

MINUTES
HORRY COUNTY COUNCIL
REGULAR MEETING
April 3, 2007
6:00 p.m.

MEMBERS PRESENT: Liz Gilland, Chairman; Harold Worley; Brent Schulz; Marion Foxworth; Mike Ryan; Howard Barnard; Bob Grabowski; James Frazier; Carl Schwartzkopf; Paul Prince; Kevin Hardee; and Al Allen.

MEMBERS ABSENT:

OTHERS PRESENT: Danny Knight; Pat Hartley; John Weaver; Anne Wright; Steve Gosnell; Janet Carter 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: Mr. Prince gave the invocation.

PLEDGE: Mr. Ryan led the pledge.

Chairman Gilland stated Council members would no longer be able to add items to the agenda and that a time limit of five minutes had been set for individuals speaking during a public hearing.

PUBLIC INPUT:

1. Tom Brown, The Rotary Club of Conway, spoke on an International Rotary Club Meeting to be held on April 12, 2007 at 9:00 a.m. in County Council Chambers. He requested Council consider allowing qualified and deserving County employees the opportunity to participate in outgoing group study exchange teams.
2. General James Vaught spoke on Opportunities for 2008.
3. Mangrove Floyd spoke on flooding and drainage in the Finklea community. Chairman Gilland requested staff help Mr. Floyd with the issue on the easements.
4. Pam Creech spoke on the Governor's Land Use Conference.
5. Dr. Susan Lebis was to speak but withdrew stating that she would speak later in the meeting regarding a rezoning request.

CHANGES TO AGENDA:

Mr. Prince moved to add Resolution R-42-07, seconded by Mr. Hardee. The motion passed unanimously.

Mr. Grabowski moved to defer Ordinance 69-07, seconded by Mr. Prince. The motion passed unanimously.

Mr. Barnard requested to remove Ordinance 65-07 from the Consent Agenda.

Mr. Barnard moved to defer Ordinance 62-07, seconded by Mr. Frazier. The motion passed unanimously.

Mr. Worley requested to change the appointment of Bob Weldon from the Architectural Review Board to Vereen Memorial Gardens Board.

Mr. Hardee requested to add under Announcements the members of District Ten Road Oversight Committee.

Mr. Schwartzkopf requested to move Resolution R-30-07 to the beginning of the agenda.

APPROVAL OF AGENDA CONTENTS: Mr. Allen moved to approve the agenda as amended, seconded by Mr. Schwartzkopf. The motion passed unanimously.

APPROVAL OF MINUTES: Regular Meeting 13, 2007 and Budget Retreat February 22-23, 2007: Mr. Prince moved to approve the minutes as submitted, seconded by Mr. Grabowski. The motion passed unanimously.

Mr. Schulz recused himself from voting and discussion on Ordinance 25-07 and 44-07.

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

- Rose Joy Keyserling (Mr. Foxworth)
- Stanley George Borkowski, Jr. (Mr. Worley)
- Efrain Rosado (Mr. Frazier)
- Elmore Long, Sr. (Mr. Frazier)
- Johnnie Allen, Jr. (Mr. Frazier)
- Marvalee Herring Parker (Ms. Gilland)
- Charlotte Emaline Shelley Anderson (Ms. Gilland)
- Eddie Morris Richardson (Ms. Gilland)
- Savannah Belle Edgar (Ms. Gilland)
- Shanna Lee Stines (Ms. Gilland)
- William D. McDowell (Mr. Prince)
- Jonathan Edward Watts, Sr. (Mr. Prince)
- Wilda Raye Nealy Watts (Mr. Prince)

- Roberta Livingston Horne (Mr. Prince)
- Will Russell Todd (Mr. Hardee)

Ms. Wright introduced Fred Liner, Chief Financial Officer, who would start work with the County on April 9th.

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

Third reading of the following ordinances to approve the request to amend the official zoning maps: **25-07** David Singleton, agent for Eastern Shores Realty Holdings; **42-07** Austin Sawyer, agent for Marilyn Joyce Todd; **43-07** Walter & Paula Johnson; **44-07** Lawrence Langdale, agent for The Park at Long Bay PDD Amendment; **46-07** Steve Powell, agent for Charlotte Lambert-Sloan & David Lambert and **47-07** James Jordan, agent for Marjorie B. Baxley.- Third reading of **Ordinance 38-07** to amend the land use element of the County Comprehensive Plan to include the Garden City Community Plan supplement.

