

MINUTES
HORRY COUNTY COUNCIL
Regular Council Meeting
December 7, 2004
6:00 p.m.

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

MEMBERS ABSENT:

OTHERS PRESENT: Danny Knight; Pat Hartley; John Weaver; Steve Gosnell; Paul Whitten; Anne Wright; 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. and welcomed everyone.

INVOCATION: The Honorable John Boyd gave the invocation.

PLEDGE OF ALLEGIANCE: The Honorable Harold Worley led in the Pledge.

Chairman Gilland presented a plaque to Councilman Smith for his service on Horry County Council. Mr. Smith spoke briefly thanking Council.

PUBLIC INPUT:

1. Patricia Rockwell spoke regarding Residential Fire Codes and outdoor burning near her home. Mr. Knight and Mr. Whitten spoke on the issue. Mr. Boyd stated the Public Safety Committee had discussed this and would look at the DHEC regulations. Mr. Worley suggested Ms. Rockwell get in contact with Rep. Witherspoon in that he was chairman of the Agriculture Committee in the House and oversaw DHEC.
2. Darlin Delong was to speak regarding Ordinance 135-04 but was not present.
3. George Edwards spoke regarding Impact Fees.

Chairman Gilland closed public input.

CHANGES TO THE AGENDA:

Mr. Foxworth **moved to defer Ordinance 120-04 until January**, seconded by Mr. Smith. The motion passed unanimously.

Mr. Foxworth **moved to add a comment on Social Graces under Old/New Business**, seconded by Mr. Smith. The motion passed unanimously.

Mr. Smith **moved to defer Ordinance 135-04**, seconded by Mr. Prince. The motion passed unanimously.

Mr. Worley deferred Third Reading consideration of the Time Share Fee Ordinance until the first meeting in January.

Mr. Barnard **moved to add under Old/New Business a discussion on Transportation Planning and Garden City Planning**. There was no second to the motion. There was no objection.

APPROVAL OF MINUTES:

November 9, 2004: Mr. Prince **moved to approve the minutes as submitted**, seconded by Mr. Ryan. The motion passed unanimously.

MEMORIAL DEDICATION OF MEETING: Mr. Frazier moved that upon adjournment Council adjourn in memory of Clarence Sherman; Howard Rogers; and Georgina Huggins. Mr. Foxworth moved to adjourn in memory of Dr. David O. Anderson and Mildred Garner Richburg. Ms. Gilland moved to adjourn in memory of Mr. Foxworth's father. Mr. Barnard moved to adjourn in memory of the soldiers, sailors, marines and airmen that died at Pearl Harbour sixty-three years ago. Mr. Worley moved to adjourn in memory of Ms. Hazel Yale.

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

- Third reading of **Ordinance 129-04** adopting procedures for the disposal of county-owned real property by way of lease, purchase, or lease-purchase and setting forth guidelines therefore.
- Third reading of the following ordinances to approve requests to amend the official zoning maps: **116-04** James Liston Wells; **117-04** Venture Engineering, agent for Elizabeth Small et al; **118-04** David & Angie Lewis, agent for Donnie & Lounette Lewis; **119-04** Castles Engineering, agent for Martin Ventures VII LLC; **121-04** James Wooten, agent for Waterway Investors LLC; **122-04** Earthworks Group, agent for Cliff Chestnut & Dennis Holmes; **123-04** Freddie Graham, agent for Aynor Auto Parts; **125-04** Carlton & Sherri Thompkins; and **126-04** Kenneth, Timothy, Omer & Doris Capps.
- Third reading of **Ordinance 115-04** to amend Ordinance 159-00 (Horry County Open Space Board) and portions of the code of ordinances relating thereto.

- Third reading of **Ordinance 127-04** to approve the request of A. Edward Jackson, Cooper Minor PDD, to amend the official zoning maps.
- First reading of the following ordinances to approve requests to amend the official zoning maps: **136-04** Joseph Edward James; and **137-04** Carol Ann Stevens, agent for Wayne R. Stevens.
- First reading of **Ordinance 138-04** pertaining to the establishment of new commercial and agricultural zoning districts.
- First reading of **Ordinance 139-04** approving the acceptance of a deed evidencing the transfer of Building 352 from the MBAFB Redevelopment Authority to the Horry County Dept. of Airports.
- Appointment of Kathleen Burroughs to the Museum Board of Trustees.

