: County Council

ISSUE UNDER CONSIDERATION:

Georgetown County Planning Commission

CURRENT STATUS:

Pending

POINTS TO CONSIDER:

Council member Steve Goggans has recommended the re-appointment of Mr. John J. Weaver to the Georgetown County Planning Commission. Mr. Weaver is willing to continue serving in this capacity.

If re-appointed, Mr. Weaver will serve a second term of service that will end on March 15, 2023.

FINANCIAL IMPACT:

n/a

OPTIONS:

1. Ratify recommendation to re-appointment Mr. John J. Weaver to the Georgetown County Planning Commission.
2. Do not ratify proposed appointment.

STAFF RECOMMENDATIONS:

Recommendation to ratify the reappointment of Mr. John J. Weaver to the Georgetown County Planning Commission, as proposed by Council member Steve Goggans.

Item Number: 9.a
Meeting Date: 9/10/2019
Item Type: RESOLUTIONS / PROCLAMATIONS

AGENDA REQUEST FORM
GEORGETOWN COUNTY COUNCIL



DEPARTMENT: Emergency Services

ISSUE UNDER CONSIDERATION:

Proclamation No. 19-12 - Declaration of October 2019 as "Fire Prevention Month" in Georgetown County

CURRENT STATUS:

Every year Georgetown County experiences property loss, injuries, and occasionally fatalities due to fire and other emergencies. The Fire Districts in Georgetown County spend many hours combating these problems and spend time all year presenting fire and life safety education. Each year a month is set aside to publicly promote fire and life safety bringing special attention to the need for fire and life safety education. This year's theme is:

"Not Every Hero Wears a Cape. Plan and Practice Your Escape!"

POINTS TO CONSIDER:

- 1) According to the National Fire Protection Association, every year for more than 90 years, the President of the United States has signed a proclamation for Fire Prevention Week, signaling national support of fire departments as they teach fire and life safety in their communities. This designated week is always during the month of October.
- 2) This month also commemorates past and present emergency responders for their service to the communities; and to honor emergency responders who have lost their lives or have become disabled in the line of duty.
- 3) Publicly supporting this proclamation sends a signal to the citizens of Georgetown County of our commitment to fire and life safety.

FINANCIAL IMPACT:

None

OPTIONS:

- 1) Approve to adopt the proclamation proclaiming October 2019 as Fire Prevention Month.
- 2) Do not approve to adopt the proclamation proclaiming October 2019 as Fire Prevention Month in Georgetown County.

STAFF RECOMMENDATIONS:

Approve option #1, to adopt the proclamation, proclaiming October 2019 as Fire Prevention Month in Georgetown County.

ATTORNEY REVIEW:

No

ATTACHMENTS:

Description

Type

Proclamation No. 19-12

STATE OF SOUTH CAROLINA
COUNTY OF GEORGETOWN

)
)
)

OCTOBER 2019
FIRE PREVENTION MONTH

Whereas, the COUNTY of GEORGETOWN is committed to ensuring the safety and security of all those living in and visiting our County; and

Whereas, fire is a serious public safety concern both locally and nationally, and homes are the locations where our citizens and visitors are at the greatest risk from fire; and

Whereas, according to the National Fire Protection Association, fire departments in the United States responded to 357,000 home fires in 2017, which resulted in 2,630 fire fatalities; and

Whereas, the 2019 Fire Prevention Week theme “Not Everyone Wears a Cape. Plan and Practice Your Escape!” effectively serves to remind us that every member in the home should work together in developing a home escape plan, which should include two ways out of every home, a designated meeting place outdoors, and this home escape plan should be practiced each month with the entire family; and

Whereas, young children should be taught how to escape on their own, know how to close the doors behind them, and know they should never go back inside a burning building; and

Whereas, every resident of Georgetown County should install and maintain smoke alarms in every sleeping area, outside each separate sleeping area, and on every level of the home, which cuts the risk of dying in a home fire in half; and

Whereas, Georgetown County’s first responders, representing the collective members of Georgetown County Fire/EMS, Midway Fire Rescue, and the Murrells Inlet-Garden City Fire District, are dedicated to reducing the occurrence of home fires and home fire injuries through providing community based fire prevention education and intervention; and

Whereas, Georgetown County’s residents are asked to be responsive to public education measures and should take personal steps to increase their safety from fire, especially in their homes; and

THEREFORE, the Georgetown County Council members do hereby proclaim October 2019 as Fire Prevention Month throughout this county, and urge all the citizens and visitors of Georgetown County to participate in the many fire prevention activities and efforts provided by the collective Georgetown County fire and emergency service organizations.

“Fire Prevention Month”

VOTED, RATIFIED, AND ADOPTED THIS 10TH DAY OF September, 2019

John W. Thomas, Chairman
Georgetown County Council

ATTEST:

Theresa E. Floyd
Clerk to Council

Item Number: 9.b
Meeting Date: 9/10/2019
Item Type: RESOLUTIONS / PROCLAMATIONS

AGENDA REQUEST FORM
GEORGETOWN COUNTY COUNCIL



DEPARTMENT: Finance

ISSUE UNDER CONSIDERATION:

Resolution No. 19-13 - Declaration of Official Intent to Reimburse

CURRENT STATUS:

Pending adoption

POINTS TO CONSIDER:

Various equipment in the County's FY2020 Capital Equipment Replacement Plan has been scheduled for replacement using lease-purchase financing.

A declaration by Council of its official intent to use financing proceeds to reimburse any of the subject equipment paid for prior to eventual closing on the financing agreement is necessary to comply with certain United States Treasury Regulations.

FINANCIAL IMPACT:

Without a Declaration of Official Intent to Reimburse, certain purchases would not qualify for subsequent financing.

OPTIONS:

1. Approve Resolution No. 19-13.
2. Reject Resolution No. 19-13.

STAFF RECOMMENDATIONS:

Recommendation for the adoption of Resolution No. 19-13.

ATTACHMENTS:

Description	Type
□ Resolution #19-13 Declaration of Official Intent to Reimburse	Cover Memo

STATE OF SOUTH CAROLINA)
)
COUNTY OF GEORGETOWN) RESOLUTION #19-13
 DECLARATION OF OFFICIAL INTENT
 TO REIMBURSE

WHEREAS, Georgetown County ("County") has previously determined and approved a Capital Equipment Replacement Financing Plan; and

WHEREAS, this declaration (the "Declaration") is made pursuant to the requirements of the United States Treasury Regulations Section 1.150-2 and is intended to constitute a Declaration of Official Intent to Reimburse under such Treasury Regulations Section; and

WHEREAS, the undersigned is authorized to declare the official intent of Georgetown County, South Carolina (the "Issuer") with respect to the matters contained herein.

BE IT THEREFORE RESOLVED, as follows:

1. **Expenditures to be Incurred.** The Issuer anticipates incurring expenditures (the "Expenditures") for various equipment included in the FY 2020 Capital Equipment Replacement Plan (the "Project").
2. **Plan of Finance.** The Issuer intends to finance the costs of the Project with the proceeds of debt to be issued by the Issuer (the "Borrowing"), the interest on which is to be excluded from gross income for Federal income tax purposes.
3. **Maximum Principal Amount of Debt to be Issued.** The maximum principal amount of the Borrowing to be incurred by the Issuer to finance the Project is \$3,000,000.
4. **Declaration of Official Intent to Reimburse.** The Issuer hereby declares its official intent to reimburse itself with the proceeds of the Borrowing for any of the Expenditures incurred by it prior to the issuance of the Borrowing.

Adopted this 10th day of September 2019.

SEAL

By: _____
Clerk to County Council
Georgetown County, South Carolina

By: _____
Chairman, County Council
Georgetown County, South Carolina

Item Number: 11.a
Meeting Date: 9/10/2019
Item Type: SECOND READING OF ORDINANCES

AGENDA REQUEST FORM
GEORGETOWN COUNTY COUNCIL



DEPARTMENT: County Administrator

ISSUE UNDER CONSIDERATION:

ORDINANCE NO. 19-16 - AN ORDINANCE TO REPEAL, REPLACE AND CREATE THOSE CERTAIN FEES PAYABLE TO THE PROBATE COURT OF GEORGETOWN COUNTY FOR THE ISSUANCE OF MARRIAGE LICENSES, AS MANDATED BY STATUTE

CURRENT STATUS:

Pending approval.

POINTS TO CONSIDER:

South Carolina legislature imposes a duty upon the Georgetown County Probate Court to issue marriage licenses to qualified applicants. Trained personnel are required to issue the licenses which involves funding, the burden of which is absorbed by the County taxpayers.

Public records indicate a large number of applicants reside outside of Georgetown County and/or the State of South Carolina, and it is the belief of Georgetown County Council that the local taxpayers should not bear the full burden of funding the issuance of licenses to out of County/State applicants.

To help alleviate the financial impact on local taxpayers, County Council is desirous of creating a tiered fee structure wherein applicants residing outside of the County and/or State are charged a higher fee for the license.

OPTIONS:

1. Approval of Ordinance No. 19-16.
2. Do not approve Ordinance No. 19-16.

STAFF RECOMMENDATIONS:

Recommendation for second reading approval of Ordinance No. 19-16.

NOTE: Ordinance No. 19-16 was introduced at 1st Reading by Title, and will require a motion to amend in order to incorporate text.

ATTACHMENTS:

Description	Type
□ Ordinance No. 19-16 Marriage License Fees	Ordinance

STATE OF SOUTH CAROLINA

)

)

COUNTY OF GEORGETOWN

)

ORDINANCE NO: 19-16

AN ORDINANCE TO REPEAL, REPLACE and CREATE THOSE CERTAIN FEES PAYABLE TO THE PROBATE COURT OF GEORGETOWN COUNTY FOR THE ISSUANCE OF MARRIAGE LICENSES, AS MANDATED BY STATUTE

WHEREAS, the South Carolina legislature imposes a duty upon the Georgetown County Probate Court to issue marriage licenses to qualified applicants; and

WHEREAS, trained personnel are required to issue the licenses which involves funding, the burden of which is absorbed by the County taxpayers; and

WHEREAS, public records indicate a large number of applicants reside outside of Georgetown County and/or the State of South Carolina; and

WHEREAS, it is the belief of Georgetown County Council that the local taxpayers should not bear the full burden of funding the issuance of licenses to out of County/State applicants; and

WHEREAS, to help alleviate the financial impact on local taxpayers, County Council is desirous of creating a tiered fee structure wherein applicants residing outside of the County and/or State are charged a higher fee for the license.

NOW, THEREFORE, Georgetown County Council, by majority vote, enacts the following fee structure:

MARRIAGE LICENSE:

CATEGORY 1:	\$50.00
CATEGORY 2:	\$75.00
CATEGORY 3:	\$115.00

1. Definitions:
 - a. Category 1: Either or both applicants reside in Georgetown County.
 - b. Category 2: Neither applicant resides in Georgetown County but at least one applicant resides in the State of South Carolina.
 - c. Category 3: Both applicants reside outside of South Carolina. *Active duty military members are deemed to reside in the County/State where the installation to which they are assigned is located.
2. The Georgetown County Probate Judge is vested with the authority to determine the residency of applicants.
3. This ordinance serves to supersede and replace any existing ordinance creating or mandating fees related to marriage licenses in Georgetown County.
4. Should any word or phrase in this ordinance be deemed invalid by a court, such word or phrase shall be deemed severable and the remaining portion of the ordinance shall continue to be in effect.

5. This ordinance shall become effective immediately upon its final approval.

Duly adopted in a scheduled meeting of Georgetown County Council this ____ day of September, 2019.

GEORGETOWN COUNTY COUNCIL

John Thomas, Chairman

ATTEST:

Theresa E. Floyd, Clerk

First Reading: _____, 2019

Second Reading: _____, 2019

Third Reading: _____, 2019

Item Number: 11.b

Meeting Date: 9/10/2019

Item Type: SECOND READING OF ORDINANCES

AGENDA REQUEST FORM
GEORGETOWN COUNTY COUNCIL



DEPARTMENT: Planning / Zoning

ISSUE UNDER CONSIDERATION:

Ordinance No. 19-17 - An Amendment to the County's Flood Damage Prevention Ordinance dealing with "temperature-controlled" prohibition for areas underneath a structure in the flood zone.

CURRENT STATUS:

The ordinance was last updated in 2018. The model ordinance provided by the state was the basis for this version.