First reading of **Ordinance 66-07** to provide for installment payment of real property taxes.

First reading of **Ordinance 67-07** to amend the zoning ordinance pertaining to establishment of residential zoning district labels.

First reading of **Ordinance 68-07** authorizing the refunding of the hospitality fee special obligation bonds in the amount of \$19,905,000.

Resolution R-39-07 approving the disposal of surplus property of the Department of Airports at the Myrtle Beach Int'l Airport.

Resolutions to accept dedication of the roads and drainage into the county system at the following locations: **R-31-07** Woodlyn Meadows IIA (Meadowside Dr.); **R-32-07** Woodlyn Meadows IIB (Ramblewood Cr, Woodlyn Ave.); **R-33-07** Grand Palm Blvd.; **R-34-07** Woodlyn Meadows I (Cypress View Ave, Woodlyn Ave.); **R-35-07** Walkers Woods (East Walkerton Rd, Caryle Ct., Cypress Bay Ct., Heartwood Ln); and **R-36-07** Sutton Place (Brentwood Pl, Elgin Ct., Wardour Ct, Newburgh Ct, Islington Ct).

Resolution R-42-07 proclaiming the week of April 9-13 as Telecommunicator's Week.

District Appointments:

Jericha Kissel to the Vereen Memorial Gardens Board of Directors.

Bob Weldon to the Vereen Memorial Gardens Board of Directors.

Mr. Barnard voted nay on Ordinance 44-07.

The motion passed on the Consent Agenda.

RESOLUTIONS/PRESENTATIONS:

Resolution R-30-07 honoring Taiji Yamada, President/CEO of Metglass, Inc. **Mr. Schwartzkopf moved to approve, seconded by Mr. Prince.** Dodd Smith, CCO of Metglass, spoke regarding the company. Chairman Gilland presented the resolution to Mr. Yamada. Mr. Yamada thanked Council. **The motion passed unanimously.**

Chairman Gilland congratulated the 9-1-1 Department on Telecommunicator's Week and on their work. Ms. Toni Bessent, 9-1-1 Director, thanked Council for the recognition of the hard work of the department.

Resolution R-37-07 to authorize the administrator to advertise a request for proposals for the conduct of a multi-task efficiency study of the Fire/Rescue Department including the operation of the Department's volunteers. **Mr. Hardee moved to amend, seconded by Mr. Ryan. Mr. Hardee moved to amend as follows: It shall be permissible for *County Council* to expand and/or further define the scope of work as may be necessary to accomplish the goal of this Resolution. The motion passed unanimously. Mr. Hardee moved to amend as follows: Further upon receipt of the proposals, the *County Council*, with guidance by the Director of Procurement, shall select the most qualified vendor(s) and designate the specific funding for the study's cost. Thereafter, the Committee shall authorize the Administrator to execute one or more Professional Services contracts after review by the County Attorney, seconded by Mr. Prince. The motion passed with Chairman Gilland voting nay.** Mr. Knight stated the funding for the study would come from the Administrator's contingency fund. Chairman Gilland stated they would plan a workshop in April and requested that Mr. Grabowski coordinate it. Mr. Weaver stated he would bring back a detailed scope at the next meeting. The motion to approve as amended passed. The vote was as follows:

In favor

Worley
Schulz
Foxworth
Ryan
Barnard
Frazier
Schwartzkopf

Opposed

Grabowski
Gilland

Resolution R-38-07 authorizing the calling for an annexation election petitioned by the City of Myrtle Beach and involving those properties generally known as Palmetto Greens subdivision. **Mr. Foxworth moved to approve, seconded by Mr. Grabowski.** Mr. Weaver spoke briefly on the resolution. **The motion passed unanimously.**

Resolution R-40-07 authorizing the Director of Airports to execute memoranda of agreements with the FAA for the construction, operation and maintenance of certain navigation, communication and weather reporting facilities at MBIA and Grand Strand Airports. **Mr. Frazier moved to approve, seconded by Mr. Grabowski. The motion passed unanimously.**