The motion passed unanimously.

Chairman Gilland asked Mr. Worley to appoint a Planning Commission Member. Mr. Worley stated he would have it for the next meeting and had someone in mind.

RESOLUTIONS/PRESENTATIONS:

Resolutions recognizing certain county departments and staff for financial contributions to the United Way 2004 Campaign: **R-161-04** Horry County Department of Airports; **R-162-04** Horry County Planning Department; **R-163-04** Horry County Procurement and Records Retention Departments; and **R-164-04** Horry County Solicitor's Office. Mr. Knight thanked the employees for their contribution. Mr. Smith **moved to approve**, seconded by Mr. Prince. The motion passed unanimously.

Resolution R-165-04 establishing a new mission statement and core values for Horry County. Mr. Barnard **moved to approve**, seconded by Mr. Prince. Mr. Barnard and Chairman Gilland spoke briefly about the mission statement. Mr. Boyd suggested that the mission statement be sent to the committees to add to. The motion passed unanimously.

Resolution R-166-04 authorizing the substitution of the Horry County Assessor in place of the Horry County Zoning Administrator regarding certain duties as outlined in Ordinance 170-99. Mr. Weaver stated that upon further review and advice from Ms. Carter it was found that the resolution was improper and inappropriate and requested that it be deleted from the agenda. Mr. Foxworth **moved for objection for consideration**, seconded by Mr. Worley. The motion for disapproval passed unanimously.

Resolution R-167-04 authorizing the county administrator to make adjustments to the Dept. of Airport's budget so as to authorize additional expenditures relating to necessary repairs to hangar doors at Myrtle Beach Int'l Airport. Mr. Hardee **moved to approve**, seconded by Mr. Prince. The motion passed unanimously.

READING OF ORDINANCES:

City of Conway property exchange items:

Third reading of **Ordinance 114-04** to provide for the exchange of property between Horry County and the City of Conway. Mr. Hardee **moved to approve**, seconded by Mr. Barnard. Mr. Steve Thomas, Administrator for the City of Conway, spoke briefly on the exchange and presented maps of the parcels. Mr. Fred Akel, Engineer for the City of Conway spoke. Mr. Hardee **moved to amend that the City of Conway fill in the remaining portion of the retention pond and landscape**, seconded by Mr. Barnard. The motion to amend passed unanimously. The main motion as amended passed. The vote was as follows:

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

Resolution R-168-04 to request from Congressman Henry Brown funding for Stormwater system improvements in downtown Conway. Mr. Hardee **moved to approve**, seconded by Mr. Barnard. The motion passed unanimously.

Third reading and public review of **Ordinance 85-04** authorizing the administrator to execute a lease agreement for the construction and subsequent lease of T-hangar units at Myrtle Beach Int'l Airport. Mr. Lazarus moved to approve, seconded by Mr. Barnard. Mr. Schwartzkopf **moved to amend to include language that stated that two appraisals would be done and the parties would come to an agreement at that time upon that value and if the parties weren't able to come to an agreement that it would be provided by an arbitrator**, seconded by Mr. Prince. Ms. Pam Creech spoke at public review and stated that she protested the ordinance because of the fair market value. Ms. Sheryl Schelin spoke on the amendment. Ms. Wright spoke on straight-line depreciation and the useful life, which was the basis for depreciation. Mr. Lazarus requested that they add to the amendment, 25 years. Mr. Kemp spoke briefly that it was normally 25 years in all of their contracts. Mr. Schwartzkopf requested to add **twenty-five years** to the amendment. Mr. Barnard moved to table and called for a recess in order for the attorneys to draft the appropriate wording for the amendment, seconded by Mr. Schwartzkopf. Chairman Gilland called a recess at 7:25 p.m. The meeting reconvened at 7:45 p.m.

