

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

February 9, 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**
- 6. CONSENT AGENDA**
 - 6.a 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 - Third Reading**
- 7. PUBLIC HEARINGS**
 - 7.a 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.**
- 8. APPOINTMENTS TO BOARDS AND COMMISSIONS**
 - 8.a Accommodations Tax Advisory Committee**
 - 8.b Economic Development Alliance Board**

8.c Planning Commission

9. RESOLUTIONS / PROCLAMATIONS

10. THIRD READING OF ORDINANCES

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

11. SECOND READING OF ORDINANCES

- 11.a (APPLICATION WITHDRAWN - NO ACTION REQUIRED BY COUNTY COUNCIL) Ordinance No. 20-61 - An Ordinance to amend the Pawleys Business Commons Planned Development to allow for a mixed use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)**
- 11.b Ordinance No. 21-05 - An Ordinance Allocating the Remaining 2014 Capital Project Sales Tax Surplus Proceeds for Capital Projects and Other Matters Related Thereto**

12. FIRST READING OF ORDINANCES

- 12.a Ordinance No. 21-07 - An Ordinance to Repeal, Replace, and/or Establish Certain Fees Payable to the Georgetown County Coroner's Office, and Set Guidelines for the Same**
- 12.b Ordinance No. 21-08 - An Ordinance to Amend the FY21 Operating Budget of Georgetown County**

13. COUNCIL BRIEFING AND COMMITTEE REPORTS

14. BIDS

15. REPORTS TO COUNCIL

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 - DEFERRED PENDING FURTHER REVIEW**
- 16.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 - DEFERRED PENDING PUBLIC HEARING SCHEDULED FOR 2/23/21**

17. LEGAL BRIEFING / EXECUTIVE SESSION

18. OPEN SESSION

19. ADJOURNMENT

Item Number: 5.a
Meeting Date: 2/9/2021
Item Type: APPROVAL OF MINUTES

AGENDA REQUEST FORM
GEORGETOWN COUNTY COUNCIL



DEPARTMENT: County Council

ISSUE UNDERCONSIDERATION:
Regular Council Meeting - January 12, 2021

CURRENT STATUS:
Pending

POINTS TO CONSIDER:
n/a

FINANCIAL IMPACT:
n/a

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

STAFF RECOMMENDATIONS:
Adoption of meeting minutes.

ATTORNEY REVIEW:

ATTACHMENTS:

Description	Type
□ DRAFT - Minutes 1/12/21	Backup Material

Georgetown County Council held a Regular Council Session on Tuesday, January 12, 2021, at 5:30 PM in the Howard Auditorium, 1610 Hawkins Street, Georgetown, South Carolina.

Present: Bob Anderson Louis R. Morant
 Everett Carolina Raymond Newton
 Steve Goggans John W. Thomas
 Lillie Jean Johnson

Staff: Angela Christian H. Thomas Morgan, Jr.
 Jackie Broach-Akers

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

For the record, Chairman Thomas announced that on January 7th, four members of Georgetown County Council took an "Oath of Office" for the upcoming four-year term: Councilmember Bob Anderson, *Council District 2*; Councilmember Everett Carolina, *Council District 3*; Councilmember Lillie Jean Johnson, *Council District 4*; and Councilmember Raymond Newton, *Council District 5*.

Chairman John Thomas called the meeting to order. Councilmember Everett Carolina gave an invocation, and all joined in the pledge of allegiance. Chairman Thomas welcomed Interim County Attorney, H. Thomas "Tommy" Morgan, Jr. to the meeting.

ELECTION OF OFFICERS:

In compliance with County Council's Rules of Procedure, at the first council meeting in January following each General Election, County Council selects a member to serve as Chairman, and a member to serve as Vice Chairman for a 2-year term.

Chairman John Thomas announced that County Council has been successful in persuading Councilmember Louis Morant to accept the position of Chairman, and in consideration of this he made a motion to nominate Councilmember Louis Morant to serve as Chairman, and Councilmember Lillie Jean Johnson to continue serving as Vice Chair. Councilmember Bob Anderson offered a second on the motion. No discussion occurred.

In Favaor: Bob Anderson Louis R. Morant
 Everett Carolina Raymond Newton
 Steve Goggans John W. Thomas
 Lillie Jean Johnson

At this point, the meeting was turned over to the newly elected Chairman, Louis Morant. He expressed appreciation to County Council for displaying this level of confidence in him.

APPROVAL OF AGENDA:

Councilmember Steve Goggans moved for approval of the meeting agenda, including moving various reports forward on the meeting agenda such as "Nonprofit Spotlight", and Employee and Volunteer

Recognitions. Councilmember Raymond Newton seconded the motion. There was no discussion on the motion.

In Favor:	Bob Anderson	Louis R. Morant
	Everett Carolina	Raymond L. Newton
	Steve Goggans	John W. Thomas
	Lillie Jean Johnson	

A motion was made by Councilmember John Thomas to defer second reading consideration of Ordinance No. 20-61 (Report 11c) at the request of the applicant. Councilmember Steve Goggans offered a second on the motion. No discussion followed the motion.

In Favor:	Bob Anderson	Louis R. Morant
	Everett Carolina	Raymond L. Newton
	Steve Goggans	John W. Thomas
	Lillie Jean Johnson	

PUBLIC COMMENTS:

Alisha Matthews

Ms. Matthews, a new resident of Georgetown County, voiced concerns regarding Georgetown County's processes pertaining to permitting "tiny houses". Georgetown County recently adopted International Building Codes, which includes provisions for the construction of tiny houses, however Ms. Matthews recently learned when she attempted to acquire a permit to build a tiny house that the associated permit cost was exorbitant. The permit to build a 612 square foot house was \$5,000, and she was quoted \$4,000 for a permit to construct a second tiny house consisting of 399 sq. feet. She said the cost was reduced to \$670, just last week, following months of negotiation (if she removed the stove from the home). Ms. Matthews stated that her reason for making County Council aware of this issue was to find resolution that would prevent others from having the same bad experience.

