

**MINUTES**  
**HORRY COUNTY COUNCIL**  
**Regular Council Meeting**  
**October 5, 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 Pat Zinner.

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:** The Honorable Marion Foxworth gave the invocation.

**PLEDGE OF ALLEGIANCE:** The Honorable Kevin Hardee led in the Pledge.

**PUBLIC INPUT:**

1. Stan Welch spoke regarding Public Boat Landings. He was concerned that access to the boat landing near the H.D. Spokes Saloon was blocked by motorcycle parking during the bike rallies. He also was concerned that motorcycle parking was allowed on the Heritage Trust property. Mr. Foxworth stated the issue of amending the vendor permit law would be discussed at the Administration Committee meeting on August 25<sup>th</sup>.
2. Wesley Gray extended an invitation to attend the League of Women Voters candidate forum at the Edwards Bldg. Recital Rm. 152 at Coastal Carolina University Tuesday, October 12<sup>th</sup> at 7:00 p.m.
3. Jim Herring spoke regarding the Theme Park at Waccamaw Pottery. He requested that his opening statements be included in the minutes of the meeting and would explain why. He said he was kind of an anti-noise person and the theme park, the first he heard or knew about it was the article in the newspaper quoting you or talking about you ecstatic about the new theme park and would provide so many jobs and ensured the noise would not bother anybody. That theme park, he understood, was having an outdoor arena. He asked if they had ever heard a hard rock band play music. He said he hoped they were right, he really did, and if it was he would be out there with them. He lived on Forest Brook Road, approximately four miles, and they could stand and look around everywhere and see houses.

He said it might be a good idea if they could have a band or somebody to come out there and play and see how it did affect places before they went to all that trouble. He said the reason he was irate about it was Forest Brook Road they had a terrorist group. They called them migration addicts. He said not too many nights went by with what they didn't come down the road waking them up with their loud noise. They had vehicles and had modified them and they had loud noises. They had the big speakers in the trunks of their cars. He said he had the ripples in his scalp when they went by and he was in a room fifty feet away in a house. He asked what did his brain feel like in that car. He said sometimes they sound like a little airplane trying to take off or some race driver trying to pass another going by, especially on Friday and Saturday night. It was horrible. He said in his bedroom he could sleep with his head at the corner and his feet toward the middle of the window, but in the other bedroom, don't even dare try to sleep in that thing on Friday night and Saturday night especially. It was loud when it came down. He had talked to Councilman Gene Smith and he said he would look into it and he hadn't heard nothing. He had talked to Rep. Thad Viers when he was running for his office and he said he would see about it and he hadn't heard nothing. He didn't think it was altogether the County's responsibility. He thought maybe some of it, and he might have to go up to Columbia and talk to Governor Sanford to try to get something done because to him they shouldn't have to put up with what they were having to put up with. He said in going to church on Sundays sometimes they couldn't even hear the pastor talking with people racing by out there. These were not tourists for the most part on Forest Brook Road, very few, they were locals. They go and buy those motorcycles slow down and he had had them pass his house on Forest Brook Road and he could hear them on Hwy. 501. He could still hear them that far. He said the boom boom boxes...his scalp rippled. He said his father died and his sister died and his daughter died from cerebral hemrages because a vein busted up there. It was a little bit scary. So he didn't know what could be done but he sure hoped something could be done and if anybody could give him some suggestions he would really appreciate it. Chairman Gilland asked if there was any particular time of night, was it late in the evening. Mr. Herring said it went almost all night long, two, three and four o'clock in the morning. At five o'clock they come busting down the road. The speed limit was 35 mph and he knew they were going through there 65 and 70. Chairman Gilland said they could stop a little of that. Mr. Herring said the noise and speed go together. If they had all that noise, chances were they were speeding. An automobile can pass a house or a motorcycle and was built to specifications, they don't hear it. If they weren't looking they wouldn't even know it passed. They come by and the house vibrates sometimes. He said he hated for a visitor to come sleep in the bedroom. Chairman Gilland said Mr. Whitten was taking notes and would probably have some people out there to help with that problem. She said the Hard Rock Theme Park would rarely play hard rock music. It was a more family friendly type musical venue and would have a berm and trees. The band shell was down with the seats raised so that served as a berm, too. They had already warned them about the noise ordinance and they were real aware. They thought they could do it without bothering them at night and they were going to make sure that they did that. Mr. Herring said that was good and they might could go out there and enjoy it. He said it shook him up, a hard rock band in an open-air arena playing music. The music was loud. He said with hard rock that's loud and you think about boom, boom, and all that kind of stuff. Chairman Gilland said she didn't think it would be that much of a problem as he was worried about. Ms. Hartley stated time was up. Mr. Herring asked if he should go any

further and try to contact the state to get involved. It was their responsibility, too, he was sure. Chairman Gilland said it was because it was a state road. She saw Mr. Whitten nodding his head so she said if he would like to do that please feel free to contact the state highway patrol. Mr. Herring asked if she wanted him to contact or could somebody there. Chairman Gilland said if he would do it, it would be even better and they would do it as well. She said when a private citizen did it, it worked even better. Mr. Herring said he would do that and hated to complain but he would tell them that night that he could get irate at 4:00 with boom, boom. He thanked them very much for listening.

