

**Council Members**

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

**County Administrator**

Angela Christian

**Clerk to Council**

Theresa E. Floyd

---

**January 26, 2021**

**5:30 PM**

---

**GEORGETOWN COUNTY COUNCIL  
VIRTUAL MEETING - View on  
[YouTube.com/gtcountysc](https://www.youtube.com/gtcountysc)**

**AGENDA**

- 1. INVOCATION**
- 2. PLEDGE OF ALLEGIANCE**
- 3. APPROVAL OF AGENDA**
- 4. PUBLIC COMMENT**
- 5. APPROVAL OF MINUTES**
  - 5.a Regular Council Meeting - January 12, 2021 - DEFERRED**
- 6. CONSENT AGENDA**
  - 6.a Ordinance No. 20-60 - An Ordinance to rezone one parcel located at 2553 Pennyroyal Road (TMS 01-0437-007-03-00) from 10,000 Square Feet Residential (R-10) to 10,000 Square Feet Residential (MR-10) - Third Reading**
  - 6.b Private Ambulance Service Franchise Application & Mutual Aid Agreement Renewal**
  - 6.c County Council - Standing Committee Assignments**
- 7. PUBLIC HEARINGS**
- 8. APPOINTMENTS TO BOARDS AND COMMISSIONS**
- 9. RESOLUTIONS / PROCLAMATIONS**
- 10. THIRD READING OF ORDINANCES**
- 11. SECOND READING OF ORDINANCES**
  - 11.a Ordinance No. 21-01 – An Ordinance to amend the Georgetown County Procurement Ordinance. No. 20-32, Section 2-60, regarding procurement contracts.**

- 11.b Ordinance No. 21-02 - An Ordinance to Authorize the Sale of  
Parcels Located Within the Andrews Business Park, Located  
Along Highway 521, as Being Surplus Property
- 11.c Ordinance No. 21-03 - To amend Phase A1 of the Belle Vue PD in  
Murrells Inlet to increase the number of lots from twenty (20) to  
twenty-three (23) by subdividing a lot that was reserved for  
future development.
- 11.d Ordinance No. 21-04 – Authorizing the Development of a Jointly  
Owned and Operated Industrial/Business Park Between  
Georgetown County and Williamsburg County, Such  
Industrial/Business Park to be Geographically Located in Each  
County and Established Pursuant to South Carolina Code  
Annotated Section 4-1-170; to Provide for the Expenses of the  
Park, the Percentage of Revenue Application, and Distribution of  
Fees in Lieu of Ad Valorem Taxation; and Other Related Matters.

**12. FIRST READING OF ORDINANCES**

- 12.a Ordinance No. 21-05 - An Ordinance Allocating the Remaining  
2014 Capital Project Sales Tax Surplus Proceeds for Capital  
Projects and Other Matters Related Thereto

**13. COUNCIL BRIEFING AND COMMITTEE REPORTS**

**14. BIDS**

**15. REPORTS TO COUNCIL**

- 15.a Library Technology Presentation - Dwight McInvaill
- 15.b COAST RTA - Program Update Presentation
- 15.c EMERGENCY ORDINANCE No. 21-06

**16. DEFERRED OR PREVIOUSLY SUSPENDED ISSUES**

- 16.a Ordinance No. 20-59 - An Ordinance to revise the Rules of  
Procedure as previously adopted by Georgetown County  
Council
- 16.b Ordinance No. 20-61 - An Ordinance to amend the Pawleys  
Business Commons Planned Development to allow for a mixed  
use of commercial and 182 multi family units to be located on the  
west side of Petigru Drive across from Tiller Drive in Pawleys  
Island (TMS No.04-0203-189-02-00) - Request to Defer Action  
Submitted by Property Applicant

**17. LEGAL BRIEFING / EXECUTIVE SESSION**

- 17.a Legal Matter – Pertaining to Potential Litigation Involving the  
County Pursuant to S.C. Code Ann. § 30-4-70(a)(2)

**18. OPEN SESSION**

**19. ADJOURNMENT**

**Item Number:** 5.a  
**Meeting Date:** 1/26/2021  
**Item Type:** APPROVAL OF MINUTES

**AGENDA REQUEST FORM**  
GEORGETOWN COUNTY COUNCIL



**DEPARTMENT:** County Council

**ISSUE UNDERCONSIDERATION:**

Regular Council Meeting - January 12, 2021 (Deferred)

**CURRENT STATUS:**

Pending

**POINTS TO CONSIDER:**

n/a

**FINANCIAL IMPACT:**

n/a

**OPTIONS:**

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

**STAFF RECOMMENDATIONS:**

To be deferred.

**ATTORNEY REVIEW:**

**Item Number:** 6.a  
**Meeting Date:** 1/26/2021  
**Item Type:** CONSENT AGENDA

**AGENDA REQUEST FORM**  
GEORGETOWN COUNTY COUNCIL



**DEPARTMENT:** Planning / Zoning

**ISSUE UNDER CONSIDERATION:**

Ordinance No. 20-60 - To rezone one parcel located at 2553 Pennyroyal Road in Georgetown (TMS 01-0437-007-03-00) from 10,000 Square Feet Residential (R-10) to 10,000 Square Feet Residential (MR-10).

**CURRENT STATUS:**

A request was received from James and Stephanie Phelan to rezone one parcel located at 2553 Pennyroyal Road in Georgetown (TMS 01-0437-007-03-00) from 10,000 Square Feet Residential (R-10) to 10,000 Square Feet Residential (MR-10).

The parcel is currently zoned 10,000 Square Feet Residential (R-10) with a mobile home existing on the property.

**POINTS TO CONSIDER:**

1. The property is approximately one-half acre and is currently non-conforming based on the use. The latest plat from 1971 shows this one-half acre and the adjacent one-half acre tract to the east cut from a larger parcel. Both properties have existing mobile homes which are not allowed in the R-10 zoning district.
2. The adjacent tract to the north across Pennyroyal is zoned Forest and Agriculture (FA). Tracts to the immediate east are zoned 10,000 Square Feet Residential (R-10). 10,000 Square Foot Residential (MR-10) zoning is located to the west and south. Surrounding uses are single family residential including mobile homes.
3. MR-10 zoning allows for single family dwellings including mobile homes and accessory dwellings on lots larger than 12,000 square feet. The current R-10 zoning also allows for single family dwellings, however does not allow mobile homes. It is the owner's intent to replace the existing mobile home with another mobile home.
4. The Georgetown County FLU map designates this property as well as adjacent R-10 and MR-10 properties as low density residential. Staff feels a change in the FLU map for this parcel and the immediate area should be reviewed with the latest Land Use update.
4. Surrounding uses and the adjacent MR-10 zoning could support the proposed map change to MR-10. Rezoning this parcel would correct an existing non-conforming use.
5. The Planning Commission held a public hearing at their November 19th meeting. No



one but the applicant came forward to speak. The PC recommended approval of the rezoning request with a vote of 7-0.

**FINANCIAL IMPACT:**

Not Applicable

**OPTIONS:**

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

**STAFF RECOMMENDATIONS:**

The Planning Commission recommended approval of the rezoning request with a vote of 7-0. County Council voted for unanimous approval at 2nd reading consideration.

*Recommendation for Third Reading and final adoption of Ordinance No. 20-60.*

**ATTORNEY REVIEW:**

Yes

**ATTACHMENTS:**

Description	Type
▣ Ordinance No 20-60 Pennyroyal Road	Ordinance
▣ Location Map	Cover Memo
▣ Zoning Map	Cover Memo
▣ FLU Map	Cover Memo
▣ Aerial Map	Cover Memo
▣ Application and Attachments	Cover Memo

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF GEORGETOWN )

ORDINANCE NO. 20-60

**AN ORDINANCE TO AMEND THE ZONING MAP OF GEORGETOWN COUNTY REGARDING TMS NUMBER 01-0437-007-03-00 LOCATED AT 2553 PENNYROYAL ROAD IN GEORGETOWN FROM 10,000 SQUARE FEET RESIDENTIAL (R-10) TO 10,000 SQUARE FEET RESIDENTIAL (MR-10).**

**BE IT ORDAINED BY THE COUNTY COUNCIL MEMBERS OF GEORGETOWN COUNTY, SOUTH CAROLINA, IN COUNTY COUNCIL ASSEMBLED TO AMEND THE ZONING MAP OF GEORGETOWN COUNTY, SPECIFICALLY TMS NUMBER 01-0437-007-03-00 LOCATED AT 2553 PENNYROYAL ROAD IN GEORGETOWN FROM 10,000 SQUARE FEET RESIDENTIAL (R-10) TO 10,000 SQUARE FEET RESIDENTIAL (MR-10) AS REFLECTED ON THE ATTACHED MAP.**

**DONE, RATIFIED AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.**

\_\_\_\_\_  
John W. Thomas (SEAL)  
Chairman, Georgetown County Council

ATTEST:

\_\_\_\_\_  
Theresa E. Floyd  
Clerk to Council

This Ordinance, No. 20-60, has been reviewed by me and is hereby approved as to form and legality.

\_\_\_\_\_  
H. Thomas Morgan, Jr.  
Interim County Attorney

First Reading: December 8, 2020

Second Reading: January 12, 2021

Third Reading: January 26, 2021

James and Stephanie Phelan  
Property Location  
REZ 10-20-26458

## Legend

### Streets

— <all other values>

### MaintainedBy

— County

— Private

— State

□ James and Stephanie Phelan

□ Lot Lines

—+— Railroads

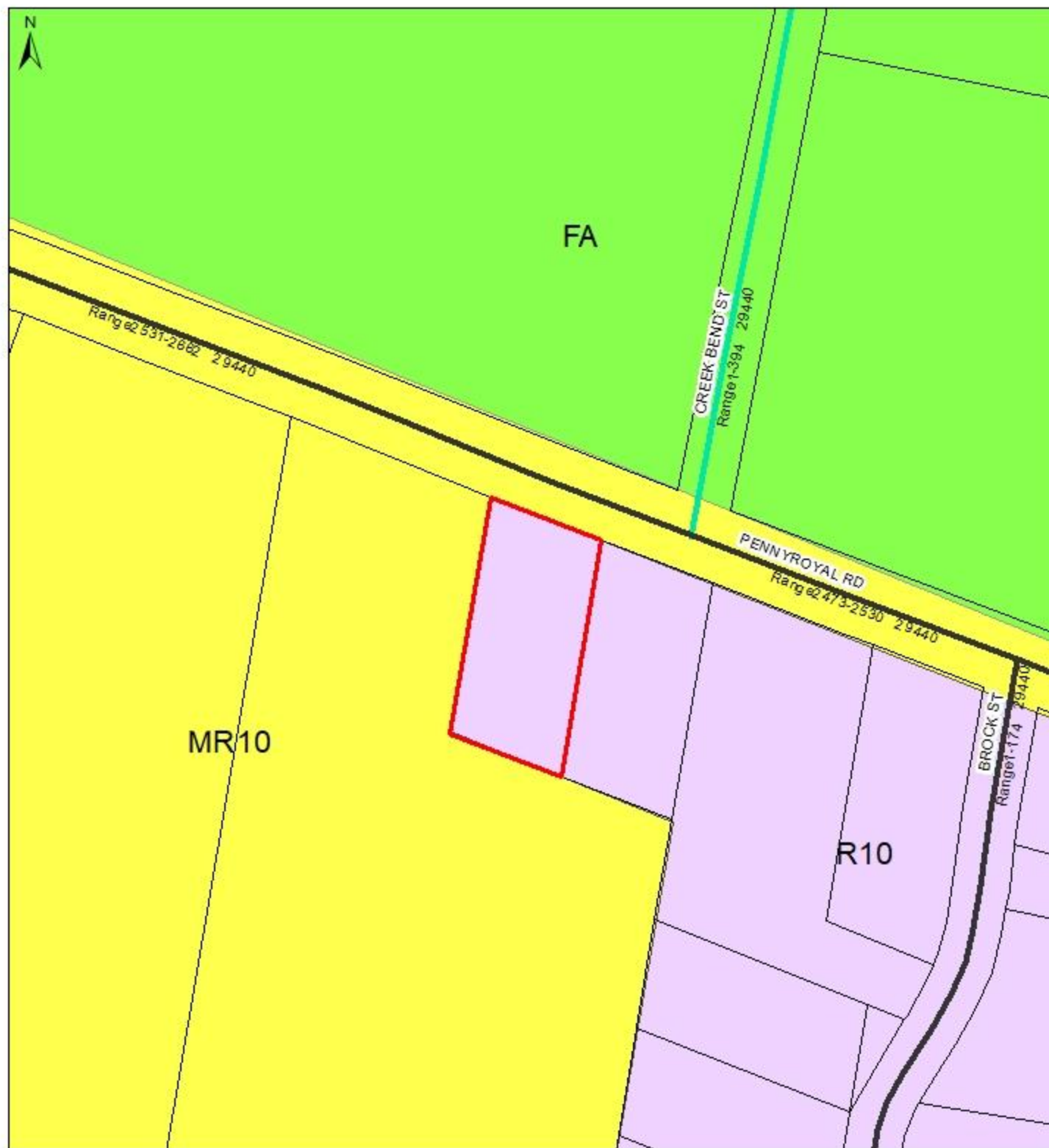
◆ Landmarks

■ Municipalities

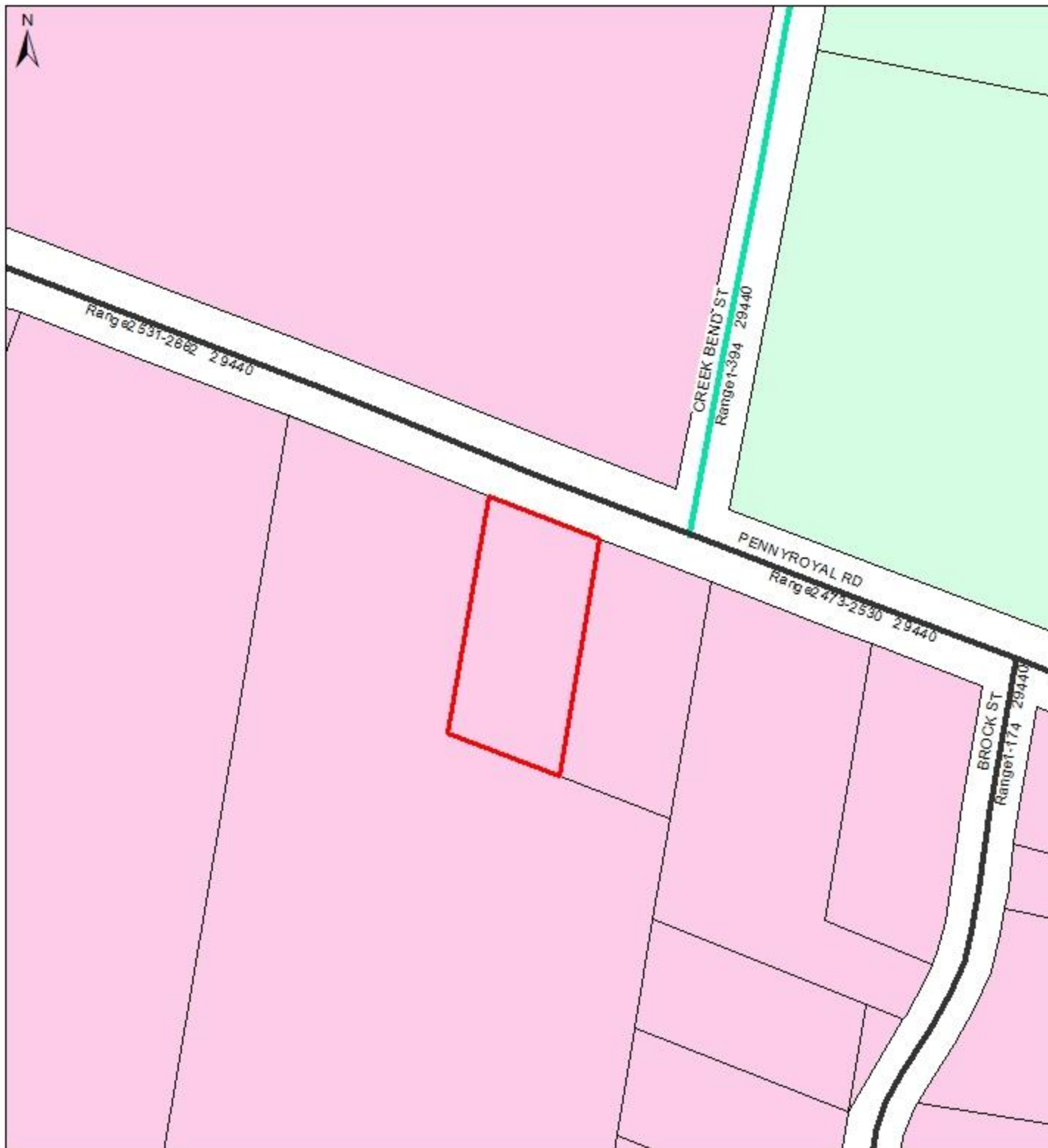
0 40 80 160 240 320 Feet

DISCLAIMER: This map is a graphic representation of data obtained from various sources. All efforts have been made to warrant the accuracy of this map. However, Georgetown County disclaims all responsibility and liability for the use of this map.

# James and Stephanie Phelan Property Zoning REZ 10-20-26458



**DISCLAIMER:** This map is a graphic representation of data obtained from various sources. All efforts have been made to warrant the accuracy of this map. However, Georgetown County disclaims all responsibility and liability for the use of this map.



James and Stephanie Phelan  
Property FLU  
REZ 10-20-26458

**Legend**

**Streets**

<all other values>

**MaintainedBy**

County

Private

State

James and Stephanie Phelan

Lot Lines

Railroads

Landmarks

**Future Landuse**

**FUTURE\_LAN**

CITY OF GEORGETOWN

COMMERCIAL

CONSERVATION PRESERVATION

EASEMENT

HIGH DENSITY RESIDENTIAL

INDUSTRIAL

LOW DENSITY RESIDENTIAL

MEDIUM DENSITY RESIDENTIAL

POND

PRIVATE RECREATIONAL

PUBLIC RECREATIONAL

PUBLIC/SEMI-PUBLIC

TOWN OF ANDREWS

TOWN OF PI

TRANSITIONAL

Municipalities

0 40 80 160 240 320 Feet

**DISCLAIMER:** This map is a graphic representation of data obtained from various sources. All efforts have been made to warrant the accuracy of this map. However, Georgetown County disclaims all responsibility and liability for the use of this map.



James and Stephanie Phelan  
Property Aerial  
REZ 10-20-26458

## Legend

### Streets

<all other values>

### MaintainedBy

County

Private

State

James and Stephanie Phelan

Lot Lines

Railroads

Landmarks

### Imagery2017Med

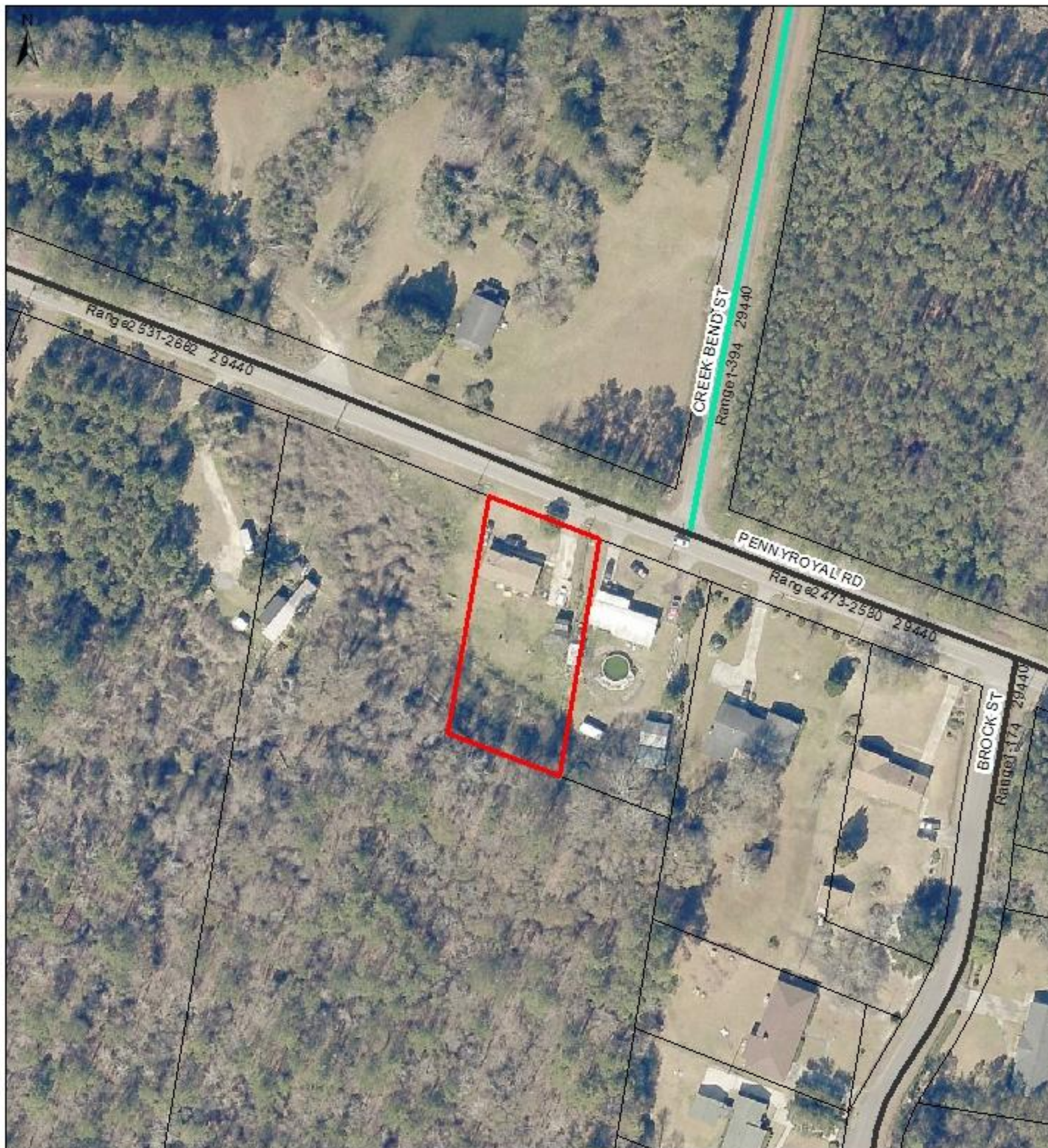
#### RGB

Red: Band\_1

Green: Band\_2

Blue: Band\_3

Municipalities



0 40 80 160 240 320 Feet

DISCLAIMER: This map is a graphic representation of data obtained from various sources. All efforts have been made to warrant the accuracy of this map. However, Georgetown County disclaims all responsibility and liability for the use of this map.



129 Screven St. Suite 222  
 Post Office Drawer 421270  
 Georgetown, S. C. 29440  
 Phone: 843-545-3158  
 Fax: 843-545-3299

## PROPOSED ZONING AMENDMENT

COMPLETED APPLICATIONS FOR ZONING AMENDMENTS MUST BE SUBMITTED ALONG WITH THE REQUIRED FEE, AT LEAST FORTY-FIVE (45) DAYS PRIOR TO A PLANNING COMMISSION MEETING.

**THE APPLICANT IS REQUESTING:** (Indicate one)

- ( ☒ ) A change in the Zoning Map.  
 ( ) A change in the Zoning Text.

**The following information must be provided for either request:**

Property Information that you are requesting the change to:

Tax Map (TMS) Number: 01-0437-007-03-00

Street Address: 2553 Pennyroyal rd.

City / State / Zip Code: Georgetown

Lot Dimensions/ Lot Area: 105' x 210' / 1/2 acre

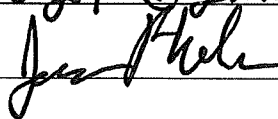
Plat Book / Page: \_\_\_\_\_

Current Zoning Classification: R 10'

Proposed Zoning Classification: MR 10

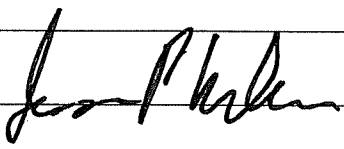


**Property Owner of Record:**

Name: James and Stephanie Phelan  
Address: 2553 Pennyroyal rd.  
City/ State/ Zip Code: Georgetown SC. 29440  
Telephone/Fax Numbers: 843-833-0265 / 843-359-4470  
E-mail: linkbelt90jp@gmail.com  
Signature of Owner / Date: 

I have appointed the individual or firm listed below as my representative in conjunction with this matter related to the rezoning request.

**Agent of Owner:**

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City / State / Zip Code: \_\_\_\_\_  
Telephone/Fax: \_\_\_\_\_  
E-mail: \_\_\_\_\_  
Signature of Agent/ Date:   
Signature of Property Owner: \_\_\_\_\_

**Contact Information:**

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone / E-mail: \_\_\_\_\_

**Please provide the following information.**

1. Please submit 12 copies of the site plan or plat (size: 11 x 17 or 24 x 26, as needed)

2. Please explain the rezoning request for this property.

*We are replacing The current  
mobile home with a new one*

**Please provide the following information for a Zoning Text Amendment.**

1. Indicate the section of the Zoning Ordinance that you are proposing to be changed:

---

---

2. Indicate the reasons for the proposed changes:

---

---

**Fee required for all applications at the time of submittal:**

Rezoning Applications	\$250.00
Text Amendments	\$250.00

**Adjacent Property Owners Information required:**

1. The person requesting the amendment to the Zoning Map or Zoning Text must submit to the Planning office, at the time of application submittal, stamped envelopes for each resident within **Four Hundred Feet (400)** of the subject property. The following return address must appear on the

envelope: **“Georgetown County Planning Commission, 129 Screven St. Suite 222, Georgetown, SC 29440.”**

2. A list of all persons (and related Tax Map Numbers) to whom envelopes are addressed must also accompany the application.

It is understood by the undersigned that while this application will be carefully reviewed and considered, the burden of proving the need for the proposed amendment rests with the applicant.

Please submit this **completed application** and appropriate **fee** to Georgetown County Planning Division at 129 Screven St. Suite 222, Georgetown, S. C. 29440. If you need additional assistance, please call our office at 843-545-3158.

