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S.C. SUPREME COURT

**EXHIBIT B**

**MINUTES  
HORRY COUNTY COUNCIL  
REGULAR MEETING  
County Council Chambers  
November 19, 2019  
6:00 p.m.**

**MEMBERS PRESENT:** Johnny Gardner, Chairman; Bill Howard; Gary Loftus; Danny Hardee; Johnny Vaught; Harold Worley; Orton Bellamy; Cam Crawford; Tyler Servant; Dennis DiSabato; and Paul Prince.

**MEMBERS ABSENT:** Al Allen.

**OTHERS PRESENT:** Pat Hartley; Steve Gosnell; Randy Webster; Arrigo Carotti; Barry Spivey; David Gilreath; David Schwerd; and Kelly Moore.

In accordance with the FOIA, notices of the meeting were provided to the press stating the time, date, and place of the meeting.

**CALL TO ORDER:** Chairman Gardner called the meeting to order at approximately 6:00 p.m.

**INVOCATION:** Mr. Vaught gave the invocation.

**PLEDGE:** Mr. Hardee led in the pledge.

**PUBLIC INPUT:**

1. **Nick Rollins** spoke regarding reckless discharge of firearms. He reviewed the current law on discharging a firearm and then went over what it didn't have in it in his opinion. He then compared it with the hunting laws. He was confused as to why the hunting laws contained requirements for hunting that were accepted as responsible gun owners and residents of communities but were allowed to shoot recklessly and at will in neighborhoods in target practicing. It didn't seem reasonable. He proposed as a solution to adopt the gun laws on the books with regards to the ordinance for shooting in highly dense populated areas.
2. **Donna Kaloz** spoke regarding I-73. She was there to reiterate the importance of I-73. It was very important to the people of Horry County for safety and job reasons. She asked them to do the right thing and get I-73 built for real progress and for the safety of our residents and millions of visitors.

**APPROVAL OF AGENDA CONTENTS:** Mr. Howard moved to approve the agenda contents, seconded by Mr. Loftus. Mr. Hardee requested to move Ordinance 115-19 from the consent agenda and move it to Ordinances. Chairman Gardner moved Ordinance 106-19 from the consent agenda to Ordinances and took Ordinance 92-19 off consent and moved it to Ordinances. Mr. DiSabato moved to adopt changes by acclamation, seconded by Mr. Howard. Mr. DiSabato moved to approve the main motion as amended, seconded by Mr. Loftus. The main motion as amended was unanimously passed.

**APPROVAL OF MINUTES:** Regular Meeting, November 5, 2019: Mr. Vaught moved to approve the Regular Meeting, November 5, 2019 meeting minutes, seconded by Mr. Howard. The motion was unanimously passed.

**APPROVAL OF CONSENT AGENDA:** Mr. Vaught moved to approve as amended, seconded by Mr. Prince. The motion was passed with Mr. Servant requesting to be shown as a Nay vote (Recusal) on Ordinance 95-19. Mr. Worley requested to be shown as voting Nay on Ordinance 95-19. The consent agenda consisted of the following:

Third Reading – Ordinance 93-19 to amend the Index Map of the official map ordinance adding the Conway Perimeter Road to the Horry County Official Index map.

Third Reading – Ordinance 94-19 to amend the Zoning Ordinance pertaining to value added processing.

Third Reading – Ordinance 95-19 to amend the Zoning Ordinance pertaining to building height and setback compliance regarding the elevation of structures within special flood hazard areas.

Third Reading – Ordinance 96-19 to amend the Zoning Ordinance pertaining to commercial zoning districts.

Third Reading – Ordinance 97-19 to amend the Zoning Ordinance pertaining to open yard storage.

Third Reading – Ordinance 105-19 amending the Horry County Code of Ordinances in the continued effort to reduce the incidents of false alarms in Horry County.