POINTS TO CONSIDER:

1. Administration of the Flood Damage Prevention Ordinance has become increasingly difficult. Construction issues are highly technical. The County must have adopted such an ordinance to participate in the National Flood Insurance Program.
2. Today, the Flood Management Program in the County achieves a rating of 7 on the NFIP scale. On this scale, a rating of 10 receives no discount on individual flood insurance premiums. The County's rating of 7 grants each flood insurance policy holder in the County a fifteen (15)% discount on their premiums.
3. One issue that has arisen is the prohibition of temperature controlled space in a residence below the base flood elevation (BFE). This prohibition is in the County's ordinance and was taken from the State's model ordinance. It is not unusual for an elevated house in a flood zone to have an enclosed entrance way feature in which the BFE does not rise all the way to a ceiling. Homeowners wish to install a HVAC vent in the entrance way, but above the BFE. Currently, the County's ordinance prohibits this by saying no space in the enclosure can be "temperature controlled," regardless of the location of a vent.
4. Staff has determined that the term "temperature controlled" is not a FEMA requirement but was placed in the model code as someone at the State level believed it would be a good practice. Therefore, the County could remove the prohibition resulting from the term "temperature controlled" from the local ordinance and not be in violation of a FEMA mandate.
5. Removal of the "temperature controlled" prohibition would enable a homeowner to store certain equipment such as bicycles, golf clubs, fishing equipment, etc...in a better protected environment.

FINANCIAL IMPACT:

Not applicable. Staff will monitor the NFIP rating scale to assess if the removal of this provision would impact points relating to insurance premiums. If needed, points could be achieved in other areas.

OPTIONS:

1. Approve ordinance amendment
2. Deny ordinance amendment
3. Defer action for further study

STAFF RECOMMENDATIONS:

Approve Ordinance No. 19-17 to amend Georgetown County's Flood Prevention Ordinance.

NOTE: Ordinance No. 19-17 was introduced at 1st Reading by Title Only, and will require a motion to amend in order to incorporate proposed text.

ATTORNEY REVIEW:

Yes

ATTACHMENTS:

	Description	Type
▫	Ordinance No. 19-17 Amendment to Flood Prevention Ordinance	Ordinance

AN ORDINANCE TO ~~DELETE~~ AMEND APPENDIX C, STORM WATER MANAGEMENT PROGRAM, PART II, FLOOD DAMAGE PREVENTION ORDINANCE OF THE CODE OF ORDINANCES OF GEORGETOWN COUNTY, SOUTH CAROLINA AND REPLACE SUCH ORDINANCE WITH THE BELOW ORDINANCE WHICH SHALL ALSO BE APPENDIX C, STORM WATER MANAGEMENT PROGRAM, PART II, FLOOD DAMAGE PREVENTION ORDINANCE

BE IT ORDAINED BY GEORGETOWN COUNTY COUNCIL, DULY ASSEMBLED, THAT APPENDIX C, PART II, FLOOD DAMAGE PREVENTION ORDINANCE OF THE CODE OF ORDINANCES OF GEORGETOWN COUNTY, SOUTH CAROLINA BE DELETED AND REPALCE WITH THE REVISED ORDINANCE FOUND BELOW.

Part II. FLOOD DAMAGE PREVENTION ORDINANCE

ARTICLE I GENERAL Standards

- Section A Statutory Authorization
- Section B Findings of Fact
- Section C Statement of Purpose and Objectives
- Section D Lands to Which this Ordinance Applies
- Section E Establishment of Development Permit
- Section F Compliance
- Section G Interpretation
- Section H Partial Invalidity and Severability
- Section I Warning and Disclaimer of Liability
- Section J Penalties for Violation

ARTICLE II DEFINITIONS

- Section A General

ARTICLE III ADMINISTRATION

- Section A Designation of Local Floodplain Administrator
- Section B Adoption of Letter of Map Revisions
- Section C Development Permit and Certification Requirements
- Section D Duties and Responsibilities of the Local Floodplain Administrator

- Section E Administrative Procedures

ARTICLE IV PROVISIONS FOR FLOOD HAZARD REDUCTION

- Section A General Standards

Section B	Specific Standards
	1 - Residential Construction
	2 - Non-Residential Construction
	3 - Manufactured Homes
	4 - Elevated Buildings
	5 - Floodways
	6 - Recreational Vehicles
	7 - Map Maintenance Activities
	8 - Accessory Structure
	9 -Swimming Pool Utility Equipment Rooms
	10 -Elevators
	11 -Fill
	12 -Standards for Subdivision Proposals
Section C	Standards for Streams without Base Flood Elevations and Floodways
Section D	Standards for Streams with Base Flood Elevations, but without Floodways
Section E	Standards for Areas of Shallow Flooding (AO Zones)
Section F	Coastal High Hazard Areas (V-Zones)
ARTICLE V	VARIANCE PROCEDURES
Section A	Establishment of Appeal Board
Section B	Right to Appeal
Section C	Historic Structures
Section D	Functionally Dependent Uses
Section E	Agricultural Structures
Section F	Considerations
Section G	Findings
Section H	Floodways
Section I	Conditions
ARTICLE VI	LEGAL STATUS PROVISIONS
Section A	Effect on Rights & Liabilities under the Existing Ordinance
Section B	Effect upon Outstanding Building Permits
Section C	Effective Date

Article I. General Standards

A. Statutory Authorization

County – The legislature of the State of South Carolina has in SC Code of Laws, Title 4, Chapters 9 (Article 1), 25, and 27, and amendments thereto, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Georgetown County Council, of Georgetown County, South Carolina does ordain as follows:

- B. Findings of Fact** - The Special Flood Hazard Areas of Georgetown County are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

Furthermore, these flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood proofed, or otherwise unprotected from flood damages.

- C. Statement of Purpose and Objectives** - It is the purpose of this ordinance to protect human life and health, minimize property damage, and encourage appropriate construction practices to minimize public and private losses due to flood conditions by requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction. Uses of the floodplain which are dangerous to health, safety, and property due to water or erosion hazards, or which increase flood heights, velocities, or erosion are restricted or prohibited. These provisions attempt to control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters, and control filling, grading, dredging and other development which may increase flood damage or erosion. Additionally, the ordinance prevents or regulates the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

The objectives of this ordinance are to protect human life and health, to help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize flood blight areas, and to insure that potential home buyers are notified that property is in a flood area. The provisions of the ordinance are intended to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets and bridges located in the floodplain, and prolonged business interruptions. Also, an important floodplain management objective of this ordinance is to minimize expenditure of public money for costly flood control projects and rescue and relief efforts associated with flooding.

Floodplains are an important asset to the community. They perform vital natural

functions such as temporary storage of floodwaters, moderation of peak flood flows, maintenance of water quality, groundwater recharge, prevention of erosion, and habitat for diverse natural wildlife populations, recreational opportunities, and aesthetic quality. These functions are best served if floodplains are kept in their natural state. Wherever possible, the natural characteristics of floodplains and their associated wetlands and water bodies should be preserved and enhanced. Decisions to alter floodplains, especially floodways and stream channels, should be the result of careful planning processes that evaluate resource conditions and human needs.

D. Lands to Which this Ordinance Applies This ordinance shall apply to all areas of special flood hazard within the jurisdiction of Georgetown County as identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study, dated March 16, 1989 with accompanying maps and other supporting data that are hereby adopted by reference and declared to be a part of this ordinance.

Further, the area of the Santee Floodplain that would be affected by a breach of the Santee Dam defined as that shown on the Santee Cooper Dam Break Map, a copy of which shall be kept on file at the Department of Planning and Development, Building Division, shall require elevation to at least one (1) foot above the dam break elevation or execute a release waiver and covenant (a hold harmless agreement).

All applications for permits of new construction or substantial improvement occurring within the dam break flood zone shall be submitted to the South Carolina Public Service Authority.

It shall be required that the South Carolina Public Service Authority (Santee Cooper) provide to the Department of Planning and Development, Building Division, a list by County tax map number (TMS), all land parcels which fall within the dam break flood area. It shall further be required of Santee Cooper to furnish the ground elevation of the lots not covered by a release waiver and to place a Temporary Benchmark on the site for the purpose of verifying the finished floor elevation.

Upon annexation any special flood hazard areas identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study for the unincorporated areas of Georgetown County, with accompanying map and other data are adopted by reference and declared part of this ordinance.

E. Establishment of Development Permit A Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities.

F. Compliance No structure or land shall hereafter be located, extended, converted, or structurally altered without full compliance with the terms of this ordinance and other applicable regulations. A Non-Conversion Agreement is required prior to the issuance of the certificate of occupancy for **All Structures** built in special flood hazard areas of the County. The Non-Conversion Agreement will be given to the property owner when the permit is issued. It must be signed by the property owner, witnessed and recorded with the **Register of Deeds**. Prior to the final inspection.

G. Interpretation In the interpretation and application of this ordinance all provisions shall be considered as minimum requirements, liberally construed in favor of the governing body, and deemed neither to limit nor repeal any other powers granted

under State law. This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions, shall prevail.

- H. Partial Invalidity and Severability** If any part of this Ordinance is declared invalid, the remainder of the Ordinance shall not be affected and shall remain in force.
- I. Warning and Disclaimer of Liability** the degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of Georgetown County or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.
- J. Penalties for Violation** - Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$500.00 or imprisoned for not more than 30 days, or both. Each day the violation continues shall be considered a separate offense. Nothing herein contained shall prevent Georgetown County from taking such other lawful action as is necessary to prevent or remedy any violation.

Article II. DEFINITIONS

- A. General** - Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance it's most reasonable application.
1. **Accessory Structure** (Appurtenant Structure) - structures that are located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Accessory Structures should constitute a minimal investment, may not be used for human habitation, and be designed to have minimal flood damage potential. Examples of accessory structures are detached garages, carports, storage sheds, pole barns, and hay sheds.
 2. **Addition (to an existing building)** - an extension or increase in the floor area or height of a building or structure. Additions to existing buildings shall comply with the requirements for new construction regardless as to whether the addition is a substantial improvement or not. Where a firewall or load-bearing wall is provided between the addition and the existing building, the addition(s) shall be considered a separate building and must comply with the standards for new construction.
 3. **Agricultural structure** - a structure used solely for agricultural purposes in

which the use is exclusively in connection with the production, harvesting, storage, drying, or raising of agricultural commodities, including the raising of livestock. Agricultural structures are **not** exempt from the provisions of this ordinance.

4. **Appeal** - a request for a review of the local floodplain administrator's interpretation of any provision of this ordinance.
5. **Area of shallow flooding** - a designated AO or VO Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.
6. **Area of special flood hazard** - the land in the floodplain within a community subject to a one percent or greater chance of being equaled or exceeded in any given year.
7. **Base flood** - the flood having a one percent chance of being equaled or exceeded in any given year.
8. **Basement** - means any enclosed area of a building that is below grade on all sides.
9. **Building** - see structure
10. **Coastal High Hazard Area** - an area of special flood hazard extending from offshore to the inland limit of the primary frontal dune along an open coast and any other area subject to velocity wave action from storms or seismic sources.
11. **Critical Development** - development that is critical to the community's public health and safety, is essential to the orderly functioning of a community, store or produce highly volatile, toxic or water-reactive materials, or house occupants that may be insufficiently mobile to avoid loss of life or injury. Examples of critical development include jails, hospitals, schools, fire stations, nursing homes, wastewater treatment facilities, water plants, and gas/oil/propane storage facilities.
12. **Development** - any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.
13. **Elevated building** - a non-basement building built to have the lowest floor elevated above the ground level by means of solid foundation perimeter walls, pilings, columns, piers, or shear walls parallel to the flow of water.
14. **Executive Order 11988 (Floodplain Management)** - Issued by President Carter in 1977, this order requires that no federally assisted activities be conducted in or have the potential to affect identified special flood hazard areas, unless there is no practicable alternative.

15. **Existing construction** - means, for the purposes of determining rates, structures for which the start of construction commenced before May 9, 1978 in the Waccamaw Neck Special Flood Hazards District or March 1, 1984 for unincorporated Georgetown County.
16. **Existing manufactured home park or manufactured home subdivision** - a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before May 9, 1978 in the Waccamaw Neck Special Flood Hazards District or March 1, 1984 for unincorporated Georgetown County.
17. **Expansion to an existing manufactured home park or subdivision** - the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete slabs).
18. **Flood** - a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters, or the unusual and rapid accumulation of runoff of surface waters from any source.
19. **Flood Hazard Boundary Map (FHBM)** - an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined as Zone A.
20. **Flood Insurance Rate Map (FIRM)** - an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.
21. **Flood Insurance Study** - the official report provided by the Federal Emergency Management Agency which contains flood profiles, as well as the Flood Boundary Floodway Map and the water surface elevation of the base flood.
22. **Flood-resistant material** - any building material capable of withstanding direct and prolonged contact (minimum 72 hours) with floodwaters without sustaining damage that requires more than low-cost cosmetic repair. Any material that is water-soluble or is not resistant to alkali or acid in water, including normal adhesives for above-grade use, is not flood-resistant. Pressure-treated lumber or naturally decay-resistant lumbars are acceptable flooring materials. Sheet-type flooring coverings that restrict evaporation from below and materials that are impervious, but dimensionally unstable are not acceptable. Materials that absorb or retain water excessively after submergence are not flood-resistant. Please refer to Technical Bulletin 2, *Flood Damage-Resistant Materials Requirements*, dated 8/08, and available from the Federal Emergency Management Agency. Class 4 and 5 materials, referenced therein, are acceptable flood-resistant materials.