**Site visits to the property, by County employees, are essential to process this application. The owner\applicant as listed above, hereby authorize County employees to visit and photograph this site as part of the application process.**

**A sign is going to be placed on your property informing residents of an upcoming meeting concerning this particular property. This sign belongs to Georgetown County and will be picked up from your property within five (5) days of the hearing.**

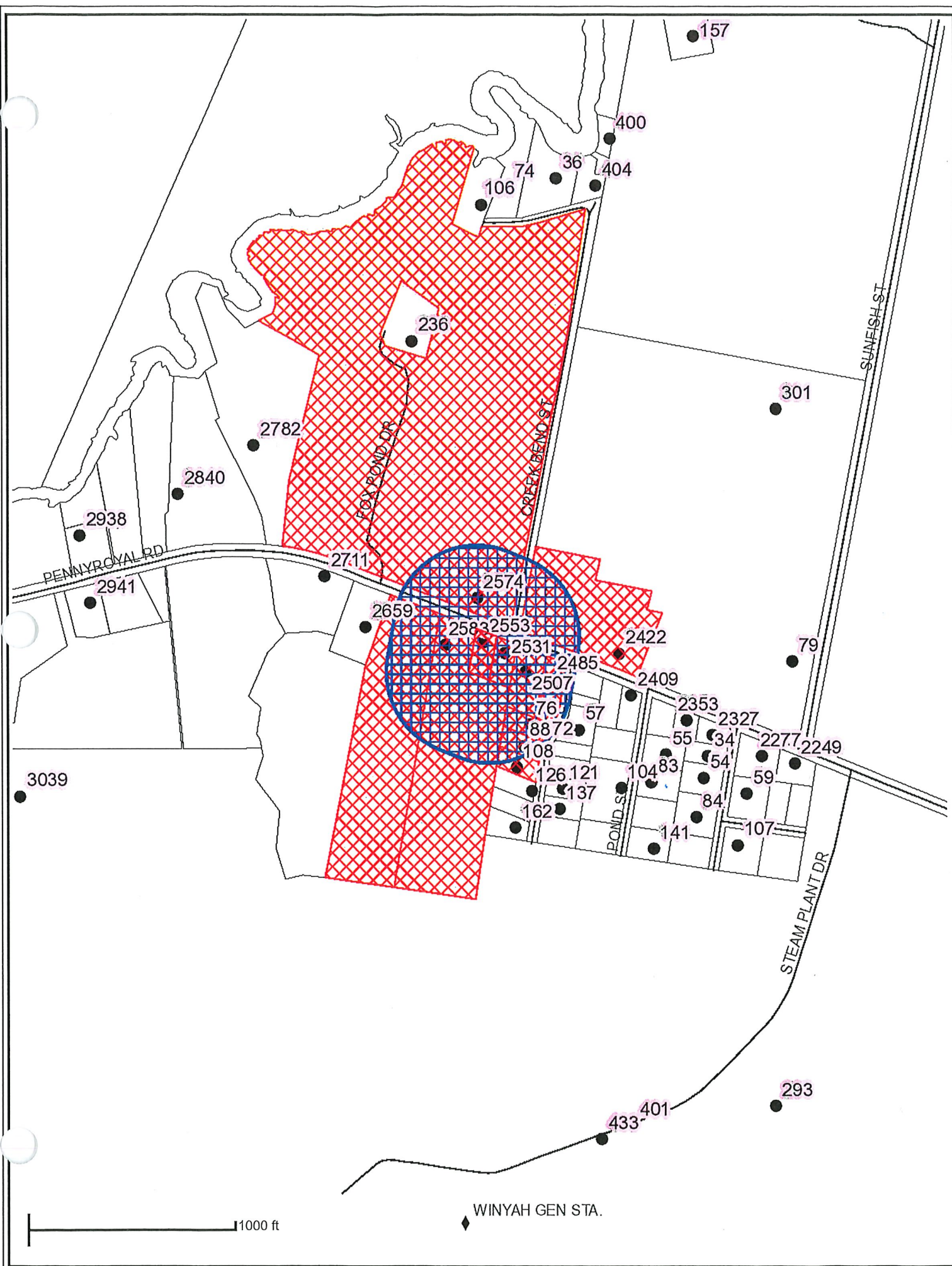
**All information contained in this application is public record and is available to the general public.**

**Please submit a PDF version of your plans if available. You may e-mail them to [csargent@georgetowncountysc.org](mailto:csargent@georgetowncountysc.org) or include with your application.**

PLAT	TMS	Area	TMS	Housenum	Street	Name	AD1	AD2 City	Staqtz Zip	Acres	Deed	Date	Sal.	Legal
1 13-092	01-0112-006-00-00	19580.32714844	01-0112-006-00-00	108	BROCK ST	KEITH LEVI	108 BROCK ST	GEORGETOWN SC	29440 1	153-229	1977-10-31	19:00:00	3000	REAR OF PENNYRC
2 14-092	01-0437-007-03-00	21861.68981934	01-0437-007-03-00	2553	PENNYROYAL RD	PHILAN JAMES A	2553 PENNYROYAL RD	GEORGETOWN SC	29440 1	2739-262	2016-02-11	19:00:00	29000	ST HWY # 42
3 17-82	01-0112-001-00-00	30889.92346191	01-0112-001-00-00	2507	PENNYROYAL RD	MEMMINGER DAN JR LIFE ESTATE	2507 PENNYROYAL RD	GEORGETOWN SC	29440 1	2842-191	2016-07-18	20:00:00	5	PENNYROYAL RD
4	01-0112-002-00-00	25623.58410645	01-0112-002-00-00	2485	PENNYROYAL RD	BROWN FRANK	PO BOX 1093	GEORGETOWN SC	29440 1	91-35	1970-02-28	19:00:00	1000	PENNYROYAL RD
5	01-0112-004-00-00	19256.03649902	01-0112-004-00-00	76	BROCK ST	WRIGHT NELLIE G ANDERSON	1842 HAZEL WOOD RD	CHARLESTON SC	29407 1	1159-274	2009-02-22	19:00:00	5	REAR OF PENNYRC
6	01-0112-005-00-00	19376.78993555	01-0112-005-00-00	88	BROCK ST	BIBB CLAUDE N ET AL	88 BROCK ST	GEORGETOWN SC	29440 1	1287-231	2002-07-01	20:00:00	10	REAR OF PENNYRC
7 17-045	01-0437-007-03-01	21838.7512207	01-0437-007-03-01	2531	PENNYROYAL RD	ETHERIDGE LARRY	2531 PENNYROYAL RD	GEORGETOWN SC	29440 1	194-184	1981-07-31	20:00:00	23700	ST HWY 42
8 AA-083	01-0112-003-00-00	1887.04467773	01-0112-003-00-00	72	BROCK ST	WRIGHT NELLIE G ANDERSON	1842 HAZEL WOOD ST	CHARLESTON SC	29407 1	1159-274	2009-02-22	19:00:00	5	REAR OF PENNY RC
9 6-276	01-0437-007-09-00	2280332.4436035	01-0437-007-09-00	2574	PENNYROYAL RD	FOXWELL MELANIE ANN B	236 FOX POND DRIVE	GEORGETOWN SC	29440 53.3	1799-79	2006-03-23	19:00:00	5	ST HWY 42 SLD 510
10 6-276	01-0437-007-09-00	428742.4922998	01-0437-007-09-00	2574	PENNYROYAL RD	GLENN BARBARA MARIE	2659 PENNYROYAL RD	GEORGETOWN SC	29440 9.99	3-301	2006-03-23	19:00:00	5	TRACT 2 ESTATE OF
11 6-276	01-0437-007-11-00	461299.5406494	01-0437-007-11-00	2422	PENNYROYAL RD	GLENN ROBERT F II	2312 SOUTH BAY ST	GEORGETOWN SC	29440 10.6	1799-87	2006-03-23	19:00:00	5	TRACT 3 ESTATE OF
12 18-246 244	01-0437-011-01-06	258119.72705078	01-0437-011-01-06	2422	PENNYROYAL RD	MARLOWE KIMBERLY	2422 PENNYROYAL ROAD	GEORGETOWN SC	29440 6	2567-31	2015-05-05	20:00:00	176500	PENNYROYAL RD &

*10-29-20*  
*CR*

RECEIVED OCT 14 2020





## Tiffany Coleman

---

**From:** Holly Richardson  
**Sent:** Wednesday, November 11, 2020 8:27 AM  
**To:** Tiffany Coleman; Judy Blankenship  
**Subject:** Fwd: Zoning appeal for Pennyroyal James and Stephanie Phelan

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Sent from my iPad

Begin forwarded message:

**From:** "Eileen Johnson, do you sell the n95 fabric ?" <[eileen.johnson@gmail.com](mailto:eileen.johnson@gmail.com)>  
**Date:** November 10, 2020 at 8:03:33 PM EST  
**To:** Holly Richardson <[hrichardson@gtcounty.org](mailto:hrichardson@gtcounty.org)>  
**Subject:** Zoning appeal for Pennyroyal James and Stephanie Phelan

Holly,

I live in the immediate area of James and Stephanie Phelan, for 50 years. It is a rural area with mixed housing. I am in full support of the Phelan's new home. I know them personally and it will be an improvement for the neighborhood and a blessing for them.

Eileen S Johnson  
2782 Pennyroyal Road  
Georgetown, S C  
843 520 9753

Please acknowledge receipt  
Sent from [Mail](#) for Windows 10



### **NOTICE OF PUBLIC HEARING**

The Planning Commission will consider a request from James and Stephanie Phelan to rezone one parcel located at 2553 Pennyroyal Road in Georgetown from 10,000 Square Feet Residential (R-10) to 10,000 Square Feet Residential (MR-10). TMS# 01-0437-007-03-00.  
Case # REZ 10-20-26458.

The Planning Commission will be reviewing this request on **Thursday, November 19, 2020 at 5:30 p.m. in the Howard Auditorium at 1610 Hawkins Street in Georgetown, South Carolina.**

If you wish to make public comments on this request, you are invited to attend this meeting. If you cannot attend and wish to comment please submit written comment to:

*Georgetown County Planning Commission*

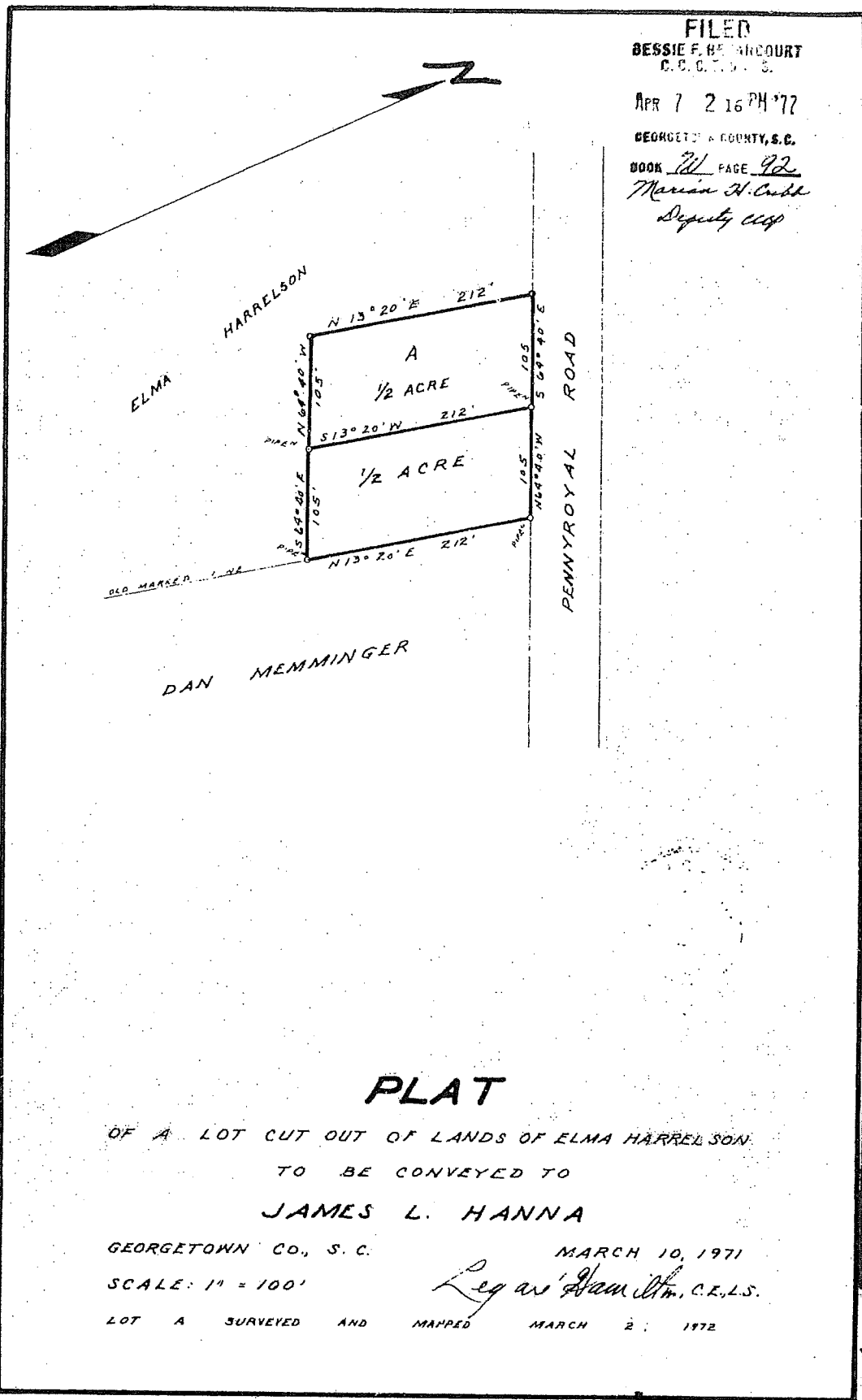
*PO Box 421270*

*Georgetown, South Carolina 29440*

*Telephone (843) 545-3158*

*Fax (843) 545-3299*

*E-mail: [tcoleman@gtcounty.org](mailto:tcoleman@gtcounty.org)*



FILED  
BESSIE F. HANCOCK  
C. C. C. T. S.

APR 7 2 16 PM '72

GEORGETOWN COUNTY, S. C.

BOOK 711 PAGE 92

Marian H. Cull

Deputy C.C.

# PLAT

OF A LOT CUT OUT OF LANDS OF ELMA HARRELSON  
TO BE CONVEYED TO

JAMES L. HANNA

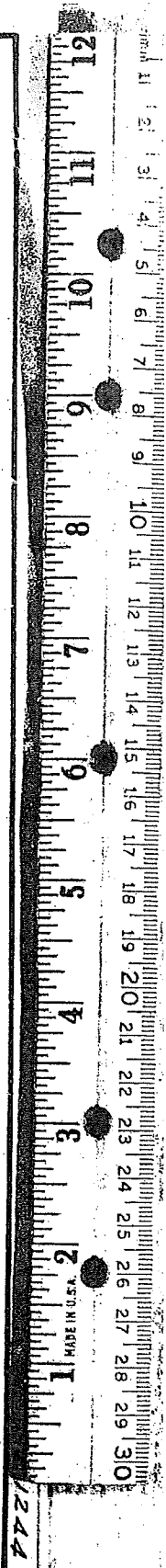
GEORGETOWN CO., S. C.

MARCH 10, 1971

SCALE: 1" = 100'

Leg as Hamilton, C.E., L.S.

LOT A SURVEYED AND MAPPED MARCH 2, 1972





Item Number: 6.b  
Meeting Date: 1/26/2021  
Item Type: CONSENT AGENDA

**AGENDA REQUEST FORM**  
GEORGETOWN COUNTY COUNCIL



**DEPARTMENT:** Emergency Services

**ISSUE UNDERCONSIDERATION:**

- 1) Adams Life Link Ambulance, LLC, Advance Medical Transport, LLC, and MedTrust Medical Transport, LLC are re-applying to renew their annual Ambulance Franchise application in order to continue operating their patient transport services within Georgetown County.
- 2) Request to renew the Mutual Aid Agreements between Georgetown County Emergency Medical Services and each of the private ambulance services listed above.

**CURRENT STATUS:**

Adams Life Link Ambulance, LLC, Advance Medical Transport, LLC and MedTrust Medical Transport, LLC are currently approved to operate in Georgetown County.

**POINTS TO CONSIDER:**

- 1) Adams Life Link Ambulance, LLC, Advance Medical Transport, LLC and MedTrust Medical Transport, LLC provide patient transport services and do not compete with the 9-1-1 system. They provide inter-facility transports, doctors' office visits, dialysis center transports, etc. This allows Georgetown County Emergency Medical Services to focus on emergent 9-1-1 calls within the county.
- 2) As part of the Private Ambulance Franchise Ordinance private ambulance services must complete an application with a \$1,000.00 application fee and enter into a Mutual Aid Agreement with Georgetown County.

**FINANCIAL IMPACT:**

\$1,000.00 Application Fee

**OPTIONS:**

- 1) Renew Franchise Applications and approve Mutual Aid Agreements.
- 2) Reject applications and agreements.

**STAFF RECOMMENDATIONS:**

Renew and sign agreements.

**ATTORNEY REVIEW:**

Yes

**ATTACHMENTS:**

Description

Type

Item Number: 6.c  
Meeting Date: 1/26/2021  
Item Type: CONSENT AGENDA

**AGENDA REQUEST FORM**  
GEORGETOWN COUNTY COUNCIL



**DEPARTMENT:** County Council

**ISSUE UNDERCONSIDERATION:**

County Council - Standing Committee Assignments

**CURRENT STATUS:**

Pending

**POINTS TO CONSIDER:**

In accordance with Council's adopted Rules of Procedure, all members of Council shall be appointed to serve on at least one standing committee.

Appointments to standing committees shall be made by the Chairperson no later than the second regular meeting in January following each general election.

The Council Chairperson shall also designate a member of each committee to serve as chair of the committee, and each standing committee shall consist of not less than three members.

**FINANCIAL IMPACT:**

n/a

**OPTIONS:**

n/a

**STAFF RECOMMENDATIONS:**

Chairman Louis Morant has made assignments to Council's Standing Committees, as provided.

**ATTORNEY REVIEW:**

**ATTACHMENTS:**

Description	Type
▣ 2021 Standing Committees V Jan 26, 2021	Backup Material

**GEORGETOWN COUNTY COUNCIL**

**2021 STANDING COMMITTEES**

**Administration & Finance Committee**

Louis R. Morant, *Committee Chair*  
Bob Anderson  
Everett Carolina  
Steve Goggans  
Lillie Jean Johnson  
Raymond Newton  
John Thomas

**Health Education & Leisure Committee**

Lillie Jean Johnson, *Committee Chair*  
Bob Anderson  
Steve Goggans  
Louis R. Morant

**Justice & Safety Committee**

Everett Carolina, *Committee Chair*  
Bob Anderson  
Louis R. Morant

**Public Works Committee**

Steve Goggans, *Committee Chair*  
Bob Anderson  
Everett Carolina  
Raymond Newton  
John Thomas

**Land Use & Tourism Committee**

John Thomas, *Committee Chair*  
Steve Goggans  
Lillie Jean Johnson  
Raymond Newton

**Item Number:** 11.a

**Meeting Date:** 1/26/2021

**Item Type:** SECOND READING OF ORDINANCES

**AGENDA REQUEST FORM**  
GEORGETOWN COUNTY COUNCIL



**DEPARTMENT:** Purchasing

**ISSUE UNDERCONSIDERATION:**

Ordinance No. 21-01 – An Ordinance to amend the Georgetown County Procurement Ordinance. No. 20-32, Section 2-60, regarding procurement contracts.

**CURRENT STATUS:**

Ordinance 21-01 will amend and clarify Ordinance No. 20-32, also known as the Georgetown County Purchasing Ordinance.

The ordinance will allow administrative flexibility with respect to individual capital projects, to result in better bargaining and a more quality end product for the citizens of Georgetown County.

**POINTS TO CONSIDER:**

Will clarify the availability of Contracting Relationship Formats, to include:

1. Single Prime Contractor;
2. Design-Build; and
3. Construction Manager.

Will clarify the availability of Construction Manager Relationships, to include:

1. Pure Agency;
2. At Risk; and
3. Duties of Construction Managers.

**FINANCIAL IMPACT:**

Each project will continue to be evaluated and awarded in the best interest of Georgetown County, and shall be subject to appropriation and availability of funds.

**OPTIONS:**

1) Approve First Reading of Ordinance 21-01 to amend and clarify Ordinance 20-032, also known as the Georgetown County Purchasing Ordinance;

OR

2) Decline to Approve.

**STAFF RECOMMENDATIONS:**

This item is the result of a collaborative effort between the County Administrator, County Attorney, and the Purchasing Officer who recommend Council's approval.

**ATTORNEY REVIEW:**

**ATTORNEY REVIEW:**

Yes

**ATTACHMENTS:**

Description

Type

▣ Ordinance No 21-01 Procurement

Ordinance

STATE OF SOUTH CAROLINA   )  
  )  
COUNTY OF GEORGETOWN    )

**ORDINANCE NO: 21-01**

**WHEREAS**, as the County moves forward with capital projects and subsequent developing needs, the County anticipates the complexity of future construction projects to increase; and

**WHEREAS**, County staff believes allowing administrative flexibility with respect to each individual project will result in better bargaining and a more quality end product for the citizens of Georgetown County; and

**WHEREAS**, staff has determined the Procurement Ordinance No. 20-32 requires an amendment to provide for various forms of contractual relationships related to construction project management; and

**NOW, THEREFORE**, the Georgetown County Council agrees and desires to amend Section 2-60 of the Georgetown County Procurement Ordinance 20-32 to include the following language and edits:

Sec. 2-60. Types of Contracts.

Subject to the limitations of this section, any type of contract which is appropriate to the procurement and which will promote the best interest of Georgetown County may be used. A cost reimbursement contract may be used only when a determination is made in writing that such contract is likely to be less costly to the County than any other type or that it is impractical to obtain the supply, service, or construction item required except under such a contract.

All contract bid forms and all contracts will be approved by the County Attorney as to form and legality. Following such approval, the County Administrator shall sign all contracts on behalf of the County up to and including one hundred thousand dollars (\$100,000.00) and County Council in excess of one hundred thousand dollars (\$100,000.00). A copy of each signed contract shall be filed with the Purchasing Department.

1. Contracting Relationship Formats: The following relationship formats may be used in any contract or agreement for construction projects or tasks. In the event that another relationship format is desired for use, it must be approved by Georgetown County's highest ranking Purchasing Officer prior to its utilization.

A. Single Prime Contractor – The Single Prime Contractor type of construction contract relationship format is one in which one contractor contracts with Georgetown County to accomplish an entire construction project or task pursuant to specifications or designs provided by the County. Often the specifications or designs are produced for the County by an architectural firm under contract to the County and much of the construction contractor's work in the performance of the construction contract is supplied by specialty subcontractors.

B. Design Build – The Design Build type of construction contract relationship format is one in which one contractor supplies all of the work involved in the project, including the design. Georgetown County provides the performance specifications and the contractor designs and

constructs the project consistent with those performance specifications. In a Design Build type of contract relationship format the contractor may even provide the site as part of the construction contract.

C. Construction Manager - Under a Construction Manager type of construction contract relationship format, Georgetown County contracts with an individual or entity to serve as its agent in managing the construction process on behalf of the County. The Construction Manager's role is to protect the County's interests throughout the construction project. There are two types of Construction Manager relationships that can be created when this type of relationship format is chosen. One of the types is a pure agency relationship and the other type is a relationship in which the Construction Manager is "at risk."

## 2. Types of Construction Manager Relationships

A. Pure Agency – Under a pure agency arrangement the Construction Manager acts only as the agent of the owner. In this arrangement the only contractual relationship the Construction Manager has is with Georgetown County. While the pure agency Construction Manager administers the construction project throughout the planning, design, and actual construction phases of the project, the Construction Manager is not responsible for the means and methods of the project and does not guarantee that the project will meet the expectations of the County in terms of cost, timeliness, and quality.

B. At Risk – Under an at risk relationship, the Construction Manager provides advice and leadership on a project during the planning and design phases of the project and has control, under the direction of the County, during the construction phase. While the County will generally contract separately for the design portion of the project, the at risk Construction Manager will contract with the construction trade contractors. Because the at risk Construction Manager has control over the means and methods of construction portion of the project, the at risk Manager will be responsible for the completion of the project within budget and consistent with the expectations of the County in terms of cost, timeliness, and quality.

### C. Duties of Construction Managers

1. Procurement Process – Whether the relationship that is formed with the Construction Manager is pure agency or at risk, the Construction Manager should play a role in the procurement process that is used to contract with the contractors that will have contractual relationships with Georgetown County during the project. During the procurement process, the Construction Manager should assist Georgetown County with:

- a. The Request for Qualification process (if prequalification is used)
- b. Creation and completion of Sealed Bidding or Negotiated Procurement packages
- c. Review of bids or offers
- d. Shaping and honing the scope or scopes of work
- e. Assisting in evaluation and award decisions

## 2. Construction Process

a. Pure Agency:

- (i) Act on Georgetown County's behalf in overseeing the design and construction phases of a construction project
- (ii) Transact any other such business on behalf of and as directed by Georgetown County during the construction project

b. At Risk:

- (i) Act on Georgetown County's behalf during the design phase of a construction project
- (ii) Assume total responsibility for the construction phase of the project

APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2021 in a duly organized meeting of Georgetown County Council.

\_\_\_\_\_  
Chairman, Georgetown County Council

ATTEST:

\_\_\_\_\_  
Theresa E. Floyd  
Clerk to Council

Ordinance No. 21-01 has been reviewed by me and is approved as to form and legality.

\_\_\_\_\_  
H. Thomas Morgan, Jr.  
Interim County Attorney

First Reading: \_\_\_\_\_  
Second Reading: \_\_\_\_\_  
Third Reading: \_\_\_\_\_



**Item Number:** 11.b  
**Meeting Date:** 1/26/2021  
**Item Type:** SECOND READING OF ORDINANCES

**AGENDA REQUEST FORM**  
GEORGETOWN COUNTY COUNCIL



**DEPARTMENT:** Economic Development

**ISSUE UNDERCONSIDERATION:**

Ordinance No. 21-02 - An Ordinance to Authorize the Sale of Parcels Located Within the Andrews Business Park, Located Along Highway 521, as Being Surplus Property

**CURRENT STATUS:**

In recent transactions we have declared specific parcels as surplus as the need arose. This process cause a delay in our ability to respond and commit to prospective companies. County Council will still provide input and direction on any possible land sales. This request is simply an effort to streamline the process.

Staff requests that the entire Georgetown County Business Center (the Andrews industrial park) be declared as surplus to expedite transfer of property to prospective companies.

**POINTS TO CONSIDER:**

This is standard operating procedure. We have already taken this step with regards to Pennyroyal and need to be consistent with all of our industrial properties.

**FINANCIAL IMPACT:**

N/A

**OPTIONS:**

*Approve or Deny*

**STAFF RECOMMENDATIONS:**

Recommendation for approval of Ordinance No. 21-02.

