

**MINUTES
HORRY COUNTY COUNCIL
REGULAR SESSION
January 27, 2004
4:00 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 4:00 p.m. and welcomed everyone. The meeting was being held at 4:00 rather than 6:00 due to inclement winter weather.

INVOCATION: The Honorable Kevin Hardee gave the invocation.

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

PUBLIC INPUT:

There was none.

CHANGES TO THE AGENDA:

Mr. Worley requested that Resolution R-12-04 be removed from the Consent Agenda.

Mr. Boyd requested that Resolution R-13-04 be removed from the Consent Agenda.

Mr. Ryan moved to table Ordinance 129-03 until notification by the applicant, seconded by Mr. Smith. The motion passed unanimously.

Mr. Smith requested to remove Ordinances 18-04 and 19-04 from the Consent Agenda.

Mr. Smith moved to defer Resolution R-10-04 to the next I&R Meeting, seconded by Mr. Ryan. The motion passed unanimously.

Mr. Prince moved to add a Reappointment to the Stormwater Advisory Board to Old and New Business, seconded by Mr. Frazier. The motion passed unanimously.

Mr. Knight requested that the Presentation of the Certificate of Excellence in Financial Reporting to the Finance Department be moved back toward the end of the meeting.

Mr. Smith **moved to defer the Briefing on the partnership agreement with Clemson University**, seconded by Mr. Ryan. Chairman Gilland stated the presentation would be held at the retreat. The motion passed unanimously.

Chairman Gilland **moved to add a Personnel Issue to Executive Session**, seconded by Mr. Ryan. The motion passed unanimously.

APPROVAL OF AGENDA CONTENTS:

Mr. Boyd **moved to approve the agenda as amended**, seconded by Mr. Ryan. The motion passed unanimously.

APPROVAL OF MINUTES:

Regular Session, **January 13, 2004**: Mr. Hardee **moved to approve the minutes as submitted**, seconded by Mr. Ryan. The motion passed unanimously.

MEMORIAL DEDICATION OF MEETING:

Chairman Gilland moved **that upon adjournment, Council dedicate the meeting in memory of Mr. Gene Dorman**, seconded by Mr. Worley. Mr. Boyd **moved that upon adjournment, Council also dedicate the meeting in memory of Ms. Jean Best**, seconded by Mr. Prince. The motions passed unanimously.

UPDATE ON WINTER STORM. Mr. Whitten stated the County had experienced ice from precipitation and freezing temperatures, especially in the western part of the County. He reported that the M.L. Brown Building had opened to assist people and the American Red Cross.

APPROVAL OF CONSENT AGENDA:

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

- First 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.; **17-04** Richard T. Kennedy; First reading of **Ordinance 20-04** to amend the zoning ordinance pertaining to the placement of multiple structures on a single parcel of land.
- First 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.

- First 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.
- Resolution to accept dedication of roads and drainage into the county road system: **R-11-04** Plantation Lakes at Carolina Forest Phase II (Oxbow Dr., Clambake Ct., Hopeland Ct., Ashtabula Ct., Woodburn Dr., Bellfield Ct., & Atalaya Place.)
- District 7 Appointment of Terry Sherman to the PARTNERS Board of Directors.

The motion passed unanimously.

RESOLUTIONS/PRESENTATIONS:

Resolution R-14-04 to direct staff to analyze the current zoning districts and propose the creation of new more focused districts with fewer uses. Mr. Smith **moved to approve**, seconded by Mr. Prince. The motion passed unanimously.