23. **Floodway** - the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
24. **Freeboard** - a factor of safety usually expressed in feet above a flood level for purposes of flood plain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.
25. **Functionally dependent use**- a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.
26. **Highest Adjacent Grade** - the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of the structure.
27. **Historic Structure** - any structure that is: (a) listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of the Interior (DOI)) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) individually listed on a State inventory of historic places; (d) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified (1) by an approved State program as determined by the Secretary of Interior, or (2) directly by the Secretary of Interior in states without approved programs. Some structures or districts listed on the State or local inventories **MAY NOT** be "Historic" as cited above, but have been included on the inventories because it was believed that the structures or districts have the **potential** for meeting the "Historic" structure criteria of the DOI. In order for these structures to meet NFIP historic structure criteria, it must be demonstrated and evidenced that the South Carolina Department of Archives and History has **individually determined** that the structure or district meets DOI historic structure criteria.
28. **Increased Cost of Compliance (ICC)** – applies to all new and renewed flood insurance policies effective on and after June 1, 1997. The NFIP shall enable the purchase of insurance to cover the cost of compliance with land use and control measures established under Section 1361. It provides coverage for the payment of a claim to help pay for the cost to comply with State or community floodplain management laws or ordinances after a flood event in

which a building has been declared substantially or repetitively damaged.

29. **Limited storage** - an area used for storage and intended to be limited to incidental items that can withstand exposure to the elements and have low flood damage potential. Such an area must be of flood resistant or breakaway material **and** void of utilities except for essential lighting. **and cannot be temperature-controlled.** If the area is located below the base flood elevation in an A, AE and A1-A30 zone it must meet the requirements of Article IV.A.4 of this ordinance. If the area is located below the base flood elevation in a V, VE and V1-V30 zone it must meet the requirements of Article IV.F of this ordinance.
30. **Lowest Adjacent Grade (LAG)** - is an elevation of the lowest ground surface that touches any deck support, exterior walls of a building or proposed building walls.
31. **Lowest Floor** - the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.
32. **Manufactured home** - a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".
33. **Manufactured Home Park or subdivision** - a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
34. **Mean Sea Level** - means, for the purpose of this ordinance, the Nations Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, to which the base flood elevations shown on a community's Flood Insurance Rate Maps (FIRM) are shown.
35. **National Geodetic Vertical Datum (NGVD) of 1929** - as corrected in 1929, elevation reference points set by National Geodetic Survey based on mean sea level.
36. **North American Vertical Datum (NAVD) of 1988** - vertical control, as corrected in 1988, used as the reference datum on Flood Insurance Rate Maps.
37. **New construction** - structure for which the start of construction commenced on or after May 9, 1978 in the Waccamaw Neck Special Flood Hazards District. The term also includes any subsequent improvements to such structure.
38. **New manufactured home park or subdivision** - a manufactured home park or subdivision for which the construction of facilities for servicing the lots on

which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete slabs) is completed on or after May 9, 1978 in the Waccamaw Neck Special Flood Hazards District.

39. **Non-Conversion Agreement** – a document prepared by the County and provided to the owner(s) of property in a special flood hazard area that is signed and recorded with the Register of Deeds. In signing, the owner agrees to not convert or finish the interior of the allowed enclosed area, below the design flood elevation (DFE) for any purpose other than the allowed parking, storage or building access. The agreement also gives authority to the County to visit the property, upon notice, for verification of compliance.
40. **Primary Frontal Dune** - a continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and subject to erosion and overtopping from high tides and waves during coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from a relatively steep slope to a relatively mild slope.
41. **Recreational vehicle** - a vehicle which is: (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a light duty truck; and, (d) designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.
42. **Repetitive Loss** – a building covered by a contract for flood insurance that has incurred flood-related damages on 2 occasions during a 10 year period ending on the date of the event for which a second claim is made, in which the cost of repairing the flood damage, on the average, equaled or exceeded 25% of the market value of the building at the time of each such flood event.
43. **Section 1316 of the National Flood Insurance Act of 1968** - The act provides that no new flood insurance shall be provided for any property found by the Federal Emergency Management Agency to have been declared by a state or local authority to be in violation of state or local ordinances.
44. **Stable Natural Vegetation** - the first place on the oceanfront where plants such as sea oats hold sand in place.
45. **Start of construction** - for other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. 97-348), includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not

include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for footings, piers or foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

46. **Structure** - a walled and roofed building, a manufactured home, including a gas or liquid storage tank that is principally above ground.
47. **Substantial damage** - damage of any origin sustained by a structure whereby the cost of restoring the structure to it's before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. Such repairs may be undertaken successively and their costs counted cumulatively. Please refer to the definition of "substantial improvement".
48. **Substantial improvement** - any repair, reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures that have incurred repetitive loss or substantial damage, regardless of the actual repair work performed. The term does not, however, include either:
- a) any project of improvement to a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or,
 - b) any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

Permits shall be cumulative for a period of five years. If the improvement project is conducted in phases, the total of all costs associated with each phase, beginning with the issuance of the first permit, shall be utilized to determine whether "substantial improvement" will occur.

49. **Substantially improved existing manufactured home park or subdivision** - where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction, or improvement commenced.

50. **Variance** - is a grant of relief from a term or terms of this ordinance.

51. **Violation** – the failure of a structure or other development to be fully compliant with these regulations.

Article III. ADMINISTRATION

A. Designation of Local Floodplain Administrator -The Building Official or a designee of the Building Official is hereby appointed to administer and implement the provisions of this ordinance.

B. Adoption of Letter of Map Revisions (LOMR) – All LOMRs that are issued in the areas identified in Article I Section D of this ordinance are hereby adopted.

C. Development Permit and Certification Requirements.

1. **Development Permit:** - Application for a development permit shall be made to the local floodplain administrator on forms furnished by him or her prior to any development activities. The development permit may include, but not be limited to, plans in duplicate drawn to scale showing: the nature, location, dimensions, and elevations of the area in question; existing or proposed structures; and the location of fill materials, storage areas, and drainage facilities. Specifically, the following information is required:

a) A plot plan that shows the 100-year floodplain contour or a statement that the entire lot is within the floodplain must be provided by the development permit applicant when the lot is within or appears to be within the floodplain as mapped by the Federal Emergency Management Agency or the floodplain identified pursuant to either the Duties and Responsibilities of the local floodplain administrator of Article III.D.11 or the Standards for Subdivision Proposals of Article IV.B and the Standards for streams without Estimated Base Flood Elevations and Floodways of Article IV.C. The plot plan must be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by it. The plot plan must show the floodway, if any, as identified by the Federal Emergency Management Agency or the floodway identified pursuant to either the duties or responsibilities of the local floodplain administrator of Article III.D.11 or the standards for subdivision proposals of Article IV.B.12 and the standards for streams without estimated base flood elevations and floodways of Article IV.C.

b) Where base flood elevation data is provided as set forth in Article I.D or the duties and responsibilities of the local floodplain administrator of Article III.D.11 the application for a development permit within the flood hazard area shall show:

(1) the elevation (in relation to mean sea level) of the lowest floor of all new and substantially improved structures, and

(2) if the structure will be flood proofed in accordance with the Non-Residential Construction requirements of Article IV.B.2 the elevation (in relation to mean sea level) to which the structure will be flood proofed.

- c) Where base flood elevation data is **not** provided as set forth in Article I.D or the duties and responsibilities of the local floodplain administrator of Article III.D.11, then the provisions in the standards for streams without estimated base flood elevations and floodways of Article IV.C must be met.
- d) Alteration of Watercourse: Where any watercourse will be altered or relocated as a result of proposed development, the application for a development permit shall include a description of the extent of watercourse alteration or relocation, an engineering study to demonstrate that the flood- carrying capacity of the altered or relocated watercourse is maintained and a map showing the location of the proposed watercourse alteration or relocation.

2. Certifications

- a) Flood proofing Certification - When a structure is flood proofed, the applicant shall provide certification from a registered, professional engineer or architect that the non-residential, flood proofed structure meets the flood proofing criteria in the non-residential construction requirements of Article IV.B.2 and Article IV.E.2 (b).
- b) Certification During Construction - A lowest floor elevation or flood proofing certification is required after the lowest floor is completed. As soon as possible after completion of the lowest floor and before any further vertical construction commences, or flood proofing by whatever construction means, whichever is applicable, it shall be the duty of the permit holder to submit to the local floodplain administrator a certification of the elevation of the lowest floor, or flood proofed elevation, whichever is applicable, as built, in relation to mean sea level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by it. Any work done prior to submission of the certification shall be at the permit holder's risk. The local floodplain administrator shall review the floor elevation survey data submitted. The permit holder immediately and prior to further progressive work being permitted to proceed shall correct deficiencies detected by such review. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project.
- c) V-Zone Certification - When a structure is located in Zones V, VE, or VI-30, certification shall be provided from a registered professional engineer or architect, separate from submitted plans, that new construction and substantial improvement meets the criteria for the coastal high hazard areas outlined in Article IV.F.5.
- d) As-built Certification - Upon completion of the development a registered professional engineer, land surveyor or architect, in accordance with SC law, shall certify according to the requirements of

Article III.C.2a, 2b, and 2c that the development is built in accordance with the submitted plans and previous pre-development certifications.

D. Duties and Responsibilities of the Local Floodplain Administrator - shall include, but not be limited to:

1. **Permit Review** - Review all development permits to assure that the requirements of this ordinance have been satisfied.
2. **Requirement of Federal and/or state permits** - Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C 1334.
3. **Watercourse alterations** -
 - a) Notify adjacent communities and the South Carolina Department of Natural Resources, Land, Water, and Conservation Division, State Coordinator for the National Flood Insurance Program, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
 - b) In addition to the notifications required watercourse alterations per Article III.D.3a, written reports of maintenance records must be maintained to show that maintenance has been provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is maintained. This maintenance must consist of a comprehensive program of periodic inspections, and routine channel clearing and dredging, or other related functions. The assurance shall consist of a description of maintenance activities, frequency of performance, and the local official responsible for maintenance performance. Records shall be kept on file for FEMA inspection.
 - c) If the proposed project will modify the configuration of the watercourse, floodway, or base flood elevation for which a detailed Flood Insurance Study has been developed, the applicant shall apply for and must receive approval for a Conditional Letter of Map Revision with the Federal Emergency Management Agency prior to the start of construction.
 - d) Within 60 days of completion of an alteration of a watercourse, referenced in the certification requirements of Article III.C.2.d, the applicant shall submit as-built certification, by a registered professional engineer, to the Federal Emergency Management Agency.
4. **Floodway encroachments** - Prevent encroachments within floodways unless the certification and flood hazard reduction provisions of Article IV.B.5 are met.

5. **Adjoining Floodplains** - Cooperate with neighboring communities with respect to the management of adjoining floodplains and/or flood-related erosion areas in order to prevent aggravation of existing hazards.
6. **Notifying Adjacent Communities** - Notify adjacent communities prior to permitting substantial commercial developments and large subdivisions to be undertaken in areas of special flood hazard and/or flood-related erosion hazards.
7. **Certification requirements** -
 - a) Obtain and review actual elevation (in relation to mean sea level) of the lowest floor of all new or substantially improved structures, in accordance with administrative procedures outlined in Article III.C.2.b or the coastal high hazard area requirements outlined in Article IV.F.5.
 - b) Obtain the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been flood proofed, in accordance with the flood proofing certification outlined in Article III.C.2.a.
 - c) When flood proofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with the non-residential construction requirements outlined in Article IV.B.2.
 - d) A registered professional engineer or architect shall certify that the design, specifications and plans for construction are in compliance with the provisions contained in the coastal high hazard area requirements outlined in Article IV.F.4, Article IV.F.6, and Article IV.F.8 of this ordinance.
8. **Map Interpretation** - Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.
9. **Prevailing Authority** - Where a map boundary showing an area of special flood hazard and field elevations disagree, the base flood elevations for flood protection elevations (as found on an elevation profile, floodway data table, etc.) shall prevail. The correct information should be submitted to FEMA as per the map maintenance activity requirements outlined in Article IV.B.7.b.
10. **Use Of Best Available Data** - When base flood elevation data and floodway data has not been provided in accordance with Article I.D, obtain, review, and reasonably utilize best available base flood elevation data and floodway data available from a federal, state, or other source, including data developed pursuant to the standards for subdivision proposals outlined in Article IV.B.12, in order to administer the provisions of this ordinance. Data

from preliminary, draft, and final Flood Insurance Studies constitutes best available data from a federal, state, or other source. Data must be developed using hydraulic models meeting the minimum requirement of NFIP approved model. If an appeal is pending on the study in accordance with 44 CFR Ch. 1, Part 67.5 and 67.6, the data does not have to be used.