Mr. Barnard **moved to table until Ms. Schelin had completed the rewrite**, seconded by Mr. Schwartzkopf. The motion passed. The vote was as follows:

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

Third reading and public review of **Ordinance 132-04** to amend the FY 2005 budget ordinance so as to grant one additional administrative assistant position for the office of the Solicitor. Mr. Boyd **moved to approve**, seconded by Mr. Frazier. There was no public review. Mr. Boyd stated the position was being paid for by the revenues from the program. Mr. Weaver pointed out that the ordinance should reference the 2005 budget and not 2004. The motion passed. The vote was as follows:

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

Third reading and public review of **Ordinance 134-04** to amend the budget ordinance so as to grant a \$150.00 Christmas gift to all regular county employees. Mr. Schwartzkopf **moved to approve**, seconded by Mr. Prince. There was no public review. The motion passed unanimously.

Second reading and public review of **Ordinance 128-04** to approve the request of James Wooten, agent for DENHUC LLC, GCC LCC, RWD Holdings LCC, Stillwater PDD to amend the official zoning maps. Mr. Lazarus **moved to approve**, seconded by Mr. Frazier. Mr. Mike Wooten spoke during public review. Mr. Barnard spoke on the impact on police and fire. Mr. Ryan **moved to defer until the density that was proposed was changed**. Mr. Smith seconded the motion to defer. The motion to defer failed. The vote was as follows:

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

Mr. Smith **moved to amend to require that the single-family lot width be 50 feet instead of 40 feet**, seconded by Mr. Ryan. The motion to amend passed. The vote was as follows:

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

Mr. Ryan **moved to amend to strike hotels, offices, restaurants, and retail businesses**, seconded by Mr. Smith. The motion passed. The vote was as follows:

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

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

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

Second reading and public review of **Ordinance 131-04** to approve the request of the Planning Department, agent for Bennie Strickland et al to amend the official zoning maps. Mr. Hardee **moved to approve**, seconded by Mr. Boyd. There was no public review. The motion passed unanimously.

Continuation of Ordinance 85-04: Mr. Lazarus **moved to remove Ordinance 85-04 from the table**, seconded by Mr. Boyd. The motion passed unanimously. Ms. Schelin distributed copies of the changes as requested. She pointed out a typographical error in Exhibit D, Article One that referenced Article Six and that it should be Article Five. Chairman Gilland noted that as a scribbler's error. Mr. Schwartzkopf **moved to amend "Fair Market Value of Improvements, Fixtures, and Equipment"**. "As soon as practicable following an event of termination in which the Lessor shall become obligated to purchase the improvements placed upon the premises by Lessee, as provided herein or in the individual Hangar Unit Leases (as shown in Exhibit D hereto), and following completion of the project, Lessee shall procure and submit to Lessor an appraisal from a certified South Carolina commercial real estate appraiser showing the Fair Market Value of improvements, fixtures, and equipment as constructed and installed by Lessee pursuant to this agreement. Lessor shall, within sixty days following the submittal of that appraisal to the Lessor, either notify the Lessee in writing that it accepts the appraisal submitted by Lessee as representative of the Fair Market Value of those improvements, fixtures, and equipment, or shall otherwise notify Lessee of its intent to dispute that appraisal. In the event Lessor notifies Lessee of its intent to dispute the Fair Market Value as established in Lessee's appraisal, Lessor shall thereafter have thirty additional days in which to procure and submit to Lessee its own appraisal from a certified South Carolina commercial real estate appraiser. Lessee shall either accept the Lessor's appraisal as indicative of Fair Market Value, or shall notify Lessor of its intent to dispute the Lessor's appraisal, within thirty days after receipt thereof. In the event Lessee accepts Lessor's appraisal, that appraisal shall be prima facie evidence of the Fair Market Value of said improvements, fixtures, and equipment. However, should Lessee elect to dispute the Lessor's appraisal, the parties shall agree upon and select a certified South Carolina arbitrator, and shall, consistent and in accordance with the South Carolina Uniform Arbitration Act, submit the limited question of the establishment of Fair Market Value as shown by the competing appraisals to binding arbitration. The parties consent to be bound by the findings of the arbitrator and no further appeal shall be taken therefrom. However, nothing in this section shall be deemed to operate as a waiver of the requirements of the Horry County Code of Ordinances, nor shall this section be

interpreted as a consent to submit any other dispute not specified herein to any method of alternative dispute resolution. Upon termination pursuant to Article XV prior to the expiration of the term stated in Article II above, Lessor shall promptly purchase or cause to be purchased from Lessee, all of said fixed improvements at a cash price equal to the established value, less any offset amount of any fees/and or charges due and owing to the Lessor for Lessee at such time”, seconded by Mr. Lazarus. The motion passed unanimously.

