

**MINUTES  
HORRY COUNTY COUNCIL  
REGULAR SESSION  
March 2, 2004  
6:00 p.m.**

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

**MEMBERS ABSENT:**

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

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 Harold Worley gave the invocation.

**PLEDGE OF ALLEGIANCE:** The Honorable Gene Smith led in the Pledge.

**PUBLIC INPUT:**

1. Mr. James Millward was to speak regarding Traffic but was not present.
2. Gen. Vaught spoke regarding Transportation/LYMO.

Chairman Gilland closed public input.

**CHANGES TO THE AGENDA:**

Chairman Gilland requested to add a **presentation from Coastal Carolina University**. Mr. Lazarus **moved to add to the agenda**, seconded by Mr. Frazier. The motion passed unanimously.

Mr. Foxworth **moved to add a presentation from the Wendell Jones family to the Horry County Fire Department**, seconded by Mr. Lazarus. The motion passed unanimously.

Mr. Foxworth requested to **remove Ordinance 21-04 from the Consent Agenda**.

Mr. Smith requested to **remove Ordinance 19-04 from the Consent Agenda**.

Mr. Weaver requested **deferral of Ordinance 129-03**. Chairman Gilland stated the motion to defer would be handled later in the meeting as it appeared on the agenda.

## **APPROVAL OF AGENDA CONTENTS:**

No motion was made to approve the agenda, however a unanimous vote was taken.

## **APPROVAL OF MINUTES:**

Regular Session, **February 17, 2004:** Mr. Weaver pointed out that a motion and a second to approve Ordinances 13-04; 14-04; 15-04; 16-04; and 17-04 were not made at the last meeting. Mr. Lazarus **moved to approve** the ordinances, seconded by Mr. Prince. The motion passed unanimously. Mr. Weaver also pointed out that Ordinance 19-04 did not have a motion and a second to approve and that a proper motion was needed. Mr. Lazarus **moved to approve**, seconded by Mr. Boyd. The motion passed unanimously. Mr. Foxworth **moved to approve the minutes as amended**, seconded by Mr. Frazier. The motion passed unanimously.

## **MEMORIAL DEDICATION OF MEETING:**

There was no memorial dedication of the meeting.

## **APPROVAL OF CONSENT AGENDA:**

Mr. Boyd **moved to approve the following Consent Items**, seconded by Mr. Smith. The motion passed unanimously.

- Third reading of the following ordinances to approve the request to amend the official zoning maps: **13-04** Lavivian Daniels, agent for Vivian Buck Estate; **14-04** Paula Nance & Timothy J. Wilson & Cynthia Nance; **15-04** Jo Ann Wiegand, agent for Thomas P. or Jessie Brown & The Market; **16-04** James Wooten, agent for B.J. Investments Ltd. Prtn.; and **17-04** Richard T. Kennedy.
- Third reading of **Ordinance 20-04** to amend the zoning ordinance pertaining to the placement of multiple structures on a single parcel of land.
- Third reading of **Ordinance 22-04** approving and authorizing the execution of an amendment to lease agreement leasing property at Myrtle Beach Int'l Airport to Huffman Helicopters, Inc.
- First 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.
- First reading of **Ordinance 35-04** authorizing the administrator to execute an amendment to the lease between Horry County and Shipgolf.com, Inc. for premises located with Myrtle Beach Int'l Airport.
- First reading of **Ordinance 36-04** amending Ordinance 84-02 so as to transfer certain funds from retained earnings to certain accounts for capital projects.
- First reading of **Ordinance 37-04** amending the Zoning Ordinance, Section 437- Home Occupations, providing added clarification.
- Resolutions to accept roads and drainage into the county system at the following locations: **Resolution R-10-04** South Strand Commons (North Strand Parkway); **Resolution R-23-04** Queens Harbour Phase 7 (Plattmoor Dr., Gaither Ct., Kingsley Dr.);

**Resolution R-24-04** Palmetto Glen Phase IA (Palmetto Glen Dr., Tibton Cr., Sherrywood Dr.).

- **Resolution R-30-04** authorizing the transfer of funds from the road maintenance fee of Star Bluff Drainage and Dewitt Road to the road maintenance fee account of Zeek Road.
- **Resolution R-31-04** to remove a section of road on the approved Year 6-10 paving improvement list and to substitute certain other roads, all in District 11.

The motion passed unanimously.

Chairman Gilland requested that the briefing on the investigation into Lymo by Ms. Henrietta Golding be held in open session rather than executive session. Ms. Golding then briefed Council on the results of her investigative report.

### **RESOLUTIONS/PRESENTATIONS:**

**Presentation by Coastal Carolina University.** Dr. Ingle requested that Council consider deeding the remaining land in the Atlantic Center to the Horry County Higher Education Commission for a high tech research park to attract commercial interests primarily in the Sciences and Technology industries. Mr. Schwartzkopf **moved to adopt and send to the I&R Committee**, seconded by Mr. Hardee. Mr. Boyd **moved to amend that PARTNERS not pursue any more contracts at the Atlantic Center**, seconded by Mr. Lazarus. The motion to amend passed unanimously. The main motion as amended passed unanimously.