Mary Beth Klein

Ms. Klein, representing *Keep It Green*, voiced opposition to the proposed rezoning on Petigru Road that will allow for the development of a 182-unit apartment complex (Ordinance No. 20-61). Ms. Klein said that more than 1,000 area residents of Council District 2 and Council District 6, had signed a petition opposing this, due to the flooding and traffic issues already experienced by the adjoining neighborhoods. The Planning Commission recommended that County Council deny this project, and she also urged County Council not to defer the matter tonight (as requested), but to deny it. She stated that all can work together to find an optimal solution for this property.

Marla Hamby

Ms. Hamby read a letter sent to County Council by Dr. Jan Madesky, PhD. (retired) expressing concerns regarding Georgetown County's wetlands, which should be permanently protected, yet are being destroyed in the name of "progress". She urged County Council to exercise strong leadership in this regard. Ms. Hamby also stated her own extreme disappointment that County Council did not take action to deny this matter (Ordinance No. 20-61) tonight.

Martin Farrell

Mr. Farrell spoke in opposition of the proposal by Graycliff Partners to amend the Pawleys Business Commons PD (Ordinance No. 20-61) to allow development a 182-unit apartment complex. He believed

the traffic studies submitted by Graycliff in association with this project to be a low-quality effort that downplays the existing problems in the area, and moving forward with the project will create a traffic nightmare. Ultimately, the cost of finding solutions will be “dumped in the lap” of taxpayers. Mr. Farrell urged County Council to deny Ordinance No. 20-61.

Amy Jones

Ms. Jones voiced opposition to the application by Graycliff Partners to amend the Pawleys Business Commons PD (Ordinance No. 20-61). As citizens are educating themselves and becoming more aware of the development process, she said it was her belief that all could work together to find common ground. In conducting her own research on Graycliff Capital Partners, Ms. Jones said she learned that these developers are not in the business of building “affordable housing”, but rather “luxury multi-housing units” (according to their own account). They do not have a track record of respecting forested wetlands, and an example of this is Graycliff Capital Partner’s project, Waterleaf Development. The development, located in Murrells Inlet removed almost every tree on the property, much to the chagrin of County Council and the Planning Commission. Ms. Jones urged County Council to deny Ordinance No 20-61 and find investors with goals more akin to the needs of the community.

Kevin Barry

Mr. Barry voiced opposition to the property development proposed by Graycliff Partners to amend the Pawleys Business Commons PD (Ordinance No. 20-61) located on Petigru Road. In considering that Georgetown County recently authorized a master storm water plan to be conducted by Thomas & Hutton Engineering Firm, he suggested that this firm should weigh in on this proposal to build upon property that is currently one of the area’s main water sheds feeding into the Atlantic Ocean. Mr. Barry said that he was also disturbed by the “lobbying” going on to gain the neighborhood’s support of this project, and questioned why the councilmember is not more concerned with asking the area residents what they feel would be beneficial for the neighborhood.

Heather Kinder

Ms. Kinder voiced concerns regarding Ordinance No. 20-61, and asked County Council to reject the application, as was recommended by the Planning Commission. The proposed development of 182 apartment units “flies in the face” of recent outcries and concerns regarding overdevelopment and density issues. Ms. Kinder said the developer is using the suggestion of “affordable housing” for teachers, food service workers, and firefighters, as a negotiating tool. However, using Graycliff’s Waterleaf development as a model, this is not “affordable” at \$1300 per month for a two-bedroom unit. She suggested that Graycliff Partners should take the development to a tract of property that is already zoned appropriately for it.

Nicole Barksdale

Ms. Barksdale voiced opposition to Graycliff Capital Partner’s proposal to develop the Mercom property located on Petigru Road (Ordinance No. 20-61). According to Georgetown County’s Zoning Ordinance, if construction does not begin on property within two years after rezoning is approved, the property shall revert back to its original zoning classification, in this case *Forest & Agriculture*. Ms. Barksdale said this tract of property was rezoned in 2015 for a technology park, and to this day remains vacant. She said there is no reason to defer action on Graycliff’s proposal, but rather County Council should take action tonight to deny it.

Karen Yaniga

Ms. Yaniga stated that she was before County Council tonight to read a letter on behalf of Lynne Ford. Ms. Ford was unable to attend the County Council meeting tonight as she is a newly elected member of the School Board, and was attending a School Board meeting tonight. Ms. Ford, along with her husband Rev. Johnny Ford, urged County Council to reject Graycliff's proposal to develop property on Petigru Road (Ordinance No. 20-61). The proposed project will only provide a short-term solution that only serves a few. The Petigru area of Pawleys Island has long been filled with working African American families, and as this community makes up a small percentage of the population, decisions are not always made in their best interest. She believes this project will be to the detriment of the African American community, and she asked that County Council listen to its constituents in denying, not deferring, this proposed project.

Art Murphy

Mr. Murphy spoke in opposition of the proposed development plan for Mercom Property located on Petigru Road (Ordinance No. 20-61). As a retired architect, with experience serving on planning/zoning boards in other areas, Mr. Murphy stated that he believes this plan to be unacceptable. Mr. Murphy said he was surprised that the Planning Commission asked very few questions of the developer. Georgetown County owns this property, which is currently abandoned, and he suggested that alternative uses for the property be considered. He speculated that the developer wants to "bait and switch", by requesting deferral in order to offer up a "more acceptable" version of their development plan.

Marty Green

Ms. Green spoke in opposition of the proposed development plan for property on Petigru Road (Ordinance No. 20-61), asked County Council not to accept this proposal. She said the property backs up to her own home and property and is always "wet". In addition, her property floods in the front from a retention pond across the street that backs up and overflows to her property. Ms. Green asked County Council to prevent this development from happening, and help the people who can't afford to take on big developers.

