

MINUTES
HORRY COUNTY COUNCIL
REGULAR SESSION
January 4, 2005
6:00 pm

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

MEMBERS ABSENT:

OTHERS PRESENT: Danny Knight; Pat Hartley; John Weaver; Anne Wright; Paul Whitten; Steve Gosnell; Janet Carter; Beth Fryar; Westley Sawyer; Rennie Mincey; 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. and welcomed everyone.

INVOCATION: Chairman Gilland gave the invocation.

PLEDGE OF ALLEGIANCE: The Honorable James Frazier led in the pledge.

Chairman Gilland announced that she had received her ten-year service pin and Mr. Frazier received his twenty-five year service pin. She congratulated the returning members Mike Ryan, Kevin Hardee and Paul Prince who were re-elected. She also welcomed Bob Grabowski who was the newly elected member from District Six.

PUBLIC INPUT:

1. Pat Liebitz spoke regarding litter on Hwy. 90. Mr. Whitten spoke regarding the litter problem.
2. George Edwards spoke regarding Growth Impact/ Impact Fees and presented a powerpoint presentation. Chairman Gilland suggested Mr. Edwards speak with the Legislative Delegation on changing the impact fee legislation.
3. Pam Creech was to speak about Citizens and Council relationships but was not present.

Chairman Gilland closed public input.

CHANGES TO THE AGENDA:

APPROVAL OF AGENDA CONTENTS: Mr. Frazier **moved to approve the agenda contents**, seconded by Mr. Prince.

CHANGES TO THE AGENDA:

Mr. Lazarus **moved to add Ordinance 128-04**, seconded by Mr. Frazier. The motion passed unanimously.

Mr. Grabowski **moved to defer Ordinance 135-04 to the Planning Commission**, seconded by Mr. Ryan. The motion passed unanimously.

Mr. Boyd **moved to add under Old/New Business a discussion on Coyotes**, seconded by Mr. Ryan. The motion passed unanimously.

Mr. Weaver spoke briefly on the Coastal Carolina items that were on the agenda stating that Council should consider deferring Ordinance 112-04 because there had been changes made that day and it wasn't ready for consideration for third reading. He also stated that it would be up to Council to consider the other two ordinances, Ordinances 111-04 and 113-04, regarding Coastal Carolina. Mr. Prince **moved to defer Ordinance 112-04 and to vote on Ordinances 111-04 and 113-04**, seconded by Mr. Frazier. The motion failed. The vote was as follows:

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

Mr. Foxworth **moved to defer Ordinances 111-04, 112-04 and 113-04**, seconded by Mr. Ryan. Mr. Lazarus called for point of order asking for the reason of deferral of Ordinance 112-04. Mr. Weaver stated the ordinance dealt with financing the project. Mr. Rob Shelton, attorney for Coastal Carolina Arena, LLC, spoke briefly on the ordinances. The motion to defer passed unanimously. Mr. Barnard asked for point of information asking how much the amount of bondage was. Mr. Weaver stated it was not to exceed \$5 million.

APPROVAL OF AGENDA: Mr. Lazarus **moved to approve the agenda as amended**, seconded by Mr. Schwartzkopf. The motion passed unanimously.

Consideration of Reconsideration 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 International Airport. Mr. Schwartzkopf **moved to reconsider**, seconded by Mr. Ryan. The motion passed. The vote was as follows:

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

Mr. Weaver spoke briefly on Ordinance 85-04 informing Council that as a result of the amendment that passed at the December 7, 2004 meeting, the information was sent by a concerned citizen of Horry County to the FAA Southern Region, and as a result of that, they had taken that under advisement and had required Mr. Kemp to respond as to why it should be accepted by the FAA. He further stated that they believed that if it had remained as it was, the FAA would have voiced no concern.

APPROVAL OF MINUTES: December 7, 2004 Regular Session: Mr. Prince **moved to approve the minutes as submitted**, seconded by Mr. Schwartzkopf. The motion passed unanimously.

MEMORIAL DEDICATION OF MEETING: Chairman Gilland stated that upon adjournment Council would adjourn in memorial of Mr. Mark Christenson. Mr. Boyd requested that they also adjourn in memorial of Mr. Jack Jordan. Mr. Frazier requested that they adjourn in memorial of Katie G. Causey and Joanne Burroughs.

Mr. Foxworth called for point of information asking if Ordinance 85-04 would come up under the regular agenda. Chairman Gilland stated that was correct.

