

**MINUTES
HORRY COUNTY COUNCIL
REGULAR MEETING
September 4, 2007
6:00 p.m.**

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

MEMBERS ABSENT:

OTHERS PRESENT: Danny Knight; Pat Hartley; John Weaver; Anne Wright; Steve Gosnell; Paul Whitten; 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: Mr. Schwartzkopf gave the invocation.

PLEDGE: Mr. Prince led the pledge.

PUBLIC INPUT:

1. Rev. Barnhill spoke on the Hwy. 701 asphalt plant in District 11.
2. Janice Dowe spoke on the asphalt plant in the Pine Island community.
3. Joe Goodwin spoke on Postle Way.
4. Phil Stalvey spoke on Ordinance 116-07.
5. Richard Borkowski was to speak on Myrtle Trace Gates but was absent.
6. Ron Mansel spoke on Ordinance 116-07.
7. General Vaught spoke on International Drive.

Chairman Gilland closed public input at 6:40 p.m.

Mr. Gosnell gave a brief update on Postle Way. Mr. Barnard requested that a Department of Natural Resources (DNR) representative speak to Council relating to International Drive. Chairman Gilland instructed Mr. Gosnell to contact DNR and have a representative speak at an I&R Committee Meeting.

CHANGES TO AGENDA:

Mr. Schwartzkopf asked Mr. Allen if he would be willing to reconsider the asphalt plant issue that had already had third reading. Mr. Allen stated he felt the issue should press forward.

Mr. Allen recused himself from Ordinances 149-07 and 150-07.

Mr. Allen moved to remand Ordinances 141-07 to the Planning Commission for the purpose of a zoning change and Ordinance 144-07 for the purpose of a community request for more input, seconded by Mr. Hardee. The motion passed unanimously.

Mr. Grabowski moved to add Resolution R-145-07, seconded by Mr. Ryan. The motion passed unanimously.

Mr. Barnard moved to add Resolution R-144-07, seconded by Mr. Hardee. The motion passed unanimously.

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

APPROVAL OF MINUTES: Regular Meeting August 14, 2007 and Workshop August 14: Mr. Ryan moved to approve the minutes as submitted, seconded by Mr. Schulz. The motion passed unanimously.

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

Hazel Wilks (Mr. Frazier)
Rochelle Herring (Mr. Foxworth)
Margaret Goldfinch (Ms. Gilland)
Inez Banks (Mr. Allen)
Austin Byrd (Mr. Allen)
Charlie Collins, Jr. (Mr. Allen)
Earl Watts (Mr. Allen)
Grover Herrington (Mr. Allen)
Lula Johnson (Mr. Allen)
Micki McCrackin (Mr. Allen)
Cleveland Weaver (Mr. Allen)
Willie Lynch, Jr. (Mr. Frazier)
Dennis D. Woods, Jr. (Mr. Frazier)
Harold B. McCracken (Mr. Frazier)
Brian N. Vaught (Mr. Prince)
Franklin Chapman (Mr. Prince)
Marvin Stone (Mr. Prince)
Bill Limehouse (Mr. Schulz)
Taylor Paul (Mr. Hardee)
Brenda Stevens (Mr. Hardee)

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

First reading of **Ordinance 146-07** to amend the 2008 budget so as to provide additional funding for the continuation of a professional services contract with Donald Fowler and John Napier.

First reading of **Ordinance 148-07** authorizing the administrator to execute an agreement with the FAA for the lease of property at MBIA.

First reading of **Ordinance 149-07** approving and authorizing the administrator to execute an amendment to the lease agreement with North American Institute of Aviation for property at Conway-Horry County Airport.

First reading of **Ordinance 150-07** approving and authorizing the administrator to execute a lease agreement with D&D Aviation LLC for property located at Conway-Horry County Airport for construction of a hangar.

Resolution R-140-07 to approve the amendment to the bylaws of the Horry County Board of Zoning Appeals so as to prevent multiple hearings on the same topic before 12 months have elapsed.

Resolution R-141-07 to initiate a land use study and area corridor study for the Highway 9 Corridor from the Waccamaw River to the Loris Hwy. 9 Business intersection and including Hwy. 905 from Freemont Road to the NC State line.

Resolution R-142-07 to approve certain emergency medical service accounts to be written off.

District 4 Appointment- Douglas R. Maschin to the Airport Advisory Committee.
At-large Appointment- Ben Burroughs to the Board of Architectural Review.

The motion passed unanimously.