Betsy Powers

Ms. Powers voiced opposition to the property development proposed for the Mercom property (Ordinance No. 20-61). When she purchased her own property in 2007 she was told that no permanent structure could ever be built in the back of the property because it was wetlands. Now, construction of an apartment complex consisting of 182 units is being considered, and this will re-direct water to other neighboring properties. She said the engineer will suggest installing retention ponds, but everyone is aware "retention ponds don't work". Ms. Powers asked County Council not to "side with the developer".

James Phelan

Mr. Phelan asked County Council to consider favorable approval of Ordinance No. 20-60 to rezone property on Penny Royal Road. His family purchased this property on Penny Royal Road in 2011, with a mobile home on it. He never considered that the property was not zoned appropriately for a mobile home, and only learned of this after his family purchased a new home several months ago but have not been able to get a permit to move it onto his property. Mr. Phelan asked County Council to approve this request to change the zoning back to its original classification.

Cindy Person

Ms. Person voiced opposition to the development proposal to construct 182 units on Petigru Road. She also voiced dismay that developers are working to get support from the African American community, including promises to build a community center and donate it to the Civic Club, but the community

rejected it. Instead of “listening” to the community, these “shrewd businessmen” continue their attempts to persuade residents in favor over and over again. She also voiced concerns regarding recent discussions that County Council’s meetings may return to a virtual format. This would leave the community with no opportunity for live public input, which is beneficial to the developer, and prejudicial to everyone else. Ms. Person urged County Council not to delay its decision on this matter but to take action tonight to deny this project.

MINUTES:

Regular Council Session – December 8, 2020

Councilmember Everett Carolina moved to approve the minutes of the December 8, 2020 meeting. Councilmember Bob Anderson seconded the motion. Chairman Louis Morant called for discussion on the motion, and there was none.

In Favor:	Bob Anderson	Louis R. Morant
	Everett Carolina	Raymond L. Newton
	Steve Goggans	John W. Thomas
	Lillie Jean Johnson	

CONSENT AGENDA:

Procurement #20-059, Airport Engineering and Planning Services - County Council authorized the issuance of a Contractor's Agreement to Talbert & Bright for airport engineering services.

PUBLIC HEARING:

Ordinance No. 20-56

A public hearing was held on Ordinance No. 20-56, an Ordinance to Amend the Georgetown County Airport Fixed Based Operator Lease Agreement. Chairman Morant opened the floor for public comments. No individual came forward to speak for, or against Ordinance No. 20-56, and the Chairman closed the public hearing.

Ordinance No. 20-57

County Council held a public hearing on Ordinance No. 20-57, an Ordinance to Authorize Georgetown County to Lease to CHS Flight School Portions of the Buildings and Grounds Located at the Georgetown County Airport for Purposes of Operating a Flight School and Aircraft Rental Operation. There were no public comments, and Chairman Morant closed the public hearing.

Ordinance No. 20-58

A public hearing was held on Ordinance No. 20-58, an Ordinance to Establish a Policy and Fee Schedule Related to Onsite and/or Standby Emergency Services During Private and Non-Georgetown County Public Events. There were no public comments, and Chairman Morant ordered the hearing closed.

Fireworks Prohibited Zone

Pursuant to Section §23-25-175 of the SC Code of Laws, 1976 as amended, the owner, lessee, or managing authority of the below described property has filed an application with Georgetown County Council for extension of a Fireworks Prohibited Zone which will extend beyond the subject property to include adjacent public property.

County Council held a public hearing on an application for Extension of Fireworks Prohibited Zone to Extend Beyond the Subject Property to Include Adjacent Public Property as filed by *Timothy Norwood*, for

subject property as located at 1713 South Waccamaw Drive, Garden City Beach, County of Georgetown, South Carolina, further identified as TMS #41-0129A-025-00-00. Chairman Louis Morant opened the floor for public comments on this application, and no individual came forward.

Following the public hearing, Councilmember John Thomas moved to approve the application as presented for extension of a Fireworks Prohibited Zone. Councilmember Raymond Newton offered a second on the motion. There was no discussion on this motion.

In Favor:	Bob Anderson	Louis R. Morant
	Everett Carolina	Raymond L. Newton
	Steve Goggans	John W. Thomas
	Lillie Jean Johnson	

BOARD APPOINTMENTS

Airport Commission

Councilmember Steve Goggans moved for the appointment of Dr. Jerry Crosby to the Georgetown County Airport Commission. Councilmember Lillie Jean Johnson seconded the motion. There was no discussion on the motion.

In Favor:	Bob Anderson	Louis R. Morant
	Everett Carolina	Raymond L. Newton
	Steve Goggans	John W. Thomas
	Lillie Jean Johnson	

Economic Development Alliance Board

Councilmember Lillie Jean Johnson moved for the appointment of Ms. Ronnie Gilliard to the Economic Development Alliance Board. Councilmember Bob Anderson seconded the motion. There was no discussion following the motion.

In Favor:	Bob Anderson	Louis R. Morant
	Everett Carolina	Raymond L. Newton
	Steve Goggans	John W. Thomas
	Lillie Jean Johnson	

ORDINANCES-Third Reading

Ordinance No. 20-56

Councilmember Everett Carolina moved for third reading approval of Ordinance No. 20-56, an Ordinance to Amend the Georgetown County Airport Fixed Based Operator Lease Agreement. Councilmember Lillie Jean Johnson offered a second on the motion. Upon a call for discussion from the Chairman, there was none.

In Favor:	Bob Anderson	Louis R. Morant
	Everett Carolina	Raymond L. Newton
	Steve Goggans	John W. Thomas
	Lillie Jean Johnson	

Ordinance No. 20-57

Councilmember Everett Carolina made a motion for third reading approval of Ordinance No. 20-57, an Ordinance to Authorize Georgetown County to Lease to CHS Flight School Portions of the Buildings and Grounds Located at the Georgetown County Airport for Purposes of Operating a Flight School and Aircraft Rental Operation. Councilmember John Thomas seconded the motion. There was no discussion.

