

**MINUTES
HORRY COUNTY COUNCIL
REGULAR SESSION
November 9, 2004
6:00 p.m.**

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

MEMBERS ABSENT:

OTHERS PRESENT: Danny Knight; Pat Hartley; Anne Wright; Paul Whitten; Steve Gosnell; Janet Carter; Beth Fryar; Westley Sawyer; and Roland Meyer.

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: The Honorable Paul Prince gave the invocation.

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

Chairman Gilland stated this was the only Council meeting in November. The Fall Retreat would be Thursday, November 11 and Friday, November 12.

PUBLIC INPUT:

1. Bob Fogner spoke regarding the Veteran's Memorial and activities on Veteran's Day, Thursday, November 11. He recognized members of the committee and others who made this memorial happen. He also recognized Gary Watson, Maintenance and Lisa Bourcier, Public Information Officer.
2. Wesley Gray spoke regarding Ordinance 85-04 (lease agreement of T-hangar units at Myrtle Beach Int'l Airport). Chairman Gilland stated her questions would be answered when the ordinance came up later on the agenda.
3. Pam Creech spoke regarding Impact Fees and Future Development. She was also concerned with the Solid Waste Authority Board meetings' time change from 5:30 pm to 3:00 pm. She also spoke regarding the wording in the lease agreement of Ordinance 85-04.

4. Scott Higbee spoke regarding taxicab issues at the Myrtle Beach Int'l Airport. He stated Anchor Taxicab broke solicitation laws at the airport. He had asked the Grievance Committee and the Airport Advisory Board to review the illegal solicitations. Ms. Sheryl Schelin, Airport Attorney, addressed whether the regulations covered these type activities. She stated the regulation may need to be redrafted and presented to the Advisory Committee. She would brief Council at the next meeting.

Mr. Schwartzkopf thanked the poll workers for their work during the election on November 2, 2004.

CHANGES TO THE AGENDA:

Mr. Smith **moved to add Resolution R-159-04, Ordinance 134-04, Resolution R-144-04, Ordinance 111-04, Ordinance 112-04, and Ordinance 113-04**, seconded by Mr. Schwartzkopf.

Mr. Boyd **moved to add Resolution R-160-04**, seconded by Mr. Smith. The motion passed unanimously.

Chairman Gilland requested to delete Ordinance 10-04. Mr. Worley **moved to defer Ordinance 10-04 to the next meeting subject to the municipalities coming on board**, seconded by Mr. Boyd. The motion passed unanimously to delete Ordinance 10-04 from the agenda.

Mr. Smith requested Ordinance 133-04 be removed from the consent agenda.

Mr. Barnard **moved for reconsideration of Ordinance 99-04**, seconded by Mr. Frazier. The motion passed unanimously.

Mr. Barnard requested Ms. Janet Carter, Planning Department, update Council on Ordinance 131-04.

APPROVAL OF AGENDA CONTENTS: There was no motion. The vote was unanimous.

APPROVAL OF MINUTES:

October 19, 2004 Regular Session: Mr. Boyd **moved to approve the minutes as submitted**, seconded by Mr. Smith. The motion passed unanimously.

MEMORIAL DEDICATION OF MEETING: The following Council Members requested that upon adjournment, the meeting adjourn in memorial to the following individuals:

Dennis Norris (Mr. Hardee)
Alonzo Scott (Mr. Frazier)
Chelsea Altman (Mr. Boyd)
U.S. Soldiers in Iraq (Mr. Smith)
Michael Schiles (Mr. Foxworth)

Ms. Janet Carter, Planning Department, addressed Ordinance 131-04.

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

- First 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.
- First reading of **Ordinance 132-04** to amend the FY 2004 budget ordinance so as to grant one additional administrative assistant position for the office of the Solicitor.
- **Resolution R-155-04** to accept dedication of roads and drainage at Village of Dreams Phase I into the county road system.
- Approval of an indigent claim from Grand Strand Funeral Home for Peter Teskey.

The motion passed unanimously.

RESOLUTIONS/PRESENTATIONS:

Resolution R-156-04 approving the terms of an intergovernmental agreement between North Myrtle Beach and Horry County relating to public safety. Mr. Prince **moved to approve**, seconded by Mr. Hardee. Mr. Knight explained the resolution. The motion passed unanimously.

Resolution R-157-04 approving and authorizing the administrator to execute an intergovernmental reimbursement agreement between Horry County and the Myrtle Beach Air Force Base Redevelopment Authority for the construction of the planned entrance road into the new airport terminal complex. Mr. Boyd **moved to approve**, seconded by Mr. Frazier. The motion passed unanimously.