**ATTORNEY REVIEW:**

Yes

**ATTACHMENTS:**

Description	Type
□ Ordinance No 21-02 Andrews Business Park	Ordinance

STATE OF SOUTH CAROLINA

)

)

ORDINANCE NO: 21-02

COUNTY OF GEORGETOWN

)

**AN ORDINANCE TO AUTHORIZE THE SALE OF PARCELS LOCATED WITHIN THE ANDREWS BUSINESS PARK LOCATED ALONG US HIGHWAY 521, AS BEING SURPLUS**

**BE IT ORDAINED BY THE GEORGETOWN COUNTY COUNCIL AS FOLLOWS:**

**WHEREAS**, Georgetown County owns certain real estate adjacent to US Highway 521 near the Town of Andrews, this particular site totaling approximately 550 acres containing paved roads and infrastructure, designated as TMS: 02-0416-035-06-00; and

**WHEREAS**, Georgetown County Council has determined the purpose of this property is for business and industrial economic development and various parcels located, or to be located, within the property are best suited for these purposes and place Georgetown County in a position to attract growth from various companies; and

**WHEREAS**, the fair market value of the property has or will continuously be determined thus each parcel contemplated is declared marketable and to be sold to the benefit of Georgetown County; and

**WHEREAS**, Georgetown County Council, after consideration, finds that it is desirable to declare this site and all future subdivision parcels marketable and transfer the interests by subsequent approval of purchase agreements to be presented to County Council followed by the issuance of an applicable deed to the purchaser; and

**WHEREAS**, a public hearing discussing the matter was held on \_\_\_\_\_, 2021.

**NOW, THEREFORE, BE IT ORDERED AND ORDAINED BY THE GEORGETOWN COUNTY COUNCIL, THAT:**

1. THE COUNTY COUNCIL DECLARES THE IDENTIFIED PROPERTY KNOWN AS ANDREWS BUSINESS PARK, AN APPROXIMATELY 550 ACRE SITE, TMS# 02-0416-035-06-00 (EXHIBIT A), IS FOR BUSINESS AND INDUSTRIAL ECONOMIC DEVELOPMENT AND THE VARIOUS PARCELS LOCATED WITHIN THE PROPERTY (TBD) ARE MARKETABLE AND TO BE SOLD TO THE BENEFIT OF GEORGETOWN COUNTY.
2. EACH PARCEL WILL BE SOLD BY APPLICABLE PURCHASE AGREEMENT TO BE PRESENTED TO COUNTY COUNCIL FOR ITS APPROVAL PRIOR TO EXECUTION OF SAID DOCUMENT.

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 \_\_\_\_\_, 2021.**

\_\_\_\_\_  
John W. Thomas  
Chairman, Georgetown County Council

ATTEST:

\_\_\_\_\_  
Theresa E. Floyd, Clerk to Council

This Ordinance, No. 21-02, has been reviewed by me and is approved as to form and legality.

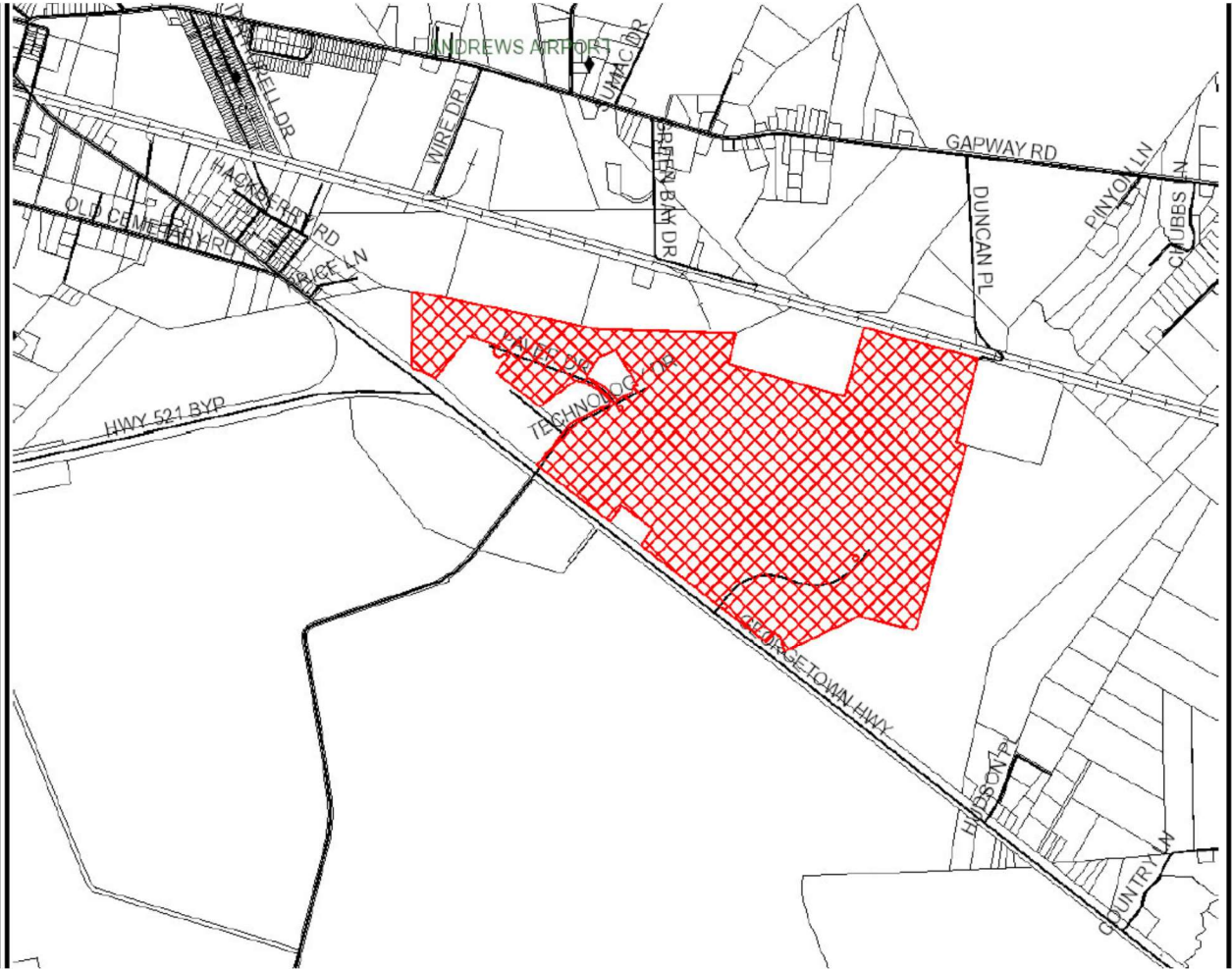
\_\_\_\_\_  
H. Thomas Morgan, Jr.  
Interim County Attorney

First Reading: \_\_\_\_\_, 2021

Second Reading: \_\_\_\_\_, 2021

Third Reading: \_\_\_\_\_, 2021

EXHIBIT A



**Item Number:** 11.c

**Meeting Date:** 1/26/2021

**Item Type:** SECOND READING OF ORDINANCES

**AGENDA REQUEST FORM**  
GEORGETOWN COUNTY COUNCIL



**DEPARTMENT:** Planning / Zoning

**ISSUE UNDERCONSIDERATION:**

Ordinance No. 21-03 - To amend Phase A1 of the Belle Vue PD in Murrells Inlet to increase the number of lots from twenty (20) to twenty-three (23) by subdividing a lot that was reserved for future development.

A request from Steven Strickland as agent for Four Brothers, LLC to amend Phase A1 of the Belle Vue Planned Development (PD) to increase the number of lots from twenty (20) to twenty-three (23) and complete the project by subdividing the lot that was reserved for future development. The Belle Vue PD is located at the end of Portofino Court in Murrells Inlet.

**CURRENT STATUS:**

Phase A1 of the Belle Vue Planned Development is a gated 20 single lot development containing a boat ramp for the residents.

**POINTS TO CONSIDER:**

- 1 . In 1999, the Belle Vue Planned Development was rezoned from 10,000 Square Feet Residential to a Planned Development/R-10/GR. It was approved for a gated 20 lot single-family development known as Phase A1 and 5 single family condominium units known as Phase A2. In 2001, the PD was amended to allow for a boat ramp located on Carson Creek. As of today, there are 15 single-family residences built in Phase A1 and 3 single family condominium units built in Phase A2.
2. The required setbacks for Phase A1 are front – 20', side – 5' and rear – 10'; however, the rear setback for lots located on the exterior boundary is 25' and there is a 15' OCRM setback that is located within the 25 foot rear exterior boundary setback. The reserved lot is located primarily in flood zone AE-12.
3. In addition to the 20 lots located in Phase A1, there is a reserved lot located at the southern boundary of the property. The applicant submitted a site plan requesting to subdivide the remaining reserve lot in Phase A-1 into an additional three single family lots. This will increase the net density in Phase A1 from 2.02 to 2.32.
4. All lots in this PD range in size from 0.23-acres to 0.48-acres. Lot 21 is .27 acres, lot 22 is .29 acres and lot 23 is .48 acres. Proposed lots are in keeping with the existing lot sizes.
5. All three of these lots will abut Carson Creek. The boat ramp is adjacent to lot 21. A buffer will not be required. In addition, increasing the PD by three lots adds another 30 trips per day; therefore, this request will not require a Traffic Impact Analysis.
6. Access for the new lots will be off of Portofino Court. The existing 40' road will be extended approximately 131 feet to lot 23.
- 7 According to comments from GCWSD they will need to extend both water and sewer services

17. According to comments from COTED they will need to extend both water and sewer services to the new lots. As of today, plans have not been submitted to the district.

8. MI/GC Fire will need to review the plans.

9. The engineer has indicated that the storm water system was originally designed to handle the additional three lots and the majority of the runoff flows from the site into the tidal creek and Carson's Creek. In addition, the post development runoff will be directed to the existing lake where it will be retained and eventually discharged to Carson's Creek.

10. The engineer has indicated that the large Live Oaks on the property were used to guide the location of buildable footprints and lot lines. These trees will be saved to the maximum amount feasible since they provide both aesthetic value and wind protection during storms.

11. Bell Vue HOA has submitted an email indicating no opposition to the proposed single-family lots.

12. The Planning Commission held a public hearing at their meeting on December 17th. Dan Stacy came forward to speak for the applicant. Wes Covington and Carlton Pender for the Belle Vue HOA spoke and stated an agreement had been made and they were in favor of the amendment. The PC recommended approval of the rezoning request with the following conditions:

1. Approval from Stormwater, OCRM, DHEC and MI/GC Fire.
2. Submission and approval of a tree plan.

The vote was 7-0

#### **FINANCIAL IMPACT:**

Not Applicable

#### **OPTIONS:**

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

#### **STAFF RECOMMENDATIONS:**

Approve as recommended by PC

#### **ATTORNEY REVIEW:**

Yes

#### **ATTACHMENTS:**

Description	Type
<input type="checkbox"/> Ordinance No. 21-03 Belle Vue	Ordinance
<input type="checkbox"/> Application and Attachments	Backup Material
<input type="checkbox"/> Location Map	Backup Material
<input type="checkbox"/> Zoning Map	Backup Material
<input type="checkbox"/> FLU Map	Backup Material
<input type="checkbox"/> Aerial Map	Backup Material
<input type="checkbox"/> Site Plan	Backup Material

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF GEORGETOWN )

ORDINANCE NO. 21-03

**AN ORDINANCE TO AMEND PHASE A1 OF THE BELLE VUE PLANNED DEVELOPMENT TO INCREASE THE NUMBER OF LOTS FROM TWENTY (20) TO TWENTY-THREE (23) AND COMPLETE THE PROJECT BY SUBDIVIDING THE LOT THAT WAS RESERVED FOR FURTHER DEVELOPMENT.**

**BE IT ORDAINED BY THE COUNTY COUNCIL MEMBERS OF GEORGETOWN COUNTY, SOUTH CAROLINA, IN COUNTY COUNCIL ASSEMBLED THAT THE BELL VUE PLANNED DEVELOPMENT BE AMENDED AS SHOWN ON THE CONCEPTUAL PLAN DATED NOVEMBER 11, 2020 WITH THE FOLLOWING CONDITIONS AND ELABORATIONS:**

- Final approvals from GCWSD, Stormwater, OCRM/DHEC and MI/GC Fire Department.
- Submission and approval of a tree plan.

**DONE, RATIFIED AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.**

\_\_\_\_\_  
John W. Thomas  
Chairman, Georgetown County Council

(SEAL)

ATTEST:

\_\_\_\_\_  
Theresa E. Floyd  
Clerk to Council

This Ordinance, No. 21-03, has been reviewed by me and is hereby approved as to form and legality.

\_\_\_\_\_  
H. Thomas Morgan, Jr.  
Interim Georgetown County Attorney

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Third Reading: \_\_\_\_\_





November 16, 2020

Georgetown County Planning  
129 Screven Street  
Georgetown, SC 29442

RE: Belle Vue Subdivision Reserve Lot

To Georgetown County Planning Staff:

Please be advised that the Developer of Bellevue PUD is requesting an amendment to subdivide the remaining "Reserve Lot" for residential lots consistent with the intent of the original development plan. This lot had been set aside originally since they were not sure of the future use, and now want to finalize the PUD. We have attached the original final plat that was prepared in 2003 for the project (but not submitted), and are asking for Georgetown County approval to add the last 3 lots to this project. All lot sizes and setbacks will remain the same (R-10), and access will be provided from existing roads.

Please let us know if you have any questions regarding this submittal.

Sincerely,

A handwritten signature in black ink, appearing to be "S. Strickland", is written over a horizontal line.

Steven Strickland, P.E.  
The EARTHWORKS Group



129 Screven St. Suite 222  
Post Office Drawer 421270  
Georgetown, S. C. 29440  
Phone: 843-545-3158  
Fax: 843-545-3299

**APPLICATION TO AMEND A PLANNED DEVELOPMENT (PD)**

COMPLETED APPLICATIONS MUST BE SUBMITTED ALONG WITH THE  
REQUIRED FEE, AT LEAST FORTY-FIVE (45) DAYS PRIOR TO A PLANNING  
COMMISSION MEETING.

Please note this approval applies to this particular property only.

Name of Planned Development: Belle Vue Subdivision

Regulation to which you are requesting an amendment *(check applicable)*:

- ☐ Setback – Complete SECTION B: SETBACK AMENDMENT
- ☐ Signage – Complete SECTION C: SIGNAGE AMENDMENT
- ☐ Site Plan – Complete SECTION D: SITE PLAN AMENDMENT
- ☐ Other: \_\_\_\_\_

All Applicants must complete SECTION A: APPLICANT INFORMATION

**SECTION A: APPLICANT INFORMATION**

**Property Information:**

TMS Number: 41-0106-036-00-00  
(Include all affected parcels)

Street Address: Portofino Court

City / State / Zip Code: Murrells Inlet, SC 29576

Lot / Block / Number: Belle Vue Reserved Lot & Existing Lake SLD 428-10-F/K/A Robin Hood & 10 Annex 1 SLD 434-4A

Existing Use: Residential

Proposed Use: R-10 Residential

Commercial Acreage: N/A Residential Acreage: 2.4

**Property Owner of Record:**

Name: Four Brothers of SC, LLC

Address: P.O. Box 766

City/ State/ Zip Code: Spring Lake, NC 28390

Telephone/Fax: 910-988-8890

E-Mail: billy@swellonsrealty.com

Signature of Owner / Date: William S Wellons Jr. 11/23/2020

**Contact Information:**

Name: Billy Wellons

Address: P.O. Box 766, Spring Lake, NC 28390

Phone / E-Mail: 910-988-8890 / billy@swellonsrealty.com

I have appointed the individual or firm listed below as my representative in conjunction with this matter related to the Planning Commission of proposed new construction or improvements to the structures on my property.

**Agent of Owner:**

Name: The EARTHWORKS Group/Steven G. Strickland

Address: P.O. Box 201

City / State / Zip Code: Murrells Inlet, SC 29576

Telephone/Fax: 843-651-7900

E-Mail: sstrickland@earthworksgroup.com/tasmith@earthworksgroup.com

Signature of Agent/ Date: [Signature]

Signature of Owner /Date: William S Wellons Jr. 11/23/2020

**Fee Schedule: \$250.00 plus \$10.00 per Residential acre or \$25.00 per Commercial acre.**

**Adjacent Property Owners Information required:**

1. The person requesting the amendment to the Zoning Map or Zoning Text must submit to the Planning office, at the time of application submittal, stamped envelopes addressed with name of each resident within **Four Hundred Feet (400)** of the subject property. The following return address must appear on the envelope: **"Georgetown County Planning Commission, 129 Screven St. Suite 222, Georgetown, SC 29440."**
2. A list of all persons (and related Tax Map Numbers) to whom envelopes were addressed to must also accompany the application.

It is understood by the undersigned that while this application will be carefully reviewed and considered, the burden of proving the need for the proposed amendment rests with the applicant.

Please submit this **completed application** and appropriate **fee** to Georgetown County Planning Division at 129 Screven St. Suite 222, Georgetown, S. C. 29440. If you need any additional assistance, please call our office at 843-545-3158.

**Site visits to the property, by County employees, are essential to process this application. The owner/applicant as listed above, hereby authorize County employees to visit and photograph this site as part of the application process.**

**A sign will to be placed on your property informing residents of an upcoming meeting concerning this particular property. This sign belongs to Georgetown County and will be picked up from your property within five (5) days of the hearing.**

**All information contained in this application is public record and is available to the general public.**

## **SECTION B: SETBACK AMENDMENT**

**Please supply the following information regarding your request:**

- List any extraordinary and exceptional conditions pertaining to your particular piece of property. N/A

---

- Do these conditions exists on other properties else where in the PD?

N/A

- Amending this portion of the text will not cause undue hardship on adjacent property owners. N/A

**Submittal requirements: 12 copies of 11 x 17 plans**

- A scaled site plan indicating the existing conditions and proposed additions.
- Elevations of the proposal (if applicable).
- Letter of approval from homeowners association (if applicable).

**SECTION C: SIGNAGE AMENDMENT**

Reason for amendment request: N/A

Number of signs existing currently on site \_\_\_\_\_

Square footage of existing sign(s) \_\_\_\_\_

Number of Proposed signs: \_\_\_\_\_

Square footage of the proposed sign(s) \_\_\_\_\_

**Submittal requirements:**

- Proposed text for signage requirements.
- 12 copies (11 x 17) of proposed sign image.
- Site plan indicating placement of the proposed sign(s).
- Elevations.
- Letter from POA or HOA (if applicable)

**SECTION D: SITE PLAN AMENDMENT**

**Proposed amendment request:** Amend the total number of lots in Parcel A-1 from 20 to 23 in order to complete the PUD consistent with the original intent of the developer by subdivision of the lot that was reserved for future development in the original PUD

**Reason for amendment request:** The developer is ready to finish this project by subdividing and selling the lot that was reserved for future development.

**Submittal requirements:**

- 12 copies of existing site plan.
- 12 copies of proposed site plan.
- Revised calculations (*calculations may include density, parking requirements, open space, pervious/impervious ratio, etc.*).

## Judy Blankenship

---

To: Dan Stacy  
Subject: RE: Update on sale of The point

### The Point has been sold

4 Brothers LLC (the Wellons) have signed a contract to sell The Point. The sale is contingent upon zoning approval. The Wellons have petitioned the Planning Commission to divide The point into 3 individual lots. The Georgetown County Planning Commission is holding a public meeting on Dec 17<sup>th</sup> at 5:30 in Georgetown at the Howard Auditorium located at 1610 Hawkins Street to review the application.

The Belle Vue Board held a meeting on Wednesday, Dec 2<sup>nd</sup> to discuss the pending sale and its implications to our community. Your Board voted to welcome the new buyer into our community and not to oppose the development of The point. The Board encourages all members attend the zoning meeting to express their individual concerns. It is important that all members be able to comment on sub-dividing the point.

As I've told many of you, there has been a lot of discussion about the likelihood of The Point being sold. Bill Donahue and I meet with our attorney, Dan Stacey and asked Dan to write a letter to us outlining his opinion of what if any rights our HOA has in the sale of the property. A Copy of this letter was sent via e-mail to everyone last week. (another copy is attached to this e-mail) To summarize, our HOA has no say in what can be done to The Point, that the new owners have the right to use our gate, roads and our common areas (including the dock and boat ramp). The new buyer(s) do not have to join or be held accountable to the HOA rules and regulations.

Billy Wellons added an amendment to the sales contract that requires the buyer to be responsible for and to repair any damage to our gates and roads that may occur during the improvements to The Point and the building of homes on it in a timely manner. It also states that the buyer and successive owners must pay a percentage of the maintenance and upkeep of our roads and gate in an amount to be determined by the Board. It also gives them the option of joining our HOA. I've attached the amendment to this e-mail for your review.

The Board does have a concern about the drainage of the Point. We will address this in our comments to the Planning Committee. The good news is that Steve Strickland of Earthworks is representing the Wellons. Earthworks is a well respected land use and engineering firm and would be the Boards first choice to design a drainage plan for The Point.

It is the Board's position to welcome the new buyer and invite them to join our HOA. Keep in mind that they DO NOT have to join and the more welcoming we are the higher the likely hood is that they will join. Once again, I must express to all members that ONLY the Board may speak for the HOA, however all members are encouraged to voice their individual concerns and comments to the Planning Commission at the meeting.

Please contact any Board member if you have questions or concerns and express your thoughts to the Board via return e-mail.

Sincerely

Carlton



**BelleVue Association, Inc. Board of Directors' submission to**  
**Georgetown County Planning Commission Dec. 17, 2020**

The BelleVue Association, Inc. fully supports the zoning amendment of the planned development to allow subdivision of parcel TMS# 41-0106-036-00-00 into three parcels because the Applicant and Association have agreed to the following.

1. Mr. Edmund Watkins, the proposed Purchaser of the parent parcel, TMS# 41-0106-036-00-00, and two newly created parcels made possible by this zoning amendment, agrees to pay an amount to BelleVue Association, Inc. equal to one member lot's dues or assessments during his ownership of the parent parcel, but this does not subject the parcel to membership in or governance by the Association.
2. Mr. Watkins and the Applicant, 4 Brothers of SC, LLC, agree that at the time of recordation of any revised plat of TMS# 41-0106-036-00-00 that includes additional or new parcels, 4 Brothers of SC, LLC, i.e.: the declarant who has reserved solely for itself the option to do so per the BelleVue Subdivision Restrictive Covenants, shall execute and record in the land records of Georgetown County a Certificate of Commitment indicating its desire to include the additional "lots," which will have been made possible by this proposed zoning amendment, to be governed by the terms of the aforementioned BelleVue Restrictive Covenants (i.e.: the "Declaration of Covenants, Conditions, Restrictions and Easements for BelleVue Subdivision" recorded in Georgetown County ROD). The Association understands that this Certificate of Commitment will not include the above referenced parent TMS# parcel, notwithstanding item 1. above, and that it is not intended that this parcel, where Mr. Watkins plans to construct his primary residence, will ever join the Association's Membership or be governed by it.
3. The Association agrees to waive all Member dues and assessments for the two submitted HOA parcels, i.e.: new member "lots" until each's respective application for Georgetown County Certificates of Occupancy.
4. Mr. Watkins agrees that at the time of closing, he and the Applicant will execute a legal assignment to the BelleVue Association, Inc. of what was purportedly agreed to in the 10/26/20 Contract Addendum between the Applicant, 4 Brothers of SC, LLC, and Mr. Watkins accepting responsibility to reimburse the BelleVue Association for any damages to the community's infrastructure such as the gates and streets caused by the development of his property within the Belle Vue Planned Development.
5. The Association's Board of Directors is to be allowed to review all future revisions of Earthworks' amended Belle Vue Site Plan, including drainage designs submitted for county planning and stormwater department approvals, respectively.





## ADDENDUM/AMENDMENT TO

☒ AGREEMENT/CONTRACT TO BUY AND SELL REAL ESTATE [☐ OFFER OR ☐ COUNTEROFFER] OR

☐ RESIDENTIAL RENTAL AGREEMENT OR ☐ OTHER: \_\_\_\_\_

COVERING THE ☐ REAL PROPERTY ☐ PREMISES ☐ BUSINESS ☐ OTHER: \_\_\_\_\_

Further described or commonly known as:

Address 31 Gasparilla Ct Unit # \_\_\_\_\_  
 City Georgetown State of South Carolina  
 Other \_\_\_\_\_ TMS 41-0106-036-00-00

The undersigned Parties hereby agree as follows: Buyer agrees to repair any damage to the gates and streets or any other area that is owned by the Belle Vue HOA that is caused by anyone representing the buyer or the buyer themselves. Starting from the time signing this contract and to remain in effect until closing. At closing buyer will sign a document prepared by an attorney that will remain into effect until or at such time the buyer joins the HOA if they elect to do so. If the buyer does not elect to join the HOA then they will sign an agreement that they will pay their percentage of all of the maintenance on the Gate and Streets that belong to the Belle Vue HOA to be determined by the HOA Board of Directors. Buyer will also be responsible for any damage done to the same areas mentioned above during the construction of the area to be purchased. Any damage to be repaired in a  
Continued... See Addendum Undersigned Parties 1

**EXPIRATION OF OFFER:** When signed by a Party and intended as an offer or counter-offer, this document represents an offer to the other Party that may be rescinded any time prior to or expires at 6:00 ☐ AM ☒ PM on October 27 2020 unless accepted or counter-offered by the other Party in written form Delivered prior to such deadline.

Parties are solely responsible for obtaining legal advice prior to entering into this Contract and counsel as required.

IN WITNESS WHEREOF, this Agreement has been duly executed by the Parties.

BUYER: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_

BUYER: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_

\_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_

\_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_

DocuSigned by:  
**SELLER:** Billy Wellons Date: 10/26/2020 Time: 2:05 pm  
 AOB17F81V9A6465...

**SELLER:** \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_

\_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_

\_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_

REALTOR® is the registered collective membership mark which may be used only by those real estate licensees who are members of the NATIONAL ASSOCIATION OF REALTORS® and who subscribe to its strict professional Code of Ethics. The South Carolina Association of REALTORS® (SCR) owns copyright to the content of this form and expressly prohibits the display, distribution, duplication, transmission, alteration, or reproduction of any part of SCR copyright content as well as the use of the name "South Carolina Association of REALTORS®" in connection with any written or electronic format without the prior written consent of SCR. SCR makes no representation as to the legal adequacy of this form or the information added for a specific transaction and recommends that Parties consult a SC attorney prior to signing to ensure the completed form meets your legal need.

