

**MINUTES
HORRY COUNTY COUNCIL
REGULAR MEETING
January 10, 2006
6:00 p.m.**

MEMBERS PRESENT: Liz Gilland, Chairman; Harold Worley; Mark Lazarus; Marion Foxworth; Mike Ryan; Bob Grabowski; James Frazier; Carl Schwartzkopf; Paul Prince; Kevin Hardee; and John Boyd.

MEMBERS ABSENT: Howard Barnard

OTHERS PRESENT: Danny Knight; Pat Hartley; John Weaver; Anne Wright; Steve Gosnell; Paul Whitten; Janet Carter; Roland Meyer; Beth Fryar; Westley Sawyer; and Lisa Bourcier.

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 Gilland called the meeting to order at approximately 6:00 p.m.

INVOCATION: Chairman Gilland gave the invocation.

PLEDGE: Mr. Worley led in the pledge.

PUBLIC INPUT:

1. Mr. Chris Simmons was to speak about requirements to erect steel but was not present.
2. Ms. Barbara Blue was to speak about Steeple Chase Subdivision drainage but was not present.
3. Mr. Joe Lebett, resident of Myrtle Greens, was concerned about condemnation. Mr. Gosnell stated Mr. Jacobs spoke with Mr. Lebett and explained condemnation procedures.

Ms. Gilland closed public input at 6:10 p.m.

Ms. Gilland discussed how condemnation laws were used in different parts of the country to condemn good neighborhoods. She requested Mr. Weaver draft a resolution to the State General Assembly and Governor encouraging them to make a state law that would prohibit taking property for private development.

CHANGES TO AGENDA:

Mr. Boyd moved to place Ordinance 02-06 on the Consent Agenda, seconded by Mr. Hardee. The motion passed. The vote was as follows:

<u>In favor</u>		<u>Opposed</u>	<u>Absent</u>
Worley	Schwartzkopf		Barnard
Lazarus	Prince		
Foxworth	Hardee		
Ryan	Boyd		
Grabowski	Gilland		
Frazier			

Mr. Grabowski moved to add Resolution R-09-06, seconded by Mr. Prince. The motion passed. The vote was as follows:

<u>In favor</u>	<u>Opposed</u>	<u>Absent</u>
Worley	Schwartzkopf	Barnard
Lazarus	Prince	
Foxworth	Hardee	
Ryan	Boyd	
Grabowski	Gilland	
Frazier		

Mr. Foxworth moved to remand Resolution R-07-06 to the Administration Committee and have the Open Space Board review the resolution, seconded by Mr. Boyd. Mr. Ricky Hardee, Solid Waste Authority, stated the SWA board had not acted on the issue but would take it up at the January 17th Board meeting. Mr. Grabowski moved to remove Resolution R-07-06 from the agenda, seconded by Mr. Ryan. Mr. Foxworth withdrew his motion. Mr. Foxworth moved to delete Resolution R-07-06 from the agenda with instructions that it come through the committee process before it came back to Council, seconded by Mr. Boyd. The motion passed to delete the resolution from the agenda. The vote was as follows:

<u>In favor</u>	<u>Opposed</u>	<u>Absent</u>
Worley	Schwartzkopf	Barnard
Lazarus	Prince	
Foxworth	Hardee	
Ryan	Boyd	
Grabowski	Gilland	
Frazier		

Mr. Frazier moved to add a discussion on the estimated price for the new airport terminal, seconded by Mr. Prince. The motion passed. The vote was as follows:

<u>In favor</u>	<u>Opposed</u>	<u>Absent</u>
Worley	Schwartzkopf	Barnard
Lazarus	Prince	
Foxworth	Hardee	
Ryan	Boyd	
Grabowski	Gilland	
Frazier		

APPROVAL OF AGENDA CONTENTS:

Mr. Schwartzkopf moved to approve the agenda as amended, seconded by Mr. Boyd. The motion passed. The vote was as follows:

<u>In favor</u>	<u>Opposed</u>	<u>Absent</u>
Worley	Schwartzkopf	Barnard
Lazarus	Prince	
Foxworth	Hardee	
Ryan	Boyd	
Grabowski	Gilland	
Frazier		

APPROVAL OF MINUTES: December 13, 2005: Mr. Weaver advised that the third reading vote on Ordinance 197-05 that was approved at the December 13th meeting might have been contrary to parliamentary procedures and so as to clarify Council's action, he requested reaffirmation of the vote on third reading. Mr. Worley moved to reaffirm third reading of Ordinance 197-05, seconded by Mr. Hardee. The motion passed. The vote was as follows:

<u>In favor</u>		<u>Opposed</u>	<u>Absent</u>
Worley	Schwartzkopf		Barnard
Lazarus	Prince		
Foxworth	Hardee		
Ryan	Boyd		
Grabowski	Gilland		
Frazier			

Mr. Worley moved to approve the amended version of Ordinance 197-05, seconded by Mr. Hardee. The motion passed. The vote was as follows:

<u>In favor</u>		<u>Opposed</u>	<u>Absent</u>
Worley	Schwartzkopf		Barnard
Lazarus	Prince		
Foxworth	Hardee		
Ryan	Boyd		
Grabowski	Gilland		
Frazier			

Mr. Prince moved to approve the minutes, seconded by Mr. Ryan. The motion passed. The vote was as follows:

<u>In favor</u>		<u>Opposed</u>	<u>Absent</u>
Worley	Schwartzkopf		Barnard
Lazarus	Prince		
Foxworth	Hardee		
Ryan	Boyd		
Grabowski	Gilland		
Frazier			

MEMORIAL DEDICATION: It was requested that upon adjournment, Council adjourn in memorial of the following individuals:

Bernice Jones (Ms. Gilland)
 Bill G. Page (Mr. Prince)
 Janie Blain (Mr. Frazier)
 Raymond Bethel (Mr. Frazier)
 Wilbur Moore (Mr. Frazier)
 Johnny Gardner (Mr. Frazier)
 Elouise Long (Mr. Frazier)
 Otis Dunn (Mr. Frazier)
 Joyce Legette (Mr. Frazier)
 Michelle McCray (Mr. Frazier)
 Dr. Robert Elleton (Mr. Prince)
 David Wellons (Mr. Foxworth)

Hilda Baxley (Mr. Boyd)
 Ruth Kirton (Mr. Boyd)
 Howard Moore (Mr. Boyd)
 Jeffie Edwards (Mr. Boyd)
 Clara Booth (Mr. Hardee)
 Mildred Strickland (Mr. Hardee)

APPROVAL OF CONSENT AGENDA: Mr. Grabowski moved to approve the Consent Agenda, seconded by Mr. Prince. The Consent Agenda consisted of the following items:

- Third reading of **Ordinance 170-05** to approve the request of Christopher Blanton, agent for Little River Lodging, LLC, to amend the official zoning maps.
- Third reading of **Ordinance 198-05** authorizing the administrator to execute a lease agreement with Atlanta Air Services, Inc. for Hanger 359 on Myrtle Beach International Airport premises.
- First reading of **Ordinance 01-06** to authorize the conveyance to SCDOT of a 0.24-acre parcel of real estate located at the Ralph Ellis Complex so as to allow for the expansion of Highway 57 and the improvement of the Highway 9 / Highway 57 intersection.
- First reading of **Ordinance 02-06** to amend the county code to adopt procedures for the issuance of a mining permit upon approval by County Council resolution after public hearing.