Resolution R-158-04 authorizing county staff to proceed with development of a capital improvement program. Mr. Foxworth **moved to approve**, seconded by Mr. Prince. The motion passed unanimously.

Resolution R-159-04 to acknowledge the Galivants Ferry Historic Preservation District and dedication of the historic markers approved by the state of South Carolina. Mr. Boyd **moved to approve**, seconded by Mr. Foxworth. Ms. Bourcier stated the dedication would be held November 22, 2004 at 2:00 p.m. The motion passed unanimously.

Resolution R-160-04 recognizing the role of GIS, Geographic Information Systems, plays in providing spatially related information to the employees and citizens of Horry County. Mr. Boyd **moved to approve**, seconded by Mr. Frazier. Mr. Tim Oliver, IT/GIS Department, explained the resolution. He stated November 17, 2004 would be recognized as National GIS Day. There would be an open house demonstrating the new technology. Council would be invited for a preview on Tuesday, November 16th from 1:00-5:00 p.m. The motion passed unanimously.

READING OF ORDINANCES:

First reading 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. David Schwerd, Planning Department, briefed Council regarding the proposed PDD. Mr. Gosnell spoke briefly regarding negotiations of the interchange connecting to Fantasy Harbour. Mr. Ryan was concerned with this being a proposed residential development beside the proposed theme park. Mr. Rucker, SCDOT, spoke briefly concerning the proposed Fantasy Harbour Bridge connecting to Harrelson Blvd. Mr. Gosnell spoke briefly concerning when the bridge would be completed. He stated there would also be an update on the bridge at the next I&R Committee meeting. Mr. Boyd requested the status of the Hard Rock Theme Park. Mr. Worley was concerned with 5-foot setbacks. Mr. Barnard was concerned with the impact for public safety. He suggested sending the issue back to the I&R Committee. He requested county staff and Mr. Wooten provide impact data and then compare model results against historical results. He also requested Ms. Carter and Mr. Wooten come to the December I&R Committee meeting with some feedback regarding his requests. Mr. Lazarus suggested creating an ordinance that would enact a development fee against new developments, such as PDDs or rezonings, not for single-family homes. The motion passed. The vote was as follows:

In favor

Worley
Lazarus
Foxworth
Barnard
Frazier
Schwartzkopf
Hardee
Boyd
Prince
Gilland

Opposed

Ryan
Smith

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 where a project involving not less than \$35 million investment and approving the issues of a special source revenue bond to defray the cost of the infrastructure. Mr. Prince **moved to approve**, seconded by Mr. Lazarus. Mr. Boyd **moved to defer to second reading of the Coastal Carolina Arena ordinances**, seconded by Mr. Hardee. The motion passed unanimously.

First reading of **Ordinance 111-04** to develop a jointly owned and operated business park in conjunction with Marion County, such business park to be geographically located in Horry County, to provide for a written agreement with Marion County providing for the expenses with a part of percentage of revenue application and the distribution of fees-in-lieu of ad valorem tax to the counties and relevant taxing entities and to provide that jobs tax credits allowed by law be provided for industries locating in said park and to permit a user fee-in-lieu of ad valorem taxation. Mr. Lazarus **moved to approve**, seconded by Mr. Worley. Mr. Smith requested to know by second reading what percentage of the revenue Marion County would receive and how those funds would be spent. Mr. Lazarus stated the City of Conway passed a resolution in agreement for the Coastal Carolina Arena. Chairman Gilland asked the Board of Trustees of Coastal Carolina and Higher Education Board jointly pass resolutions for their commitment to not come back to County Council for money if a problem arose in the future. Mr. Michael O'Sullivan spoke regarding revenues of the bonds. Mr. Lazarus requested a letter of credit or an agreement from the investors that a letter of credit would be provided as part of the documentation by second reading. He requested also by second reading a total amount of dollars that the County, School Board, and City of Conway would receive during the period of time the \$4 million would be paid off. Mr. Lazarus was concerned regarding the collection period of ad valorem taxes instead of fee-in-lieu. 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	

First reading of **Ordinance 112-04** authorizing the issuance and sale of special source revenue bonds for the business park project. Mr. Lazarus **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	

First reading of **Ordinance 113-04** authorizing the execution of a fee-in-lieu tax agreement between Horry County and Coastal Carolina Arena LLC and other matters relating thereto including without limitation payment of a fee-in-lieu of taxes. Mr. Prince **moved to approve**, seconded by Mr. Lazarus. Mr. Smith was concerned with tax revenues. He requested Mr. Will Garland, Horry County School Board, speak at the next meeting. The motion passed. The vote was as follows:

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

Chairman Gilland called a recess at 8:20 p.m. The meeting reconvened at 8:40 p.m.