In Favor:	Bob Anderson	Louis R. Morant
	Everett Carolina	Raymond L. Newton
	Steve Goggans	John W. Thomas
	Lillie Jean Johnson	

Ordinance No. 20-58

Councilmember Raymond Newton moved for third reading approval of Ordinance No. 20-58, an Ordinance to Establish a Policy and Fee Schedule Related to Onsite and/or Standby Emergency Services During Private and Non-Georgetown County Public Events. The motion was seconded by Councilmember Everett Carolina. No discussion followed the motion.

In Favor:	Bob Anderson	Louis R. Morant
	Everett Carolina	Raymond L. Newton
	Steve Goggans	John W. Thomas
	Lillie Jean Johnson	

ORDINANCES-Second Reading:

Ordinance No. 20-59

Following a report by the County Administrator, Angela Christian, Councilmember Bob Anderson moved for second reading approval of Ordinance No. 20-59, an Ordinance to revise the Rules of Procedure as previously adopted by Georgetown County Council. Councilmember Raymond Newton seconded the motion. Chairman Louis Morant called discussion.

Councilmember Anderson moved to amend Ordinance No. 20-59 in order to incorporate text, as the ordinance was introduced by title only at first reading. Councilmember John Thomas offered a second on the amendment. There was no further discussion.

In Favor:	Bob Anderson	Louis R. Morant
	Everett Carolina	Raymond L. Newton
	Steve Goggans	John W. Thomas
	Lillie Jean Johnson	

The vote on the main motion was as follows:

In Favor:	Bob Anderson	Louis R. Morant
	Everett Carolina	Raymond L. Newton
	Steve Goggans	John W. Thomas
	Lillie Jean Johnson	

Ordinance No. 20-60

A motion was made by Councilmember Everett Carolina for second reading approval of 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). Councilmember Raymond Newton seconded the motion. Chairman Louis Morant called for discussion, and there was none.

In Favor:	Bob Anderson	Louis R. Morant
	Everett Carolina	Raymond L. Newton
	Steve Goggans	John W. Thomas
	Lillie Jean Johnson	

Ordinance No. 20-61

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), was deferred at the request of the property applicant.

ORDINANCES-First Reading:

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

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.

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.

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.

BIDS:

No reports.

REPORTS TO COUNCIL:

Nonprofit Spotlight – The Village Group

Georgetown County and the Bunnelle Foundation are partnering to spotlight a local nonprofit at each County Council meeting. Nanci Conley, Chief Operating Office, of The Village Group made a presentation on behalf of the organization. The Village Group is a volunteer-based nonprofit that focuses on youth development and literacy enrichment for children and teens in underserved communities. Since its launch in 2005, the group has directly mentored and tutored more than 5,000 youths, introducing them to career paths and opportunities they might never have been exposed to otherwise.

Employee of the Quarter Recognition

Walt Ackerman, Human Resources Director, began with comments to County Council regarding several presentations to follow. He pointed out that each of these awards was highly competitive, and all involved consideration of several equally deserving individuals in each category.

Brigitte Jayroe, a data entry clerk with the Georgetown County Building Department, was named Georgetown County's Employee of the Quarter. She has been employed with the Georgetown County for five years. She started work with the county in 2016 as a part-time employee and was brought on full-time in the summer of 2017. Ms. Jayroe was unexpectedly unable to attend this meeting to accept the award, and Mr. Ackerman stated that the presentation would be delayed until a later date.

Presentation – 2020 Volunteer of the Year

Walt Ackerman, Human Resources Director, introduced Gene Turner, a volunteer with Midway Fire and Rescue, who was selected as the County's 2020 Volunteer of the Year. At the end of each year, Georgetown County recognizes one volunteer from within its various departments and divisions who has stood out above the rest in their commitment and service. Gene Turner, who has been a dedicated volunteer with Midway Fire and Rescue for the last six years typically volunteers several days a week to run the department's front office, fielding phone calls and inquiries, as well as walk-ins. He has developed a vast knowledge of fire department procedures and operations, which makes him a great asset in this role.

Presentation – 2020 Employee Volunteer of the Year

Walt Ackerman, Human Resources Director, introduced Justin Lenker, a Master Firefighter with Midway Fire and Rescue, who was selected as the County's 2020 Employee Volunteer of the Year for outstanding volunteer service. The Employee Volunteer of the Year award is presented at the end of each year to recognize one County employee who volunteers their time and service to one of the County's many departments and divisions outside the course of their regular job. Mr. Lenker has been employed with Georgetown County for seven years and has been volunteering to support the department and his community outside the course of his regular duties for equally as long.

Presentation – 2020 Manager of the Year

Walt Ackerman, announced that Truman Winns, an employee of Georgetown County for 14 years, has been named Georgetown County's Manager of the Year for 2020. He was nominated by Library Director Dwight McInvaill. Mr. Winns was unexpectedly unable to attend the meeting to accept this award, therefore, the presentation will be delayed until a later date.

EXECUTIVE SESSION:

Councilmember Steve Goggans made a motion to move into Executive Session to receive legal advice Pertaining to Potential Litigation Involving the County Pursuant to S.C. Code Ann. § 30-4-70(a)(2). Councilmember Everett Carolina offered a second on the motion.

In Favor:	Bob Anderson	Louis R. Morant
	Everett Carolina	Raymond L. Newton
	Steve Goggans	John W. Thomas
	Lillie Jean Johnson	

OPEN SESSION:

As Open Session resumed, Chairman Louis Morant announced that County Council discussed a legal matter as previously disclosed during Executive Session. No decisions were made, and no votes were taken while County Council was in Executive Session. He called for further business to come before County Council.

Councilmember Raymond Newton moved to authorize Georgetown County's legal team to pursue an insurance claim and litigation based on reasonable contingency fees on behalf of Georgetown County. Councilmember Bob Anderson seconded the motion. No discussion followed.