11. **Special Flood hazard Area/topographic Boundaries Conflict** - When the exact location of boundaries of the areas special flood hazards conflict with the current, natural topography information at the site; the site information takes precedence when the lowest adjacent grade is at or above the BFE, the property owner may apply and be approved for a Letter of Map Amendment (LOMA) by FEMA. The local floodplain administrator in the permit file will maintain a copy of the Letter of Map Amendment issued from FEMA.
12. **On-Site inspections** - Make on-site inspections of projects in accordance with the administrative procedures outlined in Article III.E.1.
13. **Administrative Notices** - Serve notices of violations, issue stop-work orders, revoke permits and take corrective actions in accordance with the administrative procedures in Article III.E.
14. **Records Maintenance** - Maintain all records pertaining to the administration of this ordinance and make these records available for public inspection.
15. **Annexations and Detachments** - Notify the South Carolina Department of Natural Resources Land, Water and Conservation Division, State Coordinator for the National Flood Insurance Program within six (6) months, of any annexations or detachments that include special flood hazard areas.
16. **Federally Funded Development** - The President issued *Executive Order 11988, Floodplain Management May 1977*. E.O. 11988 directs federal agencies to assert a leadership role in reducing flood losses and losses to environmental values served by floodplains. Proposed developments must go through an eight-step review process. Evidence of compliance with the executive order must be submitted as part of the permit review process.
17. **Substantial Damage Determination** – Perform an assessment of damage from any origin to the structure using FEMA’s Residential Substantial Damage Estimator (RSDE) software to determine if the damage equals or exceeds 50 percent of the market value of the structure before the damage occurred.
18. **Substantial Improvement Determinations** – Perform an assessment of permit applications for improvements or repairs to be made to a building or structure that equals or exceeds 50 percent of the market value of the structure before the start of construction. Cost of work counted for determining if and when substantial improvement to a structure occurs shall be cumulative for a period of five years. If the improvement project is conducted in phases, the total of all costs associated with each phase, beginning with the issuance of the first permit, shall be utilized to determine whether “substantial improvement” will occur.

The market values shall be determined by one of the following methods:

- a) the current assessed building value as determined by the county's assessor's office or the value of an appraisal performed by a licensed appraiser at the expense of the owner within the past 6 months.
- b) one or more certified appraisals from a registered professional licensed appraiser in accordance with the laws of South Carolina. The appraisal shall indicate actual replacement value of the building or structure in its pre-improvement condition, *less the cost of site improvements and depreciation for functionality and obsolescence.*
- c) Real Estate purchase contract within 6 months prior to the date of the application for a permit.

E. Administrative Procedures

1. **Inspections of Work in Progress** - As the work pursuant to a permit progresses, the local floodplain administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the floodplain administrator has a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction at any reasonable hour for the purposes of inspection or other enforcement action.
2. **Stop-Work Orders** - Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this ordinance, the floodplain administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing the work. The stop-work order shall state the specific work to be stopped, the specific reasons for the stoppage, and the conditions under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.
3. **Revocation of Permits** - The local floodplain administrator may revoke and require the return of the development permit by notifying the permit holder in writing, stating the reason for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of state or local laws; or for false statements or misrepresentations made in securing the permit. Any permit mistakenly issued in violation of an applicable state or local law may also be revoked.
4. **Periodic Inspections** - The local floodplain administrator and each member of his/her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction

of the department at any reasonable hour for the purposes of inspection or other enforcement action.

5. **Violations to be Corrected** - When the local floodplain administrator finds violations of applicable state and local laws, it shall be his/her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law on the property he owns.
6. **Actions in Event of Failure to Take Corrective Action:** If the owner of a building or property shall fail to take prompt corrective action, the floodplain administrator shall give him written notice, by certified or registered mail to his last known address or by personal service, that:
 - a) the building or property is in violation of the Flood Damage Prevention Ordinance,
 - b) a hearing will be held before the local floodplain administrator at a designated place and time, not later than 10 days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and,
 - c) following the hearing, the local floodplain administrator may issue such order to alter, vacate, or demolish the building; or to remove fill as appears appropriate.
7. **Order to Take Corrective Action:** If, upon a hearing held pursuant to the notice prescribed above, the floodplain administrator shall find that the building or development is in violation of the Flood Damage Prevention Ordinance, he/she shall make an order in writing to the owner, requiring the owner to remedy the violation within such period, not less than 60 days, the floodplain administrator may prescribe; provided that where the floodplain administrator finds that there is imminent danger to life or other property, he may order that corrective action be taken in such lesser period as may be feasible.
8. **Appeal:** Any owner who has received an order to take corrective action may appeal from the order to the local elected governing body by giving notice of appeal in writing to the floodplain administrator and the clerk within 10 days following issuance of the final order. In the absence of an appeal, the order of the floodplain administrator shall be final. The local governing body shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.
9. **Failure to Comply with Order:** If the owner of a building or property fails to comply with an order to take corrective action from which no appeal has been taken, or fails to comply with an order of the governing body following an appeal, he shall be guilty of a misdemeanor and shall be punished in the discretion of the court.

10. **Denial of Flood Insurance under the NFIP:** If a structure is declared in violation of this ordinance and after all other penalties are exhausted to achieve compliance with this ordinance then the local floodplain administrator shall notify the Federal Emergency Management Agency (FEMA) to initiate a Section 1316 of the National Flood insurance Act of 1968 action against the structure upon the finding that the violator refuses to bring the violation into compliance with the ordinance. Once a violation has been remedied the local floodplain administrator shall notify FEMA of the remedy and ask that the Section 1316 be rescinded.
11. The following **documents** are incorporated by reference and may be used by the local floodplain administrator to provide further guidance and interpretation of this ordinance as found on FEMA's website at www.fema.gov:
 - a) FEMA 55 Coastal Construction Manual
 - b) All FEMA Technical Bulletins
 - c) All FEMA Floodplain Management Bulletins
 - d) FEMA 348 Protecting Building Utilities from Flood Damage
 - e) FEMA 499 Home Builder's Guide to Coastal Construction Technical Fact Sheets

Article IV. PROVISIONS FOR FLOOD HAZARD REDUCTION

A. General Standards

Development may not occur in the Special Flood Hazard Area (SFHA) where alternative locations exist due to the inherent hazards and risks involved. Before a permit is issued, the applicant shall demonstrate that new structures cannot be located out of the SFHA and that encroachments onto the SFHA are minimized. In all areas of special flood hazard the following provisions are required:

1. **Reasonably Safe from Flooding** - Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding
2. **Anchoring** - All new construction and substantial improvements shall be anchored to prevent flotation, collapse, and lateral movement of the structure.
3. **Flood Resistant Materials and Equipment** - All new construction and substantial improvements shall be constructed with flood resistant materials and utility equipment resistant to flood damage in accordance with Technical Bulletin 2, *Flood Damage-Resistant Materials Requirements*, dated 8/08, and available from the Federal Emergency Management Agency.
4. **Minimize Flood Damage** - All new construction and substantial

improvements shall be constructed by methods and practices that minimize flood damages,

5. **Critical Development** - shall be elevated to the 500 year flood elevation or be elevated to the highest known historical flood elevation (where records are available), whichever is greater. If no data exists establishing the 500 year flood elevation or the highest known historical flood elevation, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates 500 year flood elevation data,
6. **Utilities** - Electrical, ventilation, plumbing, heating and air conditioning equipment (including ductwork), and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of the base flood plus one (1) foot.
7. **Water Supply Systems** - All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system,
8. **Sanitary Sewage Systems** - New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters, On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding,
9. **Gas Or Liquid Storage Tanks** - All gas or liquid storage tanks, either located above ground or buried, shall be anchored to prevent floatation and lateral movement resulting from hydrodynamic and hydrostatic loads.
10. **Alteration, Repair, Reconstruction, Or Improvements** - Any alteration, repair, reconstruction, or improvement to a structure that is in compliance with the provisions of this ordinance, shall meet the requirements of "new construction" as contained in this ordinance. This includes post-FIRM development and structures.
11. **Non-Conforming Buildings or Uses** - Non-conforming buildings or uses may not be enlarged, replaced, or rebuilt unless such enlargement or reconstruction is accomplished in conformance with the provisions of this ordinance. Provided, however, nothing in this ordinance shall prevent the repair, reconstruction, or replacement of an existing building or structure located totally or partially within the floodway, provided that the bulk of the building or structure below base flood elevation in the floodway is not increased and provided that such repair, reconstruction, or replacement meets all of the other requirements of this ordinance,
12. **Non-Conversion Agreement** - A Non-Conversion Agreement must be recorded with the Register of Deeds for all new construction and substantial improvement (SI)/ substantial damage (SD) permits.
13. **American with Disabilities Act (ADA)** - A building must meet the specific

standards for floodplain construction outlined in Article IV.B, as well as any applicable ADA requirements. The ADA is not justification for issuing a variance or otherwise waiving these requirements. Also, the cost of improvements required to meet the ADA provisions shall be included in the costs of the improvements for calculating substantial improvement.

B. Specific Standards

In all areas of special flood hazard (Zones A, AE, AH, AO, A1-30, V, and VE) where base flood elevation data has been provided, as set forth in Article I.D or outlined in the Duties and Responsibilities of the local floodplain administrator Article III.D., the following provisions are required:

1. **Residential Construction** - New construction and substantial improvement of any residential structure (including manufactured homes) shall have the lowest floor elevated no lower than one (1) foot above the base flood elevation. No basements are permitted. Should solid foundation perimeter walls be used to elevate a structure, flood openings sufficient to automatically equalize hydrostatic flood forces, shall be provided in accordance with the elevated buildings requirements in Article IV B.4.
2. **Non-Residential Construction**
 - a) New construction and substantial improvement of any commercial, industrial, or non-residential structure (including manufactured homes) shall have the lowest floor elevated no lower than one (1) foot above the level of the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, flood openings sufficient to automatically equalize hydrostatic flood forces, shall be provided in accordance with the elevated buildings requirements in Article IV B.4. No basements are permitted. Structures located in A-zones may be flood proofed in lieu of elevation provided that all areas of the structure below the required elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy.
 - b) A registered, professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certifications shall be provided to the official as set forth in the flood proofing certification requirements in Article III.C.2.a. A variance may be considered for wet-flood proofing agricultural structures in accordance with the criteria outlined in Article V.E of this ordinance. Agricultural structures not meeting the criteria of Article V.E must meet the non-residential construction standards and all other applicable provisions of this ordinance. Structures that are flood proofed are required to have an approved maintenance plan with an annual exercise. The local floodplain administrator must approve the maintenance plan and notification of the annual exercise shall be provided to it.

3. Manufactured Homes

- a) Manufactured homes that are placed or substantially improved on sites outside a manufactured home park or subdivision, in a new manufactured home park or sub-division, in an expansion to an existing manufactured home park or subdivision, or in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, must be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated no lower than one (1) foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
 - b) Manufactured homes that are to be placed or substantially improved on sites in an existing manufactured home park or subdivision that are not subject to the provisions for residential construction in Article IV.B.1 of this ordinance must be elevated so that the lowest floor of the manufactured home is elevated no lower than one (1) foot above the base flood elevation, and be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement.
 - c) Manufactured homes shall be anchored to prevent flotation, collapse, and lateral movement. For the purpose of this requirement, manufactured homes must be anchored to resist flotation, collapse, and lateral movement in accordance with Section 40-29-10 of the *South Carolina Manufactured Housing Board Regulations*, as amended. Additionally, when the elevation requirement would be met by an elevation of the chassis 36 inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above 36 inches in height an engineering certification is required.
 - d) An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood-prone areas. This plan shall be filed with and approved by the local floodplain administrator and the local Emergency Preparedness Coordinator.
4. **Elevated Buildings** - New construction and substantial improvements of elevated buildings that include fully enclosed areas below the lowest floor that are usable solely for the parking of vehicles, building access, or limited storage in an area other than a basement, and which are subject to flooding shall be designed to preclude finished space and be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.
- a) Designs for complying with this requirement must either be certified by a professional engineer or architect or meet or exceed all of the following minimum criteria:

- (1) Provide a minimum of two openings on different walls having a *total net area* of not less than one square inch for every square foot of enclosed area subject to flooding.
 - (2) The bottom of each opening must be no more than one (1) foot above the higher of the interior or exterior grade immediately under the opening,
 - (3) Only the portions of openings that are below the base flood elevation (BFE) can be counted towards the required net open area.
 - (4) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
 - (5) Fill placed around foundation walls must be graded so that the grade inside the enclosed area is equal to or higher than the adjacent grade outside the building on at least one side of the building.
- b) Hazardous Velocities - Hydrodynamic pressure must be considered in the design of any foundation system where velocity waters or the potential for debris flow exists. If flood velocities are excessive (greater than 5 feet per second), foundation systems other than solid foundations walls should be considered so that obstructions to damaging flood flows are minimized.
- c) Enclosures Below Lowest Floor
- (1) Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator).
 - (2) The interior portion of such enclosed area shall not be finished or shall be constructed of flood resistant materials, must be void of utilities except for essential lighting as required for safety. ~~and cannot be temperature controlled.~~
 - (3) One wet location switch and/or outlet connected to a ground fault interrupt breaker may be installed below the required lowest floor elevation specified in the specific standards outlined in Article IV.B.1, 2 and 3.
 - (4) All construction materials below the required lowest floor elevation specified in the specific standards outlined in Article IV.B 1, 2, 3 and 4 should be of flood resistant materials.