Resolution R-41-07 approving and authorizing the county administrator to execute a space use permit for Building 341 at MBIA with Zenith Aviation. **Mr. Prince moved to approve, seconded by Mr. Grabowski. The motion passed unanimously.**

READING OF ORDINANCES:

Third reading of **Ordinance 174-06** to authorize the administrator to enter into separate contracts with Sun Cruz Casinos and Southern Cruise Lines so as to create, implement and define the terms and conditions of a boarding fee approved by Horry County and consented to by the two gambling vessels noted herein. **Mr. Worley moved to approve, seconded by Mr. Schwartzkopf. Mr. Worley moved to defer until the court had ruled. Chairman Gilland inquired if the boats would agree to pay \$5 a head and change the contract from 10 years to 5 years. The motion was held and a break was called.**

Chairman Gilland called a recess at 7:30 p.m. The meeting reconvened at 7:40 p.m.

Continuation of Third reading of Ordinance 174-07: Mr. Weaver stated he had talked with both operators and they did not know how many people had come aboard between October 1st and March 31st and therefore could not commit to a dollar amount without the numbers. They asked, and he felt it was appropriate of Council, to defer for two weeks to calculate the numbers and come up with specifics and add it as an additional point to the contract and then with full knowledge of everything let Council decide. **Mr. Worley withdrew his motion to defer. Mr. Worley moved to amend the existing ordinance so as to ban the casino vessels, seconded by Mr. Hardee. The motion to amend to ban passed. The vote was as follows:**

In favor

**Worley
Foxworth
Ryan
Barnard
Prince
Hardee
Allen**

Opposed

**Schulz
Grabowski
Frazier
Schwartzkopf
Gilland**

Mr. Worley moved to defer until the first meeting in May, seconded by Mr. Prince. The motion passed unanimously.

Third reading and public review of **Ordinance 219-06** to approve the request of Jamie McLain, agent for Enoch Road LLC, to amend the official zoning maps. **Mr. Hardee moved to approve, seconded by Mr. Allen. There was no public review. The motion passed unanimously.**

Second reading of **Ordinance 184-06** to approve the request of Weaver Engineering, agent for The Villages at Sea Mountain PDD, to amend the official zoning maps. **Mr. Prince moved to approve, seconded by Mr. Schulz. The motion passed unanimously.**

Second reading of **Ordinance 41-07** to approve the request of The Jackson Companies, agent for SayeBrook PDD Amendment, to amend the official zoning maps. **Mr. Grabowski moved to approve, seconded by Mr. Schwartzkopf. The motion passed with Mr. Schulz absent.**

Second reading and public review of the following ordinances to approve the request to amend the official zoning maps: **40-07** Thomas & Hutton Engineers, agent for Carolina Forest Waterway Tract PDD; **45-07** John Mock, agent for Gold Coast Development Corp.; **48-07** Allen Pat & Mark Johnson; **49-07** James Wood, agent for Pine Meadows LLC; **50-07** Robert A. Sealey; **51-07** Archie Bell, agent for David Johnson; **52-07** Ronald Morris; **53-07** Kenneth & Ethan Lennon; **54-07** Alton Swann, agent for J.C. Hucks; **55-07** Eric Rabon, agent for Shirley Vaught Green; **56-07** Tim Harris, agent for Nixon's Crossroads LLC; **57-07** The Earthworks Group, agent for T&G II LLC; **59-07** David Gantt, agent for IDA Properties; **60-07** Lacreacia Bellamy, Grandstrand Engineering Inc., agent for RMG Homes LLC for Palm Cove Phase I PDD; **61-07** Frank Jones, owner "Smuggler's Island Tiki Bar & Grill; and **62-07** David Barringer, agent for Hacienda Gardens Minor PDD. **Mr. Grabowski moved to approve, seconded by Mr. Ryan.**

Mr. Worley moved to defer Ordinance 48-07, seconded by Mr. Schwartzkopf. The motion passed with Mr. Schulz absent.

The following people spoke on Ordinance 45-07:

1. Susan Lebis spoke in opposition.
2. Mike Wooten spoke in favor.
3. Jim Barnett spoke in favor.
4. June Dienes spoke in opposition.
5. Benjamin Pickney spoke in favor.