In Favor:	Bob Anderson	Louis R. Morant
	Everett Carolina	Raymond L. Newton
	Steve Goggans	John W. Thomas
	Lillie Jean Johnson	

Being no further business to come before County Council, Chairman Louis Morant called for a motion to adjourn the meeting. Councilmember Everett Carolina so moved, and the meeting was adjourned.

Date

Clerk to Council

Item Number: 6.a
Meeting Date: 2/9/2021
Item Type: CONSENT AGENDA

AGENDA REQUEST FORM
GEORGETOWN COUNTY COUNCIL



DEPARTMENT: Planning / Zoning

ISSUE UNDER CONSIDERATION:

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 - Third Reading.

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 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
Ordinance No. 21-03 Belle Vue	Ordinance

- ▣ Application and Attachments
- ▣ Location Map
- ▣ Zoning Map
- ▣ FLU Map
- ▣ Aerial Map
- ▣ Site Plan

Backup Material
Backup Material
Backup Material
Backup Material
Backup Material
Backup Material

ORDINANCE NO. 21-03

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 above the name.

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. 11/20/2020

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. 11/20/2020

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 17th 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 2nd 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
 A0B17F8199A6465...

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

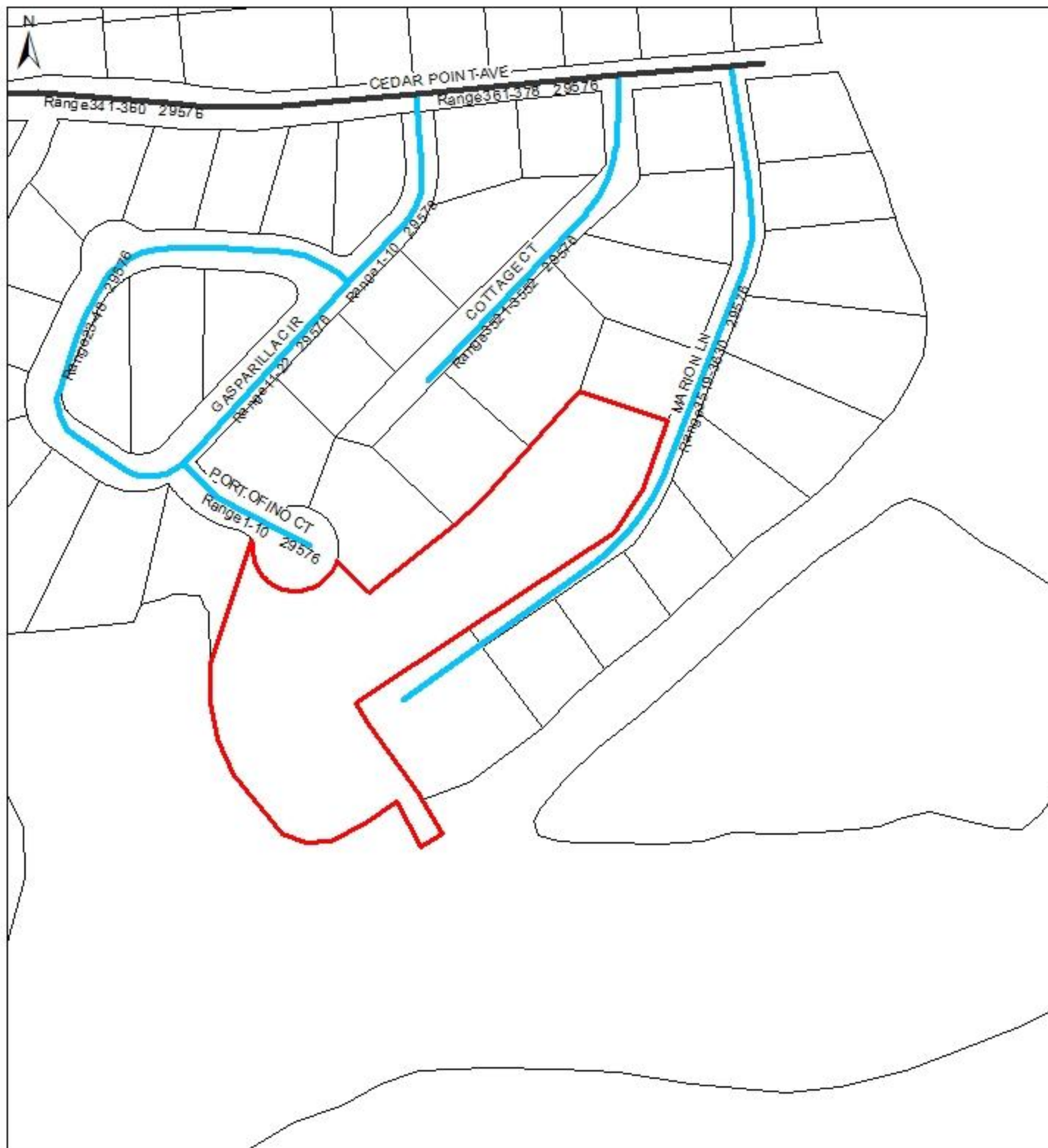
Georgetown, South Carolina 29440

Telephone (843) 545-3158

Fax (843) 545-3299

E-mail: tcoleman@gtcounty.org

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.



- DOCK OR PIER IS A STRUCTURE BUILT OVER AND/OR FLOATING ON WATER AND IS GENERALLY USED FOR THE MOORING OF BOATS. COMMUNITY DOCKS ARE THE MOST POPULAR METHOD OF GAINING ACCESS TO DEEP WATER, ALTHOUGH THEY ARE NOT NECESSARILY THE MOST DESIRABLE. COMMUNITY DOCKS AND PIERS HAVE MANY ADVANTAGES AND DISADVANTAGES. OBJECTABLE TO AN ECOLOGICAL AND AESTHETIC VIEW OF THE WATER. COMMUNITY DOCKS CAN BE USED TO RESTRICT 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 REFLECT THE ALLOCATION OF PROPERTY BOUNDARIES WITH ADJACENT OWNERS; NO LEASING OF SPACE OR OTHER COMMERCIAL USES ARE ALLOWED AT COMMUNITY DOCKS.