The motion to approve the Consent agenda passed. The vote was as follows:

<u>In favor</u>	<u>Opposed</u>	<u>Absent</u>
Worley	Schwartzkopf	Barnard
Lazarus	Prince	
Foxworth	Hardee	
Ryan	Boyd	
Grabowski	Gilland	
Frazier		

RESOLUTIONS / PRESENTATIONS:

Resolution R-06-06 authorizing the administrator to transfer from within the Myrtle Beach International Airport's budget certain unused monies to an amount of no less than \$105,000 so as to fund an airport management study. Mr. Lazarus moved to approve, seconded by Mr. Foxworth. The motion passed. The vote was as follows:

<u>In favor</u>	<u>Opposed</u>	<u>Absent</u>
Worley	Schwartzkopf	Barnard
Lazarus	Hardee	
Foxworth	Boyd	
Ryan	Gilland	
Grabowski		
Frazier		

Discussion on the Estimated Cost for the new terminal building. Mr. Kemp stated the estimated cost prepared by Skanska & Associates including construction, financing, and engineering costs was \$228.8 million dollars. The estimate was from the 50% documents. Staff would be analyzing the information and would discuss it in committee. Ms. Gilland stated Skanska would be at the Administration Committee meeting on Tuesday, January 17th at 6:00 p.m. to make a full presentation. **Mr. Lazarus moved to send the issue to the Administration Committee.**

Resolution R-153-05 to *disapprove* the request of Linda McDandel – New Dawn New Day, agent for Ray Allen, to amend the official zoning maps. **Mr. Boyd moved to approve, seconded by Mr. Grabowski.** Mr. Boyd thought Council needed to discuss what was allowed in FA zoning and requested the issue be sent to the I&R Committee. He also requested staff research the types of facilities that would be allowed in FA zoning. **The motion passed. The vote was as follows:**

<u>In favor</u>	<u>Opposed</u>	<u>Absent</u>
Worley	Schwartzkopf	Barnard
Lazarus	Prince	
Foxworth	Hardee	
Ryan	Boyd	
Grabowski	Gilland	
Frazier		

Briefing on Coquina Harbor v. Horry County lawsuit. Mr. Weaver explained that developers had proposed to build a condominium project in the Little River area that would exceed 180' in height. Council initiated legislation that stopped the construction from moving forward and the Coquina Harbor developers filed a lawsuit against the County. The developers initially offered a settlement to scale down the height to 145', but Council did not take action. The developers were now offering to limit the height to 120' for settlement. This offer was a one-time offer and valid only during the duration of the meeting. Mr. Weaver advised that it would be appropriate for Council to consider a settlement under the terms. **Mr. Lazarus moved to accept the 120' height limitation, seconded by Mr. Frazier.**

Mr. Hardee questioned the status of an ordinance to limit building heights countywide to 60'. Ms. Gilland responded that third reading of that ordinance would be scheduled for the next council meeting. Mr. Boyd asked if the plaintiff would be amenable to deferring a decision to the next meeting when third reading of the height ordinance would be considered. Mr. Howell Bellamy, representative for Coquina Harbor, stated the settlement proposal was valid only for that evening.

Mr. Worley moved to defer the issue until a full debate was held on the height issue, seconded by Mr. Ryan. The motion to defer failed.

<u>In favor</u>	<u>Opposed</u>	<u>Absent</u>
Worley	Lazarus	Barnard
Ryan	Foxworth	Prince
Boyd	Grabowski	Hardee
	Frazier	Gilland
	Schwartzkopf	

The motion to accept the offer of 120 ft height limitation for settlement passed. The vote was as follows:

<u>In favor</u>		<u>Opposed</u>	<u>Absent</u>
Worley	Schwartzkopf	Ryan	Barnard
Lazarus	Prince	Boyd	
Foxworth	Hardee	Gilland	
Grabowski			
Frazier			

Mr. Worley moved to reconsider, seconded by Mr. Ryan. The motion to reconsider failed. The vote was as follows:

<u>In favor</u>	<u>Opposed</u>	<u>Absent</u>
Worley	Lazarus	Prince
Ryan	Grabowski	Hardee
Foxworth	Frazier	Boyd
Gilland	Schwartzkopf	Barnard

Chairman Gilland called a recess at 7:26 p.m. The meeting reconvened at 7:35 p.m.