© 2020 South Carolina Association of REALTORS®, 10/2017

FORM 390 PAGE 1 of 1





### **NOTICE OF PUBLIC HEARING**

The Planning Commission will consider a request from Steven Strickland of Earthworks as agent for Four Brothers, LLC to amend the Belle Vue Planned Development (PD) to increase the number of lots from twenty (20) to twenty-three (23) and complete the project by subdividing the lot that was reserved for future development. The Belle Vue PD is located at the end of Portofino Lane in Murrells Inlet. TMS # 041-0106-036-00-00. Case # AMPD 11-20-26829.

The Planning Commission will be reviewing this request on **Thursday, December 17, 2020 at 5:30 p.m. in the Howard Auditorium at 1610 Hawkins Street in Georgetown, South Carolina.**

If you wish to make public comments on this request, you are invited to attend this meeting. If you cannot attend and wish to comment please submit written comment to:

*Georgetown County Planning Commission*

*PO Box 421270*

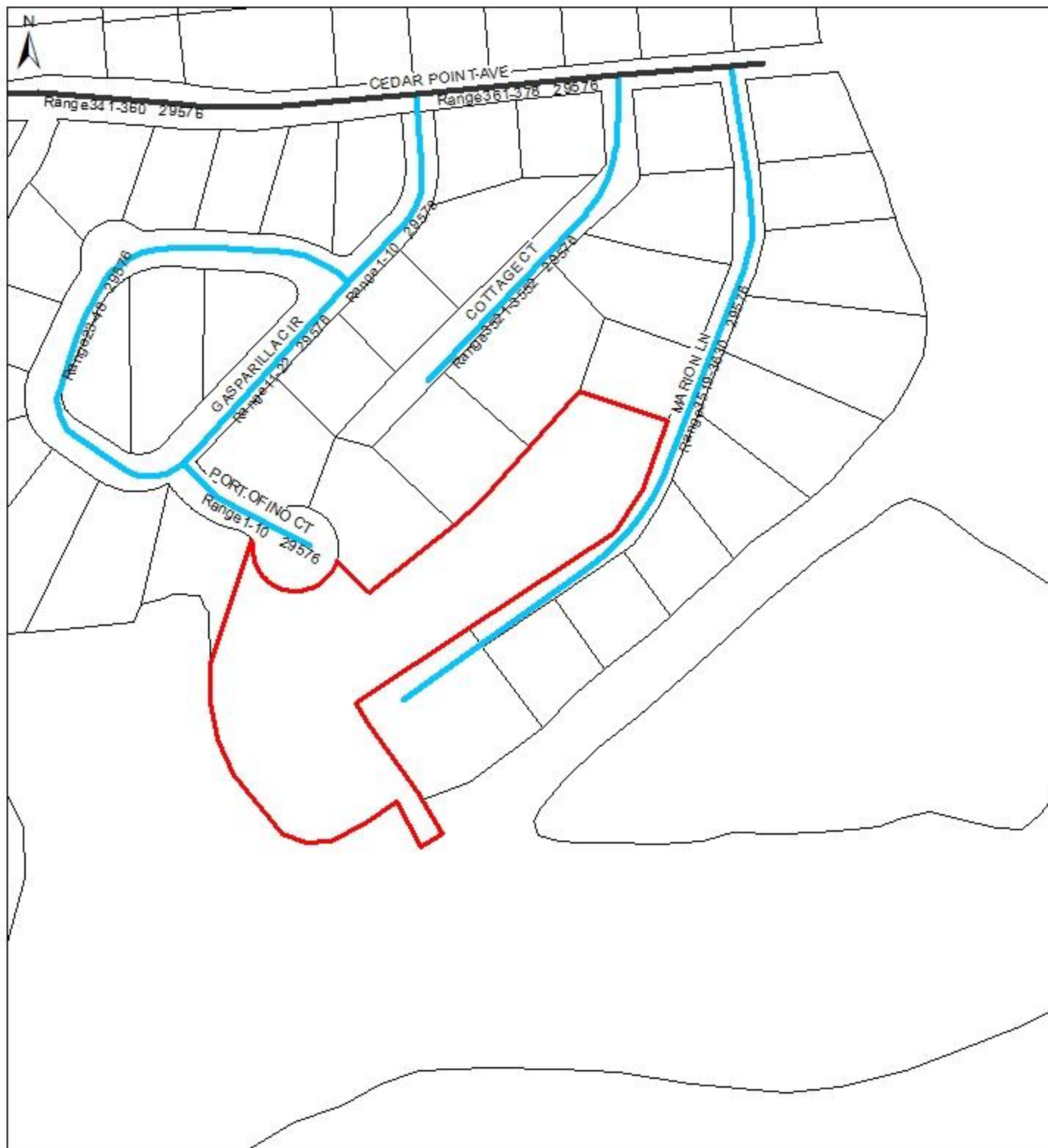
*Georgetown, South Carolina 29440*

*Telephone (843) 545-3158*

*Fax (843) 545-3299*

*E-mail: [tcoleman@gtcounty.org](mailto:tcoleman@gtcounty.org)*

Belle Vue PD  
Property Location  
AMPD 11-20-26829



## Legend

### Streets

<all other values>

### MaintainedBy

County

Private

State

Belle Vue PD

Lot Lines

Railroads

Landmarks

Municipalities

0 55 110 220 330 440 Feet

DISCLAIMER: This map is a graphic representation of data obtained from various sources. All efforts have been made to warrant the accuracy of this map. However, Georgetown County disclaims all responsibility and liability for the use of this map.



# Belle Vue PD Property Zoning AMPD 11-20-26829

## Legend

### Streets

all other values

### MaintainedBy

County

Private

State

Belle Vue PD

Lot Lines

Railroads

Landmarks

### Zoning

#### DISTRICT

CITY OF GEORGETOWN

CP

FA

FA/C

FA/R

GC

GR

GRR

HI

LI

MHP

MR10

NC

OC

PA

PD

R1

R1/2AC

R10

R1AC

R2

R2/4AC

RS

RS

RC

RG

RH

RS

RV/C

VR10

Municipalities

0 55 110 220 330 440 Feet

**DISCLAIMER:** This map is a graphic representation of data obtained from various sources. All efforts have been made to warrant the accuracy of this map. However, Georgetown County disclaims all responsibility and liability for the use of this map.

# Belle Vue PD Property FLU Map AMPD 11-20-26829

## Legend

### Streets

<all other values>

### MaintainedBy

County

Private

State

Belle Vue PD

Lot Lines

Railroads

Landmarks

### Future Landuse

#### FUTURE\_LAN

CITY OF GEORGETOWN

COMMERCIAL

CONSERVATION PRESERVATION

EASEMENT

HIGH DENSITY RESIDENTIAL

INDUSTRIAL

LOW DENSITY RESIDENTIAL

MEDIUM DENSITY RESIDENTIAL

POND

PRIVATE RECREATIONAL

PUBLIC RECREATIONAL

PUBLIC/SEMI-PUBLIC

TOWN OF ANDREWS

TOWN OF PI

TRANSITIONAL

Municipalities

0 55 110 220 330 440 Feet

**DISCLAIMER:** This map is a graphic representation of data obtained from various sources. All efforts have been made to warrant the accuracy of this map. However, Georgetown County disclaims all responsibility and liability for the use of this map.



Belle Vue PD  
Property Aerial  
AMPD 11-20-26829



## Legend

### Streets

<all other values>

### MaintainedBy

County

Private

State

Belle Vue PD

Lot Lines

Railroads

Landmarks

### Imagery2017Med

#### RGB

Red: Band\_1

Green: Band\_2

Blue: Band\_3

Municipalities

0 55 110 220 330 440 Feet

DISCLAIMER: This map is a graphic representation of data obtained from various sources. All efforts have been made to warrant the accuracy of this map. However, Georgetown County disclaims all responsibility and liability for the use of this map.





- BOAT, DOCK OR PIER IS A STRUCTURE BUOYED AND/OR FLOATING ON WATER AND IS GENERALLY USED FOR THE MOORING OF BOATS. DOCKS AND PIERS ARE THE MOST POPULAR METHOD OF GAINING ACCESS TO DEEP WATER, ALTHOUGH THEY ARE ALSO USED FOR A VARIETY OF OTHER PURPOSES. DOCKS AND PIERS ARE OFTEN THE SOURCE OF CERTAIN PROBLEMS, SUCH AS RESTRICTING PUBLIC USE OF WATER AND, UNDER CERTAIN CIRCUMSTANCES, POSSESS POTENTIAL FOR CREATING ENVIRONMENTAL PROBLEMS. COMMUNITY DOCKS SHALL NOT IMPEDE NAVIGATION OR RESTRICT PUBLIC USE OF STATE LANDS OR WATERS. COMMUNITY DOCKS SHALL BE CONSTRUCTED IN A MANNER THAT DOES NOT RESTRICT WATER FLOW. THE SIZE AND EXTENSION OF A COMMUNITY DOCK MUST BE LIMITED TO THAT WHICH IS REASONABLE FOR INTENDED USE. COMMUNITY DOCKS SHOULD USE THE LEAST ENVIRONMENTALLY DAMAGING ALIGNMENT; AND ALL APPLICATIONS FOR COMMUNITY DOCKS SHOULD ACCURATELY IDENTIFY ALL ADJACENT PROPERTY BOUNDARIES WITH ADJACENT OWNERS; NO LEASING OF SPACE OR OTHER COMMERCIAL USES ARE ALLOWED AT COMMUNITY DOCKS.

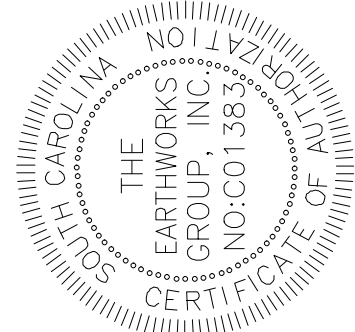
---


planning and design consultants

11655 HIGHWAY 707  
MURRELLS INLET, SC 29576  
843.651.7900

**www.earthworksgroup.com**

liability or cost, including reasonable attorney's fees a



<h2 style="margin: 0;">BELLEVIEW PUD</h2>	<h2 style="margin: 0;">SITE PLAN</h2>
<p style="margin: 0;"><b>FOUR BROTHERS OF SC</b></p> <p style="margin: 0;">CEDAR POINT RD, MURRELLS INLET, SC</p>	
<p>PREPARED FOR:</p>	

PREPARED FOR: **FOUR BROTHERS OF SC**  
CEDAR POINT RD., MURRELLS INLET, SC

**SITE PLAN**

**PREPARED FOR:**

SGS

\$5

**GS**

**SHEET**

1 OF 1



**Item Number:** 11.d  
**Meeting Date:** 1/26/2021  
**Item Type:** SECOND READING OF ORDINANCES

**AGENDA REQUEST FORM**  
GEORGETOWN COUNTY COUNCIL



**DEPARTMENT:** Economic Development

**ISSUE UNDERCONSIDERATION:**

ORDINANCE NO. 21-04 - AUTHORIZING THE DEVELOPMENT OF A JOINTLY OWNED AND OPERATED INDUSTRIAL/BUSINESS PARK BETWEEN GEORGETOWN COUNTY AND WILLIAMSBURG COUNTY, SUCH INDUSTRIAL/BUSINESS PARK TO BE GEOGRAPHICALLY LOCATED IN EACH COUNTY AND ESTABLISHED PURSUANT TO SOUTH CAROLINA CODE ANNOTATED SECTION 4-1-170; TO PROVIDE FOR A WRITTEN AGREEMENT BETWEEN GEORGETOWN COUNTY AND WILLIAMSBURG COUNTY TO PROVIDE FOR THE EXPENSES OF THE PARK, THE PERCENTAGE OF REVENUE APPLICATION, AND THE DISTRIBUTION OF FEES IN LIEU OF AD VALOREM TAXATION; AND OTHER RELATED MATTERS.

**CURRENT STATUS:**

Pending

**POINTS TO CONSIDER:**

3V Chemical is working through an additional expansion. The company has an existing FILOT in place, but it was discovered that this property was never designated as a Multi-County Industrial Park. This designation allows greater local flexibility of revenue distribution, if needed and makes the company eligible for greater state benefits. The agreement has to be approved by Georgetown County and a neighboring county, in this case Williamsburg County.

This designation is fairly common and is generally done at the outset of every new project that we work with. For what ever reason this was never done for this company.

**FINANCIAL IMPACT:**

Once the MCIP agreement is in place, we are required to send 1% of the associated new FILOT payments to the partner county and we retain 99%. As this only pertains to new revenue, there is no impact on currently collected revenue.

**OPTIONS:**

approve or deny

**STAFF RECOMMENDATIONS:**

Staff recommends approval of Ordinance No. 21-04

**ATTORNEY REVIEW:**

Yes

**ATTACHMENTS:**

Description	Type
Ordinance No. 21-04 Multi-county Industrial Business	

- ▣ Ordinance NO 21-04 Multi-county Industrial Business Park Ordinance
- ▣ MCIP Agreement Backup Material

**GEORGETOWN COUNTY, SOUTH CAROLINA  
ORDINANCE NO. 21-04**

**AUTHORIZING THE DEVELOPMENT OF A JOINTLY OWNED AND OPERATED INDUSTRIAL/BUSINESS PARK BETWEEN GEORGETOWN COUNTY AND WILLIAMSBURG COUNTY, SUCH INDUSTRIAL/BUSINESS PARK TO BE GEOGRAPHICALLY LOCATED IN EACH COUNTY AND ESTABLISHED PURSUANT TO SOUTH CAROLINA CODE ANNOTATED SECTION 4-1-170; TO PROVIDE FOR A WRITTEN AGREEMENT BETWEEN GEORGETOWN COUNTY AND WILLIAMSBURG COUNTY TO PROVIDE FOR THE EXPENSES OF THE PARK, THE PERCENTAGE OF REVENUE APPLICATION, AND THE DISTRIBUTION OF FEES IN LIEU OF AD VALOREM TAXATION; AND OTHER RELATED MATTERS.**

**BE IT ORDAINED BY THE COUNTY COUNCIL OF GEORGETOWN COUNTY, SOUTH CAROLINA:**

**Section 1.** Georgetown County is hereby authorized jointly to develop an industrial and business park with Williamsburg County ("Park"). The Park shall be located on lands located in Georgetown County and Williamsburg County as authorized by South Carolina Code Annotated section 4-1-170.

**Section 2.** Georgetown County and Williamsburg County shall enter into a written agreement jointly to develop the Park, the substantially final form of which is attached as Exhibit A and incorporated by reference ("Park Agreement"). The Chair or County Council and the County Administrator are each, individually, authorized to execute the Park Agreement on behalf of Georgetown County, with such changes thereto as are deemed, upon advice of counsel, appropriate and do not materially change the import of the matters contained in the form of agreement.

**Section 1.** This Ordinance shall supersede and amend in its entirety any other ordinances or resolutions of Georgetown County Council pertaining to the Park.

**Section 1.** Should any section of this Ordinance be, for any reason, held void or invalid, it shall not affect the validity of any other section hereof which is not itself void or invalid.

**Section 1.** This Ordinance shall be effective after third and final reading thereof.

Enacted in meeting duly assembled: \_\_\_\_\_, \_\_\_\_\_, 20[ ].

**GEORGETOWN COUNTY, SOUTH CAROLINA**

(SEAL)

By: \_\_\_\_\_  
Chairman of County Council  
Georgetown County, South Carolina

ATTEST:

By: \_\_\_\_\_  
Clerk of County Council  
Georgetown County, South Carolina

First Reading:        ☐  
Second Reading:     ☐  
Third Reading:       ☐  
Public Hearing         ☐

**EXHIBIT A**  
**FORM OF AGREEMENT GOVERNING THE 3V INDUSTRIAL PARK**

**AGREEMENT  
GOVERNING THE  
3V INDUSTRIAL PARK**

**BETWEEN**

**GEORGETOWN COUNTY, SOUTH CAROLINA**

**AND**

**WILLIAMSBURG COUNTY, SOUTH CAROLINA**

**DECEMBER 31, 2020**

**PREPARED BY:  
KOZLAREK LAW LLC  
POST OFFICE BOX 565  
GREENVILLE, SOUTH CAROLINA 29602-0565  
[MICHAEL@KOZLAREKLAW.COM](mailto:MICHAEL@KOZLAREKLAW.COM)**

---

**INSTRUCTIONS  
FOR  
COUNTY AUDITOR AND COUNTY TREASURER**

ALL PROPERTY LOCATED IN THIS MULTI-COUNTY INDUSTRIAL/BUSINESS PARK IS EXEMPT FROM *AD VALOREM* TAXES AND IS SUBJECT INSTEAD, UNDER THE TERMS OF THE STATE CONSTITUTION, TO A FEE-IN-LIEU OF *AD VALOREM* TAXES EQUAL TO WHAT THE TAXES WOULD HAVE BEEN. HOWEVER, THE FEE-IN-LIEU PAYMENTS MAY BE BELOW NORMAL *AD VALOREM* TAX RATES IF THE PROPERTY IS SUBJECT TO A NEGOTIATED FEE-IN-LIEU OF TAXES ARRANGEMENT. WHEN PREPARING THE FEE BILLS FOR ALL PROPERTY LOCATED IN THIS PARK, PLEASE REFERENCE THE PILOT RECORDS TO ENSURE THE CORRECT MILLAGE RATE AND ASSESSMENT RATIO ARE USED.

ONCE A FEE BILL HAS BEEN PAID, ABSENT SUBSEQUENT ORDINANCE(S) TO THE CONTRARY, THIS AGREEMENT GOVERNS HOW THE FEE RECEIVED IS TO BE DISTRIBUTED BETWEEN THE COUNTIES AND THEN AMONG THE VARIOUS TAXING ENTITIES IN EACH COUNTY. EACH COUNTY MAY ALTER THE CUSTOMARY DISTRIBUTION OF REVENUES.

**THIS AGREEMENT GOVERNING THE 3V INDUSTRIAL PARK** (“Agreement”), effective December 31, 2020 (“Effective Date”), between Georgetown County, South Carolina (“Georgetown”), a political subdivision of the State of South Carolina (“State”), and Williamsburg County, South Carolina (“Williamsburg”), a political subdivision of the State (Georgetown with Williamsburg, collectively, “Counties,” each, a “County”), is entered into pursuant to Article VIII, Section 13(D) of the South Carolina Constitution, as amended, and South Carolina Code Annotated section 4-1-170 (collectively, “MCIP Law”).

#### **RECITALS:**

**WHEREAS**, the Counties are permitted by the MCIP Law to create one or more multi-county industrial/business parks;

**WHEREAS**, as provided under MCIP Law, to promote the economic welfare of their citizens, the Counties intend to create this multi-county industrial park (“MCIP”) regarding investment made or to be made by 3V Sigma USA Inc., 3V Inc., or a related or an affiliated entity (collectively, “3V”) or one or more “sponsor affiliates,” as that term is described in South Carolina Code Annotated section 12-44-10, *et seq.* (“Sponsor Affiliates”);

**WHEREAS**, by Georgetown Ordinance No. [] and Williamsburg Ordinance [], the Counties authorized the execution and delivery of this Agreement to create the 3V Industrial Park and govern the inclusion of real and personal property in the Park and the existence and expansion of the Park’s boundaries;

**WHEREAS**, in *Horry County School District v. Horry County*, 346 S.C. 621, 552 S.E.2d 737 (2001) (“*Horry County Case*”), the South Carolina Supreme Court provided guidance regarding the MCIP Law and established requirements for the contents of multi-county industrial/business park agreements; and

**WHEREAS**, the Counties enter this Agreement as the governing document for the Park and intend it to meet the requirements of the MCIP Law and the *Horry County Case*.

**NOW, THEREFORE**, on the basis of the mutual covenants in this Agreement, the sufficiency of which consideration the Counties acknowledge, the Counties agree:

#### **ARTICLE I PARK BOUNDARIES**

##### **Section 1.01. *Park Boundaries.***

(a) The Park consists of all real and personal property (“Property”) described on Exhibit A (Georgetown) and Exhibit B (Williamsburg), which is intended to include only those properties owned by, leased by, or otherwise related to property or a project involving 3V or one or more “Sponsor Affiliates.” Subject to the foregoing restriction, a County may increase the Park’s boundaries, from time to time, unilaterally, by adopting an approving resolution or ordinance approving the increase in the Park’s boundaries. This Agreement is amended, without further action by either County’s governing body, once the County approving the increase delivers to the other County a copy of the approving resolution or ordinance and a description of the additional parcel to be included in that County’s Exhibit.

(b) The Counties may decrease the Park’s boundaries, from time to time, by each County adopting a resolution or ordinance, approving the decrease in the Park’s boundaries. Prior to a decrease in the Park’s boundaries, the County in which the parcel to be removed is located shall hold a public hearing. That County shall publish notice of the public hearing in a newspaper of general circulation in that County at least once, not less than 15 days prior to the public hearing. This Agreement is amended, without further action by either County’s governing body, once each County has adopted its approving resolution or ordinance and the County in which the parcel to be removed is located delivers to the other County an amended Exhibit A or Exhibit B, as applicable, without a description of the removed parcel.



(c) Notwithstanding any part of this Agreement to the contrary, neither County shall diminish the Park's boundaries, without consent from the owner (or lessee) of a parcel of Property, until the end of the 50<sup>th</sup> calendar year following the end of the calendar year in which that owner's (or lessee's) parcel of Property was included in the Park.

## ARTICLE II TAX STATUS OF PROPERTIES LOCATED IN THE PARK

**Section 2.01. *Constitutional Exemption from Taxation.*** Under the MCIP Law, during this Agreement's term, Property is exempt from all *ad valorem* taxation.

**Section 2.02. *Fee-in-Lieu of Taxes.*** Except as provided in Section 2.03, the owners or lessees of Property shall pay an amount equivalent to the *ad valorem* property taxes or other in lieu of payments that would have been due and payable but for the location of Property in the Park.

**Section 2.03. *Negotiated Fee-in-Lieu of Taxes.*** The amount of the annual payments due from the owner or lessee under Section 2.02 may be altered by virtue of any negotiated fee-in-lieu of *ad valorem* taxes incentive with either County, as applicable (collectively Sections 2.02 and 2.03, are "FILOT Revenue").

## ARTICLE III SHARING OF FILOT REVENUE AND EXPENSES OF THE PARK

**Section 3.01. *Expense Sharing.*** The Counties shall share all expenses related to the Park. If a parcel of Property is located in Georgetown, then Georgetown shall bear 100% of the expenses. If a parcel of Property is located in Williamsburg, then Williamsburg shall bear 100% of the expenses.

### **Section 3.02. *FILOT Revenue Sharing.***

(a) The Counties shall distribute revenue generated in the Park from a source other than FILOT Revenue directly to the County in which the revenue is generated, to be expended in any manner as that County deems appropriate.

(b) The Counties shall share all FILOT Revenue according to the following distribution method:

(i) For Property located in Georgetown: Georgetown, after (a) reimbursing itself for expenditures made to attract any entity to locate in the Park and (b) making any reductions required by law or agreement, shall (x) retain 99.0% of the FILOT Revenue and (y) transmit 1.0% of the FILOT Revenue to Williamsburg.

(ii) For Property located in Williamsburg: Williamsburg, after (a) reimbursing itself for expenditures made to attract any entity to locate in the Park and (b) making any reductions required by law or agreement, shall (x) retain 99.0% of the FILOT Revenue and (y) transmit 1.0% of the FILOT Revenue to Georgetown.

### **Section 3.03. *FILOT Revenue Distribution in Each County.***

(a) According to *Horry County Case*, each County is required to set forth the distribution method of FILOT Revenue in that County, after distribution of FILOT Revenue as provided by Section 3.02(b):

(i) For Property located in Georgetown: FILOT Revenues shall be distributed to Georgetown and the political subdivisions in Georgetown in accordance with the applicable governing ordinance of Georgetown in effect from time to time.

(ii) For Property located in Williamsburg: FILOT Revenues shall be distributed to Williamsburg and the political subdivisions in Williamsburg in accordance with the applicable governing ordinance of Williamsburg in effect from time to time.

(iii) Each County elects to retain 100% of the 1.0% of the FILOT Revenue received from the other County.

(b) Each County, by adoption of an ordinance in that County, may unilaterally amend its internal distribution method.

**Section 3.04. Annual Report and Disbursement.** Not later than July 15 of each year, starting July 15 of the first year in which either County receives FILOT Revenue, each County shall prepare and submit to the other County a report detailing the FILOT Revenue owed under this Agreement. Each County shall deliver a check for the amount reflected in that report at the same time to the other County. This report may be included as a portion of any other report one County provides to the other County regarding fee in lieu of tax revenue.

#### **ARTICLE IV MISCELLANEOUS**

**Section 4.01. Jobs Tax Credit Enhancement.** Each company located in the Park is entitled to whatever enhancement of the regular jobs tax credits authorized by South Carolina Code Annotated section 12-6-3360, or any successive provisions, as may be provided under South Carolina law.

**Section 4.02. Assessed Valuation.** For the purpose of bonded indebtedness limitation and computing the index of taxpaying ability pursuant to South Carolina Code Annotated section 59-20-20(3), allocation of the assessed value of Property to each County is identical to the percentage of FILOT Revenue retained and received by each County in the preceding fiscal year.

**Section 4.03. Records.** Each County shall, at the other County's request, provide a copy of each record of the annual tax levy and the fee-in-lieu of *ad valorem* tax invoice for Property and a copy of the applicable County Treasurer's collection records for the fee-in-lieu of *ad valorem* taxes so imposed, as these records became available in the normal course of each County's procedures.

**Section 4.04. Applicable Law.** To avoid any conflict of laws between the Counties, the county law of the County in which a parcel of Property is located is the reference for regulation of that parcel of Property in the Park. Nothing in this Agreement purports to supersede state or federal law or regulation. The County in which a parcel of Property is located is permitted to adopt restrictive covenants and land use requirements for that part of the Park.

**Section 4.05. Law Enforcement.** The Sheriff for the County (or incorporated municipal law enforcement personnel to the extent Property is located in an incorporated municipality's jurisdictional limits) in which a parcel of Property is located has initial jurisdiction to make arrests and exercise all authority and power with respect to that parcel; fire, sewer, water, and EMS service for each parcel of Property in the Park is provided by the applicable service district or other political unit in the applicable County.

**Section 4.06. Binding Effect of Agreement.** This Agreement is binding after executed by the Counties.

**Section 4.07. Severability.** If (and only to the extent) that any part of this Agreement is unenforceable, then that portion of the Agreement is severed from the Agreement and the remainder of this Agreement is unaffected.

**Section 4.08. Complete Agreement: Amendment.** This Agreement is the entire agreement between the Counties with respect to this subject matter and supersedes all agreements, representations, warranties, statements, promises and understandings, whether oral or written, with respect to the Park and neither County is bound by any oral or written agreements, statements, promises, or understandings not set forth in this Agreement.