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

- Third reading of **Ordinance 131-04** to approve the request of the Planning Department, agent for Bennie Strickland et al to amend the official zoning maps.
- Third reading of **Ordinance 133-04** to amend the county code concerning fees payable to the Probate Court.

- First reading of the following ordinances to approve the requests to amend the official zoning maps: **01-05** Fred Fleming, agent for Glenwood LLC; **02-05** Robert Bellamy & Assoc., agent for American Mining Company; **03-05** Palmetto Holdings Group LLC; **04-05** Frostie Gayle Royals Doyle; **05-05** Venture Engineering, agent for Conrad Gore; **06-05** Joseph D. Spivey; **07-05** Gene & Lora Merritt; **08-05** Debora King, agent for Earl & Mary King; and **09-05** Pamela Hardee, agent for Larue Royals.
- First reading of **Ordinance 12-05** to amend the zoning ordinance allowing non-commercial personal use buildings on properties as a principal structure.
- First reading of **Ordinance 13-05** authorizing the administrator to execute a quit claim deed to L&L Enterprises for exceed road right-of-way adjacent to its property on Chapel Lane.
- First reading of **Ordinance 14-05** to establish a steering committee for the purpose of guiding the 2005 Horry County Comprehensive Plan Update.
- **Resolution R-03-05** adopting a regional watershed stormwater education strategy.
- Resolutions approving the acquisition and improvement of less than a 50' right-of-way on the following roads: **R-04-05** Rutledge Lane and **R-05-05** Barnfield Drive and Old Altman Road.
- **Resolution 06-05** authorizing the administrator to enter into an intergovernmental agreement between Beaufort, Berkeley, Charleston, Colleton, Dorchester, Georgetown and Jasper Counties for a boat landing study.
- District Appointments to Boards and Commissions: Holly H. Kaufmann to the Planning Commission and Howard Durham to the Stormwater Advisory Committee.

The motion passed unanimously.

RESOLUTIONS/PRESENTATIONS:

Presentation on the Comprehensive Financial Report for FY ending June 30, 2004. Ms. Anne Wright spoke briefly and introduced the speakers. She also stated that Horry County had received for the seventeenth consecutive year the Certificate Of Achievement For Excellence In Financial Reporting which was issued by the Government Finance Officers Association. Ms. Fryar gave a powerpoint presentation on FY ending June 30, 2004. She stated that January statements would be available at the budget retreat in February. Don Mobley congratulated the departments on the certificate they had received and stated the report was a document to be very proud of. He stated the audits had gone well and a management letter was not issued, which was a compliment to the staff in Finance and the Airport. Pat Apone gave a powerpoint presentation on the funds at the Airport. Mr. Kemp spoke on aircraft passenger service at the Airport and the number of enplanements. Chairman Gilland requested that all the libraries receive a copy of the report.

Resolution R-01-05 to *disapprove* the request of Randall Jordan, agent for Mark & Denise Graham, to amend the official zoning maps. Mr. Frazier **moved to *disapprove***, seconded by Mr. Boyd. Mr. Gosnell spoke on the reason of disapproval. The motion passed unanimously.

Resolution R-02-05 to *disapprove* the request of Phyllis J. Harris to amend the official zoning maps. Mr. Hardee **moved to *disapprove***, seconded by Mr. Schwartzkopf. Mr. Prince recused himself from discussion and voting. Mr. Barnard stated the comments that Planning had added in the material in the packet were very helpful in that it was much easier to read. The motion passed unanimously.

Resolution R-07-05 favoring a 3-day hurricane forecast by the National Oceanic and Atmospheric Administration. Mr. Lazarus **moved to approve**, seconded by Mr. Hardee. Mr. Whitten stated he preferred the five-day forecast remain and recommended the resolution not be approved. Mr. Boyd **moved to defer to the Public Safety Committee**, seconded by Mr. Prince. The motion to defer passed. The vote was as follows:

<u>In favor</u>	<u>Opposed</u>	<u>Not Present</u>
Worley		Foxworth
Lazarus		
Ryan		
Barnard		
Grabowski		
Frazier		
Schwartzkopf		
Prince		
Hardee		
Boyd		
Gilland		

READING OF ORDINANCES:

Third reading of **Ordinance 10-04** to create within the boundaries of the unincorporated areas 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. Chairman Gilland stated they had been asked to defer the ordinance for two weeks in that COMBO wanted the chance to meet with the cities of North Myrtle Beach and Myrtle Beach to discuss it. Mr. Boyd **moved to defer to the Administration Committee**, seconded by Mr. Schwartzkopf. Mr. Barnard read a letter from Blaine Liljenquist, CEO of Plantation Resorts. He requested that the Administration Committee get in touch with Mr. Liljenquist to form a committee to start working on this. The motion passed. The vote was as follows:

<u>In favor</u>	<u>Opposed</u>	<u>Not Present</u>
Worley	Prince	Foxworth
Lazarus		
Ryan		
Barnard		
Grabowski		
Frazier		
Schwartzkopf		
Hardee		
Boyd		
Gilland		

Third reading of **Ordinance 120-04** to approve the request of Venture Engineering, agent for Julia Nance Gray, to amend the official zoning maps. Mr. Hardee **moved to approve**, seconded by Mr. Barnard. The motion passed. The vote was as follows:

<u>In favor</u>	<u>Opposed</u>	<u>Not Present</u>
Worley		Foxworth
Lazarus		
Ryan		
Barnard		
Grabowski		
Frazier		
Schwartzkopf		
Prince		
Hardee		
Boyd		
Gilland		

Second reading of **Ordinance 124-04** to approve the request of Scott McNew, agent for Burroughs and Chapin Company, to amend the official zoning maps. Mr. Boyd **moved to defer until he brought it back to Council**, seconded by Mr. Schwartzkopf. The motion passed. The vote was as follows:

<u>In favor</u>	<u>Opposed</u>	<u>Not Present</u>
Worley		Foxworth
Lazarus		
Ryan		
Barnard		
Grabowski		
Frazier		
Schwartzkopf		
Prince		
Hardee		
Boyd		
Gilland		

Chairman Gilland stated this would be deferred until Mr. Boyd received the information he wanted from the applicant. Mr. Barnard questioned if Council voted on it the last time it was on the agenda. Chairman Gilland stated they would get clarification on it.

Second reading and public review of the following ordinances to approve the request to amend the official zoning maps: **136-04** Joseph Edward James and **137-04** Carol Ann Stevens, agent for Wayne R. Stevens. 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>Not Present</u>
Worley		Foxworth
Lazarus		
Ryan		
Barnard		
Grabowski		
Frazier		
Schwartzkopf		
Prince		
Hardee		
Boyd		
Gilland		

Second reading and public review of **Ordinance 138-04** pertaining to the establishment of new commercial and agricultural zoning districts. Mr. Boyd **moved to approve**, seconded by Mr. Hardee. Mr. Lacy Cannon spoke at public review asking that Council delay until he could prepare a packet of information for them to review. Ms. Carter spoke briefly about the ordinance. Mr. Worley **moved to defer**, seconded by Mr. Prince. The motion to defer passed. The vote was as follows:

<u>In favor</u>	<u>Opposed</u>	<u>Not Present</u>
Worley	Ryan	Foxworth
Lazarus		
Barnard		
Grabowski		
Frazier		
Schwartzkopf		
Prince		
Hardee		
Boyd		
Gilland		

Mr. Hardee requested that Ms. Carter meet with Mr. Cannon regarding his concerns.

Second reading and public review 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 Airport. Mr. Lazarus **moved to approve**, seconded by Mr. Frazier. There was no public review. The motion passed. The vote was as follows:

<u>In favor</u>	<u>Opposed</u>	<u>Not Present</u>
Worley		Foxworth
Lazarus		
Ryan		
Barnard		
Grabowski		
Frazier		
Schwartzkopf		
Prince		
Hardee		
Boyd		
Gilland		

First reading of **Ordinance 10-05** to approve the request of Claude M. Epps, agent for Charter Development Company, Kingston Professional Park PDD, to amend the official zoning maps. Mr. Schwartzkopf **moved to approve**, seconded by Mr. Hardee. The motion passed. The vote was as follows:

<u>In favor</u>	<u>Opposed</u>	<u>Not Present</u>
Worley		Foxworth
Lazarus		
Ryan		
Barnard		
Grabowski		
Frazier		
Schwartzkopf		
Prince		
Hardee		
Boyd		
Gilland		

