

**MINUTES
HORRY COUNTY COUNCIL
REGULAR MEETING
January 24, 2006
6:00 p.m.**

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

MEMBERS ABSENT: Carl Schwartzkopf

OTHERS PRESENT: Danny Knight; Pat Hartley; John Weaver; Anne Wright; Steve Gosnell; Paul Whitten; Janet Carter; Roland Meyer; Beth Fryar; 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 6:05 p.m.

INVOCATION: Mr. Frazier gave the invocation.

PLEDGE: Mr. Prince led in the pledge.

PUBLIC INPUT:

1. General James Vaught spoke on Mines, Revenue, Roads, and Leadership.
2. George Mathis, applicant for Resolution R-16-06, requested Council not approve the disapproval but that they remand it back to the Zoning Board so he could readdress and iron out the issues and differences.
3. Eve Cornell spoke in opposition to Ordinance 10-06.
4. Vonnie Finkley spoke in favor of the disapproval for Resolution R-13-06.
5. Roger Porter and Steve Johnson spoke on a business license issue with the Treasurer's Office. Mr. Hardee requested that business license procedures be placed on the next Administration Committee meeting agenda.

Chairman Gilland closed public input at 6:35 p.m.

CHANGES TO AGENDA:

Mr. Worley requested to remove Ordinance 09-06 from the Consent Agenda.

Mr. Barnard requested to remove Ordinance 211-05 from the Consent Agenda.

Mr. Grabowski moved to defer to the next meeting Ordinance 208-05; Resolution R-14-06; and Resolution R-15-06, seconded by Mr. Barnard. The motion passed. The vote was as follows:

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

Mr. Boyd moved to defer to the next meeting Ordinance 206-05, seconded by Mr. Ryan. The motion passed. The vote was as follows:

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

Mr. Boyd moved to move Ordinance 210-05 and Ordinance 212-05 to the Consent Agenda, seconded by Mr. Frazier. The motion passed for Ordinance 210-05. The vote was as follows:

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

The motion failed for Ordinance 212-05. The vote was as follows:

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

Mr. Hardee moved to defer Ordinance 11-06, seconded by Mr. Barnard. The motion passed. The vote was as follows:

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

APPROVAL OF AGENDA CONTENTS: Mr. Grabowski 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	Schwartzkopf
Lazarus	Prince	
Foxworth	Hardee	
Ryan	Boyd	
Barnard	Gilland	
Grabowski		

APPROVAL OF MINUTES: January 10, 2006: Mr. Lazarus moved to approve, seconded by Mr. Prince. The motion passed. The vote was as follows:

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

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

Ms. Myrtis Timbes Thompson (Chairman Gilland)
Ruby Floyd (Mr. Frazier)
James Lisbon (Mr. Frazier)
Louise Herrington (Mr. Foxworth)
Emma Burrage (Mr. Foxworth)
Gladys Jones (Mr. Boyd)
Francis Ray (Mr. Boyd)
Virginia Altman (Mr. Boyd)
Myrtle Lee Mathis (Mr. Frazier)
Ernest Johnson (Mr. Frazier)
Gorman Garrett (Mr. Lazarus)