**Update on New Terminal at the Airport.** Mr. Bob Wood updated Council regarding the new terminal. Mr. Randall Pierce, Design Architect for the Airport Terminal, spoke briefly and presented sketches of the design. Mr. Wood announced an Open House would be held on October 14<sup>th</sup>, 1:00-5:00 p.m. at the Airport, for the public to review the terminal design sketches and ask questions. Mr. Barnard requested an update on the status of the port of entry, and Mr. Lazarus requested an update on the follow-up contact with Washington officials, particularly with the FAA.

#### **CHANGES TO THE AGENDA:**

Mr. Boyd **moved to defer Ordinance 115-04 to the next meeting**, seconded by Mr. Smith. The motion passed unanimously.

Mr. Foxworth **moved to remove Resolution R-144-04 and Ordinances 111-04; 112-04 and 113-04 from the agenda and refer them to the workshop on Tuesday, October 12, 2004**, seconded by Mr. Prince. The motion passed unanimously.

Chairman Gilland apologized to the League of Women Voters in that she didn't realize they had planned their event the same day as the workshop.

Mr. Boyd **requested to remove Ordinance 99-04 from the Consent Agenda.**

Chairman Gilland **moved to add a discussion on a Sister Cities Program under Old/New Business**, seconded by Mr. Smith. The motion passed unanimously.

Mr. Foxworth **requested to remove the discussion of Mass Transit under Old/New Business.**

**APPROVAL OF AGENDA CONTENTS:** Mr. Barnard **moved to approve the agenda contents**, seconded by Mr. Smith. The motion passed unanimously.

#### **APPROVAL OF MINUTES:**

**September 21, 2004:** Mr. Hardee **moved to approve the minutes as submitted**, seconded by Mr. Boyd. The motion passed unanimously.

**MEMORIAL DEDICATION OF MEETING:** Mr. Foxworth requested that upon adjournment Council adjourn in memorial of Marlene Collins.

**Announcement of Workshop:** Chairman Gilland announced she had scheduled a workshop on November 4<sup>th</sup> at 6:00 regarding the Public Works Improvement Act.

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

- Third reading of **Ordinance 94-04** authorizing the administrator to execute a permanent easement to Michael Goodson across property owned by Horry County at Gunters Lake boat landing.
- Third reading of **Ordinance 95-04** authorizing the administrator to execute a lease agreement with the FAA for airport surveillance radar equipment.
- Third reading of **Ordinance 96-04** authorizing the administrator to execute a merchandise concession and lease agreement at the Myrtle Beach Int'l Airport.
- Third reading of **Ordinance 97-04** authorizing the administrator to execute a food and beverage concession and lease agreement at the Myrtle Beach Int'l Airport.
- Third reading of **Ordinance 98-04** amending the zoning ordinance pertaining to tattoo parlors.
- **Resolution R-141-04** proclaiming October 16, 2004 as Feral Cat Day in Horry County.

The motion passed unanimously.

#### **RESOLUTIONS/PRESENTATIONS:**

**Resolution R-142-04** honoring Etrulia Presley Dozier for her life-long commitment to the preservation of the history of Horry County. Ms. Florence Vaught spoke briefly and presented the resolution to Ms. Dozier. Mr. Frazier **moved to approve**, seconded by Mr. Prince. Ms. Dozier thanked Council. The motion passed unanimously.

Public Hearing and **Resolution R-143-04** to approve the local Law Enforcement Advisory Board's recommendations. Mr. Hardee **moved to approve**, seconded by Mr. Boyd. Mr. Knight explained the resolution. The motion passed unanimously.

**Resolution R-145-04** approving expenditures of accommodations tax revenues. Mr. Boyd **moved to approve**, seconded by Mr. Frazier. Mr. Boyd questioned why the members of the Accommodations Tax Advisory Committee rejected the funding requests from the Aynor and Loris festivals. Mr. Rod Swaim, chairman of the ATAX committee, explained why the committee felt the requests were inappropriate citing South Carolina law governing expenditures of the revenue. Mr. Barnard requested Mr. Weaver prepare an interpretation of the law. Mr. Foxworth **moved to add \$10,000 for the Aynor Hoe- Down and \$10,000 for the Loris Bog-Off which was the recommendation of the Administration Committee**, seconded by Mr. Boyd. The motion passed unanimously.