5. **Floodways** - Located within areas of special flood hazard established in

Article I.D, are areas designated as floodways. The floodway is an extremely hazardous area due to the velocity of floodwaters that carry debris and potential projectiles and has erosion potential. The following provisions shall apply within such areas:

- a) No encroachments, including fill, new construction, substantial improvements, additions, and other developments shall be permitted unless:
 - (1) It has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood. Such certification and technical data shall be presented to the local floodplain administrator.
 - (2) A Conditional Letter of Map revision (CLOMR) has been approved by FEMA. A Letter of Map Revision must be obtained upon completion of the proposed development.
- b) If Article IV.B.5a is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article IV.
- c) No manufactured homes shall be permitted, except in an existing manufactured home park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring and the elevation standards of Article IV B.3 and the encroachment standards of Article IV.B.5 (a) are met.
- d) Permissible uses within floodways may include: general farming, pasture, outdoor plant nurseries, horticulture, forestry, wildlife sanctuary, game farm, and other similar agricultural, wildlife, and related uses. Also, lawns, gardens, play areas, picnic grounds, and hiking and horseback riding trails are acceptable uses, provided that they do not employ structures or fill. Substantial development of a permissible use may require a no-impact certification. The uses listed in this subsection are permissible only if and to the extent that they do not cause any increase in base flood elevations or changes to the floodway configuration.

6. Recreational Vehicles

- a) A recreational vehicle is ready for highway use if it is:
 - (1) on wheels or jacking system
 - (2) attached to the site only by quick-disconnect type utilities and security devices; and
 - (3) has no permanently attached additions

b) Recreational vehicles placed on sites shall either be:

- (1) on site for fewer than 180 consecutive days; or
- (2) be fully licensed and ready for highway use, or **Meet** the development permit and certification requirements of Article III.D, general standards outlined in Article IV.A, and manufactured homes standards in Article IV.B.3 and B.4.

7. **Map Maintenance Activities** – The National Flood Insurance Program (NFIP) requires flood data to be reviewed and approved by FEMA. This ensures that flood maps, studies and other data identified in Article I.D accurately represent flooding conditions so appropriate floodplain management criteria are based on current data. The following map maintenance activities are identified:

a) Requirement to Submit New Technical Data

- (1) For all development proposals that impact floodway delineations or base flood elevations, the community shall ensure that technical or scientific data reflecting such changes be submitted to FEMA as soon as practicable , but no later than six months of the date such information becomes available. These development proposals include; but not limited to::
 - (a) Floodway encroachments that increase or decrease base flood elevations or alter floodway boundaries;
 - (b) Fill sites to be used for the placement of proposed structures where the applicant desires to remove the site from the special flood hazard area;
 - (c) Alteration of watercourses that result in a relocation or elimination of the special flood hazard area, including the placement of culverts; and
 - (d) Subdivision or large scale development proposals requiring the establishment of base flood elevations in accordance with Article IV.C.1.
- (2) It is the responsibility of the applicant to have technical data, required in accordance with Article IV.B.7, prepared in a format required for a Conditional Letter of Map Revision or Letter of Map Revision, and submitted to FEMA. Submittal and processing fees for these map revisions shall also be the responsibility of the applicant.
- (3) The local floodplain administrator shall require a Conditional Letter of Map Revision prior to the issuance of a floodplain development permit for:
 - (a) Proposed floodway encroachments that increase the

base flood elevation; and

(b) Proposed development which increases the base flood elevation by more than one foot in areas where FEMA has provided base flood elevations but no floodway.

(4) Floodplain development permits issued by the local floodplain administrator shall be conditioned upon the applicant obtaining a Letter of Map Revision from FEMA for any development proposal subject to Article IV B.7.

b) Right to Submit New Technical Data - The floodplain administrator may request changes to any of the information shown on an effective map that does not impact floodplain or floodway delineations or base flood elevations, such as labeling or plan metric details. Such a submission shall include appropriate supporting documentation made in writing by the local jurisdiction and may be submitted at any time.

8. Accessory Structures

a) A detached accessory structure or garage, the cost of which is greater than \$20,000, must comply with the requirements as outlined in FEMA's Technical Bulletin 7-93 *Wet Flood proofing Requirements or be elevated in accordance with Article IV Section B (1) and B (4) or dry flood proofed in accordance with Article IV B (2).*

b) If accessory structures of \$20,000 or less are to be placed in the floodplain, the following criteria shall be met:

(1) Accessory structures shall not be used for any uses other than the parking of vehicles and storage,

(2) Accessory structures shall be designed to have low flood damage potential,

(3) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters,

(4) Accessory structures shall be firmly anchored to prevent flotation, collapse and lateral movement of the structure,

(5) Service facilities such as electrical and heating equipment shall be installed in accordance with Article IV.A.5,

(6) Openings to relieve hydrostatic pressure during a flood shall be provided below base flood elevation in conformance with Article IV.B.4a, and

(7) Accessory structures shall be built with flood resistance materials in accordance with Technical Bulletin 2, *Flood Damage-Resistant Materials Requirements*, dated 8/08, and

available from the Federal Emergency Management Agency. Class 4 and 5 materials, referenced therein, are acceptable flood-resistant materials.

9. **Swimming Pool Utility Equipment Rooms** - If the building cannot be built at or above the BFE, because of functionality of the equipment then a structure to house the utilities for the pool may be built below the BFE with the following provisions:

- a) Meet the requirements for accessory structures in Article IV.B.8
- b) The utilities must be anchored to prevent flotation and shall be designed to prevent water from entering or accumulating within the components during conditions of the base flood.

10. **Elevators**

- a) Install a float switch system or another system that provides the same level of safety necessary for all elevators where there is a potential for the elevator cab to descend below the BFE during a flood per FEMA's Technical Bulletin 4-93 Elevator Installation for Buildings Located in Special Flood Hazard Areas.
- b) All equipment that may have to be installed below the BFE such as counter weight roller guides, compensation cable and pulleys, and oil buffers for traction elevators and the jack assembly for a hydraulic elevator must be constructed using flood-resistant materials where possible per FEMA's Technical Bulletin 4-93 Elevator Installation for Buildings Located in Special Flood Hazard Areas.

11. **Fill** - An applicant shall demonstrate that fill is the only alternative to raising the building to meet the residential and non-residential construction requirements of Article IV B(1) or B (2), and that the amount of fill used will not affect the flood storage capacity or adversely affect adjacent properties. The following provisions shall apply to all fill placed in the special flood hazard area:

- a) Fill may not be placed in the floodway unless it is in accordance with the requirements in Article IV.B.5a.
- b) Fill may not be placed in tidal or non-tidal wetlands without the required state and federal permits.
- c) Fill must consist of soil and rock materials only. A registered professional geotechnical engineer may use dredged material as fill only upon certification of suitability. Landfills, rubble fills, dumps, and sanitary fills are not permitted in the floodplain.
- d) Fill used to support structures must comply with ASTM Standard D-698, and its suitability to support structures certified by a registered, professional engineer.

- e) Fill slopes shall be no greater than two horizontal to one vertical. Flatter slopes may be required where velocities may result in erosion.
- f) The use of fill shall not increase flooding or cause drainage problems on neighboring properties.
- g) Fill may not be used for structural support in the coastal high hazard areas.
- h) Will meet the requirements of FEMA Technical Bulletin 10-01, *Ensuring That Structures Built on Fill in or Near Special Flood Hazard Areas Are Reasonable Safe from Flooding*.

12. Standards for Subdivision Proposals and other development

- a) All subdivision proposals and other proposed new development shall be consistent with the need to minimize flood damage and are subject to all applicable standards in these regulations.
- b) All subdivision proposals and other proposed new development shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- c) All subdivision proposals and other proposed new development shall have adequate drainage provided to reduce exposure to flood damage.
- d) The applicant shall meet the requirement to submit technical data to FEMA in Article IV B.7 when a hydrologic and hydraulic analysis is completed that generates base flood elevations.

C. Standards for Streams without Established Base Flood Elevations and Floodways

- Located within the areas of special flood hazard (Zones A and V) established in Article I.D, are small streams where no base flood data has been provided and where no floodways have been identified. The following provisions apply within such areas:

1. In all areas of special flood hazard where base flood elevation data are not available, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates base flood elevations for all subdivision proposals and other proposed developments containing at least 50 lots or 5 acres, whichever is less.
2. No encroachments, including fill, new construction, substantial improvements and new development shall be permitted within 100 feet of the stream bank unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

3. If Article IV.C.1 is satisfied and base flood elevation data is available from other sources, all new construction and substantial improvements within such areas shall comply with all applicable flood hazard ordinance provisions of Article IV and shall be elevated or flood proofed in accordance with elevations established in accordance with Article III.E.11.
4. Data from preliminary, draft, and final Flood Insurance Studies constitutes best available data. Refer to FEMA Floodplain Management Technical Bulletin 1-98 *Use of Flood Insurance Study (FIS) Data as Available Data*. If an appeal is pending on the study in accordance with 44 CFR Ch. 1, Part 67.5 and 67.6, the data does not have to be used.
5. When base flood elevation (BFE) data is not available from a federal, state, or other source one of the following methods may be used to determine a BFE. For further information regarding the methods for determining BFEs listed below, refer to FEMA's manual *Managing Floodplain Development in Approximate Zone A Areas*:

a) Contour Interpolation

- (1) Superimpose approximate Zone A boundaries onto a topographic map and estimate a BFE.
- (2) Add one-half of the contour interval of the topographic map that is used to the BFE.

- b) Data Extrapolation - A BFE can be determined if a site within 500 feet upstream of a reach of a stream reach for which a 100-year profile has been computed by detailed methods, and the floodplain and channel bottom slope characteristics are relatively similar to the downstream reaches. No hydraulic structures shall be present.
- c) Hydrologic and Hydraulic Calculations- Perform hydrologic and hydraulic calculations to determine BFEs using FEMA approved methods and software.

D. Standards for Streams with Established Base Flood Elevations but without Floodways - Along rivers and streams where Base Flood Elevation (BFE) data is provided but no floodway is identified for a Special Flood Hazard Area on the FIRM or in the FIS.

1. No encroachments including fill, new construction, substantial improvements, or other development shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

E. Standards for Areas of Shallow Flooding (AO Zones) - Located within the areas of special flood hazard established in Article 1.D, are areas designated as shallow

flooding. The following provisions shall apply within such areas:

1. All new construction and substantial improvements of residential structures shall have the lowest floor elevated to at least as high as the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor shall be elevated at least three (3) feet above the highest adjacent grade.
2. All new construction and substantial improvements of non-residential structures shall:
 - a) Have the lowest floor elevated to at least as high as the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor shall be elevated at least three (3) feet above the highest adjacent grade; or,
 - b) Be completely flood-proofed together with attendant utility and sanitary facilities to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required as stated in Article III.D.
3. All structures on slopes must have drainage paths around them to guide water away from the structures.

F. Coastal High Hazard Areas (V-Zones) Located within the areas of special flood hazard established in Article I.D or Article III.E.11 are areas designated as coastal high hazard areas. These areas have special flood hazards associated with wave wash. The following provisions shall apply within such areas:

1. All new construction and substantial improvements shall be located landward of the reach of mean high tide, first line of stable natural vegetation and comply with all applicable Department of Health and Environmental Control (DHEC) Ocean and Coastal Resource Management (OCRM) setback requirements.
2. All new construction and substantial improvements shall be elevated so that the bottom of the lowest supporting horizontal structural member (excluding pilings or columns) of the lowest floor is located no lower than one (1) foot above the base flood elevation.
3. All buildings or structures shall be securely anchored on pilings or columns, extending vertically below a grade of sufficient depth and the zone of potential scour, and securely anchored to the subsoil strata.

