

**MINUTES
HORRY COUNTY COUNCIL
REGULAR MEETING
March 13, 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; Paul Whitten; Janet Carter; 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 6:05 p.m.

INVOCATION: Mr. Schwartzkopf gave the invocation.

PLEDGE: Mr. Barnard led the pledge.

PUBLIC INPUT:

1. James Millward spoke regarding Pine Hollow Road and the need for two extra painted arrows on Hwy. 544 east for the access road from Hwy. 31. Chairman Gilland requested Mr. Gosnell contact SCDOT.
2. Lou Krieger spoke against the proposed Airport Terminal.
3. Cedric Spain was to speak on Cates Bay but was absent.
4. Steve Radicks spoke on Indigo Creek and erosion. Chairman Gilland requested the issue be discussed in the I&R Committee.

Chairman Gilland closed public input at 6:35 p.m.

CHANGES TO AGENDA:

Mr. Schwartzkopf moved to add the League of Cities appointment of John Long to the Solid Waste Authority Board, seconded by Mr. Grabowski. The motion passed unanimously.

Mr. Schwartzkopf moved to add under Old/New Business discussion on Horry County Council Procedures regarding committee referrals, seconded by Mr. Worley. The motion passed unanimously.

Mr. Barnard requested to remove Ordinance 62-07 from the Consent Agenda.

Mr. Foxworth moved to add under Old/New Business discussion on Code Enforcement, seconded by Mr. Hardee. The motion passed unanimously.

Mr. Hardee moved to defer Ordinance 45-07 to the next meeting, seconded by Mr. Barnard. The motion passed unanimously.

Mr. Hardee moved to add under Old/New Business discussion on an Efficiency Study for Public Safety, seconded by Mr. Schulz. The motion passed unanimously.

Mr. Schwartzkopf inquired about Ordinance 39-07. Chairman Gilland stated they would have a public hearing on it that night.

Mr. Frazier moved to defer Ordinance 58-07 to the next meeting, seconded by Grabowski. The motion passed unanimously.

Mr. Prince spoke on a problem with litter and announced that the issue would be taken up in the Public Safety Committee.

Mr. Weaver requested to introduce the new attorney for the County Attorney's office under the Resolution/Presentation section of the agenda. Mr. Grabowski moved to add, seconded by Mr. Schwartzkopf. The motion passed unanimously.

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

APPROVAL OF MINUTES: Regular Meeting February 20, 2007: Mr. Barnard moved to approve the minutes as submitted, seconded by Mr. Prince. The motion passed unanimously.

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

Billie Richardson (Mr. Frazier)
Vera Graham (Mr. Frazier)
Shirley Faulk (Mr. Frazier)
Ollie Mae Skipper (Mr. Frazier)
James McCray (Mr. Frazier)
Junior Bellamy (Mr. Foxworth)
Mrs. Geneva Moore (Mr. Foxworth)
Irma Estelle Nealy Jordan
Troy Manning Brown

Ruby Elaine Porter Williamson
Esteleen Hardee Anderson (Mr. Allen)
Ms. Cecile R. Ray (Mr. Allen)
Mrs. Karan L. Powell (Mr. Allen)
Hartford E. Best (Mr. Allen)
Loretta M. Hucks (Mr. Allen)
Boyd W. Graham (Mr. Allen)
Bobbie Suggs Johnson (Mr. Allen)
Ouida C. Smith (Mr. Prince)
Jacqueline Hardee Barnette
Basil Backman Price
Barbara Lucille Boyd (Mr. Hardee)
Lisa Anne Phipps (Mr. Hardee)

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

Third reading of **Ordinance 162-06** to approve the request of Clifton Roberts, agent for James & Judy Carroll, to amend the official zoning maps.

Third reading of **Ordinance 34-07** approving an amendment to the concession space agreement and lease with Joint Operating Company LLC at MBIA.