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

- Third reading of **Ordinance 187-05** to approve the request of Jamie McLain, agent for Hot Mix, Inc., to amend the official zoning maps.
- Third reading of **Ordinance 200-05** authorizing the administrator to execute a contract with Myrtle Beach Regional Economic Development Corporation to provide economic development services and commits the county to provide funding from FY 2006 through FY 2010.
- Third reading of the following ordinances to approve requests to amend the official zoning maps: **201-05** Walter McGee, agent for Dennis & Deanna Scott; **202-05** Janice Powell; **203-05** Thomas & Hutton, agent for James Daniel, Jr.; **204-05** Eddie Dean Hughes & Scott Kaufmann; and **205-05** Will Hunt, agent for BCG, Inc.
- Third reading of **Ordinance 209-05** to approve the request of Kevin Wheeler, agent for Raymond Lewis, Silver Creek Mini Trade Shops PDD, to amend the official zoning maps.
- Third reading of **Ordinance 210-05** to approve the request of Donald Godwin, 701 N Concrete Plant PDD, to amend the official zoning maps.
- Third reading of **Ordinance 213-05** authorizing the reduction of an Horry County Stormwater outfall easement running from River Oaks Blvd. eastward to the Intracoastal Waterway.
- Resolutions to accept dedication of the roads and drainage into the county's system at the following locations: **R-01-06** Collins Glen III (Westham Dr., Pietras Ct., Fenway Dr.); **R-02-06** Collins Glen IV (Beauboir Dr.); **R-03-06** Hillsborough III A (Lalton Dr.); **R-04-06** Lawson's Landing I (West Oak Cir Dr., Ella Ct., Peyton Ct., Reid Ct., Lars Ct., Riley Ct.); and **R-05-06** Moss Estates (Regent Ct., Duchess Dr., Maiden Ln., Countess Ct.).
- **Resolution R-10-06** declaring a service weapon a surplus property and making it available to a retiring police officer.
- First reading of the following ordinances to approve the request to amend the official zoning maps: **03-06** Wallace Clardy, agent for White Oak Forest LLC; **04-06** Tony Cox, agent for Myrtle Beach Farms; **05-06** Tony Cox, agent for Broadway Station LLC; **06-06** Liston Wells, agent for Teresa Diane Wells; **07-06** Ashton Development, agent for Karen D. Wart, Trustee; **08-06** Kevin Covington; **10-06** Michael Bessent, agent for Richard & Wanda Harrelson; **12-06** Nigel Horoney, agent for Karl Nemeth; and **13-06** Ken Watson, agent for Diversified Partners LLC.

The motion passed. The vote was as follows:

In favor

Worley
Lazarus
Foxworth
Ryan
Barnard
Grabowski

Opposed

Frazier
Prince
Hardee
Boyd
Gilland

Absent

Schwartzkopf

RESOLUTIONS/PRESENTATIONS:

Resolution R-12-06 honoring St. Andrew Catholic School as a 2005 “No Child Left Behind” Blue Ribbon School. Mr. Grabowski presented the resolution. Molly Halasz, Principal of St. Andrew Catholic School, thanked Council for the award and introduced the Assistant Principal. **Mr. Grabowski moved to approve, seconded by Mr. Barnard. The motion passed. The vote was as follows:**

In favor

Worley
Lazarus
Foxworth
Ryan
Barnard
Grabowski

Frazier
Prince
Hardee
Boyd
Gilland

Opposed

Absent

Schwartzkopf

Explanation of proposed amendments to Ordinance 141-05 relating to mining activities that will be considered for Third Reading on February 7, 2006. Ms. Carter explained the proposed amendments included three options for changing Ordinance 141-05. Options included allowing mining as a conditional use in FA and CFA zoning classifications rather than requiring a PDD. Another option was to create a mining permit process wherein an application, along with a road plan, would be submitted to the County Engineer and an onsite meeting held to review the road maintenance and traffic plans. The permit request would be forwarded to Council for approval via a Resolution after a public hearing. The third option was to request the Planning Commission to consider establishing a floating zone for properties that were not zoned FA or CFA where standards would be provided for a rezoning process. She stated the proposed amendments would be discussed, and a public hearing held, at the I&R Committee meeting on February 2.

Second reading and public review of **Ordinance 02-06** to amend the county code to adopt procedures for the issuance of a mining permit upon approval by County Council resolution after public hearing. **Mr. Hardee moved to approve, seconded by Mr. Boyd.** Ms. Amelia Wood spoke regarding criteria for approval and suggested amending the ordinance to add a community impact statement. Chairman Gilland requested Ms. Wood get the form to Ms. Carter and she would get it to the committee for consideration. **Mr. Prince moved to amend that there not be a fee charged for a mining permit, seconded by Mr. Lazarus. Mr. Prince withdrew his motion to amend for no fee. Mr. Prince moved to amend the fee to \$250. Mr. Lazarus withdrew his second to amend for no fee. Mr. Lazarus seconded the motion for a \$250 fee.** Mr. Tom Garigen spoke briefly on Stormwater and water quality testing. Chairman Gilland proposed creating an ordinance that would place an annual fee on current and future mines, and use the money to fund a position to check county mines and any other dirt operations that could be potentially harmful to water. She requested that the I&R Committee discuss the issue. Mr. Barnard stated Carson and Lawton Benton had been helpful and he had asked them to come to the meeting and requested that they comment on the ordinance. Carson Benton spoke about working together to resolve the issue and he thought the ordinance was fair. Mr. Barnard requested that Carson and Lawton Benton attend the I&R Committee on February 2nd to participate in public input. **Mr. Lazarus called the question. The motion to amend to reduce the fee from \$500 to \$250 passed. The vote was as follows:**