4. All pilings and columns and the attached structures shall be anchored to resist flotation, collapse, lateral movement and scour due to the effect of wind and water loads acting simultaneously on all building components.
5. A registered professional engineer or architect shall certify that the design, specifications and plans for construction are in compliance with the provisions contained in Article IV Section F 3, 4, 6 and 9 of this ordinance.
6. There shall be no fill used as structural support. Non-compacted fill may be used around the perimeter of a building for landscaping/aesthetic purposes provided the fill will wash out from storm surge, thereby rendering the building free of obstruction prior to generating excessive loading forces, ramping effects, or wave deflection. Only beach compatible sand may be used. The local floodplain administrator shall approve design plans for landscaping/ aesthetic fill only after the applicant has provided an analysis by an engineer, architect, and/or soil scientist that demonstrates that the following factors have been fully considered:
 - a) Particle composition of fill material does not have a tendency for excessive natural compaction,
 - b) Volume and distribution of fill will not cause wave deflection to adjacent properties; and
 - c) Slope of fill will not cause wave run-up or ramping.
7. There shall be no alteration of sand dunes that would increase potential flood damage.
8. All new construction and substantial improvements have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. For the purpose of this section, a breakaway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Breakaway wall enclosures shall not exceed 299 square feet. Only flood resistant materials shall be used below the required flood elevation specified in Article IV.B. One wet location switch and/or outlet connected to a ground fault interrupt breaker may be installed below the required lowest floor elevation specified in Article IV.B.

Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions:

- a) Breakaway wall collapse shall result from water load less than that which would occur during the base flood.

b) The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and nonstructural). The water loading shall be those values associated with the base flood. The wind loading values shall be those required by applicable IBC International Building Code.

c) Such enclosed space shall be useable solely for parking of vehicles, building access, or storage. Such space shall not be used for human habitation, finished or partitioned into multiple rooms. ~~or temperature-controlled.~~

9. No manufactured homes shall be permitted except in an existing manufactured home park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring and elevation standards of Article IV.B.3.

10. Recreational vehicles shall be permitted in Coastal High Hazard Areas provided that they meet the Recreational Vehicle criteria of Article IV B.6 and the Temporary Structure provisions of Article IV F.11

11. Accessory structures, below the required lowest floor elevation specified in Article IV F.2, are prohibited except for the following:

a) Swimming Pools

- (1) They are installed at-grade or elevated so long as the pool will not act as an obstruction
- (2) They must be structurally independent of the building and its foundation.
- (3) They may be placed beneath a coastal building only if the top of the pool and any accompanying decking or walkway are flush with the existing grade and only if the lower area remains unenclosed.
- (4) As part of the certification process for V-zone buildings the design professional must consider the effects that any of these elements will have on the building in question and any nearby buildings.

b) Access Stairs Attached to or Beneath an Elevated Building:

- (1) Must be constructed of flood-resistant materials.
- (2) Must be constructed as open staircases so they do not block flow under the structure in accordance with Article IV.F.2.

c) Decks

- (1) If the deck is structurally attached to a building then the bottom of the lowest horizontal member must be at or above the elevation of the buildings lowest horizontal member.
 - (2) If the deck is to be built below the BFE then it must be structurally independent of the main building and must not cause an obstruction.
 - (3) If an at-grade, structurally independent deck is proposed then a design professional must evaluate the design to determine if it will adversely affect the building and nearby buildings.
12. Parking areas should be located on a stable grade under or landward of a structure. Any parking surface shall consist of gravel or aggregate.
13. Electrical, ventilation, plumbing, heating and air conditioning equipment (including ductwork), and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of base flood event plus one (1) foot. This requirement does not exclude the installation of outdoor faucets for shower heads, sinks, hoses, etc., as long as cut off devices and back flow prevention devices are installed to prevent contamination to the service components and thereby minimize any flood damages to the building. No utilities or components shall be attached to breakaway walls.

Article V. VARIANCE PROCEDURES

- A. **Establishment of Appeal Board** - The Building Code Board of Appeals as established by Georgetown County Council, shall hear and decide requests for variances from the requirements of this ordinance.
- B. **Right to Appeal** - Any person aggrieved by the decision of the appeal board or any taxpayer may appeal such decision to the Court.
- C. **Historic Structures** - Variances may be issued for the repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- D. **Functionally Dependent Uses** - Variances may be issued for development necessary for the conduct of a functionally dependent use, provided the criteria of this Article are met, no reasonable alternative exist, and the development is protected by methods that minimize flood damage and create no additional threat to public safety.
- E. **Agricultural Structures** - Variances may be issued to wet flood proof an agricultural structure provided it is used solely for agricultural purposes. In order to minimize flood damages during the base flood and the threat to public health and safety, the structure must meet all of the conditions and considerations of Article V.H, this section, and the following standards:

1. Use of the structure must be limited to agricultural purposes as listed below:
 - a) Pole frame buildings with open or closed sides used exclusively for the storage of farm machinery and equipment,
 - b) Steel grain bins and steel frame corncribs,
 - c) General-purpose barns for the temporary feeding of livestock that are open on at least one side;
 - d) For livestock confinement buildings, poultry houses, dairy operations, and similar livestock operations, variances may not be issued for structures that were substantially damaged. New construction or substantial improvement of such structures must meet the elevation requirements of Article IV.B.2 of this ordinance; and,
2. The agricultural structure must be built or rebuilt, in the case of an existing building that is substantially damaged, with flood-resistant materials for the exterior and interior building components and elements below the base flood elevation.
3. The agricultural structure must be adequately anchored to prevent flotation, collapse, or lateral movement. All of the structure's components must be capable of resisting specific flood-related forces including hydrostatic, buoyancy, hydrodynamic, and debris impact forces. Where flood velocities exceed 5 feet per second, fast-flowing floodwaters can exert considerable pressure on the building's enclosure walls or foundation walls.
4. The agricultural structure must meet the venting requirement of Article IV.B.4 of this ordinance.
5. Any mechanical, electrical, or other utility equipment must be located above the base flood elevation (BFE), plus any required freeboard, or be contained within a watertight, flood proofed enclosure that is capable of resisting damage during flood conditions in accordance with Article IV.A.5 of this ordinance
6. The agricultural structure must comply with the floodway encroachment provisions of Article IV.B.5 of this ordinance.
7. Major equipment, machinery, or other contents must be protected. Such protection may include protective watertight flood proofed areas within the building, the use of equipment hoists for readily elevating contents, permanently elevating contents on pedestals or shelves above the base flood elevation, or determining that property owners can safely remove contents without risk to lives and that the contents will be located to a specified site out of the floodplain.

F. **Considerations** - In passing upon such applications, the appeal board shall

consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:

1. The danger that materials may be swept onto other lands to the injury of others;
2. The danger to life and property due to flooding or erosion damage, and the safety of access to the property in times of flood for ordinary and emergency vehicles;
3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
4. The importance of the services provided by the proposed facility to the community;
5. The necessity to the facility of a waterfront location, where applicable;
6. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
7. The compatibility of the proposed use with existing and anticipated development, and the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
8. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;
9. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges; and
10. Agricultural structures must be located in wide, expansive floodplain areas, where no other alternative location for the agricultural structure exists. The applicant must demonstrate that the entire farm acreage, consisting of a contiguous parcel of land on which the structure is to be located, must be in the Special Flood Hazard Area and no other alternative locations for the structure are available.

G. Findings - Findings listed above shall be submitted to the appeal board, in writing, and included in the application for a variance. Additionally, comments from the Department of Natural Resources, Land, Water and Conservation Division, State Coordinator's Office, must be taken into account and included in the permit file.

H. Floodways - Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result unless a CLOMR is obtained prior to issuance of the variance. In order to ensure the project is built in compliance with the CLOMR for which the variance is granted the applicant must provide a bond for 100% of the cost to perform the development.

I. **Conditions** - Upon consideration of the factors listed above and the purposes of this ordinance, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance. The following conditions shall apply to all variances:

1. Variances may not be issued when the variance will make the structure in violation of other federal, state, or local laws, regulations, or ordinances.
2. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
3. Variances shall only be issued upon a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship, and a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
4. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation (BFE) and the elevation to which the structure is to be built and a written statement that the cost of flood insurance will be commensurate with the increased risk. Such notification shall be maintained with a record of all variance actions.
5. The local floodplain administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency (FEMA) upon request.
6. Variances shall not be issued for unpermitted development or other development that is not in compliance with the provisions of this ordinance. Violations must be corrected in accordance with Article III.E.5 of this ordinance.

Article VI. **LEGAL STATUS PROVISIONS**

A. **Effect on Rights and Liabilities under the Existing Flood Damage Prevention Ordinance**

- This Ordinance in part comes forward by re-enactment of some of the provisions of the flood damage prevention ordinance enacted on November 10, 2015 and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued there under are reserved and may be enforced. The enactment of this ordinance shall not affect any action, suit or proceeding instituted or pending. All provisions of the flood damage prevention ordinance of Georgetown County enacted on November 10, 2015, as amended, which are not reenacted herein, are repealed.

B. **Effect upon Outstanding Building Permits** - Nothing herein contained shall require any change in the plans, construction, size or designated use of any building, structure or part thereof for which a building permit has been granted by the Chief Building Inspector or his authorized agents before the time of passage of

this ordinance; provided, however, that when start of construction has not occurred under such outstanding permit within a period of sixty (60) days subsequent to passage of this ordinance, construction or use shall be in conformity with the provisions of this ordinance.

Affix local Seal Here

DONE, RATIFIED AND ADOPTED THIS _____ DAY OF _____
2018.

Johnny Morant
Chairman, Georgetown County

ATTEST:

Theresa Floyd
Clerk to Council

This Ordinance, No. _____ has been reviewed by me and is hereby approved as to form and legality.

Wesley P. Bryant
Georgetown County Attorney

First Reading: _____

Second Reading: _____

Third Reading: _____

Item Number: 11.c
Meeting Date: 9/10/2019
Item Type: SECOND READING OF ORDINANCES

AGENDA REQUEST FORM
GEORGETOWN COUNTY COUNCIL



DEPARTMENT: Legal

ISSUE UNDER CONSIDERATION:

Ordinance No. 19-20 - An Ordinance to authorize Georgetown County to lease a portion of a tract of property owned by Georgetown County, designated as Tax Map No. 04-0406-001-01-00, to JB's Celebration Park Inc. for the purposes of constructing a Celebration Park for general public access.

CURRENT STATUS:

Pending approval.

POINTS TO CONSIDER:

Georgetown County owns certain real estate on Wildcat Way in Pawleys Island, SC in Tax District No. 04 of Georgetown County identified as Tax Map No. 04-0406-001-01-00. JB's Celebration Park Inc. is desirous of leasing a portion of Tract 2 of said property for the purpose of constructing a Celebration Park for the general public to access utilize and enjoy for various public events and leisure.

Georgetown County Council has determined that it is in the best interest of the taxpayers and citizens of said County that the County enter into a lease agreement with the Lessee for a thirty (30) year rental period.

OPTIONS:

1. Adoption of Ordinance No. 19-20.
2. Deny approval of Ordinance No. 19-20.

STAFF RECOMMENDATIONS:

Recommendation for second reading approval of Ordinance No. 19-20.

NOTE: Ordinance No. 19-20 was introduced at 1st Reading by Title Only, and will require a motion to amend in order to incorporate text.

ATTACHMENTS:

Description	Type
<input type="checkbox"/> Ordinance No 19-20 Authorizing Property Lease JB's Celebration Park	Ordinance
<input type="checkbox"/> Property Lease Agreement	Backup Material

STATE OF SOUTH CAROLINA)
)
COUNTY OF GEORGETOWN)

ORDINANCE NO: 19-20

**AN ORDINANCE TO AUTHORIZE GEORGETOWN COUNTY TO LEASE TO JB's CELEBRATION PARK INC.
A PORTION OF A TRACT OF PROPERTY, DESIGNATED AS TRACT 2 OF TMS NO. 04-0406-001-01-00,
AND OWNED BY GEORGETOWN COUNTY**

BE IT ORDAINED BY THE GEORGETOWN COUNTY COUNCIL AS FOLLOWS:

WHEREAS, Georgetown County owns certain real estate situate in Tax District No. 04 of Georgetown County; whereon is situate a tract of property further identified as Tax Map No. 04-0406-001-01-00; and,

WHEREAS, the JB's Celebration Park Inc. is desirous of leasing a portion of Tract 2 of said property for the purpose of constructing a Celebration Park for the general public to access utilize and enjoy for various public events and leisure; and,

WHEREAS, Georgetown County Council has determined that it is in the best interest of the taxpayers and citizens of said County that the County enter into a lease agreement with the Lessee for a thirty (30) year rental period, ending on December 31, 2049.