**Section 4.09. *Counterpart Execution.*** The Counties may execute this Agreement in multiple counterparts.

**Section 4.10. *Termination.*** Notwithstanding any part of this Agreement to the contrary, neither County shall terminate this Agreement, without consent from the owner (or lessee) of any Property, until the end of the 50<sup>th</sup> calendar year following the end of the calendar year in which this Agreement becomes effective.

[ONE SIGNATURE PAGE AND TWO EXHIBITS FOLLOW]  
[REMAINDER OF PAGE INTENTIONALLY BLANK]

**IN WITNESS WHEREOF**, the Counties have each executed this Agreement, effective on the Effective Date.

GEORGETOWN COUNTY, SOUTH CAROLINA

By: \_\_\_\_\_  
Chairman, County Council

(SEAL)  
ATTEST:

\_\_\_\_\_  
Clerk to County Council

WILLIAMSBURG COUNTY, SOUTH CAROLINA

By: \_\_\_\_\_  
Chairman, County Council

(SEAL)  
ATTEST:

\_\_\_\_\_  
Clerk of County Council

**EXHIBIT A**  
**GEORGETOWN PROPERTY DESCRIPTION**  
[UPDATEABLE ACCORDING TO ARTICLE I OF THIS AGREEMENT]

**LEGAL DESCRIPTION**

All that certain piece, parcel, or tract of land lying and being in the County of Georgetown, State of South Carolina, containing 125.3 acres and being more particularly described as follows:

Beginning at a pipe located 141.85' West of the Northwestern corner of S-22-831 (Woodstock Street), said pipe being the Southwestern most corner of the 125.3 acre tract, thence N 03° 49' E, 1322.6' to a pipe, thence N 20° 05' W, 869.5' to a pipe, thence N 04° 38' E, 200.0' to a pipe on the edge of the Sampit River, thence in an easterly direction along the edge of the Sampit River for a distance of 3800'+/- to the Northeastern most corner of said tract, being a common corner to the "Mouresina Tract" thence along the Southern edge of the Ricefields/Swamp S 33° 25' W, 46.9' to a point, thence S 17° 25' W, 70.0' to a point, thence S 71° 20' W, 38.3' to a point, thence S 38° 05' W, 319.5' to a point, thence S 68° 20' W, 44.2' to a point, thence S 53° 20' W, 138.6' to a point, thence S 74° 30' W, 37.6' to a point, thence S 64° 20' W, 238.3' to a point, thence S 89° 10' W, 195.4' to a point, thence S 55° 20' W, 58.7' to a point, thence due West, 84.5' to a point, thence S 60° 50' W, 66.7' to a point, thence N 68° 30' W, 44.2' to a point, thence N 37° 20' W, 58.1' to a point, thence N 64° 45' W, 48.2' to a point, thence N 32° 30' W, 114.2' to a point, thence N 72° 30' W, 28.4' to a point, thence S 25° 00' W, 104.3' to a point, thence S 39° 20' W, 80.5'; to a pipe, thence S 74° 45' W, 47.5' to a pipe at the edge of the Ricefields/Swamp and Highland Portion of the plant site, thence S 01° 00' E, 5.7' to a pipe, thence S 01° 00' E, 169.8' to a pine, thence S 02° 26' E, 121.0' to a pine, thence S 04° 35' W, 316.9' to a pipe thence S 02° 40' W, 210.9' to a pipe, thence S 05° 00' W, 398.4' to a pine, thence S 03° 44' W, 258.2' to a pipe, thence N 86° 11' W, 1380' to a pipe, the point of beginning.

**The above described 125.3 acres consists of the following described Parcel 1 and Parcel 2:**

**PARCEL 1**

All that certain piece, parcel, or tract of land containing 60.0 acres, more or less, and being shown and delineated as Parcel 1 (Highland-Subject to Lease) on an ALTA/ACSM Land Title Survey prepared for 3V Incorporated by Wendell C. Powers, P.L.S., dated November 30, 2001. Tax Map # 1-437-1.1.1

**DERIVATION:** This being the identical property conveyed to **Georgetown County**, a political subdivision of the State of South Carolina by deed of **3V, Inc.** a Delaware Corporation dated November 18, 1998, and recorded December 12, 1998, in Deed Book 926, at Page 111, in the Office of the Register of Deeds for Georgetown County, South Carolina

**PARCEL 2**

All that certain piece, parcel, or tract of land containing 65.3 acres, more or less, and being shown and delineated as Parcel 2 (Ricefields) on an ALTA/ACSM Land Title Survey prepared for 3V incorporated by Wendell C. Powers, P.L.S., dated November 30, 2001. Tax Map # 1-437-1.1

[REMAINDER OF PAGE INTENTIONALLY BLANK]

**EXHIBIT B**  
**WILLIAMSBURG PROPERTY DESCRIPTION**  
[UPDATEABLE ACCORDING TO ARTICLE I OF THIS AGREEMENT]

None as of the initial effective date of this Agreement.

[REMAINDER OF PAGE INTENTIONALLY BLANK]

**Item Number:** 12.a  
**Meeting Date:** 1/26/2021  
**Item Type:** FIRST READING OF ORDINANCES

**AGENDA REQUEST FORM**  
GEORGETOWN COUNTY COUNCIL



**DEPARTMENT:** County Administrator

**ISSUE UNDERCONSIDERATION:**

Ordinance No. 21-05 - An Ordinance Allocating the Remaining 2014 Capital Project Sales Tax Surplus Proceeds for Capital Projects and Other Matters Related Thereto

**CURRENT STATUS:**

Georgetown County Council enacted Ordinance 2014-28 on August 12, 2014 whereby a ballot question for the implementation of a Capital Project Sales Tax was ordained and voted upon during the November 4, 2014 general election.

The voters of Georgetown County, at the 2014 general election, passed the addition of a one cent sales tax (CPST) to be collected within Georgetown County beginning May 1, 2015 with an end date of April 30, 2019. The collection has ended resulting in a surplus of capital project sales tax proceeds.

**POINTS TO CONSIDER:**

In 2020 Georgetown County Council passed Ord. 20-26 whereby \$4,041,353 of the surplus was allocated for capital projects. County Council, after researching and submitting proposals for projects to County administration, is now tasked with the adoption of an ordinance to allocate the remaining 2014 capital project tax surplus proceeds for capital projects.

**FINANCIAL IMPACT:**

**OPTIONS:**

1. Adopt Ordinance No. 21-05.
2. Do not adopt Ordinance No. 21-05.

**STAFF RECOMMENDATIONS:**

First Reading introduction of Ordinance No. 21-05 by title only, "An Ordinance Allocating the Remaining 2014 Capital Project Sales Tax Surplus Proceeds for Capital Projects and Other Matters Related Thereto".

**ATTORNEY REVIEW:**



**Item Number:** 15.c  
**Meeting Date:** 1/26/2021  
**Item Type:** REPORTS TO COUNCIL

**AGENDA REQUEST FORM**  
GEORGETOWN COUNTY COUNCIL



**DEPARTMENT:** Emergency Management

**ISSUE UNDERCONSIDERATION:**

Emergency Ordinance No. 21-06

**CURRENT STATUS:**

COVID-19, a highly contagious and deadly virus, has been declared a pandemic by the World Health Organization and continues to pose a significant threat to county citizens. On March 13, 2020 and continuing through the present time, the President of the United States declared a national state of emergency thereby authorizing emergency federal funding and requesting local emergency action plans be activated.

Additionally, on March 13, 2020 and continuing through the present time, the Governor of South Carolina declared a State of Emergency for South Carolina ordering the State's emergency operation plan be activated, and requesting the Legislature appropriate funding to combat the effects of the pandemic. The Governor of South Carolina has continued to issue State of Emergency declarations and other orders related to the pandemic, including the encouragement of social distancing and face coverings.

**POINTS TO CONSIDER:**

Georgetown County Council, believes an emergency continues to exist due to this world health event requiring the Council to take all necessary actions to ensure the safety, welfare, and health of its residents and visitors.

It is now well recognized that COVID-19 (caused by the virus SARS-CoV-2) spreads through localized person-to-person contact which presents a public health risk requiring extraordinary protective measures and vigilance.

Georgetown County Council deems that a State of Emergency continues to exist, and in an effort to protect and preserve the general welfare of its citizenry, adopts Emergency Ordinance No. 21-06 to continue the local State of Emergency, and does so order that the requirement for the use of face coverings in certain situations shall remain in effect through March 9, 2021.

**FINANCIAL IMPACT:**

**OPTIONS:**

1. Adopt Emergency Ordinance No. 21-06
2. Do not adopt Emergency Ordinance No. 21-06

**STAFF RECOMMENDATIONS:**

Recommendation to adopt Emergency Ordinance No. 21-06

**ATTORNEY REVIEW:****ATTACHMENTS:**

Description	Type
▫ Ordinance No 21-06	Ordinance

**EMERGENCY ORDINANCE 21-06  
(COVID-19, State of Emergency)**

**WHEREAS**, COVID-19, a novel, highly contagious and deadly virus, has been declared a pandemic by the World Health Organization and continues to pose a significant threat to County citizens; and

**WHEREAS**, on March 13, 2020 and continuing through the present time, the President of the United States declared a national state of emergency thereby authorizing emergency federal funding and requesting local emergency action plans be activated; and

**WHEREAS**, on March 13, 2020 and continuing through the present time, the Governor of South Carolina declared a state of emergency for South Carolina ordering the State’s emergency operation plan be activated and requesting the Legislature appropriate funding to combat the effects of the pandemic; and

**WHEREAS**, the Governor of South Carolina has continued to issue State of Emergency declarations and other orders related to the pandemic including the encouragement of social distancing, face coverings, and modified liquor license service hours, and

**WHEREAS**, the World Health Organization currently reports over 95,556,040 million COVID-19 cases globally, of which over 2,066,176 have resulted in deaths; and

**WHEREAS**, as of January 21, 2021, Georgetown County has experienced a total of 5,122 positive cases resulting in 104 deaths along with the State of South Carolina experiencing 404,492 positive cases resulting in 6,373 deaths; and

**WHEREAS**, Georgetown County Council, in an effort to protect and preserve the general welfare of its citizenry, believes an emergency continues to exist due to this world health event requiring the Council to take all necessary actions to ensure the safety, welfare, and health of its residents and visitors; and

**WHEREAS**, to further the Council's goal of precautionary measures in order to protect its citizens, Georgetown County Council deems a State of Emergency exists and any such measures are to be taken in an effort to minimize the effects of COVID-19, be it health, welfare, public safety, and/or economic effects; and

**WHEREAS**, it is now well recognized that COVID-19 (caused by the virus SARS-CoV-2) spreads through localized person-to-person contact which presents a public health risk requiring extraordinary protective measures and vigilance; and

**WHEREAS**, the Centers for Disease Control and Prevention states COVID-19 is transmitted predominately by respiratory droplets generated when people cough, sneeze, sing, talk, or breathe and further recommends community use of masks, specifically non-valved multi-layer cloth masks, to reduce emission of virus laden droplets and to further reduce inhalation of these droplets by the citizenry.

**WHEREAS**, in order to protect its citizens, Georgetown County Council deems, in accordance with the advice of the CDC, that the use of cloth face coverings is necessary to slow and prevent the spread of COVID-19; and

**WHEREAS**, pursuant to SC Code of Laws 4-9-130 and Section 2-487 of the Georgetown County Code of Ordinances, Georgetown County Council hereby declares a local State of Emergency and adopts the following emergency ordinance for the use of face coverings in order to protect life, health, welfare, safety, and property of the people during the COVID-19 pandemic.

**NOW, THEREFORE**, Georgetown County Council, by a minimum 2/3<sup>rd</sup> majority vote and the power granted to it by the South Carolina Constitution and General Assembly through Home Rule, hereby declares, enacts, ordains, and orders the following:

#### **SECTION A: DECLARATION OF A STATE OF EMERGENCY**

1. By the power granted in SC Code of Laws 4-9-130 and Section 2-487 of the Georgetown County Code of Ordinances, Georgetown County Council hereby declares a local STATE OF EMERGENCY effective immediately on January 26, 2021.
2. That the Georgetown County Emergency Operation Plan and internal Continuity of Operation Plan be activated and enforced.
3. That all protection measures available to Georgetown County for health and safety response be utilized and made available in order to preserve life and property.
4. That the County work closely with Federal, State, Local, School District and Utility officials to ensure a concerted effort of response during the state of emergency.
5. That the Administrator continuously dialogue with local elected officials to establish reasonable and amenable plans of action for their statutory functions and service.
6. That the Administrator modify, as necessary and in her discretion, employee personnel and building/facility policies during the term of the emergency to ensure essential public services are met but also limiting unnecessary county employee exposure to situations in which the virus can spread and authorizing remote access to the workplace by employees if the assigned duties allow.
7. That all County Council meetings, board, commission, committee, or other similar meetings may be conducted electronically by means conducive to the type of meeting and to authorize remote attendance by telephonic or electronic means.
  - a. That any member of Council, board, commission, committee or other similar group conducting a virtual meeting may cast a vote, via voice or hand, by the electronic means so long as the vote is able to be heard or seen by attendees.
  - b. That meeting minutes shall be taken and the meeting recorded as if an in-person meeting were being held.
  - c. That electronic executive sessions are permitted in accordance with the provisions of the Act and the reason for going into any executive session in conformance with Section 30-4-70 of the Act shall be announced.

- d. That public hearings and public comment may be held through electronic means whereby any member of the public will be afforded the opportunity to be heard by the governing body during the stated time of a public hearing or designated period of time during public comment.
  - e. During the period of effectiveness of this ordinance any other provision of the Georgetown County Rules of Procedure Ordinance (99-30) that conflicts with the provisions hereof is temporarily suspended and shall be superseded hereby.
- 8. Authorize the Administrator to temporarily alter open hours, methods of service, and/or close certain County facilities, temporarily close, alter hours, and/or methods related to all adult and youth parks and recreation activities including the organized use of County recreation facilities that host team competitions, and other temporary measures that manage and discourage the unnecessary congregation of people on County property or at County functions.
- 9. Designate the use of emergency procurement and the fund balance, if necessary, and authorize the Administrator to allocate funding to emergency expenditures attributable to the departments necessary during the state of emergency. Any emergency allocation will not require an ordinance during the state of emergency and will be reflected in subsequent budget amendments; the Finance Director, or assigned designee per the County Administrator, will report periodically to the Administrator on monies spent during the state of emergency.
- 10. This **STATE OF EMERGENCY** will remain in effect until **March 9, 2021**, unless sooner terminated by Georgetown County Council.

## **SECTION B: FACE COVERINGS**

- 1. A face covering, or mask, means a cloth, fabric, or other permeable material without holes that covers both the mouth and nose and includes surgical masks, N-95 respirators, face shields, handmade masks, and bandanas.
- 2. All persons above the age of 10 entering a foodservice establishment, grocery store, retail store, or pharmacy located within the corporate boundaries of Georgetown County must wear a face covering while inside the establishment. For purposes of this ordinance, a foodservice establishment shall mean an entity that prepares food and/or drinks for consumption. A grocery store shall mean a retail establishment that primarily sells food but may also sell other household goods. A retail store shall mean an establishment wherein persons can purchase wares and goods, regardless of type. A pharmacy shall mean an establishment where compounding, dispensing, and/or the sale of medications occurs.
- 3. All foodservice establishments, grocery stores, retail stores, and pharmacies within the corporate boundaries of Georgetown County must require each employee to wear a face covering at all times while having face-to-face interaction with the public.
- 4. Any individual who is unable to safely wear a face covering due to age, an underlying health condition, or is unable to remove the face covering without the assistance of others is exempt from this Ordinance. Further, an individual whose religious beliefs prevents them from wearing a face covering is exempt from this Ordinance.
- 5. Any individual who is actively drinking or eating is not required to don a face covering during such acts. Further, any patron of a foodservice establishment is exempt while dining therein.

6. All establishments listed in Section 2 and 3 are required to post a written notification at or near the main entrance of the establishment referencing this ordinance and the requirement for a face covering.
7. Any person who fails to comply with this Emergency Ordinance shall be guilty of a misdemeanor offense, punishable by a fine of \$25.00 per occurrence. Each day of a continuing violation of this Ordinance shall be considered a separate and distinct offense.
8. For purposes of Sections 2 and 3, in addition to employees, a “person” shall also be defined as any citizen or visitor to Georgetown County and/or an individual associated with the business who has control or authority and ability to enforce the employee face covering provisions of this emergency ordinance within the business, such as an owner, manager, supervisor, or other similar position.
9. Repeated violations of this Emergency Ordinance is hereby declared to be a public nuisance which may be enforced by other means provided for by the laws of Georgetown County and the State of South Carolina.
10. This **FACE COVERING MANDATE** will remain in effect through **March 9, 2021**, unless sooner terminated by Georgetown County Council.
11. If any section of this ordinance is declared invalid by a court or found to be in conflict with sound legal principle or law, then the remaining portions of the ordinance will remain in effect.
12. This ordinance expressly takes precedence over and supersedes any other Georgetown County ordinance and/or emergency declaration for the duration of the term provided herein.

**EFFECTIVE JANUARY 27, 2021.**

**ORDAINED, ENACTED, AND ORDERED THIS 26<sup>TH</sup> DAY OF JANUARY, 2021.**

---

Louis R. Morant, Chairman  
Georgetown County Council

ATTEST:

---

Theresa E. Floyd  
Clerk to Council

**Item Number:** 16.a  
**Meeting Date:** 1/26/2021  
**Item Type:** DEFERRED OR PREVIOUSLY SUSPENDED ISSUES

**AGENDA REQUEST FORM**  
GEORGETOWN COUNTY COUNCIL



**DEPARTMENT:** County Council

**ISSUE UNDERCONSIDERATION:**

Ordinance No. 20-59 - An Ordinance to revise the Rules of Procedure as previously adopted by Georgetown County Council

**CURRENT STATUS:**

Pending adoption.

**POINTS TO CONSIDER:**

In 1999, Georgetown County Council adopted *Rules of Procedure* pertaining to all meetings and proceedings. Georgetown County Council desires to conduct the public's business in a forthright manner that can be clearly understood by everyone involved.

Ordinance No. 20-59 includes proposed amendments and revisions to update *Rules of Procedure* which shall govern the conduct of meetings of council and other matters provided therein.

**FINANCIAL IMPACT:**

n/a

**OPTIONS:**

1. Adopt Ordinance No. 20-59
2. Do not adopt Ordinance No. 20-59.

**STAFF RECOMMENDATIONS:**

Defer Ordinance No. 20-59 pending further review.

**ATTORNEY REVIEW:**

**ATTACHMENTS:**

Description	Type
<input type="checkbox"/> Ordinance No 20-59 Rules of Procedure	Backup Material
<input type="checkbox"/> Ordinance No 20-59 Rules of Procedure w EDITS	Backup Material

STATE OF SOUTH CAROLINA       )  
  )  
COUNTY OF GEORGETOWN       )

**AN ORDINANCE TO ADOPT RULES OF PROCEDURE FOR THE GEORGETOWN COUNTY COUNCIL**

**WHEREAS**, Georgetown County Council finds it necessary to conduct the public’s business in a forthright manner that can be clearly understood by everyone involved and being so desires to adopt the following rules of procedure; AND

**NOW, THEREFORE**, Georgetown County Council shall adopt and utilize the following rules of procedure to govern the conduct of meetings of council and other matters provided therein:

**ARTICLE ONE**  
**RULES**

- 1-1. The following set of rules shall be in effect upon adoption by the Georgetown County Council (hereinafter “Council”). These rules shall pertain to all meetings and proceedings. Items not covered in these rules shall be decided in accordance with the South Carolina Association of Counties *Model Rules of Parliamentary Procedure, 3rd Edition* (hereinafter “*Model Rules*”). Any question of parliamentary procedure that cannot first be concluded from these adopted rules and then second from the *Model Rules*, will be decided utilizing the latest edition of *Robert’s Rules of Order*.
- 1-2. All committees of Council or advisory boards and commissions shall adopt and enforce rules of procedure and decorum consistent with the rules of Council.

**ARTICLE TWO**  
**OFFICERS**

- 2-1. **CHAIRPERSON:** At the first meeting of the Council in January following each general election, the Council shall select one of its members to serve as Chairperson for a two year term. The Chairperson shall preside at all meetings of the Council and may execute on behalf of Council all official instruments or documents unless otherwise directed by a majority vote of Council. The Chairperson shall preserve order and decorum at all meetings, and shall state every question coming before Council, announce the decision of the Council, and decide questions of order. Any Council member may appeal the decision of the Chairperson on a question of order, and two thirds of those members present shall conclusively determine such question of order.



2-2. **VICE-CHAIRPERSON:** At the first meeting of the Council in January following the general election, the Council shall select one of its members to serve as Vice-Chairperson for a two year term. In the event that the Chairperson is absent or unable to serve, the Vice-Chairperson shall serve as Chairperson. In the event that the office of Chairperson is vacated, the Vice-Chairperson shall succeed to that office and another member shall be elected by Council to serve as Vice-Chairperson. When the Chairperson is absent from a regular or special meeting of the Council, or unavailable at the time execution on behalf of the Council is necessary, the Vice-Chairperson may execute on behalf of the Council all official instruments or documents unless otherwise directed by a majority vote of Council.

2-3. **COUNTY ADMINISTRATOR:** The Council, via a contract agreement, shall employ an Administrator, not a member of the Council, who shall be the Chief Administrative Officer of the County Government and shall be responsible for the administration of all the departments of the County Government which the Council has the authority to control. The County Administrator shall be apolitical, refraining from participation in the election of the members of the employing Council and from partisan political activities which would impair performance as a professional administrator. The Administrator shall be employed with regard to executive and administrative qualifications only, and need not be a resident of the County at the time of employment. The term of the employment shall be for a definite term or at the pleasure of the Council. Before the Administrator may be removed from the position, the Council shall deliver to the Administrator a written statement of the reasons for the proposed removal including notice of the Administrator's right to a public hearing at a public meeting of the Council. Within five (5) days after delivery of the notice of removal, the Administrator may file with the Council a written request for a public hearing. This hearing shall be held by Council not earlier than twenty (20) days nor later than thirty (30) days after the request is filed. The Administrator may also file with the Council a written reply not later than five (5) days before the hearing. The removal of the Administrator shall not be effective until after the decision of the Council following the public hearing if one is held.

2-3.1 **POWERS AND DUTIES:** The power and duties of the Administrator shall include, but not be limited to, the following:

- a. To serve as the Chief Administrative and Executive Officer of the County Government;
- b. To execute the policies, directives and legislative actions of the Council;
- c. To direct and coordinate operational agencies and administrative activities of the County Government;
- d. To supervise expenditure of appropriated funds;

- e. To prepare annual, monthly, and other reports for Council on finances and administrative activities of the County;
- f. To be responsible for the administration of the County personnel policies including salary and classification plans approved by the Council;
- g. To be responsible for the employment and discharge of personnel in those departments in which the employment authority is vested in the County Council. This authority shall not extend to any personnel employed in departments or agencies under the direction of an elected official nor to personnel appointed by the Council.
- h. To prepare annual operating and capital improvement budgets and submit them to the Council at such time as the Council determines, including with the submission a statement describing the important features of the proposed budget such as all sources of anticipated revenue and the amount of tax revenue required to meet the financial requirements of the County. The Administrator shall offer a certification stating that, in the Administrator's opinion, the proposed budget does not exceed anticipated revenues for the period concerned and he/she shall assure that there is full compliance.
- i. To execute on behalf of the Council official instruments or documents, including the power to contract and bind the County;
- j. To take all actions to provide for the County's compliance with applicable laws and regulations, and to maintain the physical properties of the County in good and safe state of repair and condition; and
- k. To perform such duties as may be required by the Council or authorized under the Council-Administrator form of government found in the South Carolina Code of Laws, as amended.

2-3.2 **NO AUTHORITY OVER ELECTED OFFICIALS:** With the exception of organizational and administrative policies established by the Council, the County Administrator shall exercise no direct authority over any elected official of the County whose offices were created by the Constitution or by the general law of the state.

2-3.3 **COUNCIL TO DEAL WITH EMPLOYEES THROUGH ADMINISTRATOR:** Except for the purposes of official Council approved inquiries and investigations in accordance with South Carolina Code of Laws Ann. § 4-9-660, the Council shall deal with County directors and employees who are subject to the supervision of the County Administrator solely through the Administrator, and neither the Council nor its individual members shall give orders or instructions directly to any such officers or employees.

- 2-3.4 **ABSENCE OR DISABILITY:** During the extended absence or disability of the Administrator, the Council shall designate another person to serve as acting Administrator.
- 2-3.5 **THE RELATIONSHIP TO COUNCIL:** The Administrator shall maintain high standards of integrity and confidence and adhere to the highest ethical and moral principles in the execution of duties. It shall be the Administrator's duty to continue to keep abreast of advances and developments in County Government administration. When the Council has established a policy in reference to any matter the County Administrator is directed to execute and administer that policy without further action by Council. In the event that any policies established by Council shall need changes or further definition it shall be the duty of the County Administrator to recommend to County Council in writing the proposed changes or definitions. It shall be the duty of the County Administrator to promulgate, implement and execute administrative policies for the management of operational functions of county government, and to propose necessary legislative and public policies for adoption by Council in order that such policies shall be executed without further action by Council.
- 2-3.6 **ACTIVITY REPORT:** The County Administrator is authorized and directed to develop and require submission of activity reports from all departments and agencies at such intervals and in such form as the County Administrator shall determine.
- 2.37 **OUTSIDE EMPLOYMENT:** The County Administrator will devote his/her full time to the administration of the County Government. Outside employment is prohibited unless approved by a majority vote of the members of Council and may be reflected in the Administrator's employment contract.
- 2-4. **CLERK:** The Council shall appoint a Clerk for an indefinite term. The Clerk shall record all proceedings of the Council and keep a journal of the proceedings which shall be open to public inspection; deliver copies of the minutes of each Council meeting to all members of Council prior to the next regular meeting; keep a register of all Ordinances and Resolutions, assigning them a number and arranging them in order of introduction, and shall assist in their indexing and codification; attest the signature of the Chairperson, Vice-Chairperson or County Administrator on official instruments or documents. During the disability or extended absence of the Clerk, the Council may designate an acting Clerk.
- 2-4.1 **PERMANENT RECORD OF PROCEEDINGS:** Minutes of all Council meetings and work sessions shall be taken in summary form. All Council member

votes shall be recorded in the minutes. The recordings of all Council meetings shall be permanently maintained for a minimum of five (5) years from the date of the meeting. Minutes of Council meetings will be transcribed verbatim only when requested by a Council member for a particular meeting or a portion of a meeting.