In favor

Worley
Lazarus
Ryan
Barnard
Grabowski

Frazier
Prince
Hardee
Boyd

Opposed

Foxworth
Gilland

Absent

Schwartzkopf

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

In favor

Worley Frazier
Lazarus Prince
Ryan Hardee
Barnard Boyd
Grabowski Gilland

Opposed

Foxworth

Absent

Schwartzkopf

Resolution R-08-06 and public hearing to approve the substitution of one parcel of land for two others in the Pine Ridge Business Park and the purchase of the two parcels by Morrow Equipment Company LLC. **Mr. Hardee moved to approve, seconded by Mr. Barnard.** There was no public review. **The motion passed.** The vote was as follows:

In favor

Worley Frazier
Lazarus Prince
Foxworth Hardee
Ryan Boyd
Barnard Gilland
Grabowski

Opposed

Absent

Schwartzkopf

Resolution R-11-06 to create a six-member commission for the purpose of considering funding proposals for capital projects within Horry County. **Mr. Barnard moved to approve, seconded by Mr. Boyd.** Mr. Weaver spoke on the referendum process. He further stated it was his opinion that it would be inappropriate for any seated Council members to serve simultaneously on the commission in that he believed it would be dual office holding and could possibly be challenged. Ms. Wright spoke on the financing of large projects. **The motion passed. The vote was as follows:**

In favor

Lazarus Frazier
Foxworth Prince
Ryan Boyd
Barnard Gilland
Grabowski

Opposed

Worley

Hardee

Absent

Schwartzkopf

Chairman Gilland called a recess at 7:50 p.m. The meeting reconvened at 8:07 p.m.

Resolutions to *disapprove* the request to amend the official zoning maps: **R-13-06** Boggs Paving; and **R-16-06** George & Clairette Mathis, M&M Tree Farm PDD, to *disapprove* the request to amend the official zoning maps. Mr. Mathis spoke briefly from the audience. **Mr. Foxworth moved to approve the disapproval, seconded by Mr. Grabowski. The motion passed. The vote was as follows:**

In favor

Worley Frazier
Lazarus Prince
Foxworth Hardee
Ryan Boyd
Barnard Gilland
Grabowski

Opposed

Absent

Schwartzkopf

Presentation on the Comprehensive Annual Report for year ending June 30, 2005. Ms. Fryar gave a brief overview of the CAFR and stated that the independent auditors issued an unqualified opinion which was the highest opinion to be received.

READING OF ORDINANCES:

Third reading of **Ordinance 107-05** to amend the zoning ordinance pertaining to the establishment of height restrictions in the unincorporated portion of Horry County. **Mr. Worley moved to approve, seconded by Mr. Barnard. Mr. Barnard moved to defer, seconded by Mr. Boyd.** Mr. Barnard stated a new proposal would be presented at the next I&R Committee meeting and he would like to bring that proposal to the next council meeting. Mr. Worley requested Council allow Mr. Weaver to negotiate with the Coquina Harbor attorneys, as part of the settlement agreement, a time limit for building the project. Mr. Dale Johnson, president of the Coastal Carolinas Association of Realtors, stated the association was prepared to suggest amendments to the ordinance at the I&R Committee meeting, however, he felt that a vote that evening would be in the best interest of the association. **Chairman Gilland called for the vote on the motion to defer. Mr. Lazarus stated he wanted to make an amendment. Mr. Worley moved to recess for five minutes.**

Chairman Gilland called a recess at 8:50 pm. The meeting reconvened at 9:04 p.m.