## READING OF ORDINANCES:

Third reading of **Ordinance 129-03** to approve the request of The Earthworks Group & Crescent Architects. Mr. Ryan **moved to approve**, seconded by Mr. Boyd. David Schwerd, Senior Planner, explained the changes which were: Phase I had been reduced in acreage by half and the land use had been reallocated to different phases within the development; Phase II, which were the commercial out parcels that fronted along Hwy. 544, had been increased from 19 to 31 acres which would consist of mainly retail shops and restaurants- the change meant that the minimum lot size would be half an acre which would increase the total number of lots they could probably get out of that development to 10 to 15; Phase 3 had basically doubled and previously consisted of residential retirement, group nursing homes, skilled nursing care- This had been changed to strictly single-family development- 358 single-family homes as opposed to the previous 550 mixed units- there was a reduction of density of about eight units an acre; Phase Four was reduced in half from 30 to 16 acres which consisted of the same kind of uses which were educational activity, restaurants, professional offices, and some of the traditional neighborhood services that provide to the community- currently the uses were zoned Highway Commercial and by changing this they were reducing it from 120 different types of uses down to 64, which limited the number of commercial uses in that area and Phase Five had a slight reduction from 15 to 13 acres which would consist of residential uses and would be a net reduction in density of eight acres. Steve Strickland spoke on the project. Mr. Gosnell spoke on the project. Mr. Boyd **moved to amend to reflect the changes Mr. Schwerd spoke on**, seconded by Mr. Prince. The motion to amend passed unanimously. Mr. Lazarus recused himself from discussion and voting. The main motion as amended passed unanimously. Ms. Jane Lipan spoke briefly and presented a video prepared on behalf of Mr. Art Linkletter.

Third reading of **Ordinance 88-04** to approve the request of Earle & Karen McDaniel & Shirley Jean Hall to amend the official zoning maps. Mr. Lazarus **moved to approve**, seconded by Mr. Frazier. The motion passed unanimously.

Second reading of **Ordinance 100-04** to amend portions of the business license ordinance and county code. Mr. Worley **moved to approve**, seconded by Mr. Boyd. Mr. Frazier **moved to amend such that Paragraph Six reads, "Section 12 of Ordinance 88-99 and Section 12.5-105 of the Horry County Code shall be amended so as to insert and add a new sentence within the said section that follows the first complete sentence, said insert to read: Any business license holder whose license is not renewed on or before September 30 shall pay, in addition to any other penalty that may have accrued, a reinstatement fee of One Hundred (\$100.00) Dollars prior to the activation of any expired business license."**, seconded by Mr. Boyd. The motion to amend passed unanimously. The main motion as amended passed unanimously.

Second reading and public review of the following ordinances to approve the request to amend the official zoning maps: **101-04** James & Karen Cabanaw; **102-04** Horry County Planning, agent for Bluez-In Enterprises; **103-04** Joe McGroarty, agent for GGG of Myrtle Beach LLC; and **104-04** Tony McCrackin. Mr. Hardee **moved to approve**, seconded by Mr. Lazarus. There was no public review. The motion passed unanimously.

Second reading and public review of **Ordinance 107-04** to amend the zoning ordinance providing for revisions to the Planned Development District ordinance. Mr. Foxworth **moved to approve**, seconded by Mr. Prince. There was no public review. Mr. Smith stated there would be some minor changes resulting from the workshop that would be forth coming for the next meeting. The motion passed unanimously.

Second reading of **Ordinance 108-04** to amend the comprehensive plan to include the 2004 Highway 17 Business and Highway 17 Bypass Area Plan Supplement. Mr. Smith **moved to approve**, seconded by Mr. Schwartzkopf. The motion passed unanimously.

Second reading and public review of **Ordinance 109-04** to authorize the administrator to enter into contracts of sale of property located within the Cool Spring Business Park. Mr. Boyd **moved to approve**, seconded by Mr. Hardee. There was no public review. The motion passed unanimously.

Second reading and public review of **Ordinance 110-04** to provide for the granting of easements and deeding of utility sites to various utility service providers in order to obtain utility services at the Cool Spring Business Park. Mr. Prince **moved to approve**, seconded by Mr. Boyd. Mr. Hardee and Mr. Smith recused themselves from discussion and voting. There was no public review. The motion passed unanimously.