WHEREAS, a public hearing on said lease agreement was held _____, 2019.

NOW, THEREFORE, BE IT ORDERED AND ORDAINED BY THE GEORGETOWN COUNTY COUNCIL AND IT IS ORDAINED BY THE AUTHORITY OF SAID COUNCIL:

That the following described property referred to in the Lease Agreement attached to this Ordinance as Exhibit A shall be leased unto the Georgetown County Water and Sewer District.

Should any word, phrase, clause or provision of this ordinance be declared invalid or unconstitutional by a court of competent jurisdiction, such declaration shall not affect this ordinance as a whole or any part hereof except that specific provision declared by such court to be invalid or unconstitutional.

All ordinances or parts of ordinances in conflict with this ordinance or inconsistent with its provisions, are hereby repealed or superseded to the extent necessary to give this ordinance full force and effect.

This ordinance shall take effect upon final approval of this ordinance.

DONE, RATIFIED, AND ADOPTED THIS _____ DAY OF _____, 2019.

Chairman, Georgetown County Council (Seal)

ATTEST:

Clerk to Council

This Ordinance, No. 19-20, has been reviewed by me and is hereby approved as to form and legality.

Wesley P. Bryant,
Georgetown County Attorney

First Reading:

Second Reading:

Third Reading:

STATE OF SOUTH CAROLINA)
)
COUNTY OF GEORGETOWN)

LEASE and AGREEMENT
(Portion of TMS No: 04-0406-001-01-00)

WHEREAS, JB's Celebration Park Inc. (JBs), a South Carolina corporation is desirous of leasing a portion of TMS No: 04-0406-001-01-00 for the construction of a Celebration Park for the general public to access, utilize, and enjoy for various public events and leisure; and

WHEREAS, Georgetown County believes the Celebration Park and its proposed design/venue will benefit the recreational interests of the citizenry of Georgetown County; and

WHEREAS, JB's has a strong desire to move forward the design and construction of the park for which it will provide its funding; and

WHEREAS, the County, pursuant to the terms of this agreement will provide support in the form of a long term real property lease and grounds maintenance and upkeep for the park once it is finally completed.

NOW, THEREFORE, in consideration of the mutual promises and covenants hereinafter contained, the Lessor and Lessee do mutually agree as follows:

THIS PROPERTY LEASE AGREEMENT ("Agreement" or "Lease") made and entered into this ___ day of July 30, 2019, by and between the **JBs CELEBRATION PARK INC.** (hereinafter referred to as Lessee) AND **GEORGETOWN COUNTY**, a body politic and corporate and organized under the laws of the State of South Carolina, (hereinafter referred to as Lessor).

1. Leased Property. The Lessor, in consideration of the rents, covenants and agreements hereinafter specified to be paid, kept and performed by Lessee, hereby leases Lessee that certain property located west of and adjacent to Wildcat Way, Pawleys Island, South Carolina known as a portion of Tract 2 TMS No: 04-0406-001-01-00 (hereinafter referred to as the Property) more fully depicted in Plat Slide 632, Page 1 and Plat Side 742, Page 4. Upon the final design of the park it is understood this Lease will be supplemented with a more definite depiction of the park.

TO HAVE AND TO HOLD unto Lessee for the time and upon the terms as hereinafter set forth.

2. Representations of Lessor. The Lessor represents that it leases the Property in an AS IS condition and that the title to the Property is free from encumbrances. Lessor further represents that it has the right and authority to make this Agreement.

3. Term. The Term of this Agreement shall be for 30 years until December 31, 2049.

4. Renewal Term. There shall be the option of a renewal term to be agreed upon in another writing utilizing terms to be negotiated at that time.

5. Early Termination. Lessee shall have the right to terminate this Agreement at any time during the term hereof in the event Lessee's activities become prohibited, is rendered practically unfunded and/or unprofitable, the property is no longer needed or the Lessee acquires fee simple title to the property.

Lessor shall have the right to terminate this Agreement at any time during the term hereof if it is determined by either party the subject park has been damaged beyond repair due to acts of God.

Nothing herein precludes the parties from mutually terminating this agreement early by an agreed upon written amendment to this document. If the Leased Property is subject to a Condemnation action by an entity other than the Lessor, or if a portion is condemned, then, if the Lessee so desires, the term of this Agreement shall automatically cease and terminate as of the date of such taking or condemnation.

6. End of Term. Upon expiration of the Initial Term, Renewal Term, or other termination of this Agreement, Lessee shall quit and surrender to Lessor the property in essentially the same condition as it was received. Lessee shall remove from the property all of its property, to include any improvements (unfixed) to the property prior to the expiration of the term or early termination date. Any fixed improvements shall remain on the property and be transferred to the Lessor by bill of sale.

7. Holdover Occupancy. Holdover occupancy shall not be allowed unless agreed to by both parties and evidenced in writing, executed by both parties, amending the terms of this agreement.

8. Rent and Lease Payments. Commencing on the date as written above, Lessee shall pay lessor Rent (as herein defined) at the address specified in Paragraph 28, or other such place as may be designated by Lessor. **The Rent shall be One Dollar a year.** Said rent shall be prorated for the initial month and/or any partial months due to early termination, if needed. Rent shall not be subject to deduction. FURTHER, the Lessee shall be responsible for any and all repairs, maintenance, and upkeep, regardless of cause, for restoring the property to the same state of condition it is in at the commencement of this lease agreement.

9. Security Deposit. A security deposit shall not be required for this agreement.

10. Fees and Taxes. Lessee's obligation under this paragraph shall include, without limitation, payments of any and all charges, taxes or fees imposed by Federal, State or Local governments, or any agencies thereof, on, in connection or resulting from or arising out of Lessee's use of occupancy of the Leased Property. Lessor shall timely pay all uniform fees and taxes, to include the Georgetown County Storm Water Fee if applicable, which may be assessed upon the Leased Property by all governing bodies with jurisdiction. The Lessee shall be responsible for and shall timely pay any and all personal property taxes which may be assessed by all governing bodies with jurisdiction upon Lessee's personal property located upon the Leased Property.

11. Use of Leased Property. During the Term of this Agreement, and any renewal period thereof, Lessee shall occupy and use the Leased Property for the purpose of conducting any and

all associated construction, maintenance, and use activities due to the establishment of a Celebration Park.

If necessary, Lessee shall be allowed to install reasonable exterior signs and graphic materials on the Leased Property and for advertisement and recognition so long as the signs conform to all applicable Sign and Zoning Ordinances for the County of Georgetown.

12. Covenant of Quiet Enjoyment. The Lessee, upon the payment of Rent herein reserved and upon the performance of all other terms of this Agreement, shall at all times during the lease term, and during any extension term, peaceably and quietly enjoy the Leased Property without any disturbance from the Lessor or from any other person claiming through the Lessor.

13. Maintenance. Lessor, upon final completion of the construction of the park (to be evidenced in writing by JBs and delivered to the County) shall be responsible for all grounds maintenance and upkeep of the premises.

14. Repairs. Repairs that are needed due to any occurrence regardless of the cause or area needing repair shall be the responsibility of the Lessor during the term of this Lease Agreement.

15. Sublease/Assignment. Lessee agrees not to assign any interest of Lessee hereunder or sublet, license or permit any other party or parties to occupy any portion of the property without the express, written consent of the Lessor.

16. Right of Entry. Lessor shall have the right, upon adequate notice, to enter the real property for the purpose of maintenance, repair, inspecting or protecting such. This right includes, but is not limited to, safety checks in the time of natural disasters and any other emergencies. Lessee also expressly recognizes the property is owned by the public and held in trust by the County so entry must be made available to the general public; no individual person, group, or company is to solely utilize the premises to the exclusion of others.

18. Compliance with Governmental Orders, Regulations, Etc. The Lessee covenants and agrees to comply with all governmental rules, laws and ordinances during the term of its lease. Any failure to do so by the Lessee will result in a breach of this Agreement.

19. Insurance. Lessee agrees to maintain, at its own expense, general liability insurance policy or policies. The insurance required by this Agreement shall, at a minimum, be issued by insurance companies authorized to do business in the State of South Carolina. Lessee agrees to maintain a policy with at least \$300,000.00 in coverage for a single individual, \$600,000.00 per occurrence. Lessee agrees to furnish Lessor, upon request, with a copy of certificates and binders evidencing the existence of the insurance required herein. Lessor must receive at least ten (10) days prior written notice of any cancellation of Lessee's insurance coverage. Failure to maintain insurance coverage as stated above shall constitute a breach of this agreement. However, nothing herein shall preclude the Lessor from obtaining or maintaining its own property insurance, in whatever form, during the term of this Lease Agreement.

Lessor shall maintain general liability insurance over the premises for which it keeps ownership during the term of this agreement.

20. Casualty. In the event the Leased Property or the means of access thereto shall be damaged by fire or any other cause, the rent payable hereunder shall not abate provided that the leased property is not rendered untenable by such damage.

21. Alterations and Improvements. The Lessee shall be allowed to make any major alterations to the Leased Property so long as it comports with the public nature of the project. The Lessee agrees to meet with County representatives for a design review prior to the commencement of construction. Lessee shall indemnify and hold harmless the Lessor against any mechanic's liens or materialmen's liens, lawsuits, or any other lien or action whereby money is being claimed as owed, arising out of the making of any alteration or improvements by Lessee to the Leased Property as herein provided.

22. Utilities. The Lessee shall be responsible for any and all utility charges for connections during its construction under the terms of this lease. The Lessor shall be responsible for service charges throughout the term of this agreement.

23. Default. If Lessee shall file a voluntary petition in bankruptcy, or if Lessee shall file any petition or institute any proceedings under any insolvency or bankruptcy act (or any amendment thereto hereafter made) seeking to effect a reorganization or a composition with Tenant's creditors, or if (in any proceeding based on the insolvency of Lessee or relating to bankruptcy proceedings) a receiver or trustee shall be appointed for Lessee of the leased property, or if any proceeding shall be commenced for the reorganization of Lessee, or if the leasehold estate created hereby shall be taken on execution or by any process of the law of if Lessee shall admit in writing Lessee's inability to pay Lessee's obligations generally as they become due, or if there shall be a default in the payment of the rental reserved hereunder, or any part thereof for more than thirty (30) days after written notice of such default by the Lessor, or if there shall be a default in the performance of any other payment, covenant, agreement, condition, rule or regulation herein contained or hereafter established on the part of the Lessee for more than thirty (30) days after written notice of such default by the Lessor, or if the Lessee losses or dissolves its non-profit corporation status regardless of the circumstances surrounding the dissolution, then Lessor may, at Lessor's sole option, terminate this Agreement.

24. DISCLAIMER OF LIABILITY AND HOLD HARMLESS AGREEMENT. LESSOR HEREBY DISCLAIMS AND LESSEE HEREBY RELEASES LESSOR FROM ANY AND ALL LIABILITY, WHETHER IN CONTRACT OR TORT (INCLUDING BUT NOT LIMITED TO STRICT LIABILITY AND NEGLIGENCE) FOR ANY LOSS, DAMAGE OR INJURY OF ANY NATURE WHATSOEVER SUSTAINED BY LESSEE, ITS EMPLOYEES, MEMBERS, AGENTS OR INVITEES DURING THE TERM (INITIAL OR RENEWAL OR MONTH-TO-MONTH) OF THIS AGREEMENT. THE PARTIES DO AGREE THAT UNDER NO CIRCUMSTANCES SHALL LESSOR BE LIABLE FOR INDIRECT, CONSEQUENTIAL, SPECIAL OR EXEMPLARY DAMAGES, WHETHER IN CONTRACT OR TORT, WHETHER CAUSED BY NEGLIGENCE OR GROSS NEGLIGENCE, SUCH AS, BUT NOT LIMITED TO, LOSS OF REVENUE OR ANTICIPATED PROFITS OR OTHER DAMAGE RELATED TO THE PREMISES.

THE LESSOR SHALL NOT HOLD THE LESSEE RESPONSIBLE FOR ANY LIABILITIES THAT ARISE AS A RESULT OF THE LESSOR'S FAILURE TO COMPLY WITH THE AGREEMENT HEREIN OR ANY OTHER LIABILITY THAT MAY OCCUR PURSUANT TO A DIRECT ACT OR OMISSION OF THE LESSOR, WHETHER IN CONTRACT OR TORT. THE LESSEE COVENANTS AND AGREES TO ACCEPT

RESPONSIBILITY FOR ALL BODILY INJURY AND PROPERTY DAMAGE THAT OCCURS PURSUANT TO ACTS OF THE LESSEE.