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

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

Coastal Carolina Arena Items:

Second reading and public review of **Ordinance 111-04** to develop a jointly owned and operated business park with Marion County located at Coastal Carolina University; Second reading and public review of **Ordinance 112-04** authorizing the issuance and sale of special source revenue bonds for the Coastal Carolina Arena project; and Second reading and public review of **Ordinance 113-04** authorizing the execution of a fee in lieu of tax agreement with Coastal Carolina Arena LLC. Mr. Frazier **moved to approve**, seconded by Mr. Hardee. Ms. Mary Eddy and Mr. Larry Biddle spoke during public review. Mr. Hardee **moved to consolidate all the ordinances**, seconded by Mr. Prince. The motion to consolidate passed unanimously. The motion to approve second reading passed. The vote was as follows:

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

Resolution R-144-04 authorizing the execution of an Inducement Agreement between Horry County and Coastal Carolina Arena, LLC, whereby under certain conditions Horry County will execute a fee in lieu of tax agreement for a project involving not less than \$35 million investment and approving the issuance of a special source revenue bond to defray the cost of the infrastructure. Mr. Hardee **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 | Barnard |
| Foxworth | Schwartzkopf |
| Smith | |
| Frazier | |
| Prince | |
| Hardee | |
| Boyd | |
| Gilland | |

Second reading and public review of **Ordinance 133-04** to amend the county code concerning fees payable to the Probate Court. Mr. Hardee **moved to approve**, seconded by Mr. Prince. There was no public review. The motion passed unanimously.

OLD/NEW BUSINESS:

Transportation Planning. Mr. Barnard asked that Council approve to allow the CARS Committee to give their final report at one of the two meetings in January and then pending that report that the I&R Committee start looking at a transportation plan that would include the completion of RIDE I, RIDE II, I-73 and the Airport and put all of that together into one transportation plan and work toward an executable game plan. Chairman Gilland stated she would ask them to come in January. She spoke briefly on the RIDE II report and would schedule a workshop to determine what Council's priority order would be with the roads.

Garden City Plan. Mr. Barnard requested that the I&R Committee take up the issue and that Mr. Knight close the loop with the administrator in Georgetown County. He asked that this be sent to the I&R Committee for review in January.

Social Graces. Mr. Foxworth spoke about the sense of community and thanked Council and staff for the outpouring of sympathy he and his family had received.

Discussion on changing County elections to Non-Partisan Elections. Chairman Gilland stated she wanted to bring up the issue to see if Council would consider this. Mr. Weaver spoke briefly on the issue. Mr. Barnard asked that discussion include the reorganization idea by Mr. Foxworth. Chairman Gilland agreed and stated this would be discussed at the budget retreat.

Discussion on the Cal Ripkin Baseball Camp. Chairman Gilland stated the Cal Ripkin Baseball Camp was looking to build another facility at Hwy. 17 and 501. She referred this to the Administration Committee. Mr. Boyd requested figures from the existing camp. Mr. Foxworth stated they would take it up in January in that the Administration Committee wasn't meeting in December. He requested that the people from the camp attend the meeting. Chairman Gilland stated there would be someone there from the camp.

Update on GSATS road assessments and projects in Horry County. Chairman Gilland presented a slide of an assessment of roadways in Horry County by Waccamaw Regional that indicated what the roads would look like in the next thirty years if nothing was done. She would schedule a workshop to discuss the long-range plans.

ANNOUNCEMENTS:

Chairman Gilland reminded everyone of the Christmas party at Ripley's Aquarium.

Mr. Prince wished everyone a Merry Christmas and a happy new year.

Chairman Gilland stated that she appreciated Mr. Smith being a part of Council and a friend to her for the last four years and wished everyone a Merry Christmas.

ADJOURN: The meeting adjourned at 9:30 p.m.