Resolution R-09-06 in the interest of Public Safety and as a request to the South Carolina Department of Transportation to reconfigure the signage and the exit route of SC Highway 31 also known as Carolina Bays Parkway as that road intersects with SC Highway 544 eastbound. **Mr. Prince moved to approve, seconded by Mr. Hardee.** Mr. Grabowski presented slides of the existing exit ramp. **The motion passed. The vote was as follows:**

<u>In favor</u>	<u>Opposed</u>	<u>Absent</u>
Worley	Schwartzkopf	Barnard
Lazarus	Prince	
Foxworth	Hardee	
Ryan	Boyd	
Grabowski	Gilland	
Frazier		

READING OF ORDINANCES:

Third reading and public review of **Ordinance 189-05** to approve the request of William Vance Hucks, agent for Willie and Minnie Hucks, to amend the official zoning maps. **Mr. Frazier moved to approve, seconded by Mr. Prince.** There was no public review. **The motion passed. The vote was as follows:**

<u>In favor</u>	<u>Opposed</u>	<u>Absent</u>
Worley	Schwartzkopf	Barnard
Lazarus	Prince	
Foxworth	Hardee	
Ryan	Boyd	
Grabowski	Gilland	
Frazier		

Second reading and public review of **Ordinance 187-05** to approve the request of Jamie McLain, agent for Hot mix, Inc., to amend the official zoning maps. **Mr. Hardee moved to approve, seconded by Mr. Boyd.** Mr. Vincent Lehotsky asked if the request was in the dangerous area of Highway 544 and Highway 31. The request was not in that area. **The motion passed. The vote was as follows:**

<u>In favor</u>	<u>Opposed</u>	<u>Absent</u>
Worley	Schwartzkopf	Barnard
Lazarus	Prince	
Foxworth	Hardee	
Ryan	Boyd	
Grabowski	Gilland	
Frazier		

Second reading and public review of **Ordinance 200-05** authorizing the administrator to execute a contract with Myrtle Beach Regional Economic Development Corporation to provide economic development services and commits the county to provide funding from FY2006 through FY2010. **Mr. Boyd moved to approve, seconded by Mr. Frazier. There was no public review. The motion passed. The vote was as follows:**

<u>In favor</u>	<u>Opposed</u>	<u>Absent</u>
Worley	Schwartzkopf	Barnard
Lazarus	Prince	
Foxworth	Hardee	
Ryan	Boyd	
Grabowski	Gilland	
Frazier		

Second reading and public review of **Ordinance 199-05** to approve the request of Signature Golf, World Tour PDD, to amend the official zoning maps. **Mr. Foxworth moved to approve, seconded by Mr. Prince.** Mr. Foxworth requested having public review again at third reading. Ms. Gilland stated it was too late to advertise a public hearing, but she would allow public review. Ms. Carter spoke regarding traffic improvements that had not been provided prior to second reading. Mr. Wooten requested second reading be passed due to a funding mechanism. **Mr. Boyd moved to amend that the traffic improvements be provided prior to third reading, seconded by Mr. Hardee. The motion passed. The vote was as follows:**

<u>In favor</u>	<u>Opposed</u>	<u>Absent</u>
Worley	Schwartzkopf	Barnard
Lazarus	Prince	
Foxworth	Hardee	
Ryan	Boyd	
Grabowski	Gilland	
Frazier		

The main motion as amended passed. The vote was as follows:

<u>In favor</u>	<u>Opposed</u>	<u>Absent</u>
Worley	Schwartzkopf	Barnard
Lazarus	Prince	
Foxworth	Hardee	
Grabowski	Boyd	
Frazier	Gilland	

Second reading and public review of the following ordinances to approve requests to amend the official zoning maps: **201-05** Walter McGee, agent for Dennis & Deanna Scott; **202-05** Janice Powell; **203-05** Thomas & Hutton, agent for James Daniel, Jr.; **204-05** Eddie Dean Hughes & Scott Kaufmann; **205-05** Will Hunt, agent for BCG, Inc.; and **206-05** Leroy Grainger, agent for Evon, Inc. **Mr. Prince moved to approve, seconded by Mr. Hardee.** The following people spoke:

1. Ms. Pam Creech spoke in opposition to Ordinances 203-05 and 204-05.
2. Ms. Patricia Milley was concerned about new developments without playgrounds.
3. Mr. Scott Kaufmann explained his rezoning request for Ordinance 204-05. Mr. Eddie Hughes stated there was a county playground the next road over. Mr. Schwartzkopf encouraged staff and the Planning Commission be more concerned for future use plans. Ms. Gilland requested the property owner, Mr. Kaufmann, put certain trees that had to be protected within the property in the deed restrictions before he sold the property to the developer. Mr. Foxworth asked why the Planning Commission didn't act on staff's recommendation of approval for R-4 zoning. Ms. Carter stated the Planning Commission looked at the shape of the parcel and thought there was a need for smaller lots. The Planning Commission decided on various developments on Hwy 905 for higher density zonings. Mr. Hardee requested staff inform Council on density issues. Ms. Gilland requested that staff ask owners to set aside, deed or dedicate to the county a right-of-way that would be used to widen Hwy 90 or Hwy 905. Ms. Carter would research the issue. Ms. Gilland requested staff put that issue on the Winter Retreat agenda.
4. Mr. Leroy Grainger explained his rezoning request for Ordinance 206-05.
5. Mr. John Richards, Thomas & Hutton, explained the rezoning request for Ordinance 203-05.

The motion passed. The vote was as follows:

<u>In favor</u>	<u>Opposed</u>	<u>Absent</u>
Worley	Schwartzkopf	Barnard
Lazarus	Prince	Foxworth
Ryan	Hardee	
Grabowski	Boyd	
Frazier	Gilland	

Second reading and public review of **Ordinance 207-05** to approve the request of Palmetto Paving Corp, Borrow Pit/Mine PDD, to amend the official zoning maps. **Mr. Lazarus moved to approve, seconded by Mr. Prince.** The following people spoke:

1. Ms. Amelia Wood spoke in opposition. She was concerned about health and safety issues. She requested deferral until scientific studies were completed.
2. Ms. Pam Creech, Ad Hoc Committee on Mining, spoke in opposition.

Mr. Lazarus stated at the last meeting he requested the applicant submit a stormwater permit prior to passing second reading. Mr. Gosnell stated 90% of the information had been submitted and expected the permit would be issued prior to third reading. **The motion passed. The vote was as follows:**

<u>In favor</u>	<u>Opposed</u>	<u>Absent</u>
Lazarus	Worley	Barnard
Grabowski	Foxworth	
Frazier	Ryan	
Schwartzkopf		
Prince		
Hardee		
Boyd		
Gilland		

Second reading and public review of **Ordinance 208-05** to approve the request of Allen Foxworth, Silver Creek PDD, to amend the official zoning maps. **Mr. Grabowski moved to approve, seconded by Mr. Hardee. There was no public review. The motion passed. The vote was as follows:**

<u>In favor</u>		<u>Opposed</u>	<u>Absent</u>
Worley	Schwartzkopf		Barnard
Lazarus	Prince		
Foxworth	Hardee		
Ryan	Boyd		
Grabowski	Gilland		
Frazier			

Second reading and public review of **Ordinance 209-05** to approve the request of Kevin Wheeler, agent for Raymond Lewis, Silver Creek Mini Trade Shops PDD, to amend the official zoning maps. **Mr. Hardee moved to approve, seconded by Mr. Grabowski. There was no public review. The motion passed. The vote was as follows:**

<u>In favor</u>		<u>Opposed</u>	<u>Absent</u>
Worley	Schwartzkopf		Barnard
Lazarus	Prince		
Foxworth	Hardee		
Ryan	Boyd		
Grabowski	Gilland		
Frazier			