READING OF ORDINANCES:

Third reading of **Ordinance 111-03** to amend the zoning code establishing general provisions related to asphalt and concrete batch/bulk plants. Mr. Smith **moved to approve**, seconded by Mr. Foxworth. Ms. Vonnie Finkley spoke. The vote was as follows:

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

Third reading of **Ordinance 125-03** to approve the request of James Wooten, agent for Julie, J.D., & S.G. Vereen, Wellingford PDD. Mr. Lazarus **moved to approve**, seconded by Mr. Hardee. Chairman Gilland requested that staff exclude retention roads, roadways, and wetlands regarding density. Mr. Smith **moved to defer to the Planning Commission**, seconded by Mr. Ryan. The motion passed. The vote was as follows:

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

Chairman Gilland suggested that they look at changes to uses and requirements. Mr. Smith suggested that rezonings from the Planning Commission be sent to the I&R Committee to discuss in more detail. Chairman Gilland stated that planning and zoning issues would be the focus at the budget retreat.

Mr. Lazarus requested the applicant be allowed to answer concerns. Mr. Weaver advised the ordinance needed to be brought back for reconsideration. Mr. Prince **moved to reconsider Third reading of Ordinance 125-03**, seconded by Mr. Boyd. The motion passed. The vote was as follows:

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

Mr. Shep Guyton spoke regarding the rezoning and presented a list of uses for commercial uses in the adjacent PDD.

Mr. Ryan stated the community needed to be allowed to come and speak as well.

Mr. Lazarus **moved to defer to the next meeting rather than sending it to the Planning Commission.** Mr. Boyd **moved to replace Appendix A with the handout passed out by Mr. Guyton and defer to the next meeting and open the meeting up for public input,** seconded by Mr. Ryan. Mr. Lazarus **withdrew his motion to defer.** Mr. Smith **moved to amend to include a 25 ft. buffer between commercial and residential,** seconded by Mr. Ryan. Mr. Smith changed his motion to a request asking that the developer look at the buffer issue with the changes. The motion to defer passed unanimously.

Second reading of **Ordinance 110-03** to provide for the exchange of property at the South Strand Complex for additional road right-of-way needed for the construction of Scipio Lane. Mr. Boyd **moved to approve,** seconded by Mr. Hardee. The motion passed unanimously.

Second reading of **Ordinance 126-03** to approve the request of Jon Taylor, agent for Landbank, LLC, Buist Plantation PDD to amend the official zoning maps. Mr. Lazarus **moved to approve,** seconded by Mr. Boyd. Mr. Ryan presented slides. Mr. Smith asked that staff correct the information in the packet pertaining to the minimum separation between buildings reflected 10' ft. but should be 15' ft. Chairman Gilland stated they would have that corrected before third reading. The motion passed. The vote was as follows:

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

Chairman Gilland called a recess at 5:40 p.m.

The meeting reconvened at 5:55 p.m.

Second reading of **Ordinance 132-03** to impose a one-year moratorium on the issuance of permits for off-premise signs in the unincorporated portions of Horry County. Mr. Smith **moved to approve**, seconded by Mr. Ryan. Mr. Hardee and Mr. Lazarus recused themselves from voting. Mr. Boyd **moved to amend the moratorium to six months with the ability to extend another six months if the planning process wasn't done**, seconded by Mr. Worley. The motion to amend passed. The vote was as follows:

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

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

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

Second reading of **Ordinance 01-04** to approve the request of Patrick Boulter et al to amend the official zoning maps. Mr. Prince **moved to approve**, seconded by Mr. Ryan. Mr. Prince requested before third reading staff provide the number of units proposed and information on greenspace setback. Mr. Patrick Boulter spoke on the project. The motion passed unanimously.

Second reading of **Ordinance 02-04** to approve the request of Hal Dixon for DASH Inc., agent for The Bishop of Charleston, Mallard Landing Village West PDD, to amend the official zoning maps. Mr. Ryan **moved to approve**, seconded by Mr. Hardee. The motion passed unanimously.

