

**MINUTES
HORRY COUNTY COUNCIL
REGULAR MEETING
March 14, 2006
6:00 p.m.**

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

MEMBERS ABSENT: John Boyd.

OTHERS PRESENT: 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 6:00 p.m.

INVOCATION: Ms. Gilland gave the invocation.

PLEDGE: Mr. Frazier led in the pledge.

PUBLIC INPUT:

1. John Bonsignor stated the problems with the Humane Society had been rectified. He spoke about problems on Port Drive with a displayed fiberglass pool liner on the property and 20 families living in a residential house with several vehicles blocking the roadway. Ms. Gilland requested staff direct the 2 issues to the committees.
2. Camile Benjamin was to speak about noise, but was not present.
3. Vincent Lehotski spoke regarding traffic at Coastal Federal Bank near Conway Medical Center, and Porter's Bay homeowner association dues and litter.
4. Vonnie Finkley thanked Council for not allowing the construction trucks to operate 24/7.

Chairman Gilland closed public input at 6:25 p.m.

CHANGES TO AGENDA:

Mr. Schwartzkopf moved to add Resolution R-29-06, seconded by Mr. Prince. The motion passed. The vote was as follows:

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

Mr. Foxworth moved to defer Resolution R-27-06, seconded by Mr. Schwartzkopf. The motion passed. The vote was as follows:

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

Mr. Hardee moved to defer Ordinance 55-06 until a community meeting was held, seconded by Mr. Prince. The motion passed. The vote was as follows:

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

Mr. Barnard requested to remove Ordinance 46-06 from the Consent Agenda.

Mr. Prince moved to defer Ordinance 30-06, seconded by Mr. Frazier. The motion passed. The vote was as follows:

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

Mr. Prince moved to send Ordinance 34-06 back to the Planning Commission, seconded by Mr. Ryan. He requested more information on denial. The motion passed. The vote was as follows:

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

Mr. Ryan requested to remove Ordinance 44-06 from the Consent Agenda.

Mr. Ryan moved to send Resolution R-26-06 back to the Planning Commission, seconded by Mr. Barnard. The motion passed. The vote was as follows:

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

Ms. Gilland requested to remove Ordinances 45-06 and 49-06 from the Consent Agenda.

APPROVAL OF AGENDA CONTENTS: Mr. Barnard moved to approve the agenda as amended, seconded by Mr. Ryan. The motion passed. The vote was as follows:

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

APPROVAL OF MINUTES: February 21, 2006: Mr. Frazier 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>
Worley	Frazier	Boyd
Lazarus	Schwartzkopf	
Foxworth	Prince	
Ryan	Hardee	
Barnard	Gilland	
Grabowski		

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

Theo M. Johnson Jr. (Mr. Schwartzkopf)
Henry W. Marlowe Jr. (Mr. Schwartzkopf)
Edmond Elbert (Mr. Schwartzkopf)
Ed Moore (Mr. Worley)
Phillips Goings (Mr. Frazier)
Vernon Squires (Mr. Frazier)
Harriette Duncan (Mr. Frazier)
Elizabeth Horry (Mr. Frazier)

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

- First reading of the following ordinances to approve the request to amend the official zoning maps: **42-06** Raymond Pugh; **43-06** Ken Watson, agent for Marvin Singleton; **47-06** Jason White, agent for Ella Ann Boyd; **48-06** James Wooten, agent for Hucks Rice, LLC; **50-06** Venture Engineering, agent for F.W. Jordan & Albertine D. Jordan; **51-06** Paul Himmelsbach, agent for Westley Vereen; **52-06** Jack Ward; **53-06** Dianne Arrants; and **54-06** Felix Pitts, agent for Burroughs & Chapin Co.
- District 2 Appointment – Gary Morris to the Board of Assessment Appeals.
- District 3 Appointment – Joe DeFeo to the Board of Assessment Appeals.
- Chairman’s Appointment – Wes Lovell to the Stormwater Advisory Committee.

