

**MINUTES
HORRY COUNTY COUNCIL
REGULAR SESSION
March 16, 2004
6:00 p.m.**

MEMBERS PRESENT: Liz Gilland, Chairman; Mark Lazarus; Marion Foxworth; Mike Ryan; James Frazier; Carl Schwartzkopf; Paul Prince; Kevin Hardee; and John Boyd. Mr. Worley arrived later in the meeting.

MEMBERS ABSENT: Gene Smith.

OTHERS PRESENT: Danny Knight; Pat Hartley; John Weaver; Patrick Zenner; Paul Whitten; Steve Gosnell; Beth Fryar; Westley Sawyer; and Rennie Mincey.

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: The Honorable Paul Prince gave the invocation.

PLEDGE OF ALLEGIANCE: The Honorable Carl Schwartzkopf led in the Pledge.

PUBLIC INPUT:

1. Linda Snelling spoke regarding LYMO.
2. Carl Hood spoke on Taxes, Tourism and Transportation.
3. Rudy Hertz spoke on Environmental Services/Cats.
4. Pam Creech spoke on Zoning the unincorporated area of Horry County.
5. Floyd Shelley spoke on Fire and EMS.
6. Gen. Vaught spoke on Ordinance 131-03 and Interstate 73.

Chairman Gilland closed public input.

CHANGES TO THE AGENDA:

Mr. Boyd **moved to add Resolution R-40-04**, seconded by Mr. Lazarus. The motion passed. The vote was as follows:

<u>In favor</u>	<u>Opposed</u>	<u>Not Present</u>
Lazarus		Worley
Foxworth		Smith
Ryan		
Frazier		
Schwartzkopf		
Prince		
Hardee		
Boyd		
Gilland		

Mr. Ryan **requested to remove Ordinances 38-04 and 44-04 from the Consent Agenda.**

Mr. Knight **requested to add a Presentation on Reassessment** by the County Assessor, Rendel Mincey. Mr. Prince **moved to add**, seconded by Mr. Boyd. The motion passed. The vote was as follows:

<u>In favor</u>	<u>Opposed</u>	<u>Not Present</u>
Lazarus		Worley
Foxworth		Smith
Ryan		
Frazier		
Schwartzkopf		
Prince		
Hardee		
Boyd		
Gilland		

Mr. Knight **requested to add an update on the new Airport** by Airport Director, Bob Kemp. Mr. Prince **moved to add**, seconded by Mr. Boyd. The motion passed. The vote was as follows:

<u>In favor</u>	<u>Opposed</u>	<u>Not Present</u>
Lazarus		Worley
Foxworth		Smith
Ryan		
Frazier		
Schwartzkopf		
Prince		
Hardee		
Boyd		
Gilland		

Mr. Weaver stated the applicant for **Ordinance 129-03** had requested deferral. Mr. Lazarus **moved to defer**, seconded by Mr. Ryan. The motion passed. The vote was as follows:

<u>In favor</u>	<u>Opposed</u>	<u>Not Present</u>
Lazarus		Worley
Foxworth		Smith
Ryan		
Frazier		
Schwartzkopf		
Prince		
Hardee		
Boyd		
Gilland		

Mr. Weaver **requested to add a briefing on Casino Boats to executive session**. Mr. Lazarus **moved to add**, seconded by Mr. Ryan. The motion passed. The vote was as follows:

<u>In favor</u>	<u>Opposed</u>	<u>Not Present</u>
Lazarus		Worley
Foxworth		Smith
Ryan		
Frazier		
Schwartzkopf		
Prince		
Hardee		
Boyd		
Gilland		

APPROVAL OF AGENDA CONTENTS:

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

<u>In favor</u>	<u>Opposed</u>	<u>Not Present</u>
Lazarus		Worley
Foxworth		Smith
Ryan		
Frazier		
Schwartzkopf		
Prince		
Hardee		
Boyd		
Gilland		

APPROVAL OF MINUTES:

Regular Session, **March 2, 2004**: Mr. Boyd **moved to approve as submitted**, seconded by Mr. Ryan. The motion passed. The vote was as follows:

<u>In favor</u>	<u>Opposed</u>	<u>Not Present</u>
Lazarus		Worley
Foxworth		Smith
Ryan		
Frazier		
Schwartzkopf		
Prince		
Hardee		
Boyd		
Gilland		

MEMORIAL DEDICATION OF MEETING:

Mr. Boyd **moved that Council adjourn in memorial of Thelma Dawsey**. Chairman Gilland requested that they also adjourn in memorial of Jennifer Highsmith.

APPROVAL OF CONSENT AGENDA:

Mr. Boyd **moved to approve the following Consent Items**, seconded by Mr. Frazier:

- Third reading of the following ordinances to approve the request to amend the official zoning maps: **25-04** Clarence E. Doyle, Jr.; **26-04** Derrick Blanton, agent for MTD Investments, Inc.; **27-04** Gerrald L. Herring; **28-04** Joseph R. Anderson; and **29-04** Robert Rabon, agent for Rabon's Mobile Homes.
- First reading of the following ordinances to approve the request to amend the official zoning maps: **39-04** Dock Hardee, agent for Dock Levi Hardee & Earl Buffkin; **40-04** William Lee Strickland; **41-04** James R. Clarkson, agent for Glenwood Fowler et al; **42-04** Horry County Planning Director, agent for Evelyn & Odell Dorman; **43-04** David Norris, agent for Mary Lee Green et al; **45-04** John A. Stout, Jr.; and **46-04** H. Boyd Martin.
- **Resolution R-36-04** authorizing the administrator to transfer funds from Bridgecreek Subdivision Drainage Repair road maintenance account to the River Road road maintenance account.

The motion passed unanimously.

RESOLUTIONS/PRESENTATIONS:

Resolution R-38-04 authorizing the enlargement of the boundaries of the Multi-County Business Park by 0.89 of an acre pursuant to the agreement to develop a Multi-County Business Park in Horry County with certain areas inside the City of Myrtle Beach entered into by and among Horry County, Georgetown County and Marion County. Mr. Hardee **moved to approve**, seconded by Mr. Prince. Mr. Tony Cox explained the resolution. The motion passed. The vote was as follows:

<u>In favor</u>	<u>Opposed</u>	<u>Not Present</u>
Lazarus	Ryan	Worley
Foxworth		Smith
Frazier		
Schwartzkopf		
Prince		
Hardee		
Boyd		
Gilland		

Presentation on Reassessment. Mr. Mincey presented information on the recent mailing pertaining to reassessment.

Mr. Worley arrived at the meeting at 7:05 p.m.

Update on New Airport. Mr. Kemp updated Council on the progress and introduced members of the HNTB Corporation team.

Public Hearing and **Resolution R-34-04** to approve an addendum to a contract of sale for Parcel 34 at the Atlantic Center. Mr. Boyd **moved to approve**, seconded by Mr. Hardee. No one spoke at the public hearing segment. The motion passed. The vote was as follows:

<u>In favor</u>	<u>Opposed</u>	<u>Not Present</u>
Worley	Gilland	Smith
Lazarus		
Foxworth		
Ryan		
Frazier		
Schwartzkopf		
Prince		
Hardee		
Boyd		

Resolution R-35-04 to *disapprove* the request of Theron Floyd, agent for Harold & Barbara Franklin to amend the official zoning maps. Mr. Boyd **moved to approve the disapproval**, seconded by Mr. Lazarus. The motion passed. The vote was as follows:

<u>In favor</u>	<u>Opposed</u>	<u>Not Present</u>
Worley		Smith
Lazarus		
Foxworth		
Ryan		
Frazier		
Schwartzkopf		
Prince		
Hardee		
Boyd		
Gilland		