Third Reading of the following Ordinances to approve the request to amend the official zoning maps:

Ord 87-19 Rowe Professional Services, agent for Clearwell LLC; Ord 88-19 Venture Engineering, agent for Horry Furniture Co.; Ord 89-19 G3 Engineering, agent for Robert Floyd Jr.; Ord 98-19 Sandra Jones & Lee Edge; Ord 99-19 DRG LLC, agent for Waterway Plantation Multi-family PDD; Ord 100-19 DDC Engineers, agent for Rebecca & Robert Collins; Ord 101-19 DDC Engineers, agent for Rebecca Collins; Ord 102-19 Rowe Professional Services, agent for Omero Loredó Ibanez; Ord 103-19 Venture Engineering, agent for Pamela Dawn Squires; and Ord 104-19 Rowe Professional Services, agent for Vivian & Charles Brown.

First Reading – Ordinance 108-19 to amend the Zoning Ordinance pertaining to the rural tourism permit.

First Reading of the following Ordinances to approve the request to amend the official zoning maps:

Ord 109-19 Jeff Miller, agent for Chase Storage LLC, Carolina Forest Storage PDD Amendment; Ord 110-19 DDC Engineers, agent for FTTP Bishop Parkway LLC, Fantasy Harbour PDD Amendment; Ord 111-19 Gary Ward, agent for Entity Properties LLC; Ord 112-19 Robert Guyton, agent for Pure Assets LLC; Ord 113-19 South Causeway Builders LLC; Ord 114-19 George Raymond Suggs; and Ord 116-19 Kimberley Payne.

First Reading – Ordinance 119-19 approving the abandonment, conveyance, and removal from the county's maintenance system a remnant portion of the right-of-way of Bertie Road and to deed back the remnant to the adjacent property owner and authorizing the county administrator to execute a quit-claim deed on behalf of Horry County.

First Reading – Ordinance 120-19 approving and authorizing the county administrator to execute a lease agreement with Metglas, Inc. for warehouse property located in the Atlantic Center.

Resolution R-128-19 to opt out of the nationwide class certified for negotiation purpose in the *In Re National Prescription Opiate Litigation*.

Resolution R-129-19 to express Horry County's request for the SC General Assembly to enact laws to better protect historical monuments and markers.

Resolutions accepting roads and drainage into the county system at the following locations:

R-130-19 Clear Pond M250 & M260 Phase 2  
R-131-19 Clear Pond M250 & M260 Phase 3  
R-132-19 Sierra Woods Phase 1

Board Appointments: Thomas Mezzapelle to the Parks & Open Space Board (Mr. Prince); Hillary Howard to the Museum Board of Trustees

## PRESENTATIONS / RESOLUTIONS:

**Presentation of Certificates of Appreciation to Horry County Sheriff's Office by Mt. Calvary Missionary Baptist Church.** Mr. Bellamy was joined at the podium by Rev Smith, Pastor of Mt. Calvary Missionary Baptist Church, and Mr. Worley. Mr. Bellamy read the Certificate and it was presented to Sheriff Thompson. He also recognized Lt. Steve Cox, Sgt. Ernest Beaty, Deputy First Class Bobby Strickland, and Deputy First Class Andy Cooper with certificates for their escort services during a motorcade that escorted a group of motorcycles to Mt. Calvary Baptist Church.

Mr. Worley thanked Council for allowing them to present the certificates and asked that they approve it. **Mr. Vaught moved to approve, seconded by Mr. Howard. The motion was unanimously passed.**

Sheriff Thompson thanked Council for the certificates. It was an honor to be able to do this.

## READING OF ORDINANCES:

Third Reading – Ordinance 92-19 to authorize and approve the execution and delivery of a Fee Agreement between Horry County and Project Down; to provide for the provision of infrastructure improvement credits; and to provide for other matters related thereto. **Mr. Vaught moved to approve, seconded by Mr. Howard.** Chairman Gardner thought a motion to amend was needed. Mr. Carotti said not on this one because they did not have the specifics. There were some blanks in the document, a property description, specifics about the company's facility, but this would be consistent with what had been presented in

executive session on two occasions if Council understood by passing this ordinance staff would be filling in the blanks once it received that information from the EDC. **The motion was unanimously passed.**

Third Reading – **Ordinance 106-19** to establish a joint county industrial and business park to be known as the Georgetown County Project Eagle Joint County Industrial and Business Park in conjunction with Georgetown County, such park to be geographically located in Georgetown County; to authorize the execution and delivery of a written park agreement with Georgetown County as to the requirement of payments of fee in lieu of *ad valorem* taxes with respect to park property; to provide for the distribution of revenues from the park with Georgetown County; and other matters related thereto. **Mr. Loftus moved to approve, seconded by Mr. Howard.**