Second reading of **Ordinance 03-04** to amend the County Code establishing revised public hearing procedures for the approval of new or changed street names. Mr. Smith **moved to approve**, seconded by Mr. Prince. The motion passed. The vote was as follows:

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

Second reading of **Ordinance 04-04** to re-establish the Horry County Board of Architectural Review and to adopt standards consistent with the SC Planning Enabling Act. Mr. Foxworth **moved to approve**, seconded by Mr. Ryan. Mr. Smith suggested that historic districts be separate. Mr. Boyd **moved to amend that contingent upon state law the board be an eleven-member board and to send it to I&R to discuss financial possibilities for the homeowner and look at what the other municipalities were doing, seconded by Mr. Prince**. The motion passed unanimously. Mr. Boyd requested staff to provide similar ordinances from other municipalities. Mr. Joel Carter and Ms. Tempe Oehler spoke on the issue. Mr. Boyd requested staff provide the list of 100 properties for the next I&R Committee meeting. The main motion as amended passed unanimously.

Second reading of **Ordinance 05-04** to amend the FY 2004 budget to increase the Department of Airport's budget to include regular part-time positions to accommodate additional airline traffic at Myrtle Beach Int'l Airport. Mr. Prince **moved to approve**, seconded by Mr. Boyd. The motion passed unanimously.

Second reading of **Ordinance 06-04** to grant utility easements to various utility service providers at various fire station sites. Mr. Prince **moved to approve**, seconded by Mr. Boyd. Mr. Smith recused himself from voting. The motion passed unanimously.

Second reading of **Ordinance 07-04** to grant an easement to the SC Public Service Authority for distribution right-of-way along the southern boundary line of the Carolina Bays Parkway and frontage road. Mr. Boyd **moved to approve**, seconded by Mr. Hardee. Mr. Smith recused himself from voting. The motion passed unanimously.

Second reading of **Ordinance 08-04** to amend the Land Development Regulations of the County Code providing clarification and revision to existing standards and the addition of new standards. Mr. Boyd **moved to approve**, seconded by Mr. Hardee. Mr. Boyd requested a copy of the Land Development Regulations. The motion passed unanimously.

Second reading of **Ordinance 09-04** establishing a community waste disposal fee of \$2.25 per ton chargeable to the Solid Waste Authority for each ton of municipal solid waste and mixed construction materials accepted for disposal into the landfill property belonging to the Solid Waste Authority. Mr. Worley **moved to approve**, seconded by Mr. Prince. Mayor Marilyn Hatley spoke. Mr. Lazarus **moved to amend the sixth Whereas to read, “WHEREAS**, so as to meet the additional, ever increasing demands for greater security and responsiveness by public safety officials from within, not only Horry County, but also within the corporate boundaries of the various municipalities, Horry County Council is committed to utilizing the ongoing Two and 25/100 (\$2.25) Dollar per ton Community Waste Disposal Fee for the upgrade and enhancement of the existing antiquated 1994 Computer Aided Dispatch (CAD) E-911 System so as to provide a more accurate and speedy transmittal of emergency information between the municipalities and Horry County.” **And to further amend the Fourth item under Now, Therefore, to read:** “4. Usage. The funds collected shall be utilized for the public benefit of all citizens and residents of Horry County for the upgrading enhancement of the existing Computer Aided Dispatch (CAD) E-911 System so as to provide a more accurate and speedy transmittal of emergency information between the municipalities and Horry County. Further expenditures of this fund must be brought back before County Council for approval and the funds must be used for the benefit of the entire County, not just for the unincorporated areas.” Mr. Boyd seconded the motion to amend. Mr. Whitten addressed the amendments. Mr. Weaver responded to the concerns of the amendments. Mr. Lazarus **withdrew his motion to amend and requested staff make the changes and bring it back at the next meeting**. The motion to approve passed. The vote was as follows:

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

Second reading of **Ordinance 12-04** to approve the request of JBK Trucking, Inc., agent for Kathryn Chestnut King, to amend the official zoning maps. Mr. Hardee **moved to approve**, seconded by Mr. Prince. The motion passed unanimously.