- 2-5. **COUNTY ATTORNEY:** The Council shall establish the position of County Attorney who shall provide general counsel to the County Administrator and Council. The County Administrator shall hire and supervise the County Attorney.

The County Attorney shall prepare or review all drafts of ordinances or resolutions as authorized by Council or the County Administrator for legal sufficiency, advise Council and the County Administrator on legal matters, and provide such other legal assistance to county departments and agencies as the County Administrator may authorize.

The County Attorney shall attend all regular meetings of Council and shall attend all special meetings of Council upon the request of the County Administrator. The County Attorney is not required to attend Committee meetings unless requested to do so by the County Administrator. The County Attorney shall refrain from participation in the election of the members of Georgetown County Council or other Georgetown County elected officials.

### **ARTICLE THREE**

#### **MEETINGS**

- 3-1. **MEETING ATTENDANCE:** The Council shall convene its regular meeting for the transaction of official business in the Georgetown County Council Chambers, unless otherwise specified by Council, with each member of Council generally making every effort to attend. If, however, for any reason a member of Council cannot attend any scheduled public meeting, he/she should notify the Clerk to Council prior to the beginning of the meeting to notify the Council and the public of the reason for the absence.

3-2. **MEETINGS, REGULAR**

- 3-2.1 Regular meetings of Council shall be held in accordance with a schedule prescribed by Council and made public at the beginning of each calendar year. The Council may vary the schedule upon concurrence of a majority.
- 3-2.2 Requests for agenda matters and supporting materials shall be provided to the County Administrator no later than 12:00 p.m. seven (7) days prior to the regular meeting date. Upon approval of the Chairperson, the agenda is set by the County Administrator no later than Friday of the week

preceding the regular Council meeting. Publication of the agenda shall be on Friday prior to the regular meeting or as soon as practicable thereafter, and, pursuant to the South Carolina Freedom of Information Act (as amended) the agenda is posted online and available upon request no later than twenty four (24) hours before the meeting.

3-3. **MEETINGS, SPECIAL**

- 3-3.1 The Chairperson or the majority of the members of Council may call special meetings of the Council.
- 3-3.2 All Council members shall be given written notice of a special meeting that specifies the subject matter to be discussed.
- 3-3.3 Twenty four (24) hours' notice must be given for a special meeting and the agenda is posted online no later than twenty four (24) hours before the meeting.

3-4. **MEETINGS, EMERGENCY**

- 3-4.1 The Chairperson, or in his/her absence the Vice-Chairperson, may call an emergency meeting.
- 3-4.2 An emergency meeting notice must be supported by a subject matter found in the South Carolina Code of Laws as constituting an emergency.
- 3-4.3 Only the items specified as constituting the emergency shall be considered at the emergency meeting.
- 3-4.4 Notice to all the Council of an emergency meeting will be by telephone, email, or other means as soon as practicable by no less than two (2) hours before the meeting.

3-5. **MEETINGS, BRIEFINGS, AND WORK SESSIONS**

- 3-5.1 The Chairperson may call a Briefing Meeting or Work Session or such meeting may be scheduled at a regular Council meeting.
- 3-5.2 All Council members shall be given written notice of a Briefing or Work Session Meeting that specifies the subject matter to be discussed at least two (2) days before the meeting. The agenda shall be posted online no later than twenty four (24) hours before the meeting.

- 3-5.3 The primary purpose of a Briefing or Work Session meeting shall be to present in-depth information and to provide an opportunity for the Council to raise questions for the purpose of making more informed decisions on complex issues that would take undue time at a regular meeting.

3-6. **MEETINGS, PUBLIC HEARING**

- 3-6.1 The Council shall hold public hearings for those matters required by law and may hold public hearings for any purpose the Council deems appropriate. Public hearings shall be held before final action is taken to:
- a. Adopt annual operational and capital improvement budgets;
  - b. Make appropriations, including supplemental appropriations;
  - c. Adopt building, housing, electrical, plumbing, gas, and other regulatory codes involving penalties;
  - d. Adopt zoning and subdivision regulations;
  - e. Levy taxes; and
  - f. Sell, lease or contract to sell or lease real property owned by the County.
- 3-6.2 Such public hearings shall be advertised as required by law. If there is no applicable law, public hearings shall be advertised in a newspaper of general circulation in the community at least fifteen (15) days prior to such hearing with notices and agenda posted online no later than twenty four (24) hours before the hearing.
- 3-6.3 A public hearing is understood to be a forum for people interested in the subject matter to present information to the Council for their consideration as they deliberate an issue. It is not a forum for opponents and proponents to debate their differences nor is it a forum for debate or argument between members of Council and opponents or proponents, or each other.
- 3-6.4 Each speaker shall be limited to three (3) minutes.
- 3-6.5 The presiding officer may terminate a presentation that is covering the same information covered by a previous speaker. Such speakers shall be encouraged to simply state their agreement with a previous speaker and bring new information to the subject.
- 3-6.6 In addition to verbal presentation, written material may be submitted to the Council for their consideration but the receipt and handout of written material shall not cause the flow of the meeting to stop.

3-6.7 The public hearing will be limited to a total of thirty (30) minutes for formal presentations.

3-7. **EXECUTIVE SESSION**

3-7.1 The Council may hold an executive session only for a purpose permitted by the South Carolina Freedom of Information Act, as amended. These purposes are defined in the South Carolina Code of Laws and are generally are limited to:

- a. Discussion of employment, appointment, compensation, promotion, demotion, discipline or release of an employee, or a person regulated by a public body, or the appointment of a person to a public body.
- b. Discussion of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice, settlement of legal claims, or the position of the public agency in other adversary situations involving the assertion against said agency of a claim.
- c. Discussion regarding the development of security personnel or devices.
- d. Investigative proceedings regarding allegations of criminal misconduct.
- e. Discussion of matters relating to the proposed location, expansion, or the provision of services encouraging location or expansion of an industry or other business in the area served.

3-7.2 To hold an executive session, a motion must be made stating the specific purpose of the executive session or referring to the published agenda wherein the specific purpose is listed, seconded, and adopted to go onto executive session.

3-7.3 No vote shall be taken in executive session.

3-8. **ELECTRONIC MEETINGS**

3-8.1 Upon authorization and vote, and in accordance with the South Carolina Freedom of Information Act (also referred herein as “the Act”), Council and all Georgetown County Boards and Commissions (collectively referred to throughout as “the Governing Body”) conduct public meetings exclusively in electronic form, provided the medium for such meeting, whether telephonic, broadcast video, computer-based, or other electronic media,

or any combination of these, and the conduct of the electronic meeting, allows for the following standards and practices to be met:

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

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

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

(d) Meetings shall be recorded or minutes kept in the same manner as an in-person meeting as required by the Act; provided, however, any digital broadcast of the meeting is not required to be kept as a record by the Governing Body.

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

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



(g) With respect to any electronic meeting, any public comment periods provided for by local ordinance, resolution, policy, or bylaws are hereby suspended. In lieu of public comment periods, members of the public may submit their written public comments via email to the Clerk to Council – [tfloyd@gtcounty.org](mailto:tfloyd@gtcounty.org) - which shall be distributed to the members of the Governing Body.

(h) With respect to public hearings required by the South Carolina Code of Laws, said public hearings shall be conducted electronically as provided herein. All public comments made during such hearing shall be submitted in writing to the Clerk to Council via either:

- 1) U.S. Mail addressed to:  
Clerk to Council  
Georgetown County Council  
716 Prince Street  
Georgetown, South Carolina 29440
- 2) Email addressed to [tfloyd@gtcounty.org](mailto:tfloyd@gtcounty.org)

All comments must be received one (1) hour prior to the scheduled hearing. The comments shall be distributed to the members of the Governing Body prior to the public hearing and read into the record at the time of the public hearing. The comments shall be limited to three hundred (300) words or less. In the event more than ten (10) comments are received, the Chairperson is authorized to paraphrase the reading of the comments into the record in order to optimize time efficiency of the public hearing.

#### **ARTICLE FOUR** **QUORUM**

- 4-1. **QUORUM:** A majority of the seven members of the Council shall constitute a quorum to begin a meeting for the transaction of official business.

#### **ARTICLE FIVE** **PUBLISHED AGENDA**

- 5-1 **PUBLISHED AGENDA:** For all regularly scheduled meetings, the Council shall address itself to an established, published agenda. The Council shall approve the published agenda, including the Consent Agenda and the Executive Session agenda.

Once an agenda for a regular, special, called or rescheduled meeting is posted, no items may be added to the agenda without an additional 24-hour notice to the

public. The notice must be made in the same manner as the original posting.

After a meeting begins, an action item which is not a final action and for which public comment has been or will be received at a publicly noticed meeting, may be added to the agenda by a two-thirds vote of the members present and voting.

After a meeting begins, an action item which is a final action or for which there will be no opportunity for public comment, may be added to the agenda by

- a two-thirds vote of the members present and voting, and
- a finding that an emergency or exigent circumstance exists (an exigent circumstance would be considered an urgent or time-sensitive issue).

5-1.1 A public comment period may be the first item of business on the agenda and shall be limited to thirty (30) minutes. Each speaker will be limited to no more than three (3) minutes. If there are more than ten speakers, time allotted will be reduced to allow all speakers signed in to present within the 30 minute period. No speaker may yield his/her allotted time to another speaker. Members of the public who wish to address Council during the public input period shall sign up with the Clerk of Council before the meeting is called to order by the presiding officer. Preference as to the order of the speakers shall be given to those who have notified the Clerk in advance of the meeting of their desire to speak. When there are several members of the public present to address the same issue, one spokesperson shall be chosen on behalf of the group and the presiding officer has the authority to enforce this provision. A public comment period is not required under the South Carolina Code of Laws, rather it is authorized by Council as a means for the citizenry to speak to their representatives in a public setting. Consequently, no person shall be allowed to indulge in personalities, use language personally offensive, charge deliberate misrepresentation, or use language tending to hold a member of Council, a member of the County staff, or a member of the public up to contempt or ridicule.

5-1.2 Any Council member desiring to place an item on the agenda shall notify the Chairperson. The Chairperson shall notify the Clerk no later than 12:00 p.m. 7 days prior to the regular meeting. This provision shall include the names and applications of appointees to various county boards and commissions.

5-1.3 The consent agenda may consist of items that are more than likely not to be controversial as well as any ordinance proposed for first reading. Any Council member may request that an item be placed on the consent agenda, and any member may request that an item be removed therefrom. Any ordinance may be read in at first reading by title only.

**ARTICLE SIX**  
**DECORUM AND DEBATE**

- 6-1. When a measure is before the Council for consideration, the presiding officer shall recognize the appropriate individual to present the case.
- 6-2. When two (2) or more members wish to speak, the presiding officer shall decide and recognize such members in turn.
- 6-3. No member of Council shall interrupt another while speaking, except to make a point of order or make a point of personal privilege.
- 6-4. The presiding officer shall not be obligated to recognize any Council member for a second comment on a subject or amendment until every Council member wishing to speak has been allowed a first comment.
- 6-5. No member shall speak more than five (5) minutes on any subject or amendment. Such member may use his/her time in any combination, in separate speech or comments totaling five (5) minutes. Council members shall also have the right to yield a portion of their time to another member.
- 6-6. Any member wishing to speak more than five (5) minutes on any question or any amendment to the question shall be accorded the privilege without objection or upon motion supported by two-thirds of the Council members present.
- 6-7. The Council may agree to limit debate on any item of business before it. That agreement may be formalized by a majority vote of the Council.
- 6-8. The presiding officer shall not entertain any dilatory motions.
- 6-9. No Council member shall be permitted to indulge in personalities, use language personally offensive, arraign motives of members, charge deliberate misrepresentation, or use other language tending to hold a member of Council or the public up to contempt or ridicule.
- 6-10. If a member is speaking or otherwise transgressing the rules of the Council, the presiding officer shall, or any Council member may, call him or her to order. In such case, he or she shall immediately be silent unless permitted to explain. The Council shall, if appealed to, decide the case without debate. If the decision is in favor of the member called to order, he/she shall be at liberty to proceed, but otherwise shall remain silent.

- 6-11. Any member found in violation of the rules of Council by a majority vote of Council may be censured.

## **ARTICLE SEVEN**

### **VOTING**

- 7-1. A member may cast his/her vote in person or by any electronic means if a member is unable to attend in person. No members of the County Council, or a committee, shall be allowed under any circumstances to vote by proxy at any Council or Committee meeting.
- 7-2. Any member may request a roll call vote at any time.
- 7-3. No member shall vote on any question where his/her private interest in the matter presents a conflict of interest (according to the South Carolina State Ethics Act). Members shall declare their conflict of interest in an issue and refrain from participating in the discussion or the vote on the issue. The meeting minutes shall reflect any conflict of interest declaration.

## **ARTICLE EIGHT**

### **COUNCIL DECISIONS**

- 8-1. The members of Council have the responsibility to establish policy, make Council decisions, and adopt ordinances which in the majority view will be in the best interest of Georgetown County and all its citizens. Council members thus have an obligation to expect differences of opinion and to respect the views of each individual member of Council. At the same time, individual members should recognize that when the Council has made a decision, the issue has been decided whether or not they were in the majority or the minority.

## **ARTICLE NINE**

### **ORDINANCES AND RESOLUTIONS**

- 9-1. **ORDINANCES AND RESOLUTIONS IN GENERAL:** The Council shall take legislative action by Ordinance. Executive action shall be taken by Resolution.
- 9-2. **READINGS:** With the exception of emergency ordinances, all ordinances shall be read at three public meetings of Council on three separate days with an interval of not less than seven days between the second and third reading. A verbatim reading of an ordinance shall not be required unless such reading is requested by a member.
- 9-3. **FIRST READING:** An ordinance may be introduced for first reading by title only at any meeting of Council. No debate or amendment shall be in order unless a

member makes a motion to invoke the pending ordinance doctrine for a zoning ordinance matter. The ordinance may be referred by the Chairperson to an appropriate committee or to the Council as a whole.

- 9-4. **SECOND READING:** Reports on a proposed ordinance shall be presented at the next regular meeting after the first reading. Prior to second reading, a draft of the text of the ordinance shall be delivered to every member. After the proposed ordinance has been read, amendments shall be in order, but shall not be considered unless they are germane to the proposed ordinance. Any member of the Council may require that amendments be in writing. After all amendments and privileged motions, if any, are disposed of, the question shall be, shall the ordinance receive second reading.
- 9-5. **THIRD READING:** After the ordinance has been given second reading, and if a public hearing has been held if required by law or action of Council, it shall be given third reading at a subsequent public meeting and amendments may be offered on third reading the same as on second reading. After all amendments and privileged motions, if any are disposed of, the question shall be passage of the ordinance.
- 9-6. **VOTES REQUIRED FOR PASSAGE:** With the exception of those items requiring a 2/3<sup>rd</sup> majority or alternate majority type for approval as found in State law, no ordinance or amendment shall be adopted unless at least a majority of the members present shall have voted for its passage on second and third readings. The repeal or amendment of ordinances shall follow the same procedure set forth for adoption.
- 9-7. **EMERGENCY ORDINANCES:** To meet public emergencies, affecting life, health, safety of the property of the people, Council may adopt emergency ordinances, but such ordinances shall not levy taxes, grant, renew, or extend a franchise or impose or change a service rate. Every emergency ordinance shall be designated as such and shall contain declaration that an emergency exists and shall describe the emergency. An emergency ordinance is effective immediately upon its enactment without regard to any reading, public hearing, publication requirement, or public notice. Such ordinances shall expire automatically as of the 61<sup>st</sup> day of the following enactment.
- 9-8. **CODIFICATION:** All ordinances enacting general law shall be compiled, indexed, codified, and made available online. Further, all ordinances, regardless of type, shall be kept by the Clerk and maintained in a permanent record of all ordinances adopted. Nothing herein prevents any requirement of this section from being satisfied by electronic means.

- 9-9. **EFFECTIVE DATE OF ORDINANCES:** Ordinances shall take effect on the day the ordinance is given third reading unless another date is specified in the ordinance.
- 9-10. **RESOLUTIONS:** A resolution shall require only one reading for its adoption, and may be adopted at either a regular or special meeting by a majority vote of the members present at the meeting.
- 9-11. **STANDARD CODES OR TECHNICAL REGULATIONS:** The Council may adopt any standard code or technical regulation by reference.

## **ARTICLE TEN** **COMMITTEES**

- 10-1. **APPOINTMENTS TO STANDING COMMITTEES:** All members of Council shall be appointed to serve on at least one of the Council standing committees. Standing committee appointments shall be made by the Chairperson no later than the second regular meeting of Council in January following each general election and the Chairperson shall also designate the respective Chairperson of each committee. Members of the standing committees shall serve until the next general election of Council, unless they are removed by their consent or cease to be member of Council. Each standing committee shall consist of not less than three members.
- 10-2. **STANDING COMMITTEES:** Standing committees of the Council shall be as follows:
- 10-2.1 An Administration and Finance Committee which shall consist of not less than three members of the County Council.
  - 10-2.2 A Health, Education, and Leisure Committee which shall consist of not less than three members of the County Council.
  - 10-2.3 A Justice and Safety Committee which shall consist of not less than three members of the County Council.
  - 10-2.4 A Public Works Committee which shall consist of not less than three members of the County Council.
  - 10-2.5 Ad-Hoc Committees: Upon the authorization of Council, their Chairperson may appoint ad-hoc committees composed of Council members, a combination of council members and citizens, or citizen members only to study and advise council on a specific issue. Such committees shall function for a specific time periods and shall be dissolved at the end of the time period or when their business is finished, whichever is the earliest. The time period for

existence of such committees may be extended for a time certain by action of the Council.

- 10-2.6      Committee Meetings and Reports: Committee meetings shall be held on the call of the Chairperson of the committee upon two days' notice of such meeting to each committee member, unless all of the members of the committee waive such notice and agree upon an earlier time for such meeting but no earlier than 24 hours before the scheduled start of the meeting. A quorum for each committee shall consist of a majority of its members. The Chairperson of a standing committee shall report upon the activities of the committee at a regular council meeting, and a time for such reports shall be deemed to be included in every agenda when the subject matter of the report has previously been referred to the committee. Each committee shall function as an advisory committee to the County Administrator when the Administrator so requests and to the County Council. Each committee shall investigate, gather information, make inquiries, and study the issues under its jurisdiction with a purpose of keeping the Council fully informed. Committees may make reports to the Council with recommendations for action by the Council. Action taken by any committee shall not be construed as action taken by the Council until the subject matter of the committee's action has been presented at a regular or special meeting of the Council and acted upon by the Council in accordance with these rules.
- 10-2.7      Recall of Referred Matters: Any matter which has been referred to a committee may be recalled by an affirmative vote of the majority of the members of Council in attendance of a Council meeting.

## **ARTICLE ELEVEN**

### **PARLIAMENTARY PROCEDURE**

- 11-1      **CHAIRPERSON TO VOTE:** The Chairperson shall vote in all cases except where a personal conflict exists.
- 11-2      **PRIVILEGE OF COUNCILMEMBERS:** A Council member shall have the privilege of having an abstract of the member's statement on any subject under consideration by the Council member entered in the minutes.
- 11-3      **STATEMENT ON BEHALF OF COUNCIL:** No Council member shall make or issue any statement which purports to speak on behalf of the entire Council or the Council as a body at any time unless the issue is question has been duly adopted by the Council. The Chairperson shall thereupon be the official spokesman for

Council unless the Chairperson has recommended and the Council has approved another person to serve as the spokesman on a particular issue.

- 11-4 **WHEN MOTIONS ARE DEBATABLE:** All motions, except motions to adjourn, to recess, to lay on the table, and questions of order or privilege, shall be debatable. No motion shall be debated until it has been stated by the Chairperson. All questions of order shall be decided by the Chairperson without debate, subject to an appeal to the Council.
- 11-5 **MOTIONS TO RECONSIDER:** A motion to reconsider any action taken by the Council may be made only on the day such action was taken or at the next regular meeting of Council. Such motion must be made by a Council member voting on the prevailing side, but may be seconded by any other Council member, and may be made at any time.
- 11-6 **MOTIONS THAT INTERRUPT A SPEAKER:** Only the following motions shall be permitted to interrupt a speaker:
- 11-6.1 A question of order. This question is to the effect that the rules of Council are not being adhered to. It is not debatable and does not require a second.
- 11-6.2 A question of privilege. This question relates to the rights and privileges of a member of the Council, i.e., charges made against the official character of a member; that the member has not been furnished with pertinent information available to other members of Council; that the member did not hear or understand a statement presented to Council, etc. It does not require a second.
- 11-6.3 A motion to adjourn. This motion is not debatable but does require a second.
- 11-7. **MOTIONS THAT CANNOT INTERRUPT A SPEAKER BUT MAY INTERRUPT THE PROCEEDINGS:** The following motions cannot interrupt a speaker without the speaker's consent but may interrupt the proceedings and shall be received during debate:
- 11-7.1 A motion to lay on the table. The motion removes the subject from consideration until the Council votes to again consider the subject. It is not debatable but does require a second. Any item remaining on the table at the adjournment of the regular meeting following the meeting where the motion to lay on the table was approved shall be permanently removed from Council consideration.



- 11-7.2 A motion for the previous/to call the question. This motion is to the effect that the debate now cease, and the Council immediately proceed to vote on the pending question. It is not debatable but does require a second.
- 11-7.3 A motion to adjourn debate to a subsequent meeting. The effect of this motion is to postpone the subject to the time specified in the motion and until which time it cannot be taken up except by majority vote of the Council. It is debatable and does require a second.
- 11-7.4 A motion to commit or recommit. The effect of this motion is to refer the subject to a committee. It is debatable and requires a second.
- 11-7.5 A motion to amend. This motion is debatable and requires a second.

The above motions have precedence in the order listed.

**11.8 MOTIONS THAT DO NOT REQUIRE A SECOND:** The following motions do not require a second.

- 11.8-1 Inquiries of any kind.
- 11.8-2 Leave to withdraw a motion.
- 11.8-3 Nominations.
- 11.8-4 Point of order.
- 11.8-5 Question of privilege.

## **ARTICLE TWELVE**

### **DOCUMENTS**

- 12-1. **DOCUMENTS OF THE COUNTY:** All documents, files, correspondence, reports, records, and other written, printed or electronic material or information pertaining to the business of Georgetown County or to any of its departments or personnel, prepared, received or used by the County Administrator or any other County official or employee in the course of County employment shall be the property of Georgetown County. No such material or information shall be removed from the custody of Georgetown County at any time. Individuals seeking

to obtain information related hereto shall may be able to do so in accordance with the South Carolina Freedom of Information Act, as amended.

- 12-2. **PERSONNEL FILES:** Personnel files are confidential information and shall be available to Council members only as a part of an official inquiry or investigation authorized by Council.

### **ARTICLE THIRTEEN**

#### **SEAL**

- 13-1. **SEAL OF THE COUNTY OR COUNCIL:** The seal of Georgetown County or the Georgetown County Council shall not be required upon execution or attestation of any document.

### **ARTICLE FOURTEEN**

#### **SUSPENSION OF RULES**

- 14-1. **SUSPENSION OF RULES:** Any of these rules may be suspended except those which are matters of State law, upon an affirmative vote of a majority of the members of the Council.

### **ARTICLE FIFTEEN**

#### **AMENDMENT OF RULES**

- 15-1. **AMENDMENT OF RULES:** Amendment of these ruled shall be by ordinance.

ANY PREVIOUSLY ADOPTED RULES OF PROCEDURE BY GEORGETOWN COUNTY COUNCIL UNDER ORD. 99-30 ARE HEREBY REPEALED AND REPLACED WITH THIS ORDINANCE.

ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2021 by a vote of Georgetown County Council.

\_\_\_\_\_  
Chairperson

ATTEST:

\_\_\_\_\_  
Theresa E. Floyd, Clerk

This ordinance is approved as to form and content.

---

H. Thomas Morgan, Jr., Esq.  
Interim Georgetown County Attorney

STATE OF SOUTH CAROLINA       )  
  )  
COUNTY OF GEORGETOWN       )

**AN ORDINANCE TO ADOPT RULES OF PROCEDURE FOR THE GEORGETOWN COUNTY COUNCIL**

**WHEREAS**, Georgetown County Council finds it necessary to conduct the public’s business in a forthright manner that can be clearly understood by everyone involved and being so desires to adopt the following rules of procedure; AND

**NOW, THEREFORE**, Georgetown County Council shall adopt and utilize the following rules of procedure to govern the conduct of meetings of council and other matters provided therein:

Formatted: Font: Not Bold

**ARTICLE ONE**

**RULES**

- 1-1. The following set of rules shall be in effect upon adoption by the Georgetown County Council (hereinafter “Council”). These rules shall pertain to all meetings and proceedings. ~~These rules shall take precedence over other rules of Council.~~ Items not ~~specifically~~ covered in these rules shall be decided in accordance with the South Carolina Association of Counties *Model Rules of Parliamentary Procedure, 3rd–2<sup>nd</sup> Edition* (hereinafter “Model Rules”). Any question of parliamentary procedure that cannot first be concluded from these adopted rules and then second from the Model Rules, will be decided utilizing the latest edition of Robert’s Rules of Order.
- 1-2. All committees of Council or advisory boards and commissions shall adopt and enforce rules of procedure and decorum consistent with the rules of Council.

**ARTICLE TWO**

**OFFICERS**

- 2-1. **CHAIRPERSON:** At the first meeting of the Council in January following each general election, the Council shall select one of its members to serve as Chairperson for a two year term. The Chairperson shall preside at all meetings of the Council and may execute on behalf of Council all official instruments or documents unless otherwise directed by a majority vote of Council. The Chairperson shall preserve order and decorum at all meetings, and shall state every question coming before Council, announce the decision of the Council, and

Formatted: Font: (Default) +Body (Calibri)

decide questions of order. Any Council member may appeal the decision of the Chairperson on a question of order, and two thirds of those members present shall conclusively determine such question of order.

- 2-2. **VICE-CHAIRPERSON:** At the first meeting of the Council in January following the general election, the Council shall select one of its members to serve as Vice-Chairperson for a two year term. In the event that the Chairperson is absent or unable to serve, the Vice-Chairperson shall serve as Chairperson. In the event that the office of Chairperson is vacated, the Vice-Chairperson shall succeed to that office and another member shall be elected by Council to serve as Vice-Chairperson. When the Chairperson is absent from a regular or special meeting of the Council, or unavailable at the time execution on behalf of the Council is necessary, the Vice-Chairperson may execute on behalf of the Council all official instruments or documents unless otherwise directed by a majority vote of Council.