RESOLUTIONS/PRESENTATIONS:

Presentation on Project Lifesaver. Mr. Whitten spoke briefly introducing Cheryl Bauerle and Sarah Pope. Gordan Harris spoke briefly on the project. **Resolution R-145-07** honoring the Autism Advocate Foundation for their efforts in support of autistic children in Horry County. **Mr. Grabowski moved to approve, seconded by Mr. Prince. The motion passed. (Mr. Foxworth and Mr. Ryan were absent.)**

Recognition of the Horry County Firefighters in the national contest held in Myrtle Beach. Mr. Whitten spoke briefly recognizing the various firefighters. Chief Scott Thompson spoke briefly.

Presentation of a \$1 million check from the Dept. of Commerce for the Brooksville CDBG grant. Bonnie Ammons, Department of Commerce, spoke briefly and presented the check to Mr.

Worley. Mr. Worley thanked everyone involved. Chairman Gilland announced that a block grant workshop would be held October 2nd and 3rd.

Presentation by the Town of Atlantic Beach. Marcia Conner, Town Manager, and Mayor Armstrong requested consideration of a loan of \$35,000 to be repaid by property tax revenues. The funds will be used to pay for a Master Plan Study that would be conducted by the Council of Governments. **Resolution R-144-07** authorizing a short-term loan in the amount of \$35,000 to the Town of Atlantic Beach. **Mr. Hardee moved to approve, seconded by Mr. Ryan. Mr. Worley moved to amend the funding to \$65,000, seconded by Mr. Prince. The motion to amend passed unanimously. The resolution as amended passed unanimously.**

Resolution R-113-07 congratulating Dixie Dyson on being elected Lieutenant Governor at the Palmetto Girls State Convention. Mr. Allen presented the resolution to Ms. Dyson. **Mr. Allen moved to approve, seconded by Mr. Schulz. The motion passed unanimously.**

Resolution R-132-07 recognizing and honoring Howard Durham for his years of dedicated public service to the people of Horry County. **Mr. Barnard moved to approve, seconded by Mr. Prince. The motion passed unanimously.**

Resolution R-133-07 commending Rod Swaim for his years of commitment and leadership on the Horry County Accommodations Tax Advisory Committee. **Mr. Barnard moved to approve, seconded by Mr. Prince. The motion passed unanimously.**

Resolution R-137-07 recognizing and commending airport firefighter Timothy Callahan for his dedicated public service and commitment to the people of Horry County. Mr. Whitten presented the resolution to Mr. Callahan. **Mr. Hardee moved to approve, seconded by Mr. Prince. The motion passed unanimously.** Mr. Callahan spoke briefly thanking Council and dedicating the resolution to the nine firefighters from Charleston that lost their lives.

Chairman Gilland called a recess at 7:30 p.m. The meeting reconvened at 7:45 p.m.

Resolution R-138-07 proclaiming September 22, 2007 as Sara Goodwin Day. Chairman Gilland stated the resolution would be considered at the next meeting.

Resolution R-139-07 affirming County Council's instructions, actions and vote of August 14, 2007 regarding Myrtle Beach International Airport. **Mr. Foxworth moved to approve, seconded by Mr. Worley.** Mr. Knight referred to the item, *The governing body should complete Harrelson Boulevard to 17 Business (King's Highway), using current on hand unreserved funds.* He stated the County agreed to appropriate \$6 million. Mr. Foxworth stated the County was only obligated to \$6 million, and after meeting with Mr. Buddy Styers and other members regarding acquiring money to be used on that project, he didn't anticipate the \$6 million coming entirely from Horry County for that project. **Mr. Foxworth moved to attach the list of items identified on the Action Plan to the resolution as an addendum.** Mr. Weaver stated it was attached. He asked if Council were satisfied with the resolution from the City of Myrtle Beach or would they like the City and North Myrtle Beach to come back with a more succinct resolution. Mr. Foxworth wanted another resolution from them and from the Town of Surfside Beach, as well. Mr. Weaver stated he needed

an amendment to the resolution to include Myrtle Beach and specific instructions for a more succinct resolution of support from the three municipalities. **Mr. Foxworth withdrew his motion to add the action plan list. Mr. Foxworth moved that the Cities of Myrtle Beach and North Myrtle Beach and the Town of Surfside Beach provide a more succinct resolution of support, seconded by Mr. Hardee.** Mr. Barnard suggested they re-look at the airport terminal action plan and that Mr. Knight transmit it to each of the councils and ask for their approval or comments on the presentation. Mr. Weaver stated if they wanted to include the following, *Public review opportunities prior to submission to FAA*, it could be incorporated into the resolution. Mr. Barnard suggested that comments be requested from everyone, including the Delegation. Chairman Gilland asked that each municipality be contacted as well. Chairman Gilland said they would move the resolution to the end of the agenda. **Mr. Foxworth withdrew his motion to approve and amend. *The resolution was not taken up again at the meeting.**