The motion passed. The vote was as follows:

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

RESOLUTIONS/PRESENTATIONS:

Resolution R-28-06 honoring Malachi Rogers for his 31-year career of providing public safety functions for the residents of Maison-Sur-Mer Condominiums. Mr. Lazarus presented the resolution. **Mr. Hardee 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>
Worley	Frazier	Boyd
Lazarus	Schwartzkopf	Foxworth
Ryan	Prince	
Barnard	Hardee	
Grabowski	Gilland	

Resolution R-24-06 to approve a proposed contract for the purchase of 11.6 acres off Hwy 90 from Jimmie Bagwell and Charles Davis by the Solid Waste Authority for \$10,000 and **Resolution R-25-06** to approve a proposed contract for the purchase of 23 acres off Hwy 90 from Maria L. Jones by the Solid Waste Authority for \$46,000. **Mr. Prince moved to approve, seconded by Mr. Schwartzkopf.** Mr. Lazarus requested clarification that the 2 landowners were aware of the Solid Waste Authority's purchase and purpose. Mr. Ricky Hardee clarified that was correct. **The motion passed. The vote was as follows:**

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

Resolution R-29-06 to endorse submission of a recreation trails grant application to South Carolina Department of Parks, Recreation and Tourism. **Mr. Prince 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>
Worley	Frazier		Boyd
Lazarus	Schwartzkopf		Foxworth
Ryan	Prince		
Barnard	Hardee		
Grabowski	Gilland		

READING OF ORDINANCES:

Third reading and public review of **Ordinance 10-04** to create within the boundaries of the unincorporated areas of Horry County a resort fee of \$5.00 per day chargeable to all occupants of vacation timesharing accommodations other than the property owner as identified on the recorded deed. **Mr. Worley moved to approve, seconded by Mr. Schwartzkopf.** The following people spoke:

1. Blaine Liljenquist, founder and CEO of Plantation Resort, was in opposition. He spoke regarding property taxes.
2. Nathan Brown spoke in opposition.

Mr. Lazarus recused himself from voting and discussion. Mr. Weaver spoke briefly regarding resort fees in other locations. **Mr. Worley moved to amend to reduce the resort fee to \$3.00 from \$5.00. The motion died for a lack of a second. The motion to approve failed. The vote was as follows:**

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

Third reading and public review of **Ordinance 16-06** to approve the request of Brian Baldonado, agent for Pavilack Industries, to amend the official zoning maps. **Mr. Grabowski moved to approve, seconded by Mr. Schwartzkopf. The following people spoke:**

1. Brian Baldonado explained the rezoning request.
2. John Bonsignor spoke in favor.

The motion passed. The vote was as follows:

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

Second reading and public review of the following ordinances to approve the request to amend the official zoning maps: **21-06** Robert Gallagher, agent for Case Development, Inc.; **22-06** Castles Engineers, agent for Bear Bone & Bear Claw Associates; **23-06** Moses & Verian Ladson; **24-06** Dennis Permenter; **25-06** Innovative Design, agent for David Frick and Paul & Sarah Urban; **26-06** Robert Guyton, agent for Dan & Denise Lagaly and Arthur & Mary Kindle; **27-06** Helen & Gene Smith; **28-06** Thomas & Hutton, agent for DR Horton; **29-06** Shannon Jordan, agent for Daryl Hucks; **31-06** James Wooten, agent for M&D Development; **32-06** Retha Walters; **33-06** Venture Engineering, agent for Jack Lazarus; **35-06** Randy Pigate Construction Co.; **36-06** Tommy & Janice West; and **37-06** Bobby Miller, agent for Nell Johnson et al. **Mr. Prince moved to approve, seconded by Mr. Grabowski. There was no public review. Mr. Lazarus recused himself from voting and discussion of Ordinance 33-06.** Mr. Ryan had density questions regarding Ordinance 24-06. Ms. Carter would provide more information before third reading. Mr. Prince needed clarification for Ordinance 33-06 on whether the road would be paved. Mr. Weaver spoke with the developer's agent and it was in the business plan for the road to be paved. Ms. Carter explained the rezoning density for Ordinance 28-06. **Ms. Gilland called for the vote on Ordinances 31-06 and 33-06. The motion passed. The vote was as follows:**