Second reading and public review of **Ordinance 105-04** to approve the request of Allen Foxworth, agent for L.W. Paul, Silver Creek PDD, to amend the official zoning maps. Mr. Smith **moved to approve**, seconded by Mr. Boyd. There was no public review. Mr. Smith **moved to amend**, seconded by Mr. Ryan. Mr. David Schwerd, Senior Planner, spoke on the changes that were being amended. The changes were as follows: A clause had been added for a special provision with the PDD ordinance, which was the developer would provide the County with maintenance and access easement to maintain the Raccoon Run drainage; the developer had agreed that any side yard setback could be used in combination as long as they maintained a ten-foot building separation between single-family units; the developer had agreed that sidewalks were included in the project, all roads within the development would have sidewalks; the developer had agreed to remove multi-family uses from Phases Two, Four, and Five and had agreed to remove the town homes and apartments from those three phases- in exchange they had added the provision that they be able to put duplexes in there as opposed to multi-family; they had also added a fifteen foot vegetative buffer anywhere there was similar uses between commercial and residential with the only exception being when it was separated by a platted right-of-way; they agreed to remove the single-family from Phases I and VI and with VI being strictly a multi-family phase within the development; they had removed the zero side setbacks and agreed to go from a zero side setback to an eight foot side setback in the commercial areas and they would have to continue to maintain the twenty-five foot PDD buffer around the entire project. Mr. Strickland spoke briefly and corrected the change on Phase V in that they didn't intend to take the multifamily out. It had been reduced from four acres down to two and wanted to leave the multi-family in that area. It would be one of the last areas to be developed and they wanted the flexibility in Phase Five depending upon the market conditions whether apartments were being rented faster or the single-family was being taken up faster. Phase Five could go either way. It could either be little bubbles with lots or the apartment footprint. Mr. Smith stated Mr. Strickland was correct and it was probably a miscommunication. The motion to amend passed unanimously. The main motion as amended passed unanimously.

Second reading and public review of **Ordinance 106-04** to approve the request of James M. Wooten, agent for Dennis Cyrus, Harrelson Ellis Tract PDD, to amend the official zoning maps. Mr. Hardee **moved to approve**, seconded by Mr. Lazarus. There was no public review. Mr. Mike Wooten spoke briefly about the project. The motion passed unanimously.

First 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. Schwartzkopf. Mr. Barnard **moved to amend to require that Horry County's conveyance of the property be contingent upon the City of Conway's pledge to redesign and modify its Stormwater drainage system in and around the Horry County Government and Justice Center so as to alleviate the flooding problems occurring in all quadrants of the County including the adjacent streets of Elm, Laurel, and Second Avenue. The City of Conway's pledge to Horry County must be in the form of a resolution by that council**, seconded by Mr. Ryan. The motion to amend 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	

Mr. Smith stated this issue would be on the I&R Committee agenda for Thursday, October 7<sup>th</sup> at 2:00 p.m. Mr. Lazarus requested that they take into consideration at the committee meeting the value of the high ground that was being traded and asked that they also look at charging a fee for the use of the parking lot and suggested \$250.00 per month. Mr. Boyd requested the information on the assessed value of the land at the next meeting. Mr. Smith requested that staff look at this on a "use" basis regarding value for value.

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	

Third reading of **Ordinance 99-04** amending the county code pertaining to the storage of junked vehicles. Mr. Boyd **moved to approve**, seconded by Mr. Ryan. Mr. Boyd **moved to amend so that Section 10-35 of this ordinance reads, “Fences installed prior to the enactment of this ordinance shall have one year from the date of this amendment to comply with these standards”**, seconded by Mr. Ryan. Chairman Gilland requested the change also be made in (a) **“Areas used for junk cars or salvage yards must be screened from public right-of-ways and neighboring properties with a fence and landscaped earthen beam meeting the requirements described herein. Fences installed prior to the enactment of this ordinance shall have one year from the date of this amendment to comply with these standards.** Mr. Boyd added that to his motion as well and Mr. Ryan seconded it. Mr. Weaver stated this was substantial change and the ordinance needed to be readvertised for a public hearing. Mr. Boyd **moved to defer to the next meeting**, seconded by Mr. Ryan. The motion to defer passed unanimously. There was no vote on the amendment.

#### **OLD/NEW BUSINESS:**

**Sister Cities Program.** Chairman Gilland stated that Horry County needed to do a program with folks overseas that could benefit the County economically to attract industry and tourists. Mr. Schwartzkopf **moved to send it to the Administration Committee**, seconded by Mr. Ryan. The motion passed unanimously.

#### **ANNOUNCEMENTS:**

Chairman Gilland announced that out of 24 meetings that she had chaired since she became Chairman, there had been six executive sessions.

Mr. Prince announced the Loris Bog-Off was October 16<sup>th</sup>.

Mr. Boyd announced that on October 14<sup>th</sup> they would have the ceremony for changing the name of the senior citizen center in Aynor to the John Dawsey Senior Center.

**ADJOURN:** Mr. Hardee **moved to adjourn**, seconded by Mr. Prince. The motion passed unanimously. The meeting adjourned at 8:05 p.m.