Resolution R-143-07 instructing Horry County Staff to proceed with rewrites and modifications to the Myrtle Beach International Airport Layout Plan and to affirm existing intergovernmental agreements with the City of Myrtle Beach regarding current and future airport expansion. **Mr. Foxworth moved to approve, seconded by Mr. Schulz.** Mr. Knight stated that Council had given staff direction on starting the strategic plan. They were in the process of hiring a consultant to do the plan. Mr. Worley suggested that the Mayor of Myrtle Beach and Myrtle Beach City Council be asked if they supported the east side renovations and, if so, if they supported two runways and if not, did they support one. Mr. Knight stated they could put the PUD agreement in the layout plan. Mr. Ed Beale, Delta Aviation Consultants, stated that if a second runway was not included, then a real opportunity to protect it for the future would be missed. He would look at the opportunity to re-evaluate it based on the agreements that had been made and present their recommendation. Chairman Gilland requested that if they were going to send something to the City of Myrtle Beach asking them what their preference was, then a similar letter should be sent to every municipality asking what their preference was. Mr. Weaver stated if Council thought it was appropriate he would commit Mr. Beale to making the presentation to the City and Council and they could defer it until a definitive answer was in writing and presented back from the City of Myrtle Beach. **The motion passed. The vote was as follows:**

In favor

**Worley Prince
Schulz Hardee
Foxworth Allen
Ryan Barnard
Barnard
Schwartzkopf**

Opposed

**Grabowski
Frazier
Gilland**

READING OF ORDINANCES:

Mr. Allen stated he made an error in that he needed to request Ordinance 103-07 be sent back to the Planning Commission instead of Ordinance 144-07.

Continuation of Resolution R-143-07: Mr. Worley moved to allow Mr. Knight and Mr. Weaver to go to Myrtle Beach City Council and find out what they wanted, seconded by Mr. Frazier. The motion passed unanimously. Chairman Gilland stated this was a motion to send Mr. Weaver, Mr. Knight and whoever else wanted to go to make a presentation because they wanted in writing in a resolution what their preference was.

Third reading of **Ordinance 190-06** to approve the request of Paula Edwards to amend the official zoning maps. Mr. Prince moved to approve, seconded by Mr. Barnard. The motion passed unanimously.

Second reading of **Ordinance 01-07** to ratify previous action and to approve the continued encroachments and leases for the gates at the intersections of Myrtle Ridge Road with Myrtle Trace Drive, Timber Ridge Drive and Forest Lake Drive. Mr. Grabowski moved to approve, seconded by Mr. Schwartzkopf. Mr. Weaver stated a lawsuit had been filed by the Myrtle Trace Homeowners Association suing Horry County concerning a road closing action. The suit asked for a judicial order that they be permitted to close all the roads in Myrtle Trace and to discontinue declaring them as public streets and rights-of-way with the provision being made that the roadway and public streets thereafter be maintained by the homeowners association and provide private ingress and egress to the owners and guests of the Myrtle Trace retirement community as well as the emergency vehicles. The decision of Council one way or the other was really of no meaning at this point in that it was now in the hands of the court and a judge would make a determination as to whether it was appropriate that the roads be closed. If the judge ruled it was appropriate that they be closed then the gates could stay, and if it was ruled it could not be closed then it would be back to Council to make the decision. Mr. Grabowski withdrew his motion. Mr. Schwartzkopf moved to table until it came back from the judicial side of the building, seconded by Mr. Foxworth. Joey Singleton, attorney for the plaintiff spoke briefly.

The motion to table failed. The vote was as follows:

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

Mr. Worley moved to defer until the Court had ruled, seconded by Mr. Schwartzkopf. The motion to defer failed. The vote was as follows:

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

Mr. Hardee moved to approve, seconded by Mr. Allen. The motion failed. The vote was as follows:

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

Chairman Gilland called a recess at 9:18 p.m. The meeting reconvened at 9:35 p.m.

Second reading and unadvertised public hearing of **Ordinance 116-07** to allow the Waterford Plantation Homeowners Assn to erect an electronic gate at the intersection of Tibwin Drive and Garner Lacy Road. **Mr. Foxworth moved to approve, seconded by Mr. Grabowski. There was no public review. Mr. Foxworth moved to remand to the I&R Committee for further study and amendment, seconded by Mr. Prince. Mr. Prince withdrew his second to the motion to remand.**

The motion to remand died for lack of a second. The motion to approve failed. The vote was as follows:

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

Second reading and public review of **Ordinance 117-07** to amend Ordinance 181-05 so as to allow for effective date of salary adjustments for Horry County elected officials, other than members of County Council, to be approved by resolution of Council. **Mr. Grabowski moved to approve, seconded by Mr. Worley. There was no public review. The motion passed. The vote was as follows:**