- 2-3. **COUNTY ADMINISTRATOR:** The Council, via a contract agreement, shall employ an Administrator, not a member of the Council, who shall be the Chief Administrative Officer of the County Government and shall be responsible for the administration of all the departments of the County Government which the Council has the authority to control. The County Administrator shall be apolitical, refraining from participation in the election of the members of the employing Council and from partisan political activities which would impair performance as a professional administrator. The Administrator shall be employed with regard to executive and administrative qualifications only, and need not be a resident of the County at the time of employment. The term of the employment shall be for a definite term, or at the pleasure of the Council. Before the Administrator may be removed from the position-office, the Council shall deliver to the Administrator a written statement of the reasons for the proposed removal, including and notice of the Administrator's right to a public hearing at a public meeting of the Council. Within five (5) days after delivery of the notice of removal, the Administrator may file with the Council a written request for a public hearing. This hearing shall be held by Council not earlier than twenty (20) days nor later than thirty (30) days after the request is filed. The Administrator may also file with the Council a written reply not later than five (5) days before the hearing. The removal of the Administrator shall not be effective until after the decision of the Council following the public hearing if one is held.

- 2-3.1 **POWERS AND DUTIES:** —The power and duties of the Administrator shall include, but not be limited to, the following:

a. To serve as the Chief Administrative and Executive Officer of the County Government;

a. \_\_\_\_\_

**Formatted:** Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 1.5" + Tab after: 2" + Indent at: 2"

**Formatted:** Font: (Default) +Body (Calibri)

- b. To execute the policies, directives and legislative actions of the Council;
- c. To direct and coordinate operational agencies and administrative activities of the County Government;
- d. To supervise expenditure of appropriated funds;
- e. To prepare annual, monthly, and other reports for Council on finances and administrative activities of the County;
- e. To be responsible for the administration of the County personnel policies including salary and classification plans approved by the Council;
- f. To be responsible for the employment and discharge of personnel in those departments in which the employment authority is vested in the County Council. This authority shall not extend to any personnel employed in departments or agencies under the direction of an elected official nor to personnel appointed by the Council.
- g. To prepare annual operating and capital improvement budgets and submit them to the Council at such time as the Council determines, including with the submission a statement describing the important features of the proposed budget such as all sources of anticipated revenue and the amount of tax revenue required to meet the financial requirements of the County. The Administrator shall offeraffix a certification stating that, in the Administrator's opinion, the proposed budget does not exceed anticipated revenues for the period concerned and he/she shall assure that there is full compliance.
- h. To execute on behalf of the Council official instruments or documents, including the power to contract and bind the County;
- i. To take all actions to provide for the County's compliance with applicable laws and regulations, and to maintain the physical properties of the County in good and safe state of repair and condition; and
- j. To perform such duties as may be required by the Council or authorized under the Council-Administrator form of government found in the South Carolina Code of Laws, as amended.

**Formatted:** Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 1.5" + Tab after: 2" + Indent at: 2"

**Formatted:** Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 1.5" + Tab after: 2" + Indent at: 2"

**Formatted:** Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 1.5" + Tab after: 2" + Indent at: 2"

**Formatted:** Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 1.5" + Tab after: 2" + Indent at: 2"

**Formatted:** Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 1.5" + Tab after: 2" + Indent at: 2"

**Formatted:** Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 1.5" + Tab after: 2" + Indent at: 2"

**Formatted:** Font: (Default) +Body (Calibri)

- 2-3.2 **NO AUTHORITY OVER ELECTED OFFICIALS:** With the exception of organizational and administrative policies established by the Council, the County Administrator shall exercise no direct authority over any elected official of the County whose offices were created by the Constitution or by the general law of the state.
- 2-3.3 **COUNCIL TO DEAL WITH EMPLOYEES THROUGH ADMINISTRATOR:** Except for the purposes of official Council approved inquiries and investigations in accordance with South Carolina Code of Laws Ann. § 4-9-660, the Council shall deal with County directors officers and employees who are subject to the supervision of the County Administrator solely through the Administrator, and neither the Council nor its individual members shall give orders or instructions directly to any such officers or employees.
- 2-3.4 **ABSENCE OR DISABILITY:** During the extended absence or disability of the Administrator, the Council shall designate another person to serve as acting Administrator.
- 2-3.5 **THE RELATIONSHIP TO COUNCIL:** ~~—~~ The Administrator shall maintain high standards of integrity and confidence and adhere to the highest ethical and moral principles in the execution of duties. It shall be the Administrator's duty to continue to keep abreast of advances and developments in County Government administration. When the Council has established a policy in reference to any matter the County Administrator is directed to execute and administer supervise that policy without further action by Council. In the event that any policies established by Council shall need changes or further definition it shall be the duty of the County Administrator to recommend to County Council in writing the proposed changes or definitions. It shall be the duty of the County Administrator to promulgate, implement and execute administrative policies for the management of operational functions of county government, and to propose necessary legislative and public policies for adoption by Council in order that such policies shall be executed without further action by Council.
- 2-3.6 **ACTIVITY REPORT:** The County Administrator is authorized and directed to develop and require submission of activity reports from all departments and agencies at such intervals and in such form as the County Administrator shall determine.
- 2.37 **OUTSIDE EMPLOYMENT:** The County Administrator will devote his/her full time to the administration of the County Government. Outside employment is prohibited unless approved by a majority vote of the

members of Council and may be reflected in the Administrator's employment contract.

- 2-4. **CLERK:** The Council shall appoint a Clerk for an indefinite term. The Clerk shall record all proceedings of the Council and keep a journal of the proceedings which shall be open to public inspection; deliver copies of the minutes of each Council meeting to all members of Council prior to the next regular meeting; keep a register of all Ordinances and Resolutions, assigning them a number and arranging them in order of introduction, and shall assist in their indexing and codification; attest the signature of the Chairperson, Vice-Chairperson or County Administrator on official instruments or documents. During the disability or extended absence of the Clerk, the Council may designate an acting Clerk.

- 2-4.1 **PERMANENT RECORD OF PROCEEDINGS:** Minutes of all Council meetings and work sessions shall be taken in summary form. All Council members' votes shall be recorded in the minutes. The recording tapes of all Council meetings shall be permanently maintained by the Clerk for a minimum of five (5) years from the date of the meeting. Minutes of Council meetings will be transcribed verbatim only when requested by a Council member for a particular meeting or a portion of a meeting.

- 2-5. **COUNTY ATTORNEY:** The Council shall retain ~~establish the position of a~~ County Attorney who shall provide general counsel to the County Administrator and Council. ~~and serve at the pleasure of County Council.~~ The County Administrator shall hire and supervise the County Attorney on behalf of County Council.

The County Attorney shall prepare or review all drafts of ordinances or resolutions as authorized by Council or the County Administrator for legal sufficiency, advise Council and the County Administrator on legal matters, and provide such other legal assistance to county departments and agencies as the County Administrator may authorize.

The County Attorney shall attend all regular meetings of Council and shall attend all special meetings of Council upon the request of the County Administrator. The County Attorney is not required to attend Committee meetings unless requested to do so by the County Administrator. The County Attorney shall refrain from participation in the election of the members of Georgetown County Council or other Georgetown County elected officials.

## ARTICLE THREE

### MEETINGS



3-1. **MEETING ATTENDANCE:** The Council shall convene its regular meeting for the transaction of official business in the Georgetown County Council Chambers, unless otherwise specified by Council, with each member of Council generally making every effort to attend. If, however, for any reason a member of Council cannot attend any scheduled public meeting, he/she should notify the Clerk to Council prior to the beginning of the meeting to notify the Council and the public of the reason for the absence.

Formatted: No underline

Formatted: No underline

Formatted: Subtitle, Indent: Left: 0.5", Hanging: 0.5"

Formatted: No underline

Formatted: Font: (Default) +Body (Calibri)

Formatted: Justified

### 3-2. **MEETINGS, REGULAR**

3-2.1 Regular meetings of Council shall be held in accordance with a schedule prescribed by Council and made public at the beginning of each calendar year. The Council may vary the schedule upon concurrence of a majority.

Formatted: Justified

3-2.2 Requests for agenda matters and supporting materials shall be provided to the County Administrator no later than 12:00 o'clock p.m. sevenon Thursday, (7)12 days prior to the regular meeting date. Upon approval of the Chairperson, the agenda is set by the County Administrator, upon approval of the Chairperson, no later than Friday Tuesday of the week preceding the regular Council meeting. Publication of the agenda shall be on FridayThursday prior to the regular meeting or as soon as practicable thereafter, and, pursuant to the South Carolina Freedom of Information Act (as amended) the agenda is posted online the bulletin board of the Courthouse and the County Administrative Office Building and available upon request no later than twenty four (24) hours before the meeting.

### 3-3. **MEETINGS, SPECIAL**

3-3.1 The Chairperson or the majority of the members of Council may call special meetings of the Council.

3-3.2 All Council members shall be given written notice of a special meeting that specifies the subject matter to be discussed.

3-3.3 Twenty four (24) hours' notice must be given for a special meeting and the agenda is -posted online the bulletin board of the Courthouse and the County Administrative Office Building no later than twenty four (24) hours before the meeting.

### 3-4. **MEETINGS, EMERGENCY**

3-4.1 The Chairperson, or in his/her absence the Vice-Chairperson, may call an emergency meeting.

Formatted: Font: (Default) +Body (Calibri)

3-4.2 An emergency meeting notice must be supported by a subject matter found in the South Carolina Code of Laws as constituting an emergency.  
~~documentation of the emergency.~~

3-4.3 Only the items specified as constituting the emergency shall be considered at the emergency meeting.

3-4.4 Notice to all the Council of an emergency meeting ~~will~~ may be by telephone, email, or other means as soon as practicable by no less than  
~~not less than two~~four (24) hours before the meeting.

### 3-5. MEETINGS, BRIEFINGS, AND WORK SESSIONS

3-5.1 The Chairperson may call a Briefing Meeting or Work Session or such meeting may be scheduled at a regular Council meeting.

3-5.2 All Council members shall be given written notice of a Briefing or Work Session Meeting that specifies the subject matter to be discussed at least two (2) ~~working~~ days before the meeting. The agenda shall be posted online the bulletin board of the Courthouse and the County Administrative Office Building, no later than twenty four (24) hours before the meeting.

3-5.3 The primary purpose of a Briefing or Work Session meeting shall be to present in-depth information and to provide an opportunity for the Council to raise questions for the purpose of making more informed decisions on complex issues that would take undue time at a regular meeting.

### 3-6. MEETINGS, PUBLIC HEARING

3-6.1 The Council shall hold public hearings for those matters required by law and may hold public hearings for any purpose the Council deems appropriate. Public hearings shall be held before final action is taken to:

~~a.~~ Adopt annual operational and capital improvement budgets;

~~a.~~

~~b.~~ Make appropriations, including supplemental appropriations;

~~b.~~

~~c.~~ Adopt building, housing, electrical, plumbing, gas, and other regulatory codes involving penalties;

~~c.~~

~~d.~~ Adopt zoning and subdivision regulations;

~~d.~~

**Formatted:** Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 1.5" + Tab after: 1.75" + Indent at: 1.75"

**Formatted:** Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 1.5" + Tab after: 1.75" + Indent at: 1.75"

**Formatted:** Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 1.5" + Tab after: 1.75" + Indent at: 1.75"

**Formatted:** Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 1.5" + Tab after: 1.75" + Indent at: 1.75"

**Formatted:** Font: (Default) +Body (Calibri)

~~e. Levy taxes; and~~

~~e.~~

f. Sell, lease or contract to sell or lease real property owned by the County.

**Formatted:** Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 1.5" + Tab after: 1.75" + Indent at: 1.75"

3-6.2 Such public hearings shall be advertised as required by law. If there is no applicable law, public hearings shall be advertised in a newspaper of general circulation in the community at least fifteen (15) days prior to such hearing with notices and agenda posted online the bulletin board of the County Courthouse and the County Administrative Building no later than twenty four (24) hours before the hearing.

3-6.3 A public hearing is understood to be a forum for people interested in the subject matter to present information to the Council for their consideration as they deliberate an issue. It is not a forum for opponents and proponents to debate their differences nor is it a forum for debate or argument between members of Council and opponents or proponents, or each other.

3-6.4 Each speaker shall be limited to threefive (35) minutes. unless the Chairperson authorizes one (1) extension of three (3) minutes.

3-6.5 The presiding officer may terminate a presentation that is covering the same information covered by a previous speaker. Such speakers shall be encouraged to simply state their agreement with a previous speaker and bring new information to the subject.

3-6.6 In addition to verbal presentation, written material may be submitted to the Council for their consideration but the receipt and handout of written material shall not cause the flow of the meeting to stop.

3-6.7 ~~Proponents and opponents will each~~The public hearing will be limited to a total of thirty (30) minutes for formal presentations. ~~on any agenda item. Notwithstanding the time limitation in Section 3-6.4, the proponents or opponents may opt to devote their entire time allocation to one or more speakers with the total time of all speakers not exceeding thirty (30) minutes. The presiding chairperson shall determine if this approach will be used by either side prior to recognizing the first speaker.~~  
3-6.7

**Formatted:** Indent: Left: 1.5", No bullets or numbering

### 3-7. EXECUTIVE SESSION

**Formatted:** Font: (Default) +Body (Calibri)

3-7.1 The Council may hold an executive session only for a purpose permitted by the South Carolina Freedom of Information Act, as amended, from time to time.

Formatted: Indent: Left: 1", Hanging: 0.5"

These purposes are defined in the South Carolina Code of Laws and are generally are limited to:

Formatted: Tab stops: Not at 1.5"

a. Discussion of employment, appointment, compensation, promotion, demotion, discipline or release of an employee, or a person regulated by a public body, or the appointment of a person to a public body.

Formatted: Indent: Left: 1.5", Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 1" + Tab after: 1.5" + Indent at: 1.5", Tab stops: 2", List tab + Not at 1.5"

a. Discussion of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice, settlement of legal claims, or the position of the public agency in other adversary situations involving the assertion against said agency of a claim.

Formatted: Tab stops: Not at 1.5"

b. Discussion regarding the development of security personnel or devices.

Formatted: Indent: Left: 1.5", Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 1" + Tab after: 1.5" + Indent at: 1.5", Tab stops: 2", List tab + Not at 1.5"

c. Investigative proceedings regarding allegations of criminal misconduct.

Formatted: Tab stops: Not at 1.5"

d. Discussion of matters relating to the proposed location, expansion, or the provision of services encouraging location or expansion of an industry or other business in the area served.

Formatted: Indent: Left: 1.5", Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 1" + Tab after: 1.5" + Indent at: 1.5", Tab stops: 2", List tab + Not at 1.5"

Formatted: Tab stops: Not at 1.5"

Formatted: Indent: Left: 1.5", Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 1" + Tab after: 1.5" + Indent at: 1.5", Tab stops: 2", List tab + Not at 1.5"

3-7.2 To hold an executive session, a motion must be made stating the specific purpose of the executive session or referring to the published agenda wherein the specific purpose is listed, seconded, and adopted to go onto executive session for a permitted purpose.

3-7.3 No vote shall be taken in executive session.

### 3-8. ELECTRONIC MEETINGS

3-8.1 Upon authorization and vote, and in accordance with the South Carolina Freedom of Information Act (also referred herein as "the Act"), Council and all Georgetown County Boards and Commissions (collectively referred to throughout as "the Governing Body") conduct public meetings exclusively in electronic form, provided the medium for such meeting, whether telephonic, broadcast video, computer-based, or other electronic media,

Formatted: Font: (Default) +Body (Calibri)

or any combination of these, and the conduct of the electronic meeting, allows for the following standards and practices to be met:

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

**Formatted:** Subtitle, Indent: Left: 1", Hanging: 0.5"

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

**Formatted:** Indent: Left: 1", Hanging: 0.5"

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

**Formatted:** Indent: Left: 1", Hanging: 0.5"

(d) Meetings shall be recorded or minutes kept in the same manner as an in-person meeting as required by the Act; provided, however, any digital broadcast of the meeting is not required to be kept as a record by the Governing Body.

**Formatted:** Indent: Left: 1", Hanging: 0.5"

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

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

**Formatted:** Font: (Default) +Body (Calibri)

(g) With respect to any electronic meeting, any public comment periods provided for by local ordinance, resolution, policy, or bylaws are hereby suspended. In lieu of public comment periods, members of the public may submit their written public comments via email to the Clerk to Council – [tfloyd@gtcounty.org](mailto:tfloyd@gtcounty.org) - which shall be distributed to the members of the Governing Body.

Field Code Changed

(h) With respect to public hearings required by the South Carolina Code of Laws, said public hearings shall be conducted electronically as provided herein. All public comments made during such hearing shall be submitted in writing to the Clerk to Council via either:

1) U.S. Mail addressed to:

Clerk to Council

Georgetown County Council

716 Prince Street

Georgetown, South Carolina 29440

2) Email addressed to [tfloyd@gtcounty.org](mailto:tfloyd@gtcounty.org)

All comments must be received one (1) hour prior to the scheduled hearing. The comments shall be distributed to the members of the Governing Body prior to the public hearing and read into the record at the time of the public hearing. The comments shall be limited to three hundred (300) words or less. In the event more than ten (10) comments are received, the Chairperson is authorized to paraphrase the reading of the comments into the record in order to optimize time efficiency of the public hearing.

Formatted: Indent: Left: 1", Hanging: 0.5"

#### ARTICLE FOUR

Formatted: Indent: Left: 0"

##### QUORUM

Formatted: Underline

- 4-1. **QUORUM:** A majority of the seven members of the Council shall constitute a quorum to begin a meeting for the transaction of official business.

Formatted: Justified

#### ARTICLE FIVE

Formatted: Indent: Left: 0"

##### ~~PUBLISHED AGENDA~~ORDER OF BUSINESS

Formatted: Underline

- 5-1 **~~PUBLISHED AGENDA~~ORDER OF BUSINESS:** For all regularly scheduled meetings, the Council shall address itself to an established, published agenda. The Council shall approve the published agenda, including the Consent Agenda and the

Formatted: Font: (Default) +Body (Calibri)

Executive Session agenda. ~~Once the agenda is published, requests to change the agenda will only be granted upon a majority vote of Council.~~

Once an agenda for a regular, special, called or rescheduled meeting is posted, no items may be added to the agenda without an additional 24-hour notice to the public. The notice must be made in the same manner as the original posting.

Formatted: No underline

After a meeting begins, an action item which is not a final action and for which public comment has been or will be received at a publicly noticed meeting, may be added to the agenda by a two-thirds vote of the members present and voting.

Formatted: No underline

Formatted: No underline

After a meeting begins, an action item which is a final action or for which there will be no opportunity for public comment, may be added to the agenda by

Formatted: No underline

Formatted: No underline

- a two-thirds vote of the members present and voting, and
- a finding that an emergency or exigent circumstance exists (an exigent circumstance would be considered an urgent or time-sensitive issue).

Formatted

The order of business shall be:

Formatted: Justified

- Invocation
- Pledge of Allegiance
- Public Comment Period
- Approval of the Agenda (including the Consent Agenda and Executive Session Agenda)
- Approval of Minutes
- Consent Agenda
- Public Hearings
- Appointments to Boards and Commissions
- Resolutions
- Third Reading of Ordinances
- Second Reading of Ordinance
- Introduction of Ordinances
- Council Briefing & Committee Reports
- Reports to Council
- Legal Briefing
- Executive Session
- Adjourn

Formatted: Justified, Indent: Left: 0.5", Hanging: 0.5", No bullets or numbering, Tab stops: Not at 1.25"

5-1.1 ~~A~~ The public comment period ~~may~~ shall be the first item of business on the agenda and shall be limited to thirty (30) minutes. Each speaker will be limited to no more than ~~three~~five (35) minutes. If there are more than ~~tensix~~ speakers, time allotted will be reduced to allow all speakers ~~signed in~~ to present within the 30 minute period. No speaker may yield his/her allotted time to another speaker. Members of the public who wish to

Formatted: Font: (Default) +Body (Calibri)

address Council during the public input period ~~shall~~should sign up with the Clerk of Council before the meeting is called to order by the presiding officer. Preference as to the order of the speakers shall be given to those who have notified the Clerk in advance of the meeting of their desire to speak. When there are several members of the public present to address the same issue, ~~it is recommended that~~ one spokesperson shall be chosen on behalf of the group and the presiding officer has the authority to enforce this provision. A public comment period is not required under the South Carolina Code of Laws, rather it is authorized by Council as a means for the citizenry to speak to their representatives in a public setting. Consequently, No person shall be allowed to indulge in personalities, use language personally offensive, charge deliberate misrepresentation, or use language tending to hold a member of Council, a member of the County staff, or a member of the public up to contempt or ridicule.

5-1.2 Any Council member desiring to place an item on the agenda shall notify the ~~Chairman~~Chairperson. Clerk. The Chairman shall notify the Clerk no later than 12:00 ~~e'clock~~ p.m. ~~on Thursday, 12-7~~ days prior to the regular meeting. This provision shall include the names and applications of appointees to various county boards and commissions.

5-1.3 The consent agenda may consist of items that are more than likely not likely to to be controversial as well as any ordinance proposed for first reading. Any Council member may request that an item be placed on the consent agenda, and any member may request that an item be removed therefrom. Any ordinance may be read in at first reading by title only.

## ARTICLE SIX

### DECORUM AND DEBATE

- 6-1. When a measure is before the Council for consideration, the presiding officer shall recognize the appropriate individual to present the case.
- 6-2. When two (2) or more members wish to speak, the presiding officer shall decide and recognize such members in turn.
- 6-3. No member of Council shall interrupt another while speaking, except to make a point of order or make a point of personal privilege.
- 6-4. The presiding officer shall not be obligated to recognize any Council member for a second comment on a subject or amendment until every Council member wishing to speak has been allowed a first comment.

Formatted: Indent: Left: 0"

Formatted: Underline

Formatted: Font: (Default) +Body (Calibri)



- 6-5. No member shall speak more than five (5) minutes on any subject or amendment. Such member may use his/her time in any combination, in separate speech or comments totaling five (5) minutes. Council members shall also have the right to yield a portion of their time to another member.
- 6-6. Any member wishing to speak more than five (5) minutes on any question or any amendment to the question shall be accorded the privilege without objection or upon motion supported by two-thirds of the Council members present.
- 6-7. The Council may agree to limit debate on any item of business before it. That agreement may be formalized by a majority vote of the Council.
- 6-8. The presiding officer shall not entertain any dilatory motions.
- 6-9. No Council member shall be permitted to indulge in personalities, use language personally offensive, arraign motives of members, charge deliberate misrepresentation, or use other language tending to hold a member of Council or the public up to contempt or ridicule.
- 6-10. If a member is speaking or otherwise transgressing the rules of the Council, the presiding officer shall, or any Council member may, call him or her to order. In such case, he or she shall immediately be silent unless permitted to explain. The Council shall, if appealed to, decide the case without debate. If the decision is in favor of the member called to order, he/she shall be at liberty to proceed, but otherwise shall remain silent.
- 6-11. Any member found in violation of the rules of Council by a majority vote of Council may be censured.

## ARTICLE SEVEN

### VOTING

- ~~7-1~~ 7-1. A member ~~may must be present cast his/her vote in person or by any electronic means if a member is unable to attend in person. to cast his/her vote.~~ No members of the County Council, or a committee, shall be allowed under any circumstances to vote by proxy at any Council or Committee meeting.
- ~~7-2~~ 7-2. Any member may request a roll call vote at any time.
- ~~7-3~~ 7-3. No member shall vote on any question where his/her private interest in the matter presents a conflict of interest (according to the South Carolina State

Formatted: Underline

Formatted: Indent: Left: 0.5", Hanging: 0.5", No bullets or numbering

Formatted: Indent: Left: 0.5", No bullets or numbering

Formatted: Indent: Left: 0.5", Hanging: 0.5", No bullets or numbering

Formatted: Font: (Default) +Body (Calibri)

Ethics Act). Members shall declare their conflict of interest in an issue and refrain from participating in the discussion or the vote on the issue. The meeting minutes shall reflect any conflict of interest declaration.

## ARTICLE EIGHT

### COUNCIL DECISIONS

Formatted: Underline

- 8-1. The members of Council have the responsibility to establish policy, make Council decisions, and adopt ordinances which in the majority view will be in the best interest of Georgetown County and all its citizens. Council members thus have an obligation to expect differences of opinion and to respect the views of each individual member of Council. At the same time, individual members should recognize that when the Council has made a decision, the issue has been decided whether or not they were in the majority or the minority.

## ARTICLE NINE

### ORDINANCES AND RESOLUTIONS

Formatted: Underline

- 9-1. **ORDINANCES AND RESOLUTIONS IN GENERAL:** The Council shall take legislative action by Ordinance. Executive action shall be taken by Resolution. ~~All Ordinances and/or Resolutions that require funding for the following and/or subsequent years shall contain an impact statement of costs and funding options stated in dollars and millage based upon the current millage value.~~
- 9-2. **READINGS:** With the exception of emergency ordinances, all ordinances shall be read at three public meetings of Council on three separate days with an interval of not less than seven days between the second and third reading. A verbatim reading of an ordinance shall not be required unless such reading is requested by a member.
- 9-3. **FIRST READING:** An ordinance may be introduced for first reading by title only at any meeting of Council. ~~by title only. No vote shall be taken and a~~ No debate or amendment shall be in order unless a member makes a motion to invoke the pending ordinance doctrine for a zoning ordinance matter. The ordinance may be referred by the Chairperson to an appropriate committee or to the Council as a whole.

Formatted: Font: (Default) +Body (Calibri)

- 9-4. **SECOND READING:** Reports on a proposed ordinance shall be presented at the next regular meeting after the first reading. Prior to second reading, a draft of the text of the ordinance shall be delivered to every member. After the proposed ordinance has been read, amendments shall be in order, but shall not be considered unless they are germane to the proposed ordinance. Any member of the Council may require that amendments be in writing. After all amendments and privileged motions, if any, are disposed of, the question shall be, "shall the ordinance receive second reading."
- 9-5. **THIRD READING:** After the ordinance has been given second reading, and if a public hearing has been held if required by law or action of Council, it shall be given third reading ~~at a~~ a subsequent public meeting and amendments may be offered on third reading the same as on second reading. After all amendments and privileged motions, if any are disposed of, the question shall be passage of the ordinance.
- 9-6. **VOTES REQUIRED FOR PASSAGE:** ~~With the exception of those items requiring a 2/3<sup>rd</sup> majority or alternate majority type for approval as found in State law, No~~ ordinance or amendment shall be adopted unless at least a majority of the members present shall have voted for its passage on second and third readings. The repeal or amendment of ordinances shall follow the same procedure set forth for adoption.
- 9-7. **EMERGENCY ORDINANCES:** To meet public emergencies, affecting life, health, safety of the property of the people, Council may adopt emergency ordinances, but such ordinances shall not levy taxes, grant, renew, or extend a franchise or impose or change a service rate. Every emergency ordinance shall be designated as such and shall contain declaration that an emergency exists and shall describe the emergency. An emergency ordinance is effective immediately upon its enactment without regard to any reading, public hearing, publication requirement, or public notice. Such ordinances shall expire automatically as of the 61<sup>st</sup> day of the following enactment.
- 9-8. **CODIFICATION:** All ordinances enacting general law shall be compiled, indexed, codified, ~~published by title and made available online. to public inspection at the office of the Clerk of Council. Further, all ordinances, regardless of type, shall be kept by the~~ the Clerk and shall maintained in a permanent record of all ordinances adopted. Nothing herein prevents any requirement of this section from being satisfied by electronic means. and shall furnish a copy to the Clerk of Court for filing in that office.
- 9-9. **EFFECTIVE DATE OF ORDINANCES:** Ordinances shall take effect on the day the ordinance is given third reading unless another date is specified in the ordinance.