SHEET
1 OF 1

Item Number: 7.a
Meeting Date: 2/9/2021
Item Type: PUBLIC HEARINGS

AGENDA REQUEST FORM
GEORGETOWN COUNTY COUNCIL



DEPARTMENT: County Council

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:

Recommendations regarding the approval of Ordinance No. 21-04 are provided under separate report.

ATTORNEY REVIEW:

Yes

ATTACHMENTS:

Description	Type
▣ Ordinance No 21-04 Multi-county Industrial Business Park	Ordinance
▣ MCIP Agreement	Exhibit

**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**

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 50th 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 50th 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: 8.a
Meeting Date: 2/9/2021
Item Type: APPOINTMENTS TO BOARDS AND COMMISSIONS

AGENDA REQUEST FORM
GEORGETOWN COUNTY COUNCIL



DEPARTMENT: County Council

ISSUE UNDERCONSIDERATION:

Accommodations Tax Advisory Committee

CURRENT STATUS:

Pending

POINTS TO CONSIDER:

There is currently a vacancy on the Georgetown County Accommodations Tax Advisory Committee representing Council District 7. Chairman Louis Morant has recommended the appointment of Ebony Hughes to fill this seat.

If appointed, Ms. Hughes will serve a term that will end on March 15, 2023. Ms. Hughes has submitted an application, which is provided for County Council's review and consideration.

FINANCIAL IMPACT:

n/a

OPTIONS:

1. Ratify the appointment of Ebony Hughes to the Georgetown County Accommodations Tax Committee representing Council District 7.
2. Do not ratify this appointment.

STAFF RECOMMENDATIONS:

Recommendation to ratify the appointment of Ebony Hughes to the Georgetown County Accommodations Tax Committee (representing Council District 7).

ATTORNEY REVIEW:

ATTACHMENTS:

Description	Type
▯ Ebony Hughes - Application	Backup Material

Item Number: 8.b
Meeting Date: 2/9/2021
Item Type: APPOINTMENTS TO BOARDS AND COMMISSIONS

AGENDA REQUEST FORM
GEORGETOWN COUNTY COUNCIL



DEPARTMENT: County Council

ISSUE UNDERCONSIDERATION:
Economic Development Alliance Board

CURRENT STATUS:
Pending

POINTS TO CONSIDER:

The Economic Development Alliance for Georgetown County was organized to operate as a supporting organization exclusively for the benefit of Georgetown County by assisting the County in the function of promoting and enhancing the economic growth and development of the County.

The Board of Directors of the Alliance, a 501(c)(3) organization, is the governing body of the corporation that is vested with the business affairs of the corporation. In accordance with the by-laws adopted by the Alliance for Economic Development, seven members of the Board shall be appointed by the Georgetown County Council.

Councilor Bob Anderson has recommended the appointment of Walter Wilkinson to represent Council District 2 on the Economic Development Alliance Board. Mr. Wilkinson currently serves on Georgetown County's Assessment Appeals Board, and will resign that position based upon appointment to the Economic Development Alliance Board.

Mr. Wilkinson's application is provided for County Council's review and consideration.

FINANCIAL IMPACT:
n/a

OPTIONS:

1. Ratify the appointment of Walter Wilkinson to the Economic Development Alliance Board.
2. Do not ratify this appointment to the Economic Development Alliance Board.

STAFF RECOMMENDATIONS:

Ratify Councilmember Bob Anderson recommendation to appoint Walter Wilkinson to the Economic Development Alliance Board (representing Council District 2).

ATTORNEY REVIEW:

ATTACHMENTS:

Description	Type
Walter Wilkinson - Economic Dev Alliance Board	Backup Material

Item Number: 8.c
Meeting Date: 2/9/2021
Item Type: APPOINTMENTS TO BOARDS AND COMMISSIONS

AGENDA REQUEST FORM
GEORGETOWN COUNTY COUNCIL



DEPARTMENT: County Council

ISSUE UNDERCONSIDERATION:

Planning Commission

CURRENT STATUS:

Pending

POINTS TO CONSIDER:

Council member Bob Anderson has recommended the appointment of Ms. Marla Hamby to serve on the Georgetown County Planning Commission.

If appointed, Ms. Hamby will serve a four year term of service that will begin on March 15, 2021. Ms. Hamby's application is provided for Council's review and consideration.

FINANCIAL IMPACT:

n/a

OPTIONS:

1. Ratify recommendation to appoint Ms. Marla Hamby to the Georgetown County Planning Commission.
2. Do not ratify proposed appointment.

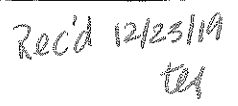
STAFF RECOMMENDATIONS:

Ratify the appointment of Ms. Marla Hamby to the Georgetown County Planning Commission (*representing Council District 2*).

ATTORNEY REVIEW:

ATTACHMENTS:

Description	Type
▢ Marla Hamby - Planning Commission Application	Backup Material



[For all yes/no questions please circle appropriate answer]

☐ Midway Fire-Rescue Board
☐ Parks & Recreation Commission
☒ Planning Commission
☐ Sheriff Advisory Board
☐ Tourism Management Commission
☐ Zoning Appeals Board

half the meetings within a six-month period, I will resign my appointment

Mallory Hamby 12-22, 2019
Applicant Signature Date

Item Number: 10.a
Meeting Date: 2/9/2021
Item Type: THIRD 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) Approval of Ordinance 21-01 to amend and clarify Ordinance 20-32, 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:

Yes

ATTACHMENTS:

Description	Type
▢ Ordinance No 21-01 Procurement	Ordinance
▢ Construction Contract Delivery Method Comparisons	Backup Material

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: _____

Design-Build (DB)-A construction project delivery method that combines architectural and engineering design services with construction performance under one contract.