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

Second reading and public review of **Ordinance 118-07** approving the conveyance of 200 ft. of Regal Road to the City of Conway and authorizing the county administrator to execute a quit claim deed. **Mr. Prince moved to approve, seconded by Mr. Schwartzkopf. 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	Hardee
Schulz	Schwartzkopf	
Foxworth	Prince	
Ryan	Allen	
Barnard	Gilland	
Grabowski		

Second reading and public review of **Ordinance 119-07** to amend the County Code pertaining to the establishment of a height overlay zone in the Garden City Community. **Mr. Barnard moved to approve, seconded by Mr. Ryan. There was no public review. The motion passed. The vote was as follows:**

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

Second reading and public review of the following ordinances to approve the request to amend the official zoning maps: **122-07** Stacey Majors; **123-07** Ronald Price, agent for Madelyn Wilson; **124-07** Will Speer, agent for Rose Real Estate Co.; **125-07** 707 Mini Storage Minor PDD; **126-07** Silver Fox PDD; **127-07** Jimmy Gerald, agent for T&J Builders; **128-07** Steve Powell, agent for Two-Ten Investors; **129-07** Stephen Parker, agent for Martha Lewis; **130-07** Jerry Lewis; **131-07** Stephen Zoeller, agent for Clark Weatherly, Mary & William Arnold, Steve Hughes RRS LLC; **132-07** Anthony Nettles, agent for Bank On It Properties LLC; **133-07** Charles & Lanora Reed; **134-07** Shannon Jordan, agent for Jerry Thompson & Silver Creek Construction; **136-07** Harold Livingston, Sr., agent for LaWanda Livingston; **137-07** Harold Livingston, Sr., agent for LaWanda Livingston; **138-07** Livingston Minor PDD; **139-07** Bill Gergosky, agent for Charlotte Management Corp.; **140-07** Robert Causey; **141-07** Steve Powell, agent for Jack Barnhill et al; **142-07** Wyndell Peacock, agent for Stephen Garriss & Karen Niccum; **143-07** Helen McLain, agent for Crescent Land Holding Co. and **144-07** Joshua Stephen, agent for Charlotte Sloan. **Mr. Barnard moved to approve. There was no second to the motion. There was no public review. A vote was taken that passed. The vote was as follows:**

<u>In favor</u>	<u>Opposed</u>	<u>Absent</u>
Worley	Schwarzkopf	Hardee
Schulz	Prince	
Foxworth	Allen	
Ryan	Gilland	
Barnard		
Grabowski		
Frazier		

First reading of the following ordinances to approve the request to amend the official zoning maps: **120-07** Brianne Bender, agent for Hayday LLC and **121-07** Aubrey & Doris Elliott. **Mr. Worley moved to defer, seconded by Mr. Ryan. The motion to defer passed. The vote was as follows:**

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

First reading of **Ordinance 147-07** to approve the request to rezone certain parcels on Harbour Boulevard abutting the Intracoastal Waterway and on Hwy. 501 and River Landing Boulevard abutting the Intracoastal Waterway. **Mr. Foxworth moved to approve, seconded by Mr. Ryan. The motion passed. The vote was as follows:**

In favor

Worley Schwartzkopf
Schulz Prince
Foxworth Allen
Ryan Gilland
Barnard
Grabowski
Frazier

Opposed

Absent

Hardee

OLD/NEW BUSINESS:

Report on proposed action plan for Myrtle Beach Int'l Airport. Mr. Barnard referred to the Funding Summary that had been distributed during the meeting. The total funding was estimated at \$108.8 million. He asked staff to assist in working with the Federal Government. He also asked that Mr. Knight determine what an aggressive construction start date would be.

Discussion of the Highway 90 Study and proposed ordinance for increased setbacks along major corridors. Chairman Gilland stated they would discuss this at the next meeting.

Discussion concerning Airport Advisory Committee matters coming before the Administration Committee prior to coming before County Council – possible alternative reporting structure. Chairman Gilland stated they would discuss this at the next meeting.

ANNOUNCEMENTS: Chairman Gilland announced the following:

Disbursement of District Recreation Funds:

\$1000 to the Racepath Community Assn After School Program

\$1000 to the Poplar Parks & Recreation Committee

\$1500 to the Aynor Boys & Girls Club

ADJOURNMENT: The meeting adjourned at 10:00 p.m. in memorial of Hazel Wilkes; Rochelle Herring; Margaret Goldfinch; Inez Banks; Austin Byrd; Charlie Collins, Jr.; Earl Watts; Grover Herrington; Lula Johnson; Micki McCrackin; Cleveland Weaver; Willie Lynch Jr.; Dennis Woods, Jr.; Harold B. McCracken; Brian N. Vaught; Franklin Chapman; Marvin Stone; Bill Limehouse, Jr.; Taylor Paul and Brenda Stevens.