**Presentation of the Management Letter from the External Auditor.** Don Mobley, partner with Scott McElveen and Associates, reported the audits for Horry County for the year ending June 30, 2003 had been completed. There were no unqualified findings.

**Presentation from the Wendell Jones Family to the Horry County Fire Department.** Mr. Foxworth presented to the Horry County Fire Department a framed oil painting by Artist Peter O'Neil entitled, "Two Minutes of Silence" from the Wendell Jones Family to the Horry County Fire Department. Mr. Whitten introduced Gary Alderman as the new Horry County Fire Chief.

Chairman Gilland called a ten-minute recess at 7:05 p.m. The meeting reconvened at 7:15 p.m.

**Presentation on the Worthless Check Program.** Solicitor Hembree briefed Council on the program. Chairman Gilland referred action to the Public Safety Committee. Mr. Boyd stated the matter would be discussed at the March 9<sup>th</sup> Public Safety Workshop.

**Resolution R-22-04** recognizing the life and achievements of Johnny L. Causey. Mr. Hardee **moved to approve**, seconded by Mr. Prince. The motion passed unanimously.

**Resolution R-20-04** to declare as surplus the service weapon of retiring Police Chief Paul Goward and make it available to him at replacement cost. Mr. Boyd **moved to approve**, seconded by Mr. Hardee. Chairman Gilland thanked Chief Goward for his service to Horry County. Mr. Whitten introduced Interim Police Chief Major Johnny Morgan. The motion passed unanimously.

**Resolution R-21-04** to declare as surplus the service weapon of Maj. Kenneth Canterbury and make it available to him at replacement cost. Mr. Boyd **moved to approve**, seconded by Mr. Frazier. The motion passed unanimously.

**Resolution R-25-04** to approve construction and paving of dirt roads during Year 11 of the Road Improvement Plan. Mr. Boyd **moved to approve**, seconded by Mr. Hardee. The motion passed unanimously.

**Resolution R-26-04** to approve exemption of 2.9 acres belonging to William Schweitzer lying within proposed Phase III of the Carolina Bays Parkway from the requirements of the Official Map ordinance. Mr. Hardee **moved to approve**, seconded by Mr. Ryan. The motion passed unanimously.

**Resolution R-27-04** to approve exemption of 7.85 acres in Gaither Center (Burgess Community) from the requirements of the Official Map ordinance. Mr. Boyd **moved to approve**, seconded by Mr. Hardee. The motion passed unanimously.

**Resolution R-28-04** to approve an Intergovernmental Agreement between the City of North Myrtle Beach and Horry County whereby joint jurisdiction would be permitted upon the premises of various public schools. Mr. Boyd **moved to approve**, seconded by Mr. Frazier. The motion passed unanimously.

**Resolution R-29-04** to execute a contract of sale regarding the county's purchase of 1.84 acres located along Hwy. 105. Mr. Boyd **moved to approve**, seconded by Mr. Hardee. The motion passed unanimously.

**Resolution R-32-04** to approve a negotiated settlement between Horry County and the City of Myrtle Beach regarding Horry County's acceptance of a PUD rezoning classification for that portion of the real property upon which will be constructed the new terminal at the Myrtle Beach Int'l Airport. Mr. Lazarus **moved to approve**, seconded by Mr. Boyd. The motion passed. The vote was as follows:

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

**Resolution R-33-04** to approve a negotiated settlement between Horry County and the City of Myrtle Beach regarding: 1) the respective ownership interests in and to the aviation trust fund, a/k/a the Seascape Fund and 2) the distribution of the existing fund balance. Mr. Lazarus **moved to approve**, seconded by Mr. Boyd. The motion passed. The vote was as follows:

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

Chairman Gilland stated there would be a joint celebration of the final readings of Horry County Council and the City of Myrtle Beach on May 4<sup>th</sup> at 11:00.

#### **READING OF ORDINANCES:**

Third reading of **Ordinance 116-03** to execute documents granting the release of a 50' access easement to Myrtle Beach Farms on property located along Hwy. 17 Bypass for access to Intracoastal Waterway Boat Ramp. Mr. Hardee **moved to approve**, seconded by Mr. Foxworth. The motion passed unanimously.

Third reading of **Ordinance 129-03** to approve the request of The Earthworks Group & Crescent Architects, agents for Dreamlink/Planetlink, LCC, to amend the official zoning maps. Chris Clark, of Crescent Architects, briefed Council on the changes that had been made. Mr. Boyd **moved to defer**, seconded by Mr. Ryan. The motion passed unanimously. Chairman Gilland stated there would be a second public review held due to the changes to the ordinance.