<u>In favor</u>	<u>Opposed</u>	<u>Absent</u>
Worley	Frazier	Boyd
Foxworth	Prince	
Barnard	Hardee	
Grabowski	Gilland	

The motion passed to approve Ordinances 21-06, 22-06, 23-06, 24-06, 25-06, 26-06, 27-06, 28-06, 29-06, 32-06, 35-06, 36-06, and 37-06. The vote was as follows:

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

Mr. Mike Wooten explained the rezoning request for Ordinance 31-06. Mr. Lazarus requested staff look at a different way to designate the rezoning districts such as R-5 and R-6. Ms. Carter discussed a proposed ordinance that would require wetlands information at the time an application was submitted. Mr. Hardee asked what it would take to let people know the square footage of a lot with a particular zoning. Ms. Carter stated the names of the zoning districts could be changed. Mr. Hardee requested the issue be sent to the I&R Committee.

Chairman Gilland called a recess at 7:45 p.m. The meeting reconvened at 8:00 p.m.

Appointments to the Capital Projects Sales Tax Commission and Zoning Board of Appeals. Ms. Hartley passed out ballots.

Second reading and public review of **Ordinance 17-06** to amend the zoning ordinance pertaining to application procedures for amendments to the zoning ordinance. **Mr. Schwartzkopf moved to approve, seconded by Mr. Barnard. There was no public review. The motion passed. The vote was as follows:**

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

First reading of **Ordinance 19-06** to approve the request of the Horry County Planning Department to amend the zoning maps for the Little River Comprehensive Rezoning. **Mr. Worley moved to approve, seconded by Mr. Barnard.** Mr. Lazarus spoke regarding the text amendments in the moratorium. **Mr. Lazarus moved to send back to the Planning Commission for review and a public hearing, seconded by Hardee.** **Mr. Worley moved to table the motion.** Mr. Weaver stated the ordinance needed to be voted on. **Mr. Worley withdrew his motion.** Mr. Worley was opposed to sending the ordinance back to the Planning Commission. Mr. Lazarus requested first reading be passed and then send it to the I&R Committee. Mr. Worley stated the I&R Committee had already recommended approval. Mr. Hardee asked how the property owners were notified. Ms. Carter stated certified letters were mailed out at the request of the Planning Commission. There were also two community meetings. The certified letters contained a breakdown of uses in the zoning districts. Mr. Hardee requested a list of the property owners who objected and who were in favor of the rezoning in the next packet. Mr. Schwartzkopf recommended moving forward with the process. **Mr. Lazarus moved to send back to the Planning Commission for review, seconded by Mr. Hardee. The motion failed. The vote was as follows:**

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

The main motion passed. The vote was as follows:

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

First reading of **Ordinance 20-06** to adopt the Little River Overlay Zone. **Mr. Worley moved to approve, seconded by Mr. Ryan. The motion passed. The vote was as follows:**

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

Second reading and public review of **Ordinance 38-06** to approve the request of JWH Engineering, agent for George Townsend, Prado Verde PDD, to amend the official zoning maps. **Mr. Lazarus moved to approve, seconded by Mr. Grabowski. There was no public review. The motion passed.** Ms. Carter explained the rezoning request. **The vote was as follows:**

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

First reading of **Ordinance 39-06** to approve the request of Ricky J. Doyle, Doyle 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>Absent</u>
Worley	Frazier		Boyd
Lazarus	Schwartzkopf		
Foxworth	Prince		
Ryan	Hardee		
Barnard	Gilland		
Grabowski			

First reading of **Ordinance 40-06** to approve the request of Thomas & Hutton Engineers, agent for Prince Creek West PDD, to amend the official zoning maps. **Mr. Prince moved to approve, seconded by Mr. Grabowski.** Ms. Carter explained the rezoning request. **The motion passed. The vote was as follows:**

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

First reading of **Ordinance 41-06** to approve the request of American Dream Homes LLC, Varin Vista PDD, 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>Absent</u>
Worley	Frazier	Boyd
Lazarus	Schwartzkopf	
Foxworth	Prince	
Ryan	Hardee	
Barnard	Gilland	
Grabowski		