25. Governing Law and Jurisdiction. This Agreement shall be construed in accordance with the laws of the State of South Carolina. Any litigation arising out of this agreement shall be resolved through the 15th Judicial Circuit Court of South Carolina in Georgetown County only after non-binding mediation is held by a neutral mediator agreed to by both parties. **This agreement is not subject to arbitration.**

26. Relationship of Parties. The relationship between Lessor and Lessee shall always and only be that of Lessor and Lessee. Lessee shall never at any time during the term of this Agreement become the agent of the Lessor, and Lessor shall not be responsible for the acts or omissions of Lessee, its employees, or agents.

27. Remedies Cumulative. The rights and remedies with respect to any of the terms and conditions of this Agreement shall be cumulative and not exclusive, and shall be in addition to other rights and remedies available to either party in law or equity.

28. Notices. Any notice given by one party to the other in connection with this Agreement shall be in writing and shall be sent by certified or registered mail, return receipt requested and shall be deemed to have been given at the time it is duly deposited and registered in any US Mail Post Office or Branch Post Office:

If to Lessee: Sel Hemingway, Administrator
Georgetown County
PO Drawer 421270
Georgetown, SC 29442

If to Lessor: JBs Celebration Park, Inc.
1266 Parker Drive
Pawleys Island, SC 29585

With a copy to: Wesley P. Bryant, Esq.
Georgetown County Attorney
716 Prince Street
Georgetown, SC 29440

29. Waiver. The waiver by either party of any covenant or condition of this Agreement shall not thereafter preclude such party from demanding performance in accordance with the terms thereof.

30. Successors Bound. This Agreement shall be binding on and shall inure to the benefit of its successors or legal representatives of the parties hereto unless the Lessor and Lessee otherwise enact a written agreement stating otherwise.

31. Severability. If a provision hereof shall be finally declared void or illegal by any court of agency having jurisdiction over the parties to this Agreement, the entire Agreement shall not be

void, but the remaining provisions shall continue in effect as nearly as possible in accordance with the original intent of the parties.

32. Gender and Singular. In construing this agreement, feminine or neuter pronouns shall be substituted for those masculine in form and vice versa, and plural terms shall be substituted for singular and singular for plural in any place in which the context so requires.

33. Captions. The captions appearing in the beginning of each separate numbered section in this Agreement are for convenience only and are not a part of this Agreement and do not in any way limit or amplify the terms or provisions contained herein.

34. Written Changes. This Agreement may not be changed orally, but only by agreement in writing and signed by both parties.

35. Acknowledged. It is acknowledged by both parties that Georgetown County has not appropriated funding for the construction of this park and is not liable for construction costs. It is further acknowledged by both parties that if the park were to be destroyed or severely damaged due to an Act of God that Georgetown County may not have appropriations at that time to reconstruct the park and the parties will meet to determine any subsequent action related thereto.

IN WITNESS WHEREOF, the undersigned parties have hereunto set their hands and seals this the date and year first above written.

WITNESSES

LESSOR: GEORGETOWN COUNTY

BY: _____

ITS: County Administrator

STATE OF SOUTH CAROLINA

COUNTY OF GEORGETOWN

I, _____, do hereby certify that Sel Hemingway personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this _____ day of _____, 2019.

NOTARY PUBLIC FOR SOUTH CAROLINA

My Commission Expires: _____

WITNESSES

Rhonda Lee-Morris

LESSEE: JB's CELEBRATION PARK, INC.

BY: Cynthia G. Bindner
ITS: Owner

STATE OF SOUTH CAROLINA

COUNTY OF GEORGETOWN

I, Nancy Orman, do hereby certify that Cynthia G. Bindner personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this 30 day of July, 2019.

Nancy Orman
NOTARY PUBLIC FOR SOUTH CAROLINA
My Commission Expires: 4/29/2024

Item Number: 15.a
Meeting Date: 9/10/2019
Item Type: REPORTS TO COUNCIL

AGENDA REQUEST FORM
GEORGETOWN COUNTY COUNCIL



DEPARTMENT: Public Information

ISSUE UNDER CONSIDERATION:

The Georgetown County Morale Committee hosted its 3rd annual Employee Pileau cook-off at Beck Recreation Center on July 25. The event raised \$400, which will be split and donated to two local charity groups.

CURRENT STATUS:

Winners have been selected and checks are being presented to the charities of their choice.

POINTS TO CONSIDER:

For the last three years, the Georgetown County Morale Committee has hosted a cook-off at Beck Recreation Center for employees. Approximately 20 County employees donated their time and culinary skills for the event, cooking 10 pileaus and 11 desserts. Tasting tickets were sold to employees across the county, who participated in the event during their lunch hours, raising \$400, which will be split between two charities selected by the winners.

Winner of the pileau competition was Phillip White of the Georgetown County Sheriff's Office, who selected Amazing Journey to donate his portion of the winnings to. Amazing Journey is a support group for the Sheriff's Re-entry program, which teaches job skills to inmates and has had proven success in preventing recidivism.

Sharon Moultrie of the Public Works Division won the dessert competition for the second year in a row. She prepared punch bowl cake with strawberries.

FINANCIAL IMPACT:

N/A

OPTIONS:

This report is for information only and requires no action by council.

STAFF RECOMMENDATIONS:

N/A

ATTORNEY REVIEW:

No

Item Number: 16.a
Meeting Date: 9/10/2019
Item Type: DEFERRED OR PREVIOUSLY SUSPENDED ISSUES

AGENDA REQUEST FORM
GEORGETOWN COUNTY COUNCIL



DEPARTMENT: Planning / Zoning

ISSUE UNDER CONSIDERATION:

Ordinance No. 2017-23 - To amend the Pawleys Plantation Planned Development to add an additional two single family lots to the PD. TMS 04-0418-014-00-00. Case Number AMPD 6-17-18572.

On June 27, 2017 the Pawleys Plantation Property Owners Association applied to change the land use designation for two parcels along Green Wing Teal Lane from open space to single family. A change in land use is considered a major change to a Planned Development based on Section 619.3 of the Zoning Ordinance.

CURRENT STATUS:

The Pawleys Plantation PD is located east of Ocean Highway approximately 557 feet south of Hagley Drive in Pawleys Island. The PD contains a combination of single family units, patio lots and multi-family units along with a golf course and associated amenities.

POINTS TO CONSIDER:

1. The Pawleys Plantation Property Owners Association took ownership of the two parcels labeled as open space 9 and 10 on the attached map in 2010. The parcels were originally part of the golf course property.
2. According to the applicant both parcels were largely shown as wetlands on a 1987 Army Corps of Engineers survey. The POA's environmental consultant has indicated that the wetlands have receded significantly on these two parcels since the 1987 survey and both are now suitable building sites. The Army Corps has not yet confirmed the consultant's assertion.
3. The POA is seeking to sell the parcels in order to relieve the organization from the burden of maintaining both of these areas as well as provide additional income to be used for maintenance elsewhere on the property.
4. Open space #9 contains .25 acres and is approximately 72 feet wide. Open space #10 contains .29 acres is approximately 113 feet wide. Both parcels exceed the average lot size for the street with the exception of the large half-acre parcel located at the end of the cul de sac which was a combination of two original lots. Existing parcels on this street are considered patio lots and are designated as Tract D. Setbacks are 20' for the front, 7' and 3' for the side if a one-story home and 12' and 8' for the side if a two-story home and 20' in the rear.
5. The parcels back up to a large pond. The County's GIS infrared imagery shows significant uplands for both parcels. The attached wetland delineation from the applicant's consultant shows .004 of an acre of wetlands out of a total of .25 acres for Open Space #9 and .1 acre of wetlands out of a total of .29 acres for Open Space #10. Some fill will likely be required for Open Space #10.
6. The reduction in the amount of open space for the PD is minimal based on the large amount of open space provided for the PD as a whole. According to their engineer, the PD contains 62 acres of open space including the golf course. The POA currently owns 22.4 acres of open space.
7. Overall density for the PD will not be exceeded. At least one large tract originally shown as multi-family is being developed as single family and according to the POA, twelve different parcels have been combined also resulting in a density reduction.
8. The new owners for the parcels would be required to submit a tree removal plan to the Zoning Administrator prior to receiving a building permit.
9. According to the applicant, the POA met on August 28th and received the necessary approval from 80% of the members to remove these properties from the "common property" designation so that they can be sold by the POA.
10. The applicant met with several of those residents with drainage concerns. The existing swales on these parcels are currently functioning. The POA will either relocate the existing swales or install catch basins and pipes to handle the drainage.
11. Staff recommended approval of the request conditional on the following:
 - a. Approval from the Corps of Engineers for the attached wetlands delineation and any proposed fill.
 - b. Both new parcels will adhere to the PD requirements and setbacks for patio lots.
12. The Planning Commission held public hearings on this request on both August 17th and September 21st. After

12. The Planning Commission held public hearings on this request on both August 17th and September 21st. After receiving several comments from the neighbors regarding drainage, the Commission deferred action at the August meeting. Four property owners from this area spoke against the proposal with concerns about existing drainage problems, adding more run-off to the system and the promise of open space in these areas. One property owner spoke stating that the POA representative had addressed his concerns from the previous meeting. The POA representative responded by stating that the lots were not initially left for open space, but due to the wetlands which have now receded, the drainage situation will not be changed by virtue of this request and that the POA is attempting to work with the golf course on the issues with the existing ditch in this area.
13. The Commission voted 7 to 0 to recommend denial for this request.
14. Ordinance No. 2017-23 has been amended subsequent to previous report. Should Council choose to approve Ordinance No. 2017-23 with revised text, a *motion to amend* will be required.

FINANCIAL IMPACT:

Not applicable

OPTIONS:

1. Deny request as recommended by PC.
2. Approve request
3. Defer for further information
4. Remand to PC for further study

STAFF RECOMMENDATIONS:

Deferred pending internal review by County Attorney.

ATTORNEY REVIEW:

Yes

Item Number: 16.b
Meeting Date: 9/10/2019
Item Type: DEFERRED OR PREVIOUSLY SUSPENDED ISSUES

AGENDA REQUEST FORM
GEORGETOWN COUNTY COUNCIL



DEPARTMENT: Legal

ISSUE UNDER CONSIDERATION:

ORDINANCE NO. 19-18 - AN ORDINANCE AUTHORIZING (1) THE EXECUTION AND DELIVERY OF A FEE IN LIEU OF TAX AND INCENTIVE AGREEMENT BY AND BETWEEN GEORGETOWN COUNTY, SOUTH CAROLINA (THE "COUNTY") AND A COMPANY IDENTIFIED FOR THE TIME BEING AS PROJECT EAGLE, ACTING FOR ITSELF, ONE OR MORE AFFILIATES, AND/OR OTHER PROJECT SPONSORS (THE "COMPANY"), WITH RESPECT TO THE ESTABLISHMENT AND/OR EXPANSION OF OF CERTAIN FACILITIES IN THE COUNTY (COLLECTIVELY, THE "PROJECT"); (2) THE BENEFITS OF A MULTI-COUNTY INDUSTRIAL OR BUSINESS PARK TO BE MADE AVAILABLE TO THE COMPANY AND THE PROJECT; AND (3) OTHER MATTERS RELATING THERETO.

CURRENT STATUS:

Pending adoption.

STAFF RECOMMENDATIONS:

Recommendation to defer action until 9/24.

Item Number: 16.c
Meeting Date: 9/10/2019
Item Type: DEFERRED OR PREVIOUSLY SUSPENDED ISSUES

AGENDA REQUEST FORM
GEORGETOWN COUNTY COUNCIL



DEPARTMENT: Legal

ISSUE UNDER CONSIDERATION:

ORDINANCE NO. 19-19 - AN ORDINANCE TO ESTABLISH A JOINT COUNTY INDUSTRIAL AND BUSINESS PARK PURSUANT TO SECTION 4-1-170 OF THE SOUTH CAROLINA CODE OF LAWS 1976, AS AMENDED, TO BE KNOWN AS THE GEORGETOWN COUNTY PROJECT EAGLE JOINT COUNTY INDUSTRIAL AND BUSINESS PARK (THE "PARK"), IN CONJUNCTION WITH HORRY COUNTY, SUCH PARK TO BE GEOGRAPHICALLY LOCATED IN GEORGETOWN COUNTY; TO AUTHORIZE THE EXECUTION AND DELIVERY OF A WRITTEN PARK AGREEMENT WITH HORRY COUNTY AS TO THE REQUIREMENT OF PAYMENTS OF FEE IN LIEU OF AD VALOREM TAXES WITH RESPECT TO PARK PROPERTY AND THE SHARING OF THE REVENUES AND EXPENSES OF THE PARK; TO PROVIDE FOR THE DISTRIBUTION OF REVENUES FROM THE PARK WITHIN GEORGETOWN COUNTY; AND OTHER MATTERS RELATED THERETO.

CURRENT STATUS:

Pending adoption.

STAFF RECOMMENDATIONS:

Recommendation to defer action until 9/24.