First reading of the following ordinances to approve the request to amend the official zoning maps: **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** Lacrechia Bellamy, Grandstrand Engineering Inc., agent for RMG Homes LLC for Palm Cove Phase I PDD; and **61-07** Frank Jones, owner of "Smuggler's Island Tiki Bar & Grill.

Resolution R-29-07 declaring surplus service weapons.

District 2 Appointment- Robert Castles to the Stormwater Advisory Committee, term expiring 6/30/09.

League of Cities Appointment of John Long to the Solid Waste Authority Board.

The motion passed unanimously.

RESOLUTIONS/PRESENTATIONS:

Presentation on the Sex Offender Watch. Sheriff Thompson spoke briefly on the Sex Offender Watch and demonstrated how it was used online. He introduced Sgt. Lori Avant, the program coordinator for the Watch.

Mr. Weaver introduced Mr. Arrigo Cariotti, new staff attorney for the County, who would start with the County on Monday, March 19th.

READING OF ORDINANCES:

Second reading of **Ordinance 39-07** to amend the Zoning Ordinance to require that all solid waste transfer stations be permitted only within a Planned Development District (PDD). **Mr. Worley moved to approve, seconded by Mr. Schwartzkopf.** The following people spoke at public review:

1. Chuck Rhome spoke in favor of the ordinance.
2. Vincent Lehotski spoke on future applications and truck routes.
3. Chris Burroughs spoke in opposition of the ordinance.
4. Ken Crutchfield spoke in opposition of the ordinance.
5. Dan Gray spoke in opposition of the ordinance.

Mr. Barnard moved to amend to invoke pending ordinance, seconded by Mr. Worley.

Mr. Crutchfield stated there would be a meeting on March 27th for the community from 5:00 p.m. to 7:30 p.m.

Mr. Prince moved to table and remand back to the I&R Committee. There was no second to the motion.

Mr. Barnard moved to release Mr. Weaver from an attorney-client privilege, seconded by Mr. Grabowski. The motion passed unanimously. Mr. Weaver spoke on the memorandum he sent to Council that dealt with a football game hosted by Waste Management in which some Council members participated and the potential ethical problems that could exist for them if they felt there was a conflict of interest. Ken Crutchfield, Waste Management, spoke briefly.

Mr. Prince called the question.

Mr. Allen requested that the record reflect that he was not on Council at that time and did not attend the ballgame.

Mr. Schulz recused himself from voting.

The motion to approve second reading with pending ordinance failed. The vote was as follows:

In favor

**Worley
Barnard
Gilland**

Opposed

**Foxworth
Ryan
Grabowski
Frazier
Schwartzkopf
Prince
Hardee
Allen**

Mr. Prince moved to table and remand back to the I&R Committee. Mr. Weaver stated the ordinance was dead and could not be referred to a committee. A motion to consider would be in order.

Mr. Barnard withdrew his motion to amend to invoke pending ordinance.

Mr. Foxworth moved to reconsider the last vote for the purpose of remanding it back to the I&R Committee, seconded by Mr. Ryan. The motion to reconsider passed. Mr. Prince voted nay.

Chairman Gilland called a recess at 8:00 p.m. The meeting reconvened at 8:15 p.m.

Mr. Prince moved to remand Ordinance 39-07 to the I&R Committee, seconded by Mr. Hardee. The motion passed unanimously.

Third reading and public review of **Ordinance 172-06** to approve the request of Eddie White, agent for Ray Cleary, to amend the official zoning maps. **Mr. Barnard moved to approve, seconded by Mr. Hardee.** The following people spoke at public review:

1. Lauren Harrell and Jessica Clark spoke in opposition.
2. Sybil DeBerry spoke in opposition.
3. Tom Woodle spoke in opposition.
4. Tom Herron spoke in favor.
5. Ray Cleary spoke in favor.
6. Rose Marie Hussey Ely spoke in opposition.
7. Jackie Woodle spoke in opposition.

Mr. Foxworth moved to amend to a PDD, seconded by Mr. Worley.