Reconsideration – Third reading and public review of **Ordinance 99-04** to amend the county code pertaining to the storage of junked vehicles. Mr. Boyd **moved to approve**, seconded by Mr. Hardee. Mr. Boyd **moved to amend Section 10-28 (b) and Section 10-35 (a) from one (1) year to two (2) years**, seconded by Mr. Frazier. There was no public review. The motion passed unanimously. The main motion as amended passed. The vote was as follows:

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

Third reading and public review of **Ordinance 108-04** to amend the land use element of the county comprehensive plan to include the 2004 Highway 17 Business/Highway 17 Bypass Area Plan supplement. Mr. Boyd **moved to approve**, seconded by Mr. Frazier. There was no public review. The motion passed unanimously.

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. Frazier. Mr. Steve Thomas, City of Conway Administrator, spoke regarding the property exchange. He stated the City passed a resolution in favor of this exchange. Mr. Mike Wooten, DDC Engineering, discussed drainage issues. Chairman Gilland would inform Congressman Henry Brown that the County and City of Conway in a joint project requested funds of \$600,000 to resolve the drainage problem. Mr. Boyd was concerned with the parking lot because there was no site plan. Mr. Hardee **moved to amend that the exchange consist only of the retention pond, not the parking lot**, seconded by Mr. Smith. Mr. Weaver suggested the restaurant builder needed to go to the City Planning Department with the plans so staff could determine the amount of land that would be needed. Mr. Hardee **moved to amend the amendment to add the restaurant builder take plans to the City Planning Department**, seconded by Mr. Smith. Mr. Hardee called for the question. Mr. Prince **moved to defer until the next meeting**, seconded by Mr. Schwartzkopf. The motion passed unanimously.

Second 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 Int'l Airport. Mr. Lazarus **moved to approve**, seconded by Mr. Barnard. Mr. Lazarus spoke briefly regarding the history of the agreement. The motion passed. The vote was as follows:

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

Second reading and public review 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. Mr. Hardee **moved to approve**, seconded by Mr. Boyd. There was no public review. The motion passed unanimously.

Second reading and public review 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 Engineers, agent for Martin Ventures VII LLC; **120-04** Venture Engineering, agent for Julia Nance Gray; **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. Mr. Smith **moved to approve**, seconded by Mr. Prince. There was no public review. The motion passed unanimously.

Second reading and public review of **Ordinance 124-04** to approve the request of Scott McNew, agent for Burroughs & Chapin Co. to amend the official zoning maps. Mr. Boyd **moved to approve**, seconded by Mr. Prince. Ms. Janet Carter, Planning Department, explained staff's recommendation for disapproval. She stated there was no speculation of the proposed zoning site. Mr. Boyd **moved to defer and send back to the Planning Commission**, seconded by Mr. Prince. The motion passed unanimously.

Second reading and public review of **Ordinance 115-04** to amend Ordinance 159-00 (Horry County Open Space Board) and portions of the code of ordinances relating thereto. Mr. Hardee **moved to approve**, seconded by Mr. Barnard. There was no public review. The motion passed unanimously.

Second reading and public review of **Ordinance 127-04** to approve the request of A. Edward Jackson, Cooper Minor PDD, to amend the official zoning maps. Mr. Smith **moved to approve**, seconded by Mr. Hardee. There was no public review. The motion passed unanimously.

First reading of **Ordinance 134-04** to amend the budget ordinance so as to grant a \$150 bonus to all regular employees of record as of November 27, 2004. Mr. Schwartzkopf **moved to approve**, seconded by Mr. Prince. Mr. Prince **moved to add the language, "Christmas Gift" and delete the word, "Bonus"**, seconded by Mr. Barnard. The motion passed unanimously. Mr. Hardee **moved to amend to a \$300 Christmas Gift**, seconded by Mr. Lazarus. Chairman Gilland discussed the financial impact. Mr. Knight stated the funds would come from the fund balance. Chairman Gilland reminded everyone the County paid all employees' insurance. The amended motion failed. The vote was as follows:

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

The main motion passed unanimously. Mr. Knight requested to make him aware if any Council member received any negative calls from employees.

First reading of **Ordinance 133-04** to amend the county code concerning fees payable to the Probate Court. Mr. Smith **moved to approve**, seconded by Mr. Hardee. Mr. Smith questioned the difference in price of marriage licenses for a county resident and a non-resident. The motion passed unanimously.

OLD/NEW BUSINESS:

ANNOUNCEMENTS:

ADJOURN: Mr. Hardee **moved to adjourn**. The meeting adjourned at 10:00 p.m.