First reading of **Ordinance 18-04** to approve the request of Thomas & Hutton Engineering Co., agent for Landbank & Augusta Plantation, Berkshire Forest PDD to amend the official zoning maps. Mr. Hardee **moved to approve**, seconded by Mr. Boyd. Mr. Foxworth **moved to remand to the Planning Commission for further work**, seconded by Mr. Prince. The motion passed unanimously. Mr. Jeff Miller, of Thomas & Hutton Engineering Co., addressed some of the concerns.

First reading of **Ordinance 19-04** to approve the request of James Wooten & DDC Engineers, agent for Kerry Brown, Jasmine Park PDD, to amend the official zoning maps. Mr. Lazarus **moved to approve**, seconded by Mr. Prince. Mr. Smith **moved to defer to the Planning Commission**, seconded by Mr. Ryan. The motion failed. The vote was as follows:

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

The main motion passed. The vote was as follows:

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

Resolution R-12-04 to *disapprove* the request of Wayne Hill, agent for Intercoastal Properties, Inc., to amend the official zoning maps. Mr. Worley **moved to defer to the next meeting**, seconded by Mr. Prince. The motion passed unanimously.

Resolution R-13-04 to *disapprove* the request of Mildred S. Martin, agent for Zachous Martin, to amend the official zoning maps. Mr. Boyd stated that he wanted to change this to an approval, and wanted to amend it to change the zoning from MR-2 to a Minor PDD. Mr. Weaver stated that this needed to be done as first reading by title only. Mr. Boyd **moved to approve first reading by title only**, seconded by Mr. Prince. The motion passed unanimously.

OLD/NEW BUSINESS:

Election of Council Vice Chairman. Mr. Lazarus **moved to nominate Mr. Hardee as Vice Chairman**, seconded by Mr. Worley. Mr. Ryan **moved to nominate Mr. Smith as Vice Chairman**, seconded by Mr. Schwartzkopf. Mr. Boyd **moved to close nominations**, seconded by Mr. Prince. Chairman Gilland asked that Council vote electronically and instructed that those in favor of Mr. Hardee vote aye and those in favor of Mr. Smith vote nay. The vote was taken and Mr. Hardee was elected as Vice Chairman. The vote was as follows:

<u>Kevin Hardee</u>	<u>Gene Smith</u>
<u>Aye</u>	<u>Nay</u>
Worley	Ryan
Lazarus	Smith
Foxworth	Gilland
Frazier	
Schwartzkopf	
Prince	
Hardee	
Boyd	

Discussion on Potential Ethical Conflicts on Boards and Commissions. Mr. Weaver briefed Council on an opinion from the State Ethics Commission regarding appointed boards and commissions and recusal from voting on certain issues. Chairman Gilland requested this issue be discussed at the Budget Retreat. Mr. Weaver would compile a list of affected board and commissions.

Reappointment to Stormwater Advisory Board. Mr. Jerry Edge was reappointed unanimously. No motion was made but a vote was taken that was unanimous.

ANNOUNCEMENTS:

Mr. Boyd announced that the Public Safety Committee would be discussing the Noise Ordinance and setting a date for a workshop.

Chairman Gilland announced that a Restoration Advisory Board meeting had been scheduled for January 27, 2004 on discussion and exchange of environmental cleanup information between the public and government agencies.

Chairman Gilland announced that the Administration Committee meeting had been rescheduled to February 2, 2004. The next Council meeting would be February 17th. There would only be one Council meeting for the month of February.

EXECUTIVE SESSION:

Mr. Smith **moved to enter into executive session**, seconded by Mr. Boyd. The motion passed unanimously.

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

Chairman Gilland stated during the course of executive session they discussed a personnel issue dealing with employees of Horry County. No votes were taken.

ADJOURNMENT:

Mr. Worley **moved to adjourn**, seconded by Mr. Foxworth. The motion passed unanimously. The meeting adjourned at 8:50 p.m. in memorial of Mr. Gene Dorman and Ms. Jean Best.