Resolution R-39-04 A Resolution of Agreement between Horry County Council and the Solicitor of the Fifteenth Judicial Circuit to establish a worthless check unit for the purpose of processing worthless checks. Mr. Boyd **moved to approve**, seconded by Mr. Frazier. The motion passed. The vote was as follows:

<u>In favor</u>	<u>Opposed</u>	<u>Not Present</u>
Worley		Smith
Lazarus		
Foxworth		
Ryan		
Frazier		
Schwartzkopf		
Prince		
Hardee		
Boyd		
Gilland		

Resolution R-40-04 approving the redistribution of \$40,000 local accommodations tax collections originally allocated to the Little River Chamber of Commerce to the Myrtle Beach Area Chamber of Commerce. Mr. Worley **moved to approve**, seconded by Mr. Hardee. The motion passed. The vote was as follows:

<u>In favor</u>	<u>Opposed</u>	<u>Not Present</u>
Worley		Smith
Lazarus		
Foxworth		
Ryan		
Frazier		
Schwartzkopf		
Prince		
Hardee		
Boyd		
Gilland		

READING OF ORDINANCES:

Third reading of **Ordinance 142-99** to approve the request of DuRant Martin, agent for Diane T. Moore, to amend the official zoning maps. Mr. Lazarus **moved to approve**, seconded by Mr. Hardee. The motion passed. The vote was as follows:

<u>In favor</u>	<u>Opposed</u>	<u>Not Present</u>
Worley		Smith
Lazarus		
Foxworth		
Ryan		
Frazier		
Schwartzkopf		
Prince		
Hardee		
Boyd		
Gilland		

Third reading of **Ordinance 131-03** to amend the county code pertaining to boards and commissions of county government. Mr. Ryan **moved to approve**, seconded by Mr. Hardee. Mr. Weaver recommended the effective date be June 30, 2004. Mr. Prince **moved to amend the effective date to be June 30, 2004**, seconded by Mr. Lazarus. The motion to amend passed. The vote was as follows:

<u>In favor</u>	<u>Opposed</u>	<u>Not Present</u>
Worley		Smith
Lazarus		
Foxworth		
Ryan		
Frazier		
Schwartzkopf		
Prince		
Hardee		
Boyd		
Gilland		

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

<u>In favor</u>	<u>Opposed</u>	<u>Not Present</u>
Worley	Prince	Smith
Lazarus		
Foxworth		
Ryan		
Frazier		
Schwartzkopf		
Hardee		
Boyd		
Gilland		

Third reading of **Ordinance 24-04** to reduce the assessment ratio applicable to general aviation aircraft subject to county property tax to a 4% rate based upon the fair market value of the aircraft. Mr. Lazarus **moved to approve**, seconded by Mr. Boyd. The motion passed. The vote was as follows:

<u>In favor</u>	<u>Opposed</u>	<u>Not Present</u>
Worley	Foxworth	Smith
Lazarus	Ryan	
Frazier		
Schwartzkopf		
Prince		
Hardee		
Boyd		
Gilland		

Third reading and public review of **Ordinance 32-04** to amend the FY 2004 budget so as to grant two additional administrative assistant positions for the office of the Clerk of Court. Mr. Hardee **moved to approve**, seconded by Mr. Boyd. There was no public review. The motion passed. The vote was as follows:

<u>In favor</u>	<u>Opposed</u>	<u>Not Present</u>
Worley		Smith
Lazarus		
Foxworth		
Ryan		
Frazier		
Schwartzkopf		
Prince		
Hardee		
Boyd		
Gilland		

Third reading and public review of **Ordinance 33-04** to amend the FY 2004 budget so as to grant one additional administrative assistant position for the office of the County Auditor. 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>Not Present</u>
Worley		Smith
Lazarus		
Foxworth		
Ryan		
Frazier		
Schwartzkopf		
Prince		
Hardee		
Boyd		
Gilland		

Second reading of **Ordinance 34-04** to amend the land use element of the comprehensive plan to include the Hwy. 57 and Hwy. 9-area plan supplement. Mr. Worley **moved to approve**, seconded by Mr. Hardee. The motion passed. The vote was as follows:

<u>In favor</u>	<u>Opposed</u>	<u>Not Present</u>
Worley		Boyd
Lazarus		Smith
Foxworth		
Ryan		
Frazier		
Schwartzkopf		
Prince		
Hardee		
Gilland		

Second reading and public review of **Ordinance 35-04** authorizing the administrator to execute an amendment to the lease between Horry County and Shipgolf.com, Inc. for premises located within Myrtle Beach Int'l Airport. Mr. Prince **moved to approve**, seconded by Mr. Hardee. There was no public review. The vote was as follows:

<u>In favor</u>	<u>Opposed</u>	<u>Not Present</u>
Worley		Boyd
Lazarus		Smith
Foxworth		
Ryan		
Frazier		
Schwartzkopf		
Prince		
Hardee		
Gilland		

Second reading and public review of **Ordinance 36-04** amending Ordinance 84-02 so as to transfer certain funds from retained earnings to certain accounts for capital projects. Mr. Prince **moved to approve**, seconded by Mr. Lazarus. There was no public review. Mr. Kemp updated Council on the hanger doors. The motion passed. The vote was as follows:

<u>In favor</u>	<u>Opposed</u>	<u>Not Present</u>
Worley		Boyd
Lazarus		Smith
Foxworth		
Ryan		
Frazier		
Schwartzkopf		
Prince		
Hardee		
Gilland		

Second reading and public review of **Ordinance 37-04** amending the Zoning Ordinance, Section 437- Home Occupations, providing added clarification. Mr. Foxworth **moved to approve**, seconded by Mr. Hardee. There was no public review. Mr. Ryan **moved to amend to add pool companies to the list of prohibited uses**, seconded by Mr. Schwartzkopf. The motion to amend passed. The vote was as follows:

<u>In favor</u>	<u>Opposed</u>	<u>Not Present</u>
Worley		Smith
Lazarus		
Foxworth		
Ryan		
Frazier		
Schwartzkopf		
Prince		
Hardee		
Boyd		
Gilland		

Mr. Prince **moved to amend that the renter be allowed to operate a business with the owner's consent**. The motion died for a lack of a second.

Mr. Prince **moved to defer to the I&R Committee**, seconded by Mr. Foxworth. The motion failed. The vote was as follows:

<u>In favor</u>	<u>Opposed</u>	<u>Not Present</u>
Prince	Worley	Smith
	Lazarus	
	Foxworth	
	Ryan	
	Frazier	
	Schwartzkopf	
	Hardee	
	Boyd	
	Gilland	

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

<u>In favor</u>	<u>Opposed</u>	<u>Not Present</u>
Worley	Prince	Smith
Lazarus		
Foxworth		
Ryan		
Frazier		
Schwartzkopf		
Hardee		
Boyd		
Gilland		

First reading of **Ordinance 18-04** to approve the request of Thomas & Hutton Engineering, agent for Landbank and Augusta Plantation, Berkshire Forest PDD, to amend the official zoning maps. Mr. Hardee **moved to approve**, seconded by Mr. Lazarus. Ms. Carol Coleman from Planning briefed Council on the rezoning. The motion passed. The vote was as follows:

<u>In favor</u>	<u>Opposed</u>	<u>Not Present</u>
Worley	Ryan	Smith
Lazarus	Foxworth	
Frazier		
Schwartzkopf		
Prince		
Hardee		
Boyd		
Gilland		

Chairman Gilland announced that Mr. Howard Barnard had won the primary for District #5.