Alvin Payne spoke in favor of Ordinance 172-06.

Mr. Prince called the question. The motion to amend failed. The vote was as follows:

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

The main motion to approve Third Reading of Ordinance 172-06 passed. The vote was as follows:

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

Third reading and public review of Ordinance 31-07 to approve the request of Robert Rabon, agent for Alice Hardwick & Windell Shelley, to amend the official zoning maps. **Mr. Prince moved to approve, seconded by Mr. Hardee.** The following people spoke at public review:

1. Grace Gifford spoke in opposition.

Mr. Allen requested that the record reflect that R5 was already brought into District 11 during the term of the previous Council member for the district.

2. Robert Rabon spoke in favor.

The motion to approve passed. The vote was as follows:

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

Third reading of Ordinance 35-07 to prohibit the approval of development plans and the issuance of building permits for permanent structures to be located within the corridor identified for construction of the Carolina Bays Parkway from Hwy. 544 to Hwy. 707 for a period of 1 year. **Mr. Schwartzkopf moved to approve, seconded by Mr. Grabowski. The motion passed unanimously.**

Second reading and public review of the following ordinances to approve the request to amend the official zoning maps: **25-07** David Singleton, agent for Eastern Shores Realty Holdings; **41-07** The Jackson Companies, agent for SayeBrook PDD Amendment; **42-07** Austin Sawyer, agent for Marilyn Joyce Todd; **43-07** Walter & Paula Johnson; **184-06** Weaver Engineering, agent for The Villages at Sea Mountain PDD; **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. **Mr. Hardee moved to approve, seconded by Mr. Grabowski.** The following people spoke at public review:

1. Susan Regina spoke in opposition to Ordinance 25-07.
2. Raymond Mara spoke in opposition to Ordinance 25-07.
3. Stephanie Vanderpool spoke in opposition to Ordinance 25-07.
4. Mike Wooten spoke in favor of Ordinance 25-07.

Mr. Prince moved to amend Ordinance 184-06 to include the amendments previously distributed, seconded by Mr. Hardee. The motion to amend passed. The vote was as follows:

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

There was no vote on the main motion as amended on Ordinance 184-06.

The motion to approve Ordinance 25-07 passed. The vote was as follows:

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

Mr. Grabowski moved to amend Ordinance 41-07 to include a community benefit fee of \$250 per unit; Palmetto Pointe Boulevard would be extended at the developers cost, a donation of an 80-foot right-of-way to Horry County for the construction of Palmetto Pointe Boulevard into the project for a connection to Hwy. 544 and the inclusion of sidewalks, seconded by Mr. Prince. The motion to amend passed unanimously. Mr. Schwartzkopf was absent. There was no vote on the main motion as amended.

Mr. Barnard voted nay on Ordinance 44-07. Mr. Schulz was absent.

The motion to approve the remaining ordinances passed.

Second reading and public review of **Ordinance 38-07** to amend the land use element of the County Comprehensive Plan to include the Garden City Community Plan supplement. **Mr. Barnard moved to approve, seconded by Mr. Schwartzkopf.** There was no public review. **The motion passed. The vote was as follows:**

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

Second reading of **Ordinance 219-06** to approve the request of Jamie McLain, agent for Enoch Road LLC, to amend the official zoning maps. **Mr. Prince moved to approve, seconded by Mr. Grabowski.** The motion passed. The vote was as follows:

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

Second reading of **Ordinance 05-07** to approve the request of Mark Talbot, agent for International Partners LLC, to amend the official zoning maps. **Mr. Prince moved to approve, seconded by Mr. Barnard.** Mr. Weaver stated he had received letters from International Paper Realty Corporation stating the property was subject to the development agreement that was entered into with International Paper and International Paper would approve no rezoning from residential to commercial. They had the right to approve that and they were giving the County warning in writing that they were not going to approve that. Mr. Weaver suggested that the developer be prepared to address it.