First reading of **Ordinance 11-05** to approve the request of The LandArt Company/DDC Engineers, agents for Alfred Brancifort III, S&W Ready Mix Concrete PDD, to amend the official zoning maps. Mr. Lazarus **moved to approve**, seconded by Mr. Hardee. Mr. Lazarus **moved to amend the following: require the developer that they must upgrade Hwy. 90 to have a left turn lane coming into the property; decel and accel lanes put in coming into and going from the property- (in such a fashion as the Solid Waste Authority trucks coming in and going out of the Solid Waste Authority property); that the proposed 6 ft. high wall have a minimum of a 4 ft. earthen berm on the outer perimeter of the wall with vegetation around that would cover the wall and increase the height and plants that would grow in the six to eight feet tall categories around that perimeter; that the road coming into the project would be paved as they had agreed; that the road, earthen berm, and the wall to be finished and complete prior to them receiving a CO to operate; that they must meet the Horry County noise ordinance at all times; and everything had to be complete including the improvements to Hwy. 90,** seconded by Mr. Boyd. The motion to amend passed. The vote was as follows:

<u>In favor</u>	<u>Opposed</u>	<u>Not Present</u>
Lazarus	Worley	Foxworth
Ryan		
Barnard		
Grabowski		
Frazier		
Schwartzkopf		
Prince		
Hardee		
Boyd		
Gilland		

Mr. Barnard **moved to approve Ordinance 11-05 as amended**, seconded by Mr. Hardee. The main motion as amended passed. The vote was as follows:

<u>In favor</u>	<u>Opposed</u>	<u>Not Present</u>
Lazarus	Worley	Foxworth
Ryan		
Barnard		
Grabowski		
Frazier		
Schwartzkopf		
Prince		
Hardee		
Boyd		
Gilland		

Third reading of **Ordinance 128-04** to approve the request of James M. Wooten agent for DENHUC LLC, GCC LLC, RWD Holdings LLC, Stillwater PDD to amend the official zoning maps. Mr. Lazarus **moved to approve**, seconded by Mr. Worley. Mr. Wooten requested that the drystack marina be added back as well as a restaurant as ancillary uses. Mr. Boyd **moved to amend to include a restaurant to the list of uses back into the ordinance**, seconded by Mr. Prince. The motion to amend passed. The vote was as follows:

<u>In favor</u>	<u>Opposed</u>	<u>Not Present</u>
Worley		Foxworth
Lazarus		
Ryan		
Barnard		
Grabowski		
Frazier		
Schwartzkopf		
Prince		
Hardee		
Boyd		
Gilland		

Mr. Wooten spoke briefly on the impact of reducing the lot widths from 40 to 50 feet and the financial impact on the developer, County, and School District.

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

<u>In favor</u>	<u>Opposed</u>	<u>Not Present</u>
Worley		Foxworth
Lazarus		
Ryan		
Barnard		
Grabowski		
Frazier		
Schwartzkopf		
Prince		
Hardee		
Boyd		
Gilland		

Third reading 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 International Airport. Mr. Lazarus **moved to approve**, seconded by Mr. Prince. Mr. Barnard suggested they send this to the I&R committee for review and to go back to the Rock Hill model. Mr. Kemp spoke on the T-hangar units. Mr. Boyd requested that Mr. Kelly come in and be a part of the discussion. The motion to approve passed. The vote was as follows:

<u>In favor</u>	<u>Opposed</u>	<u>Not Present</u>
Worley	Ryan	Foxworth
Lazarus	Schwartzkopf	
Barnard	Boyd	
Grabowski	Gilland	
Frazier		
Prince		
Hardee		

OLD/NEW BUSINESS:

Briefing on new tenant for airport property. Mr. Weaver stated a reputable local developer had been approached by a national industry involved in the airplane business who was interested in renting property from the Airport within the fence line of the Airport. They were interested in a total of ten acres. The property had been appraised and they were prepared to pay a ten percent return on the full value of the real estate. The developer at this point was looking to see if there was any adamant opposition to the idea. He further stated that Mr. Kemp favored the plan and that before this came to fruition it would come before one of the committees, and Council for three readings of the ordinance with the details put on the table at that time. Mr. Kemp stated the program was very consistent with the Airport master plan and would be an asset to the County. Mr. Schwartzkopf suggested that Mr. Kemp court the organization to entice them to come to Myrtle Beach. There was no objection from Council.

Coyotes. Mr. Boyd stated in the west they were going to notice a large surge in coyote population. There had been some livestock kills and could be a big impact on people with pets. He suggested the I&R Committee discuss this. Mr. Hardee suggested it be sent to the Public Safety Committee.

ANNOUNCEMENTS:

ADJOURNMENT: Mr. Hardee **moved to adjourn**, seconded by Mr. Prince. The motion passed unanimously and the meeting adjourned at 8:20 p.m.