Pros

- The contractor is selected based on qualifications, capabilities, experience, and price, thus avoiding some of the risks from contract awards solely based on price.
- Since there is one firm doing everything, there is no finger pointing if something goes wrong.
- Shorter timelines. There's no delay between the design phase and the building phase where bids are collected. The transition between stages is seamless, and often the construction can start while designing is still happening, leading to even less interruptions.
- Easier to Budget. While it might not be the cheaper option, design-build costs are often more predictable. The design-builder can wrap the whole price into a solid range that should be close to the final cost, which will allow the project owner to better budget from the start.
- Time can be saved because ordering of materials and site work begin before the total design is complete.
- There is a close, contractual relationship between the design and construction teams, resulting in fewer change orders by the owner that arise from occasional revisions in design by an owner's A&E.

Cons

- Higher Prices. Bids based on qualifications, not cost. At some point in the design, they must commit to a guaranteed maximum price (GMP) much like with CMAR.
- Owner loses some design creativity. Design often is managed through owner approval of design documents during performance. While some design elements may be specified, typically the contractor is given flexibility in design.
- Owner is less involved with the project overall than they would be with the traditional Design-Bid-Build project delivery method. Initially, the project owner will be heavily included with designing and planning. However, once the ball gets rolling, the project owner will be consulted on more of an as-needed basis, with the design-builder making more decisions. Hence, contract management is more challenging.
- Limits Competition. The number of firms available to provide both design and construction services is limited.
- It may be more difficult to secure performance and payment bonds on this type of project.

- Owner does not have the security and comfort of having an A&E act as their agent during the project.

Design-Bid-Build (DBB)-The traditional project delivery method, which customarily involves three sequential project phases: design, procurement, and construction, and two distinct contracts for the design and construction (build) phases.

Hire Architect/Engineering (A&E) firm first. Owner works with A&E firm to design project fully. Once engineered drawings are completed, a bid is completed to hire a General Contractor (GC) to build based on the designs.

Pros

- Owner controls cost. Costs are known before any construction begins.
- Bidding A&E firm and GC firm separately maximizes competition and brings down costs.
- Follows a sequential timeline. Since there is no overlap where designing and construction are happening at the same time, it is much easier to see where the project is going at every step.
- This method offers the Owner the most design control.

Cons

- Potential complications or communication issues between GC and A&E. With the contractor not involved in the design process, issues that could have been addressed earlier often will come out later which may lead to change orders.
- This method has the longest timeline since you must wait to order materials or start construction until after designs are completed.
- Since GC is based on lowest price bid, quality of construction may be compromised.

Construction Manager at Risk (CMAR)-A construction project delivery method in which the owner enters into separate contracts with the designer and builder, often at or about the same time. During design, the CMAR advises the owner and designer on constructability, value engineering, cost estimating, schedule, sequencing, selection of components and materials, and other matters. When the design is completed, the CMAR becomes the "builder," or general contractor, responsible or "at risk" for completing construction within the guaranteed maximum price (GMP).

This method requires the hiring of a manager who is most often a general construction contractor with technical and financial capabilities appropriate to the project. An individual or firm can hold this management position. A CMAR may be brought in during the initial planning and pre-planning stages, during the design and drawing phases, or at the pre-construction stage.

A CMAR will normally work to establish a guaranteed maximum price (GMP) based on bids they receive from subcontractors during the design phase. They will also usually include a contingency amount to cover any unforeseen events. Then they will give the owner a final GMP construction cost. This price is the sum of the CMAR's fee and their profit margin, the subcontractors' bids, and all contingency allowances. For special projects, the owner may also use the CMAR to prepare and submit complex bid packages.

Pros

- There is a higher level of cost control from the start. During the design process, the CM provides cost estimates. The architect can only move onto the next phase of the project once the CMAR estimates are in line with the established budget, thus allowing the owner to maintain budget control.
- The owner's risk is limited by the CMAR process, providing the construction documents are complete and proper allowances and contingencies are built into the GMP. The GMP provides the owner with the assurance that their budget will be maintained.
- CMAR reduces the time to completion of a construction project. Can avoid project delays and reduce the time and expense to complete the project.

Cons

- The CM-architect relationship can lead to some of the same issues that arise in the design-bid-build delivery process: disputes between design intent and construction feasibility. For this reason, it is recommended that the CM be involved in the selection of the architect to reduce the risk of an adverse relationship.
- The CMAR method is better for larger projects.
- The owner may be financially liable for the exclusions and inconsistencies in the contract documents.
- The architectural design team may not take input from CM if brought in during later planning or pre-construction stages. Blueprints that are incomplete or inaccurate can still result in change orders that can drive up costs.
- During the early stages of the project and before the GMP has been established, there is sometimes ambiguity concerning the scope of work included under the GMP.
- The perception by the owner that price competition is limited may lead them to believe they are not getting a fair price.
- Owner loses some control as the CMAR is empowered to contract multiple subcontractors to solicit and receive bids and are the sole point of responsibility for the project's delivery.

Item Number: 10.b
Meeting Date: 2/9/2021
Item Type: THIRD 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	I ype
▣	Ordinance No 21-04 Multi-county Industrial Business Park	Ordinance
▣	MCIP Agreement	Cover Memo

**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**

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 50th 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 50th 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
[UPDATABLE 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: 11.b
Meeting Date: 2/9/2021
Item Type: SECOND READING OF ORDINANCES

AGENDA REQUEST FORM
GEORGETOWN COUNTY COUNCIL



DEPARTMENT: Legal

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:

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

NOTE: *Ordinance No. 21-05 was introduced at First Reading by title only, therefore a motion to amend will be required to incorporate ordinance text.*

ATTORNEY REVIEW:

ATTACHMENTS:

Description	Type
□ Ordinance No. 21-05 CPST Surplus	Ordinance

**AN ORDINANCE ALLOCATING THE REMAINING 2014 CAPITAL PROJECT SALES TAX SURPLUS PROCEEDS
FOR CAPITAL PROJECTS AND OTHER MATTERS RELATING THERETO**