Third reading and public review of **Ordinance 23-04** to impose a one-year moratorium on the issuance of licenses and permits for new casino boat locations, including locations offering day cruises with gambling and/or gaming. There was no public review. Mr. Worley **moved to approve**, seconded by Mr. Hardee. Mr. Worley **moved to amend to add the wording, "operations or"** so that the following would read, 1. One-Year Moratorium Adopted. No licenses or permit for new casino boat **operations or** locations, including those offering day cruises with gambling and gaming; administrative and ticketing offices for casino boat operations; and, associated parking areas shall be issued for a period of one year from the effective date of this Ordinance. The motion to amend passed unanimously. The main motion as amended passed unanimously.

Third reading and public review of **Ordinance 30-04** to approve the request of Mildred S. Martin, agent for Zachous Martin, to amend the official zoning maps. Mr. Boyd **moved to approve**, seconded by Mr. Hardee. There was no public review. The motion passed unanimously.

Second reading and public review 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. Hardee **moved to approve**, seconded by Mr. Worley. Mr. Smith **moved to amend to add a sunset clause of two-years**, seconded by Mr. Foxworth. Mr. Kemp was to provide information before third reading as to the number of planes registered in Horry County and information from other states and counties related to this. Mr. Smith **withdrew his motion to amend and Mr. Foxworth withdrew his second**. The motion to approve passed. The vote was as follows:

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

Second reading and public review of the following ordinances to approve the request to amend the official zoning maps: **26-04** Derrick Blanton, agent for MTD Investments, Inc.; **28-04** Joseph R. Anderson; **29-04** Robert Rabon, agent for Rabon's Mobile Homes. Mr. Hardee **moved to approve**, seconded by Mr. Boyd. There was no public review. The motion passed unanimously.

Second reading and public review of **Ordinance 25-04** to approve the request of Clarence E. Doyle, Jr. to amend the official zoning maps. Mr. Hardee **moved to approve**, seconded by Mr. Boyd. There was no public review. The motion passed unanimously.

Second reading and public review of **Ordinance 27-04** to approve the request of Gerrald H. Herring to amend the official zoning maps. Mr. Hardee **moved to approve**, seconded by Mr. Boyd. Ms. Pam Creek spoke regarding the ordinance. The motion passed. The vote was as follows:

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

Second reading 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 to Court. Mr. Hardee **moved to approve**, seconded by Mr. Prince. The motion passed unanimously.

Second reading of **Ordinance 33-04** to amend the FY 2004 budget so as to grant one additional administrative assistant position for the County Auditor. Mr. Boyd **moved to approve**, seconded by Mr. Hardee. The motion passed unanimously.

Second reading of **Ordinance 11-04** amending the Hospitality Fee ordinance so as to extend the sunset provision by a period of not more than 5 years. Mr. Smith **moved to defer**, seconded by Mr. Prince. Mr. Worley wanted an accounting of the money. Mr. Prince called for point of order in that they were discussing the ordinance but a motion to defer was on the floor. The motion to defer failed. The vote was as follows:

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

Mr. Boyd **moved to approve**, seconded by Mr. Hardee. The motion passed. The vote was as follows:

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

Third reading of **Ordinance 19-04** to approve the request to amend the official zoning maps for James Wooten & DDC Engineers, agent for Kerry Brown, Jasmine Park PDD. Mr. Lazarus **moved to approve**, seconded by Mr. Hardee. Mr. Smith **moved to amend to add a 4 ft. buffer**, seconded by Mr. Lazarus. The motion to amend passed unanimously. The main motion as amended passed. The vote was as follows:

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

Third reading of **Ordinance 21-04** to prohibit commercial activity at public boat landings and on other property open to the general public owned by Horry County. Mr. Boyd **moved to approve**, seconded by Mr. Frazier. The motion passed unanimously.

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

Chairman Gilland deferred discussion on Paying Property Taxes on a Quarterly Basis.

#### **ANNOUNCEMENTS:**

Chairman Gilland announced that she, Mr. Lazarus, and Mr. Prince went to Washington, D.C. the past week for meetings on I-73. She also announced that Mr. Frazier, Mr. Hardee, Mr. Boyd, and Mr. Prince went to Washington for the NACO convention.

Mr. Foxworth announced the committee members for the Ad Hoc Committee on Government Reorganization of which he was the chairman. The members were Mark Lazarus, Carl Schwartzkopf, and Mike Ryan.

Mr. Hardee announced there would be a Masonic cornerstone laying ceremony at the Government and Justice Building on Friday, March 5<sup>th</sup> at 3:00 p.m.

Mr. Boyd announced the March 8<sup>th</sup> Public Safety meeting was cancelled and that the Public Safety meeting for April would be held at Surfside Beach at night since spring Bike week was coming up.

Mr. Prince suggested the discussion on Paying Property Taxes on a Quarterly basis be sent to the Administration Committee. Chairman Gilland spoke briefly about it and forwarded it to the Administration Committee.



**ADJOURN:**

Mr. Hardee **moved to adjourn**, seconded by Mr. Prince. The motion passed unanimously and the meeting adjourned at 9:25 p.m.