Formatted: Superscript

Formatted: Font: (Default) +Body (Calibri)

9-10. **RESOLUTIONS:** A resolution shall require only one reading for its adoption, and may be adopted at either a regular or special meeting by a majority vote of the members present at the meeting.

9-11. **STANDARD CODES OR TECHNICAL REGULATIONS:** The Council may adopt any standard code or technical regulation by reference. ~~Copies of any adopted code to technical regulation shall be made available by the Clerk for distribution or for purchase at a reasonable price.~~

## ARTICLE TEN

### COMMITTEES

~~10-1~~ **10-1. APPOINTMENTS TO STANDING COMMITTEES:** All members of Council shall be appointed to serve on at least one of the Council standing committees. Standing committee appointments shall be made by the Chairperson no later than the second regular meeting of Council in January following each general election and the Chairperson shall also designate the respective Chairperson of each committee. Members of the standing committees shall serve until the next general election of Council, unless they are removed by their consent or cease to be member of Council. Each standing committee shall consist of not less than three members.

~~10-2~~ **10-2. STANDING COMMITTEES:** Standing committees of the Council shall be as follows:

~~10-2.1~~ **10-2.1** An Administration and Finance Committee which shall ~~consist of not~~

~~10-2.2~~ **10-2.2** ~~consist of not~~ less than three members of the County Council.

~~10-2.3~~ **10-2.2** A Health, Education, and Leisure Committee which shall ~~consist of~~ not less than three members of the County Council.

~~10-2.4~~ **10-2.3** A Justice and Safety Committee which shall consist of not less than three members of the County Council.

Formatted: Underline

Formatted: Font: Not Bold, No underline

Formatted: Indent: Left: 0.5", Hanging: 0.5", No bullets or numbering

Formatted: No underline

Formatted: Font: Not Bold, No underline

Formatted: No underline

Formatted: Indent: Left: 0.5", No bullets or numbering

Formatted: List Paragraph, Indent: Left: 1", Hanging: 1"

Formatted: Font: 12 pt

Formatted: Font: 12 pt

Formatted: Font: (Default) +Body (Calibri)

Formatted: Font: 12 pt

Formatted: Font: (Default) +Body (Calibri)

Formatted: List Paragraph, Indent: Hanging: 1"

Formatted: Font: (Default) Times New Roman

Formatted: Indent: Left: 1", Hanging: 1"

Formatted: Indent: Hanging: 1"

Formatted: Indent: Left: 1", Hanging: 1"

Formatted: Indent: Hanging: 1"

Formatted: Indent: Left: 1", Hanging: 1", No bullets or numbering

Formatted: Indent: Left: 1", Hanging: 1"

Formatted: Font: (Default) +Body (Calibri)

~~10-2.4~~ ~~10-2.4~~ A Public Works Committee which shall consist of not less than three members of the County Council.

~~10-2.5~~ ~~10-2.5~~ ~~ADHOC COMMITTEES~~Ad-Hoc Committees; Upon the authorization

of Council, their Chairperson may appoint ad-hoc committees composed of Council members, a combination of council members and citizens, or citizen members only to study and advise council on a specific issue. Such committees shall function for a specific time periods and shall be dissolved at the end of the time period or when their business is finished, whichever is the earliest. The time period for existence of such committees may be extended for a time certain by action of the Council.

**Formatted:** Indent: Left: 1", Hanging: 1"

**Formatted:** Font: Not Bold, No underline

**Formatted:** Font: Not Bold, No underline

**Formatted:** Indent: Left: 1", Hanging: 1", No bullets or numbering

**Formatted:** Indent: Hanging: 1"

~~10-2.6~~ ~~10-2.6~~ ~~COMMITTEES MEETINGS AND REPORTS~~Committee Meetings and Reports:

Committee meetings shall be held on the call of the Chairperson of the committee upon two days' notice of such meeting to each committee member, unless all of the members of the committee waive such notice and agree upon an earlier time for such meeting but no earlier than 24 hours before the scheduled start of the meeting. A quorum for each committee shall consist of a majority of its members. The Chairperson of a standing committee shall report upon the activities of the committee at a each regular council meeting, and a time for such reports shall be deemed to be included in every agenda when the subject matter of the report has previously been referred to the committee. Each committee shall function as an advisory committee to the County Administrator when the Administrator so requests and to the County Council. Each committee shall investigate, gather information, make inquiries, and study the issues under its jurisdiction with a purpose of keeping the Council fully informed. Committees may make reports to the Council with recommendations for action by the Council. Action taken by any committee shall not be construed as action taken by the Council until the subject matter of the committee's action has been presented at a regular or special meeting of the Council and acted upon by the Council in accordance with these rules.

**Formatted:** Indent: Left: 1", Hanging: 1"

**Formatted:** Indent: Left: 1", Hanging: 1", No bullets or numbering

**Formatted:** Font: Not Bold, No underline

**Formatted:** Font: Not Bold, No underline

**Formatted:** Indent: Left: 1", Hanging: 1"

**Formatted:** Indent: Hanging: 1"

~~10-2.7~~ ~~10-2.7~~ ~~RECALL OF REFERRED MATTERS~~Recall of Referred Matters; Any matter

which has been referred to a committee may be recalled by an affirmative vote of the majority of the members of Council in attendance of a Council meeting.

**Formatted:** Indent: Left: 1", Hanging: 1"

**Formatted:** Indent: Left: 1", Hanging: 1", No bullets or numbering

**Formatted:** Font: Not Bold, No underline

**Formatted:** Font: Not Bold, No underline

**Formatted:** Indent: Hanging: 1"

**Formatted:** Font: (Default) +Body (Calibri)

## ARTICLE ELEVEN

### PARLIAMENTARY PROCEDURE

Formatted: Underline

- 11-1 **CHAIRPERSON TO VOTE:** The Chairperson shall vote in all cases except where a personal conflict exists.
- 11-2 **PRIVILEGE OF COUNCILMEMBERS:** A Council member shall have the privilege of having an abstract of the member's statement on any subject under consideration by the Council member entered in the minutes.
- 11-3 **STATEMENT ON BEHALF OF COUNCIL:** —No Council member shall make or issue any statement which purports to speak on behalf of the entire Council or the Council as a body at any time unless the issue is question has been duly adopted by the Council. The Chairperson shall thereupon be the official spokesman for Council unless the Chairperson has recommended and the Council has approved another person to serve as the spokesman on a particular issue.
- 11-4 **WHEN MOTIONS ARE DEBATABLE:** All motions, except motions to adjourn, to recess, to lay on the table, and questions of order or privilege, shall be debatable. No motion shall be debated until it has been stated by the Chairperson. All questions of order shall be decided by the Chairperson without debate, subject to an appeal to the Council.
- 11-5 **MOTIONS TO RECONSIDER:** A motion to reconsider any action taken by the Council may be made only on the day such action was taken or at the next regular meeting of Council. Such motion must be made by a Council member voting on the prevailing side, but may be seconded by any other Council member, and may be made at any time.
- 11-6 **MOTIONS THAT INTERRUPT A SPEAKER:** Only the following motions shall be permitted to interrupt a speaker:
- 11-6.1 A question of order. This question is to the effect that the rules of Council are not being adhered to. It is not debatable and does not require a second.
- 11-6.2 A question of privilege. This question relates to the rights and privileges of a member of the Council, i.e., charges made against the official character of a member; that the member has not been furnished with pertinent information available to other members

Formatted: Font: (Default) +Body (Calibri)

of Council; that the member did not hear or understand a statement presented to Council, etc. It does not require a second.

11-6.3 A motion to adjourn. This motion is not debatable but does require a second.

11-7. **MOTIONS THAT CANNOT INTERRUPT A SPEAKER BUT MAY INTERRUPT THE PROCEEDINGS:** The following motions cannot interrupt a speaker without the speaker's consent but may interrupt the proceedings and shall be received during debate:

~~11-7.1~~ 11-7.1 A motion to lay on the table. The motion removes the subject from consideration until the Council votes to again consider the subject. It is not debatable but does require a second. Any item remaining on the table at the adjournment of the regular meeting following the meeting where the motion to lay on the table was approved shall be permanently removed from Council consideration.

Formatted: Indent: Left: 1", Hanging: 1"

Formatted: Indent: Left: 1", Hanging: 1", Outline numbered + Level: 3 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 1" + Tab after: 1.53" + Indent at: 1.53"

11-7.2 A motion for the previous/to call the question. This motion is to the effect that the debate now cease, and the Council immediately proceed to vote on the pending question. It is not debatable but does require a second.

Formatted: Indent: Left: 1", Hanging: 1"

11-7.3 A motion to adjourn debate to a subsequent meeting. The effect of this motion is to postpone the subject to the time specified in the motion and until which time it cannot be taken up except by majority vote of the Council. It is debatable and does require a second.

11-7.4 A motion to commit or recommit. The effect of this motion is to refer the subject to a committee. It is debatable and requires a second.

11-7.5 A motion to amend. This motion is debatable and requires a second.

The above motions have precedence in the order listed.

~~12-8.~~ 11.8 **MOTIONS THAT DO NOT REQUIRE A SECOND:** The following motions do not require a second.

Formatted: Indent: Left: 0.5", No bullets or numbering

~~12-8-1~~ 11.8-1 Inquiries of any kind.

Formatted: Indent: Left: 1", No bullets or numbering

Formatted: Font: (Default) +Body (Calibri)

~~12.8-2~~ 11.8-2 Leave to withdraw a motion.

Formatted: Indent: Left: 1", No bullets or numbering

~~12.8-3~~ 11.8-3 Nominations.

Formatted: Indent: Left: 1", No bullets or numbering

~~12.8-4~~ 11.8-4 Point of order.

Formatted: Indent: Left: 1", No bullets or numbering

~~12.8-5~~ 11.8-5 Question of privilege.

Formatted: Indent: Left: 1", No bullets or numbering

## ARTICLE TWELVE

### DOCUMENTS

Formatted: Underline

12-1. **DOCUMENTS OF THE COUNTY:** All documents, files, correspondence, reports, records, and other written, ~~or~~ printed or electronic material or information pertaining to the business of Georgetown County or to any of its departments or personnel, prepared, received or used by the County Administrator or any other County official or employee in the course of County employment shall be the property of Georgetown County. No such material or information shall be removed from the custody of Georgetown County at any time. Individuals seeking to obtain information related hereto shall may be able to do so in accordance with the South Carolina Freedom of Information Act, as amended.

12-2. **PERSONNEL FILES:** Personnel files are confidential information and shall be available to Council members only as a part of an official inquiry or investigation authorized by Council.

## ARTICLE THIRTEEN

### SEAL

Formatted: Underline

13-1. **SEAL OF THE COUNTY OR COUNCIL:** The seal of Georgetown County or the Georgetown County Council shall not be required upon execution or attestation of any document.

Formatted: Justified

## ARTICLE FOURTEEN

Formatted: Font: (Default) +Body (Calibri)



**SUSPENSION OF RULES**

Formatted: Underline

- 14-1. **SUSPENSION OF RULES:** Any of these rules may be suspended except those which are matters of State law, upon an affirmative vote of a majority of the members of the Council.

**ARTICLE FIFTEEN**

Formatted: Indent: Left: 0"

**AMENDMENT OF RULES**

Formatted: Underline

- 15-1. **AMENDMENT OF RULES:** Amendment of these ruled shall be by ordinance.

ANY PREVIOUSLY ADOPTED RULES OF PROCEDURE BY GEORGETOWN COUNTY COUNCIL UNDER ORD. 99-30 ARE HEREBY REPEALED AND REPLACED WITH THIS ORDINANCE.

ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2021 by a vote of Georgetown County Council.

ChairmanChairperson

ATTEST:

\_\_\_\_\_  
Theresa E. Floyd, Clerk

This ordinance is approved as to form and content.

\_\_\_\_\_  
H. Thomas Morgan, Jr., Esq.  
Interim Georgetown County Attorney

Formatted: Font: (Default) +Body (Calibri)

**Item Number:** 16.b  
**Meeting Date:** 1/26/2021  
**Item Type:** DEFERRED OR PREVIOUSLY SUSPENDED ISSUES

**AGENDA REQUEST FORM**  
GEORGETOWN COUNTY COUNCIL



**DEPARTMENT:** Planning / Zoning

**ISSUE UNDERCONSIDERATION:**

Ordinance No. 20-61 - A request from Graycliff Capital Partners, LLC acting as agent for Alliance for Economic Development for Georgetown County to amend the Pawleys Island Business Commons Planned Development to allow for a mixed use of commercial and 182 multifamily units. The property is located on the west side of Petigru Drive approximately 35 feet northwest of Tiller Drive in Pawleys Island. TMS # 04-0203-189-02-00. Case # AMPD 8-20-25965.

**CURRENT STATUS:**

The Pawleys Business Commons Planned Development was approved by County Council on June 8, 2008. The PD was approved with various Resort Services uses. Preliminary plans for portion owned by Waccamaw Landscaping were reviewed and approved but never constructed. A technology company then purchased two of the parcels and amended the PD to allow for a technology park and other associated uses. The amendment was approved by Council in October of 2015. The Alliance for Economic Development for Georgetown County then purchased Parcel 3 of the tract. The agent for the applicant is proposing to further amend the PD to allow for multi-family uses on Parcel 3.

The site currently contains operations for a landscape business (Parcel 1) and an office and associated parking for a technology firm (Parcel 2). Parcel 3 is currently vacant and partially cleared.

**POINTS TO CONSIDER:**

1. The property is located on the west side of Petigru Drive across from Tiller Drive and Commerce Drive and contains a total of 28.21 acres. The Waccamaw Farms office, a drywall company and a retail store are located across from the tract. Single family residences are located west of the property. Large tracts to the north and south are vacant. Single family residences are also located to the south at the corner of Safari Lane and Petigru Drive.
2. The PD was last approved (Ordinance 2015-41) with the following conditions:
  - Renaming of the PD to the "Mercom Technology Park PD"
  - Proposed cell tower to comply with Georgetown Communication Tower Ordinance.
  - An updated tree plan to be submitted, reviewed and approved by Planning staff prior to land disturbance.
  - A detailed parking and landscaping plan to be submitted and approved by staff showing loading, dumpster areas and detailed planting and lighting plans.
  - Signage limited to two free-standing monument signs which comply with WNCCO Zone standards. Monument sign size and all other signage to comply with GC sign standards.
  - Parcels 1 and 2 (property owned by Waccamaw Landscaping) to comply with the previous approval with the exception of the new permitted uses. This portion is exempt from sections of the WNCCO Zone regarding building size, maximum roof pitch and window pane size. Other restrictions apply to this portion of the property as well (See Ordinance 2008-47).
  - An easement will be provided for the bike path which will be constructed by the developer. The path may be placed in the street right of way, subject to SCDOT granting an encroachment permit.
3. The original PD was created based on the Resort Services Zoning District. The 2015 amendment resulted in the following uses for the entire PD:
  - Office

- Office
- Research Center
- Repair service excluding automotive
- Call Center
- Business Service
- Educational Facility
- Printing Business
- Restaurant
- Retail store
- Book store
- Gift shop
- Day Care Center
- Spa
- Medical clinic
- Communication towers subject to the Georgetown County Communications Tower Ordinance
- Eleemosynary, religious or philanthropic institution
- Light manufacturing provided all activities are inside an enclosed building and no discernible noise or fumes are generated
- Warehouse
- Public use
- Accessory uses
- Lodging
- Conference Center/Special Events

4. The current request includes two of the three tax map parcels in this tract. The remaining 6.37 acres (referred to as Parcel 1 on this plan) are addressed in the sixth bullet in Number 2 above.

The majority of the proposed changes involve the 14.45 acres for Parcel 3. The only change for Parcel 2 (the Mercom property) involves the removal of Building C (previously approved for 6,200 SF of office/lodging) and a slight shift for the location of Building B (approved for 6,200 SF of office/lodging). Mercom has agreed to these changes and is supportive of the request. See attached letter.

The new proposal for Parcel 3 includes the retention of Building N now showing 10,000 square feet and 51 parking spaces. The 2015 plan indicated the proposed use as general office. The new plan adds the potential for retail, restaurant and medical uses as well.

5. Buildings J and O are referred to as "Building Type A" and together contain 102 units including 6 studio apartments, 42 one-bedroom units, 42 two-bedroom units and 12 three-bedroom units. All type A buildings are three stories. The height limit for the PD is 35 feet.

Buildings H and A are referred to as "Building type B" and together contain 72 units including 30 one-bedroom units and 42 two-bedroom units. All type B buildings are three stories.

Buildings C, D, I and P are referred to as "Carriage/Garage" and together contain 8 two-bedroom units. All carriage buildings are two stories.

Using the table from the GR (General Residential) section of the Ordinance as a guide, 537,000 SF or 12.33 net acres (minus wetlands and streets) would be required for the proposed 182 units. The site contains 11.5 net acres when wetlands, roads and the commercial tract are removed.

Total gross density for Parcel 3 is 13.6 units per acre.

Net density for Parcel 3 (after removing the wetlands, access roads and commercial portion) for the proposed 182 units is 15.8 units per acre.

The Land Use Element of the Comprehensive Plan defines high density residential development as 5.1 to 16 units per acre.

6. The plan also shows a maintenance/car wash building, a leasing office/club house and a pool area.

7. The applicant proposed the following residential parking requirements: 1.25 spaces for each studio apartment, 1.5 spaces for each one-bedroom unit and 2 spaces for the two and three bedroom units for a total of 324 spaces. The plan shows a total of 466 spaces required for Parcels 2 and 3 with a total of 572 spaces provided.

8. The plan retains the current setbacks as they were approved for the Technology Park:

North side	30'
East side/Petigru	50'
South side	50'
West side	Not required (due to wetlands)

The plan indicates a 20' building separation and a 15' building setback from wetlands. Parcel 3 contains 0.7 acres of wetlands, as well as an isolated freshwater wetland of less than one acre in size. OCRM allows for freshwater wetlands of this size to be incorporated into the overall project pending adequate mitigation.

9. The proposed plan also maintains the previously approved landscape buffers in addition to the building setbacks:

North side	20'
East side	10'
South side	50' (Level 2)
West side	Not required (due to wetlands)

10. A traffic impact analysis was prepared for the PD and approved by the Commission in 2008. The study estimated a total of 2,835 new daily trips for the Resort Services PD based on a 194,200 square foot business park.

The study noted that all intersections would continue to operate at an overall acceptable level of service during AM and PM peak hours, however the east and west Petigru approaches to Waverly Road would operate at LOS "F" during the AM peak. This would occur even without the development as proposed in 2008 according to the study. Also, the analysis indicated that overall traffic numbers over the course of a day were not high enough to warrant signalization at this intersection. The study concluded that the site would have minimal impact on area roadways and would be accommodated by the existing area roadway system.

A new traffic study was required for the proposed project. The new study (attached) estimates a total of 1,062 new trips per day for the 182 multi-family units and the 10,000 square feet of commercial space. The previously approved 2015 plan for this PD indicates a total of 167,700 SF of business park space which would generate approximately 2,448 daily trips (based on business park land use code). The proposed plan generates approximately 1,386 fewer daily trips than the existing plan.

The new study addressed traffic distribution for Highway 17 via Commerce Drive as the preferred route, based on the access management improvements constructed along Highway 17 since the last study and the fact that this route is the shortest distance from the site to 17. The consultant also addressed the Petigru and Waverly Road intersection based on the findings of the previous study. The results of the study indicated that both Petigru Drive/Commerce Drive and Petigru Drive/Waverly Road currently operate at an acceptable level of service and will continue to do so with the development of the proposed project. Further, a turn lane analysis performed by the consultant indicated that no turn lanes are recommended at the project driveway along Petigru Drive.

The study included traffic counts from occupied homes and existing developments. Future, approved projects are included by way of the growth rate that is applied for those traffic counts for the year 2023 in both the build and no build conditions.

11. The applicant provided a project narrative (attached) to address stormwater for the site. The tract currently drains to the northeast into existing streams and wetlands. Some site runoff currently drains to an existing ditch. This ditch will convey the offsite drainage through the site. Wetlands on the site have additional storage capacity

and will be used to minimize the effects of a design storm effect on current downstream conditions. The project will be designed to meet requirements from both Georgetown County Stormwater and OCRM. Development will be routed through a combination of swales, inlets, infiltration systems and wet ponds controlled by an outfall structure to regulate discharge.

County Stormwater indicated that infiltration could be difficult on this site due to the large amount of wetlands.

The County has three separate stormwater improvement projects, in various stages of development, for the area mostly north of Martin Luther King Drive. The Petigru site under review is not a part of this drainage study. The applicant will need to submit a stormwater plan to be reviewed and permitted by the Stormwater Department prior to land disturbance.

12. The Utility Coordinating Committee met on September 4<sup>th</sup> to review this project. A pump station will likely be needed to bring sewer to the site. The developer will be responsible for the construction of the pump station. This could involve the Mercom property as well. The water system will be looped and tied back into Petigru Drive. The site will likely need to be master metered for both water and sewer to meet GCWSD separation requirements. Santee Cooper indicated that power is available to the site with an existing underground line although some shifting will be needed. No other major issues were discussed.

13. A tree survey was provided for the original proposed development. The applicant had an arborist review the grand trees (over 30" DBH) on the site. Five trees over 30" DBH are located on Parcel 3. Four of the grand trees are able to be saved based on the provided plan. The arborist recommended removal of 3 of the 5 trees based on some decay. A tree removal and replacement plan will be required prior to land disturbance. The previous 2015 plan would require removal of these five trees.

14. The plan maintains the previous signage requirements of two freestanding, monument style signs for the project to be located at the main entrances. Otherwise, signage will follow the General Commercial requirements of the Zoning Ordinance as well as the Waccamaw Neck Commercial Corridor Overlay Zone requirements as stated on the plan.

15. The Comprehensive Plan, Waccamaw Neck, South shows this tract as commercial. The definition of commercial in the Comprehensive Plan does not allow for residential uses. A designation of transitional or high density residential for Parcel 3 would support the proposed uses.

- Transitional: "The development of a tract of land, building or structure with a variety of complementary and integrated uses, such as, but not limited to, residential, office, medical office, limited retail, public or entertainment in a compact urban form. The commercial component is intended to be less intense than General Commercial."
- High Density Residential: "includes multi-family structures. Density is 5.1 to 16 density units per acre."

16. A walking trail is shown around the perimeter of the development along the edge of the wetlands. A 10' bike path easement is also shown along Petigru Drive as was indicated in the previous PD approvals.

17. Although this tract is located .4 miles from Highway 17 and is not within the boundaries of the WNCCO Zone, the previous PD approval contained a condition which requires that all buildings meet the overlay's architectural standards with exception of the following sections: *(check section reference numbers)*

- Section 2100.409 which does not allow buildings over 60,000 square feet in size.
- Section 2100.6012 which requires a 6/12 pitch for 50% of the roof.
- Section 2100.6021 which prohibits expanses of glass larger than 9 square feet.

Sections dealing with materials, windows types, colors and building details will all still apply.

All three of these sections could be reasonably applied to the new, proposed residential buildings.

18. The Land Use Element states that high density residential developments should:

- Have ample water, sewer and stormwater systems available
- Be located in proximity to a road system
- Have all public improvements in existence or be in the capital improvements budget before development occurs
- Developed in the vicinity of commercial and/or service facilities

- Designed to blend with landscaping and maximum natural features and coverages
- Provide adequate off-street parking
- Density levels for multifamily should fall within the range of 6-16 units per acre
- Provide sidewalks, bike paths or multi-purpose paths to encourage walkable communities
- Provide open areas and parks for recreational activities.

Density increases in new development should only be allowed if open space is provided by use of planning tools (such as a PD). Open space should be “useable” open space.

Protect low and medium density residential neighborhoods from commercial/high density encroachment.

19. Staff informed the Commission that if they felt that the criteria from number 18 above are met with the proposed PD amendment, then a recommendation should include the following conditions:

The multifamily buildings for Parcel 3 shall comply with all WNCCO requirements and the earlier exemptions should be removed.

In order to further the goal of affordable housing, 5% of the proposed units will be affordable based on the HUD definition for our area.

An amendment to the FLU map to transitional or high density residential for Parcel 3.

Previous conditions from Ordinance 2015-41 will remain in place.

Final approvals from GCWSD, Stormwater, OCRM/Corps, SCDOT and Midway Fire.

A tree removal and replacement plan to be approved by staff prior to land disturbance. The four trees as shown should be retained unless further study indicates their deteriorating health.

20. The Commission deferred action on this item at their October 15th meeting in order to obtain further information on the distribution for the traffic study as well as information on existing County stormwater projects in this area. The Commission held a second public hearing on this item at their November 19th meeting. Over 100 emails were received almost all in opposition to the project. In addition to the applicant, 18 people spoke at the hearing. Three spoke in favor of the request with a focus on providing workforce/affordable housing on the Neck. 14 people spoke against the project citing concerns about stormwater runoff, traffic, the rise of the Waccamaw River and flood risk, inconsistency with the Comprehensive Plan, protection of wetlands, lack of affordability, protection of trees, and the reversion clause found in the zoning ordinance. One speaker took a neutral position but questioned the appropriateness of 182 units on this site.

21. After significant discussion regarding trees, the amount of fill needed, specific questions as to the drainage plan for the project, and explanations as to the traffic distribution for the traffic analysis, the Planning Commission voted 5 to 0 to recommend denial for this PD amendment based on the following statement in the Land Use Element of the Comprehensive Plan, "Protect low and medium density development from commercial and high density encroachment."

## **FINANCIAL IMPACT:**

## **OPTIONS:**

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

**STAFF RECOMMENDATIONS:**

The Planning Commission voted 5-0 to recommend that County Council deny this request.

**ATTORNEY REVIEW:**

Yes