WHEREAS, 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; and

WHEREAS, 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; and

WHEREAS, the collection has ended resulting in a surplus of capital project sales tax proceeds totaling approximately \$12.5 million dollars; and

WHEREAS, in 2020 County Council passed Ord. 20-26 (reference is craved thereto) whereby \$4,041,353 of the surplus was allocated for capital projects; and

WHEREAS, 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; and

NOW, THEREFORE, it is hereby ordained by the Georgetown County Council that the following words and mandates be adopted and authorized, as law:

Section 1:

In direct reference to collected surplus 2014 Capital Project Sales Tax (*2014 surplus collections*), which ended April 30, 2019, the County expressly ordains and takes the following actions:

1. All original projects as submitted and approved by the voters in 2014 are fully funded and related proceeds have been expended or set aside.
2. The balance of 2014 surplus collections is approximately \$10 million dollars.
3. That the following items be funded and disbursed from *2014 surplus collections*:

a. Emergency Vehicle Traffic Control system	\$ 1,000,000
b. DeBordieu Fire Station Plan	\$ 199,870
c. Waverly Road Multimodal Pathway	\$ 1,853,116
d. Sewer System Expansion along Powell Road to Mt Zion	\$ 294,080
e. Basketball Court for South Island and Walking Trail	\$ 231,200
f. Tennis Courts for N Santee & Sampit Parks	\$ 334,872
g. Resurface Tennis Courts at South Island Rd	\$ 33,750
h. Lighting, Signage on trails in N Santee Sampit, Andrews & Lambertown	\$ 88,098
i. Pleasant Hill NW Park Basketball Court & Playground	\$ 82,864
j. Library Improvements	\$ 1,169,425
k. HVAC systems at N Santee	\$ 18,000
l. Big Dam Swamp Center	\$ 650,000
m. St Luke Community Center	\$ 100,000

n. Choppee Complex Auditorium Renovations	\$ 426,323
o. Dunbar Park Improvements	\$ 61,500
p. Lanes Creek Park Improvements	\$ 45,800
q. Sandy Island Shelter	\$ 6,000
r. Plantersville Park Improvements	\$ 45,000
s. Sewer Expansion from Choppee to Carver's Bay	\$ 289,302
t. Oatland, St Paul and Pee Dee Park Improvements	\$ 70,800
	<hr/>
	\$ 7,000,000

4. That the projects listed in Section 2-(3) comport with the types of allowable projects listed in South Carolina Code of Laws 4-10-330(A)(1).
5. That this ordinance and the allocation of surplus proceeds is made in accordance with South Carolina Code of Laws 4-10-340.
6. That the remaining balance of *2014 surplus collections*, if any, be held in account without expenditure until such time the Georgetown County Council determines and ordains subsequent projects for which the surplus may be disbursed.

Section 3:

1. The County Administrator and staff are authorized to implement the mandates of this Ordinance and shall set aside, account, and disburse funds, respectively, utilizing the normal course of business and practice methods of Georgetown County.
2. Should a court of competent jurisdiction declare any word, phrase, clause or provision of this ordinance invalid or unconstitutional, 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.
3. 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.
4. This ordinance shall become effective immediately upon its final approval.

DONE, RATIFIED, ORDAINED, AND ADOPTED THIS ____ DAY OF _____, 2021.

Louis R. Morant, Chairman
Georgetown County Council

(SEAL)
Attest:

Theresa E. Floyd
Clerk to Council

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

H. Thomas Morgan, Jr.
Interim County Attorney

Item Number: 12.a
Meeting Date: 2/9/2021
Item Type: FIRST READING OF ORDINANCES

AGENDA REQUEST FORM
GEORGETOWN COUNTY COUNCIL



DEPARTMENT: County Council

ISSUE UNDERCONSIDERATION:

Ordinance No. 21-07 - An Ordinance to Repeal, Replace, and/or Establish Certain Fees Payable to the Georgetown County Coroner's Office, and Set Guidelines for the Same

CURRENT STATUS:

First Reading by Title

POINTS TO CONSIDER:

FINANCIAL IMPACT:

OPTIONS:

STAFF RECOMMENDATIONS:

ATTORNEY REVIEW:

Item Number: 12.b
Meeting Date: 2/9/2021
Item Type: FIRST READING OF ORDINANCES

AGENDA REQUEST FORM
GEORGETOWN COUNTY COUNCIL



DEPARTMENT: County Administrator

ISSUE UNDERCONSIDERATION:

Ordinance No. 21-08 - An Ordinance to Amend the FY21 Operating Budget of Georgetown County

CURRENT STATUS:

First Reading by Title Only

POINTS TO CONSIDER:

FINANCIAL IMPACT:

OPTIONS:

STAFF RECOMMENDATIONS:

ATTORNEY REVIEW:

Item Number: 16.a
Meeting Date: 2/9/2021
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
▢ Ordinance No 20-59 Rules of Procedure	Backup Material
▢ 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.
- 2-3.7 **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 - 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

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 2/3rd 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 61st 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–2nd 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;
- 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~~affix 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.

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

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

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.

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.

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.

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

c. Investigative proceedings regarding allegations of criminal misconduct.

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.

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

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"

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"

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"

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"

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 - 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

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.~~

~~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).~~

The order of business shall be:

- 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

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 ~~threefive~~ (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: No underline

Formatted: No underline

Formatted: No underline

Formatted: No underline

Formatted: No underline

Formatted

Formatted: Justified

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

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 2/3rd 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 61st 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 COUNCIL MEMBERS:** 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: 2/9/2021
Item Type: DEFERRED OR PREVIOUSLY SUSPENDED ISSUES

AGENDA REQUEST FORM
GEORGETOWN COUNTY COUNCIL



DEPARTMENT: County Council

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:
Deferred pending public hearing (scheduled for 2/23/21)

ATTORNEY REVIEW:
Yes

ATTACHMENTS:	
Description	Type
<input type="checkbox"/> 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