Mr. Carotti said in this particular case they had received that information from Georgetown County and they should have a handout on the dais with information about the description of the company as well as the property. It would be proper for a motion to amend to include those things for the final draft. **Mr. Vaught so moved, seconded by Mr. Howard. The motion to amend was unanimously passed. The main motion as amended was unanimously passed.**

Second Reading and Public Hearing – **Ordinance 107-19** approving and authorizing the county administrator to execute a shuttle contract agreement amendment with Republic Parking to extend the contract termination date to July 31, 2021. **Mr. Prince moved to approve, seconded by Mr. Vaught. There was no public input. The motion was unanimously passed.**

First Reading – **Ordinance 117-19** to approve the request of Christopher Steele, agent for Thomas Pate, to amend the official zoning maps. **Mr. Vaught moved to approve, seconded by Mr. Crawford.** Mr. Crawford asked Council to follow suit with the planning commission's recommendation to disapprove. That would be the way he was voting.

Chairman Gardner said he would support him on that. It was his district and he would know more about it than he would. A no vote would mean no. **The motion to approve failed.**

First Reading – **Ordinance 118-19** to approve the request of Ed Hardee, agent for Palmetto Synergistic Research LLC, to amend the official zoning maps. **Mr. Vaught moved to approve, seconded by Mr. Hardee. The motion to approve failed.**

First Reading - **Ordinance 115-19** to approve the request of John & Donna Coughlin to amend the official zoning maps. **Mr. Hardee moved to approve, seconded by Mr. Vaught.** Mr. Hardee asked Council to vote Nay on this. **The motion failed unanimously.**

#### **OLD / NEW BUSINESS:**

**ANNOUNCEMENTS:** Chairman Gardner congratulated the fire department. They were looking for applications to replace 38 – 40 people for the fire department. He asked Chief Tanner how many that he had gotten and the reply was 500 applications.

Approval of the 2020 Council Meeting Dates. **Mr. Worley moved to approve, seconded by Mr. Prince. The motion was unanimously passed.**

Chairman Gardner said it gave him great pleasure to recognize Mr. Loftus for being a public servant for 15 years. He then presented him with his 15 year service pin.

**MEMORIAL DEDICATION:** Rosemary Toth; Rev. Johnny Jenerette; Ting Todd; Teresa Lyons; and Willard Beaty.

Mr. Crawford asked that everyone keep Mr. Carroll Craig in their prayers as he was in the Little River Medical Center.

**UPCOMING MEETINGS:** Regular Council meetings – Dec 10, 6:00 p.m.; I & R Committee – Dec 17, 9 a.m.; Public Safety Committee – Dec 17, 2 p.m.; Transportation Committee – No meeting in Dec; Administration Committee – Dec 3, 2:00 p.m.; Imagine 2040 Plan Workshop – Nov 21, 2:00 p.m.; and Fall Budget Retreat – Dec 12 – 13, all day.

**EXECUTIVE SESSION:** Receipt of legal advice relating to pending “Hospitality Fee” litigation and SCDOT Financial Participation Agreement. **Mr. Vaught moved to enter into executive session for the reasons stated, seconded by Mr. Prince. The motion was unanimously passed. Mr. Prince moved to exit executive session, seconded by Mr. Vaught. The motion was unanimously passed.** Mr. Carotti said that while in executive session Council received legal advice relating to the pending “Hospitality Fee” litigation and SCDOT Financial Participation Agreement. While in executive session, no votes were taken and no decisions were made. It would be, based on discussions in executive session, it would be appropriate at the time for County Council to entertain a motion to direct the administrator to exercise the County’s

rights under Section VII Subsection D of the December 13, 2018 Financial Participation Agreement between the SCDOT and Horry County providing the DOT a 30 day written notice of terminating this agreement for convenience.