Second reading and public review of **Ordinance 210-05** to approve the request of Donald Godwin, 701N Concrete Plant PDD, to amend the official zoning maps. **Mr. Boyd moved to approve, seconded by Mr. Grabowski. There was no public review. The motion passed. The vote was as follows:**

<u>In favor</u>		<u>Opposed</u>	<u>Absent</u>
Worley	Schwartzkopf		Barnard
Lazarus	Prince		
Foxworth	Hardee		
Ryan	Boyd		
Grabowski	Gilland		
Frazier			

Second reading and public review of **Ordinance 211-05** to establish for the periodic review and the effective date of salary adjustments for members of Horry County Council. **Mr. Grabowski moved to approve, seconded by Mr. Prince. There was no public review. The motion passed. The vote was as follows:**

<u>In favor</u>		<u>Opposed</u>	<u>Absent</u>
Worley	Frazier	Ryan	Barnard
Lazarus	Prince	Schwartzkopf	
Foxworth	Gilland	Hardee	
Grabowski		Boyd	

Second reading and public review of **Ordinance 212-05** to approve and authorize the exchange of properties between Horry County and Billy Ray Hughes in and around the Conway Airport. **Mr. Grabowski moved to approve, seconded by Mr. Frazier.** Mr. Walt Whittier, Department of Airport, presented the history of the request. **The motion passed. The vote was as follows:**

<u>In favor</u>		<u>Opposed</u>	<u>Absent</u>
Worley	Schwartzkopf	Ryan	Barnard
Lazarus	Prince		
Foxworth	Hardee		
Grabowski	Boyd		
Frazier	Gilland		

Mr. Whittier stated the land swap was contingent upon FAA approval. Ms. Gilland requested a copy of the letter that would be sent to the FAA be provided to Council.

Second reading and public review of **Ordinance 213-05** authorizing the reduction of an Horry County stormwater outfall easement running from River Oaks Blvd. **Mr. Frazier moved to approve, seconded by Mr. Grabowski. There was no public review. The motion passed. The vote was as follows:**

<u>In favor</u>		<u>Opposed</u>	<u>Absent</u>
Worley	Schwartzkopf		Barnard
Lazarus	Prince		
Foxworth	Hardee		
Ryan	Boyd		
Grabowski	Gilland		
Frazier			

Second reading and public review of **Ordinance 214-05** to reconstitute and reorganize the present Horry County Board of Zoning Appeals and, thereafter, to increase the newly organized board's membership from 7 members upward to 9 members. **Mr. Boyd moved to approve, seconded by Mr. Schwartzkopf. There was no public review.** Ms. Gilland stated the board needed a more geographical setting. Mr. Weaver explained that Council had 60 days to make the appointments or reappointments, but suggested appointments be made as soon as third reading. Ms. Gilland requested Mr. Weaver write a letter to Council explaining how the appointment process would be accomplished. She requested nominations be submitted to the Clerk by January 16th. **The motion passed. The vote was as follows:**

<u>In favor</u>		<u>Opposed</u>	<u>Absent</u>
Worley	Schwartzkopf		Barnard
Lazarus	Prince		
Foxworth	Hardee		
Ryan	Boyd		
Grabowski	Gilland		
Frazier			

ANNOUNCEMENTS:

Ms. Gilland stated the Winter Budget Retreat would be February 16th – 18th.

Ms. Gilland stated there would be an Administration Committee meeting on Tuesday at 6:00 p.m.

Mr. Boyd stated there would be a Public Safety Committee meeting on Wednesday at 3:00 p.m.

ADJOURNMENT: The meeting adjourned at 8:50 p.m. in memorial of Bernice Jones; Bill G. Page; Janie Blain; Raymond Bethel; Wilbur Moore; Johnny Gardner; Elouise Long; Ottis Dunn; Joyce Legette; Michelle McCray; Dr. Robert Elleton; David Wellons; Hilda Baxley; Liz Curten; Howard Moore; Jeff Edwards; Clara Booth; and Ms. Strickland.