First reading of **Ordinance 45-06** to approve the request of Huck Thicken, agent for Match Point at Carolina Forest, LLC, to amend the official zoning maps. **Mr. Hardee moved to approve, seconded by Mr. Grabowski.** Ms. Gilland discussed the expansion of Carolina Forest Boulevard. She stated they needed to plan for some type of funding for the roadway and infrastructure to keep up with growth. She requested the I&R Committee revisit the issue. **The motion passed. The vote was as follows:**

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

First reading of **Ordinance 44-06** to approve the request of Derrick Blanton Construction, Inc., to amend the official zoning maps. **Mr. Grabowski moved to approve, seconded by Mr. Hardee. The motion passed. The vote was as follows:**

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

First reading of **Ordinance 46-06** to approve the request of Propel Development, agent for Larry Prosser, to amend the official zoning maps. **Mr. Barnard moved to approve, seconded by Mr. Grabowski.** Mr. Barnard spoke about a development across Glenn's Bay Road that, with the help of SCDOT, would extend the widening of the road. He requested if the developer could extend the widening of the road back to Southbay's entrance by second reading. An agent of the Development Company stated the issue was being discussed and the developer would participate. Mr. Barnard requested delaying second reading to the second meeting in April. **The motion passed. The vote was as follows:**

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

First reading of **Ordinance 49-06** to approve the request of Castles Consulting Engineers, agent for Chestnut Farms, River Bluff, LLC, to amend the official zoning maps. **Mr. Hardee moved to approve, seconded by Mr. Schwartzkopf.** Ms. Carter discussed a meeting held at the Mt. Leon Church. Mr. Prince was concerned how much the price of a home would change if the square footage were different. Mr. Rob Wilfong, Castles Consulting Engineers, stated it was market driven. **The motion passed. The vote was as follows:**

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

OLD/NEW BUSINESS:

Zoning Board of Appeals – Selection of Board Members to serve 4-year terms. Ms. Gilland announced the results of the ballot vote. Pam Creech would serve a 3-year term and William Jones would serve a 4-year term.

Appointments to the Capital Projects Sales Tax Commission – 6 seats. Ms. Gilland announced the results of the ballot vote were:

Coupe DeVille, Surfside Beach
 Lee Sherman, Bucksport
 Gene Smith, Socastee
 Diane Bagnal, Aynor
 Walter Smith, Conway
 Janice Cutts, Conway

Update on Airport. Mr. Weaver stated Horry County had concluded the settlement agreement and its termination agreement with HNTB. The matter had been resolved. A new architectural team was hired. Ms. Gilland stated the FAA had approved the funding of \$43 million and had sent a letter of Intent. Mr. Weaver stated the cost for the new architectural firm would be inside the \$12 million. Mr. Kemp stated that \$9,112,848 had been spent to date. Staff would be meeting with Skanska later in the week to find out when they would get the final number.

Discussion on Casino Boats. Mr. Weaver requested direction on whether to keep the casino boats and charge them a fee, or to not allow casino boats to operate. A meeting was held with representatives from Sun Cruz and Southern Elegance. It was suggested that a boarding fee of \$7 per person be charged. Of that \$7 per person, \$6 would go to the county's General Fund and \$1 to an entity in Little River for beautification. The casino boat operators rejected this proposal. The options available to Council were: (1) adopt an ordinance for a 5-year period with no collection of money and the casino operator asked to leave, or (2) adopt an ordinance that was in confirmation with the State Law that allowed the County to collect 10% of the boarding fee that was charged by the boats and 5% of their gross proceeds. **Mr. Worley moved to refer the issue back to Legal Counsel and Administration Committee to draft an ordinance to allow the casino boats to stay with the maximum fees allowed by State statute, seconded by Mr. Grabowski. The motion passed. The vote was as follows:**

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

ADJOURNMENT: The meeting adjourned at 9:25 p.m. in memorial of Theo M. Johnson Jr.; Henry W. Marlowe Jr.; Edmond Elbert; Ed Moore; Phillips Goings; Vernon Squires; Harriette Duncan; and Elizabeth Horry.