Chairman Gardner said he thought that was proper and asked if there was a motion. **Mr. Worley so moved, seconded by Mr. Howard.**

Mr. Worley said this had been going on a long time. The fight with the municipalities when there was really no fight. Back in March the county offered to give the municipalities all of their money. Every nickel that was collected within the municipalities.

Mr. Vaught said and there would have been no attorney's fees involved to the accepted resolution that was passed back in March or April.

Mr. Worley said that was exactly right. They had been kicking this can down the road and he thought at their previous extension they all agreed that if they couldn't make some headway on it that at this meeting they would abandon that contract. The next day... It was not all bad. The next day at noon the statehouse members would have an opportunity to pre-file legislation. He thought it was time that the delegation stepped up to fix this problem. Maybe fix was not the right word but he would use it anyway. They could save I-73.

Chairman Gardner said they had \$2 billion currently.

Mr. Worley said yes. They had \$2 billion but yet they didn't want to use it for anything to help Horry County and he thought their delegation, and it was time and he thought they would. He thought they would do it the next day. By noon they would probably see a bill introduced that would move them closer to saving I-73 which was a road that he believed it's time had come. Maybe at one time it was not but he thought it's time had come. He thought it would be good for economic development. It would be a good public safety road. There were a lot of things that I-73 would do. He would vote to abandon this. Not that he was against I-73. He was for I-73, but he wanted to send a message loud and clear to the municipalities. If they want to get on board and help the county with I-73, good. If they don't, just say so and let the delegation take care of the problem.

Chairman Gardner said he agreed with him 100%. In fact he thought those were the exact words that he and Mr. Worley used there about 90 days prior when they said they would give it 90 days to see if they could get some kind of commitment from the municipalities, and they did not have that. If Horry County was the only person or only entity willing to kick in money, it was never going to get done. They had kicked the can down the road long enough. All he had heard was it was not going to hurt anything to just kick it down the road anymore. What he would say to them was it was not going to hurt anything to kill it that night. He would vote to kill it that night.

Mr. Vaught told the chairman that he was with him and Mr. Worley. He thought that back in March and April they took a leadership role. He was told specifically by several legislators at that point and time that Council was showing who the adult in the room was because they couldn't get any action out of anybody to make this thing happen and they stepped up, put a resolution on the table, voted for that resolution, and it was a better deal than any kind of an agreement was going to give them because it was a free deal. It was this is your money. You are going to get it back. They would dedicate a certain amount to building I-73 which would benefit the coastal municipalities much more than it would benefit the western part of the county. They could help them build it. The county would take the leadership role and get it done. The county got no cooperation whatsoever. They kept putting off the SCDOT contract saying okay it was not costing us anything but at this point and time, it was not possible for the SCDOT contract, the way it was written, for it to get done this fiscal year. It represented a fiscal year's work. That was not possible. He saw no reason to keep it alive. If the money comes through, if an agreement comes about so that the cities would step up and do their part in building I-73, then he didn't think SCDOT was going to be against the county recalculating and doing a new contract. So he saw no reason for them to continue to kick this can down the road.

Mr. Prince wanted to make sure he understood that they were voting to not extend this. They were voting to kill it.

Chairman Gardner said yes, that was correct. To terminate the contract. A yes vote means to terminate the contract.

Mr. Hardee said he was just basically going to reiterate what he was saying. He thought they had had enough he said, she said. He thought, like Mr. Worley said, the delegation needed to step up. They needed to all be in a room, municipalities included, and if they wanted to participate then have a meeting and do it. This stuff with the Council sitting there saying

this was what they were going to try to do and the delegation over here saying this was what they were going to do and nobody agreeing, they were not getting anywhere. So he didn't support it at all.

Mr. DiSabato said he would say there was a lot of talk on the dais about the municipalities not participating in helping to get I-73 completed was a little bit of misleading in some respects. They certainly hadn't had any formal support from them at that point but they were...

Mr. Worley told him to be careful.

Mr. DiSabato said they were attempting to get them to come to the table to help the county with this. Until they knew that they definitely won't, he didn't see the harm in extending this contract. Also, he did not agree with letting the state legislature lead on local issues of local import where Council should be acting as leaders.

Mr. Howard clarified that a yes was to carry forward or no to stop it.

Chairman Gardner said yes means terminate.