Chairman Gilland called for the vote on the motion to defer. The motion passed. The vote was as follows:

In favor

**Worley
Foxworth
Ryan
Barnard
Grabowski
Gilland**

Opposed

**Lazarus
Frazier
Prince
Hardee
Boyd**

Absent

Schwartzkopf

Third reading and public review of **Ordinance 199-05** to approve the request of Signature Golf, World Tour PDD, to amend the official zoning maps. **Mr. Prince moved to approve, seconded by Mr. Worley.** Mr. Weaver stated that due to a time limit for financial purposes the developer proposed a draft agreement to include the property in a County Public Works Improvement Act District and to impose an annual residential unit assessment of \$200 per unit for 30 years. The assessment would be used for widening River Oaks Boulevard to four lanes. The developer requested the draft agreement be made part of the PDD Special Revisions as Paragraph 5. **Mr. Foxworth moved to amend the PDD to incorporate the draft agreement as Paragraph 5, seconded by Mr. Prince.** The amendment text was as follows:

“The developer of World Tour PDD hereby agrees that as a condition to approval of the rezoning for the subject tract, he will include the subject property, either alone, or in concert with additional properties, in a County Public Works Improvement Act Section 4-35-10. The subject tract shall be subject to an annual equivalent residential unit assessment of \$200 per unit, to be assessed over a period of thirty (30) years. Subject to the limitations of the applicable chapter of the South Carolina Code of Laws, the developer will encumber the subject tract with an obligation to impose such assessments upon each of the units to be developed thereon, which are to be collected by Horry County, as a portion of the annual property tax assessed against each unit. The bond will be secured solely by the real property encompassing the subject tract, and will specifically exclude any general obligation on the part of Horry County. The bond principal, which the developer hereby agrees to assign to Horry County, is estimated to be approximately \$1.7 million. Horry County agrees that such

bond proceeds will be utilized to pay for a portion of the proposed improvements to River Oaks Boulevard, the actual application of which shall be made at the discretion of the Horry County Department of Public Works. This agreement stems from the goal of Horry County to improve River Oaks Boulevard to a four lane roadway. The developer recognizes that these improvements are in the best interest of his project and to those who will live there.

Horry County agrees to utilize this or other methods, subject to the equivalent residential unit assessment specified above, to raise sufficient funding to improve the entire length of the roadway with the cooperation of the developers of tracts in the area which are not yet developed.”

The motion to amend passed. The vote was as follows:

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

The amended ordinance passed. The vote was as follows:

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

Third reading of **Ordinance 207-05** to approve the request of Palmetto Paving Corp, Borrow Pit/Mine PDD, to amend the official zoning maps. **Mr. Lazarus moved to approve, seconded by Mr. Barnard.** The stormwater permit was issued that day. **The motion passed. The vote was as follows:**

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

Third reading of **Ordinance 214-05** to reconstitute and reorganize the present Horry County Board of Zoning Appeals and, thereafter, to increase the newly organized board's membership from 7 members upward to 9 members. **Mr. Boyd moved to approve, seconded by Mr. Grabowski.** Ms. Gilland requested nominations by January 30th. **The motion passed. The vote was as follows:**

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

Third reading of **Ordinance 212-05** to approve and authorize the exchange of properties between Horry County and Billy Ray Hughes in and around the Conway Airport. **Mr. Boyd moved to approve, seconded by Mr. Lazarus.** **The motion passed. The vote was as follows:**

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

First reading of **Ordinance 153-05** to approve the request of James Wooten, agent for Partners of Associates 90, Heritage Downs PDD, to amend the official zoning maps. **Mr. Prince moved to approve, seconded by Mr. Barnard.** **The motion passed. The vote was as follows:**

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

Second reading and public review of **Ordinance 01-06** to authorize the conveyance to SCDOT of a 0.24 acre parcel of real estate located at the Ralph Ellis Complex so as to allow for the expansion of Highway 57 and the improvement of the Highway 9/ Highway 57 intersection. **Mr. Boyd 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	Frazier		Schwartzkopf
Lazarus	Prince		Foxworth
Ryan	Hardee		
Barnard	Boyd		
Grabowski	Gilland		