First reading of **Ordinance 47-04** to approve the request of William Housand, agent for Housand Minor PDD, to amend the official zoning maps. Mr. Prince **moved to approve**, seconded by Mr. Hardee. The motion passed. The vote was as follows:

<u>In favor</u>	<u>Opposed</u>	<u>Not Present</u>
Worley		Smith
Lazarus		
Foxworth		
Ryan		
Frazier		
Schwartzkopf		
Prince		
Hardee		
Boyd		
Gilland		

First reading of **Ordinance 48-04** authorizing the sale of not to exceed \$11.2 million general obligation bonds for the Horry County Fire Protection District. Mr. Hardee **moved to approve**, seconded by Mr. Boyd. The motion passed. The vote was as follows:

<u>In favor</u>	<u>Opposed</u>	<u>Not Present</u>
Worley		Smith
Lazarus		
Foxworth		
Ryan		
Frazier		
Schwartzkopf		
Prince		
Hardee		
Boyd		
Gilland		

First reading of **Ordinance 38-04** to amend the county code pertaining to the Highway Commercial Zoning District. Mr. Hardee **moved to approve**, seconded by Mr. Lazarus. The motion passed. The vote was as follows:

<u>In favor</u>	<u>Opposed</u>	<u>Not Present</u>
Worley		Foxworth
Lazarus		Prince
Ryan		Smith
Frazier		
Schwartzkopf		
Hardee		
Boyd		
Gilland		

First reading of **Ordinance 44-04** to approve the request of David Norris, agent for Myrtle Beach F.I., LLC to amend the official zoning maps. Mr. Hardee **moved to approve**, seconded by Mr. Lazarus. The motion passed. The vote was as follows:

<u>In favor</u>	<u>Opposed</u>	<u>Not Present</u>
Worley	Ryan	Foxworth
Lazarus		Smith
Frazier		
Schwartzkopf		
Prince		
Hardee		
Boyd		
Gilland		

OLD/NEW BUSINESS:

Discussion on extending the time for plan review on complex rezoning actions. Chairman Gilland spoke briefly on the issue and requested the matter be sent to the I&R Committee for discussion for a resolution to be sent to the Legislative Delegation requesting a 90-day period of time.

Appointment of Chad Hatley to the Solid Waste Authority Board of Directors. Mr. Worley **moved to approve**, seconded by Mr. Prince. The motion passed. The vote was as follows:

<u>In favor</u>	<u>Opposed</u>	<u>Not Present</u>
Worley		Foxworth
Lazarus		Smith
Ryan		
Frazier		
Schwartzkopf		
Prince		
Hardee		
Boyd		
Gilland		

Approval of Indigent Claim for funeral services. Mr. Prince **moved to approve**, seconded by Mr. Boyd. The motion passed. The vote was as follows:

<u>In favor</u>	<u>Opposed</u>	<u>Not Present</u>
Worley		Foxworth
Lazarus		Smith
Ryan		
Frazier		
Schwartzkopf		
Prince		
Hardee		
Boyd		
Gilland		

ANNOUNCEMENTS:

Mr. Lazarus announced a seafood festival would be held at the North Myrtle Beach Grand Prix on Saturday, March 20, 2004, 1:00 – 6:00 p.m. to benefit the Aquatic Center and the Public Safety Department in North Myrtle Beach for needed equipment.

Chairman Gilland asked those interested to call or write Senator Hollings asking for his support regarding the I-73 Corridor.

EXECUTIVE SESSION:

Mr. Boyd **moved to go into executive session**, seconded by Mr. Schwartzkopf. The motion passed. The vote was as follows:

<u>In favor</u>	<u>Opposed</u>	<u>Not Present</u>
Worley		Foxworth
Lazarus		Smith
Ryan		
Frazier		
Schwartzkopf		
Prince		
Hardee		
Boyd		
Gilland		

Mr. Hardee **moved to come out of executive session**, seconded by Mr. Frazier. The motion passed unanimously.

Mr. Weaver stated during the course of executive session he briefed Council on potential litigation involving casino boats. No votes were taken and no decisions were made. That was the only item discussed.

ADJOURN:

Mr. Lazarus **moved to adjourn**, seconded by Mr. Ryan. The motion passed unanimously. The meeting adjourned at 8:30 p.m. in memorial of Thelma Dawsey and Jennifer Highsmith.