Mr. Howard clarified that yes means terminate and no means continue.

Chairman Gardner said yes.

Mr. Crawford wanted to echo what Councilman DiSabato said. He did think that they would run the risk of the legislature running this operation instead of the local municipality and he thought the local municipalities, local government... He thought that if they kill the contract what they were going to do was they were going to go back and make this thing project specific.

Mr. Vaught asked if he was talking about the legislature.

Mr. Crawford said the legislature.

Chairman Gardner asked if he wanted to elaborate on that and tell them why he thought that because he thought that they were willing to extend this thing and if the money was there they would enter into a new contract with the county.

Mr. Worley said that was right. Anything we wanted to.

Chairman Gardner said they had stood up there for 6 months and said what was the problem postponing. It was not costing anything. Well it was costing the staff time, costing money, costing aggravation over and over again, and what was the harm in killing it now because it was going to have to be remodeled anyway. Even if they had everything in place, the contract as it existed would have to be revised so it would work for the new project. So rather than having a contract that was flawed sitting on the shelf with maybe it would work or maybe it would not work, let's go ahead and kill it that night. Let's work for trying to settle the lawsuit if they could and move forward and let Horry County lead the way like it always does.

Mr. Worley told the chairman he was exactly right. They had worked hard to get this thing done. The thing about it was they were where they were again back in March. That was where they were that day in the settlement.

Chairman Gardner said yes. Mr. Vaught was right because if they had taken that settlement back then they would have saved a great deal of money that they had already spent.

Mr. Worley said they would have been building the road now.

Mr. Bellamy recommended that they have a joint meeting with Horry County, the delegation, and the municipalities and discuss these issues and come up with some consensus.

Chairman Gardner said that was a great idea but for that night they were going to vote to terminate this contract.

Mr. Bellamy said that was correct. He was in favor of terminating it.

Mr. Loftus said he tended to agree with everything that was being said. They had kicked the can and kicked the can waiting for the cities, waiting for the state, waiting for somebody to come along with us and so far nobody had. All they had done was throw road blocks in front of us, one right after another. So he was all for... They were not going to fish so let's just cut bait.

Mr. Vaught said they had been kicking it down the road. They had been showing leadership and had been doing everything they should have been doing. He told Mr. Bellamy that he had a good suggestion. Let's get everybody together and sit down around the table and settle it. They tried that back in March and April. Nobody would even respond to the document that the county put out spelling out exactly what they would do. They would not even respond to it. Wouldn't answer it. Wouldn't sit down at the table. Wouldn't do anything. They went public with what they considered to be a great offer and what, according to all the rumors they hear about the agreements now, was a great offer. A much better offer than the agreement had for them and for the county and would have built I-73. So he had had enough.

**Chairman Gardner called for the vote. A Yea would terminate this contract.**

YEA

Servant  
Loftus  
DiSabato  
Howard  
Worley  
Gardner  
Hardee  
Prince  
Vaught  
Bellamy  
Crawford

NAY

Mr. Hardee told Mr. Vaught that they did respond to them but it was in... They had to sign a secret agreement to talk to them.

Mr. Vaught told him he was correct and he didn't think anybody on the dais was going to go through with that.

**The vote was unanimous to instruct the administrator to send the letter terminating the contract.**

**ADJOURNMENT: With no further business, Mr. Worley moved to adjourn at approximately 7:27 p.m. and it was seconded. The motion was unanimously passed. The meeting was adjourned in memoriam of: Rosemary Toth; Rev. Johnny Jenerette; Ting Todd; Teresa Lyons; and Willard Bailey.**

HORRY COUNTY COUNCIL

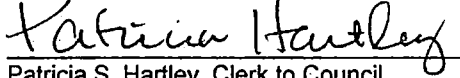


Johnny Gardner, Chairman

Harold G. Worley, District 1  
Dennis DiSabato, District 3  
Tyler Servant, District 5  
Orton Bellamy, District 7  
W. Paul Prince, District 9  
Al Allen, District 11

Bill Howard, District 2  
Gary Loftus, District 4  
Cam Crawford, District 6  
Johnny Vaught, District 8  
Danny Hardee, District 10

Attest



Patricia S. Hartley, Clerk to Council