First reading of **Ordinance 14-06** to approve the request of William Oram, agent for Holmestown Center LLC, Holmestown Center PDD, to amend the official zoning maps. **Mr. Ryan moved to approve, seconded by Mr. Boyd. The motion passed. The vote was as follows:**

In favor

Worley Frazier
Lazarus Prince
Ryan Hardee
Barnard Boyd
Grabowski Gilland

Opposed

Absent

Schwartzkopf
Foxworth

Third reading of **Ordinance 211-05** to establish for the periodic review and the effective date of salary adjustments for members of Horry County Council. **Mr. Worley moved to approve, seconded by Mr. Prince. The motion failed. The vote was as follows:**

In favor

Worley
Grabowski
Frazier
Prince
Gilland

Opposed

Lazarus
Ryan
Barnard
Hardee
Boyd

Absent

Schwartzkopf
Foxworth

First reading of **Ordinance 09-06** to approve the request of Thomas A. Edwards to amend the official zoning maps. **Mr. Worley moved to disapprove, seconded by Mr. Prince. The motion passed. The vote was as follows:**

In favor

Worley Frazier
Lazarus Prince
Foxworth Hardee
Ryan Boyd
Barnard Gilland
Grabowski

Opposed

Absent

Schwartzkopf

Mr. Foxworth was absent when the vote was taken for Ordinance 211-05. **Mr. Foxworth moved to reconsider Ordinance 211-05.** Mr. Weaver stated a motion to reconsider must be made by a member who voted on the prevailing side. Mr. Foxworth did not vote, therefore he could not make the motion. Mr. Prince moved to reconsider Ordinance 211-05, seconded by Mr. Foxworth. Mr. Weaver stated the motion must be made from the prevailing side. Mr. Prince did not vote on the prevailing side.

OLD/NEW BUSINESS:

Election of Council Vice-Chairman. Mr. Hardee moved to nominate Mark Lazarus as vice-chairman, seconded by Mr. Grabowski. Ms. Gilland moved to nominate Mike Ryan, seconded by Mr. Grabowski. Mr. Barnard moved to close the nominations, seconded by Mr. Boyd. Ms. Hartley distributed the ballot and the result was announced later in the meeting.

Discussion of Marketing Plan for Department of Airport properties. Mr. Weaver stated staff sought bids to get the airport properties appraised and marketed by the same organization. There were no responses. There was an RFP to sell or lease the properties to raise necessary funds for the airport's operations unrelated to the new terminal. A meeting had been held with interested parties in pursuing something with the properties. The county had not done the appropriate groundwork to make those properties marketable. The county would readdress all issues and start again.

Discussion on a change in the contractual relationship with Skanska Associates for services at the Myrtle Beach Int'l Airport. Mr. Weaver advised that under the Skanska contract, it would be permissible for Skanska to hire an architectural firm to replace HNTB. There had been some discussion that if HNTB were not on board, it would be a year or more before an architectural firm could proceed. Based on discussions with Skanska, a firm would likely be in place in early March.

Appointments to the Board of Zoning Appeals. Mr. Weaver briefed Council on the procedure for electing Board members.

Mr. Barnard moved to send the issue of changing the contractual relationship with Skanska to the Ad Hoc committee and bring back to Council with recommendations, seconded by Mr. Boyd. Mr. Weaver stated to disregard the dates in his memo.

ANNOUNCEMENTS:

Ms. Gilland stated the next meeting was February 7th.

Ms. Gilland announced Mark Lazarus was the new Vice-Chairman.

ADJOURNMENT: The meeting adjourned at 9:45 p.m. in memorial of Ms. Myrtis Timbes Thompson; Ruby Floyd; James Lisbon; Louise Herrington; Emma Burrage; Gladys Jones; Francis Ray; Virginia Altman; Myrtle Lee Mathis; Ernest Johnson; and Gorman Garrett.