Mr. Hardee stated the developer had agreed to do a landscaped burm. **The motion to approve Ordinance 45-07 passed. The vote was as follows:**

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

There was no pubic review on any of the remaining ordinances. The motion passed on the remaining ordinances with Mr. Schulz absent.

First reading of **Ordinance 36-07** to amend the zoning ordinance pertaining to telecommunications tower facilities. **Mr. Hardee moved to approve, seconded by Mr. Prince. Mr. Allen moved to amend to include at the 150 ft. mark on any erected tower that there would be a minimum of 36 inches of either reflective tape or reflective paint placed on the towers, seconded by Mr. Hardee. Mr. Hardee requested they research it so it was not an eyesore and so it would not be**

reflected to affect car lights. The motion to amend passed unanimously. The main motion as amended passed unanimously.

First reading of **Ordinance 37-07** to amend the county code to adopt procedures for the issuance of a telecommunications tower permit. **Mr. Hardee moved to approve, seconded by Mr. Schwartzkopf. The motion passed unanimously.**

First reading of **Ordinance 64-07** to amend Ordinance 226-06 so as to delete certain boats registered in Horry County from the tax reduction legislation previously authorized by County Council. **Mr. Prince moved to approve, seconded by Mr. Schwartzkopf.** Mr. Weaver spoke briefly on the state law. **Mr. Worley moved to defer and meet with the Legislative Delegation, seconded by Mr. Schulz. The motion to defer passed unanimously.**

First reading of **Ordinance 65-07** to add the “Horry County Lawful Employment Ordinance” to the provisions of the County Code relating to business licenses. **Mr. Foxworth moved to approve, seconded by Mr. Grabowski.** Mr. Barnard requested Mr. Knight and staff to gather the following information: Horry County School System to provide the number of unauthorized aliens enrolled in the School System; Loris, Conway and Grand Strand Regional Hospitals to provide the same data; the Solicitor to provide the same data for those processed in the legal system; Horry County Sheriff to provide the number of incarcerated in the Detention Center; to ask Joseph Washington to provide the same number in the Shared Care Program; Dr. Bill Davis to provide the same numbers in SOS Healthcare; Legal opinion of the constitutionality of the law; a cost associated with the implementation of the law; to ask a representative of the INS to explain why the federal law was not being enforced in Horry County and explain ICE Training to them; ask a representative from the Mexican Consulate in Raleigh to come and talk to them regarding their understanding of Horry County and his numbers for the County; ask a representative from Maldef- the letter that was provided in the packet- to come and speak to Council. Chairman Gilland requested that they ask the construction folks what their percentage of employees were illegal aliens. She further stated she would call a workshop. Mr. Barnard requested they have the meeting televised. Chairman Gilland stated they could have a special meeting and have it televised. Mr. Barnard concurred. He further stated on Page 41, the paragraph at the bottom repeated itself on the next page. Chairman Gilland stated they would have a workshop in approximately three weeks. Mr. Foxworth asked that they add the County animal control to the list as well and bring in some figures in terms of barnyard animals. He asked that they schedule that for the second reading of the ordinance if it passed. Chairman Gilland agreed. **Mr. Foxworth moved for previous question. The motion to approve passed unanimously.**

ANNOUNCEMENTS:

District 10 Road Oversight Committee: Mr. Hardee announced the following committee members: Glen Burroughs, Danny Allen, Wendell Cannon, Chris Thompson and Dow Enzor.

District 11 Road Oversight Committee: Mr. Allen announced the following committee members: Benji Andrews, Sally Graham, Pat Parker, Marcus Jenerette and Charlie Pride.

ADJOURNMENT: The meeting adjourned at 8:40 p.m. in memorial of Rose Joy Keyserling; Stanley George Borkowski, Jr.; Efrain Rosado; Elmore Long, Sr.; Johnnie Allen, Jr.; Marvalee Herring Parker; Charlotte Emaline Shelley Anderson; Eddie Morris Richardson; Savannah Belle Edgar; Shanna Lee Stines; William D. McDowell; Jonathan Edward Watts, Sr.; Wilda Raye Nealy Watts; Roberta Livingston Horne and Will Russell Todd.