Mr. Schulz moved to defer until a meeting was held, seconded by Mr. Schwartzkopf. The motion to defer passed. The vote was as follows:

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

First reading of **Ordinance 40-07** to approve the request of Thomas & Hutton Engineers, agent for Carolina Forest Waterway Tract PDD, to amend the official zoning maps. **Mr. Foxworth moved to approve, seconded by Mr. Schwartzkopf. The motion passed. The vote was as follows:**

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

First reading of **Ordinance 63-07** to initiate a small area land use study for certain properties lying on the South side of Highway 501 between the Intracoastal Waterway and Highway 17 Bypass and to provide for a moratorium on development approvals and building permits until the study is complete. **Mr. Foxworth moved to approve, seconded by Mr. Hardee. Mr. Foxworth moved to amend to remove Drywall Drive, seconded by Mr. Worley. The motion to amend passed unanimously.**

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

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

First reading of **Ordinance 62-07** to approve the request to amend the official zoning maps for David Barringer, agent for Hacienda Gardens Minor PDD. **Mr. Schwartzkopf moved to approve, seconded by Mr. Barnard.** Mr. Barnard requested that Mr. Gosnell and Ms. Coleman meet with Mr. McMenamin and Mr. Barringer at the end of the month and go back over the property again. **The motion passed unanimously.**

OLD/NEW BUSINESS:

Gambling Vessel Legislation Update. Mr. Weaver stated at the request of Council, at the Budget Retreat, he was asked to meet with the gambling vessel operators and discuss where they stood. He and Ms. Wright had met with them last Thursday. He stated that on April 3rd, they would have available, for third reading and consideration, the nine-point contract and would go into a full discussion at that time. He further stated if there were any questions over the next couple of weeks they could call him and he could answer the questions or get the answers for them. Chairman Gilland requested that Mr. Weaver send out a copy of the agreement to Council as soon as possible.

Procedures regarding Committee Referrals. Mr. Schwartzkopf suggested they develop administrative procedures for items coming from committee to Council. Mr. Weaver requested to refer to the Administration Committee the Council rules concerning ordinances and resolutions that go to committee and come out of committee to come up with a formula that would allow Council, Clerk of Council and all staff members to work in some uniform process. Chairman Gilland requested that the Administration Committee take up the issue.

Chairman Gilland stated if Council had something to be amended at the Council meetings they needed to defer it to the next meeting and have the amendment in the packet for the next meeting.

Code Enforcement. Mr. Foxworth requested Mr. Gosnell look at a rotating schedule where there was personnel from Code Enforcement on call to show up and enforce zoning restrictions. Mr. Gosnell stated there were Code Enforcement officers on call 24/7 and if there was an issue they could contact him by cell phone and an officer could go out and ticket them.

Efficiency Study of Public Safety. Mr. Hardee requested that an RFP be issued and that Council make the selection of the firm to conduct the study. He requested that it include an audit of the VIP funds for the Volunteer Fire Department. Chairman Gilland stated that should be a budget issue discussed in the budget. It was discussed last year and was cut out during the budget process. Mr. Hardee requested a show of hands of those in support of the study. There was consensus to conduct the study.

Mr. Frazier requested that Ms. Coleman contact Paul King and ask him to give him a call.

ANNOUNCEMENTS:

ADJOURNMENT: The meeting adjourned at 10:40 p.m. in memorial of Billie Richardson, Vera Graham, Shirley Faulk, Ollie Mae Skipper, James McCray and Junior Bellamy, Geneva Moore, Irma Estelle Nealy Jordan, Troy Manning Brown, Ruby Elaine Porter Williamson, Esteleen Hardee Anderson, Cecile R. Ray, Karan Powell, Hartford E. Best, Loretta M. Hucks, Boyd W. Graham, Bobbie Suggs Johnson, Ouida C. Smith, Jacqueline Barnette, Basil Backman Price, Barbara Lucille Boyd and Lisa Anne Phipps.