

**MINUTES
HORRY COUNTY COUNCIL
REGULAR MEETING
January 5, 2010
6:00 p.m.**

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

MEMBERS ABSENT:

OTHERS PRESENT: Pat Hartley; John Weaver; Anne Wright; Steve Gosnell; Janet Carter; 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. Grabowski gave the invocation.

PLEDGE: Mr. Barnard led the pledge.

PUBLIC INPUT:

1. Teresa Cannon was to speak on the Noise Ordinance but was absent.
2. Eric Ness spoke from the audience requesting to speak. He was not aware he had to sign up. Chairman Gilland allowed Mr. Ness to speak. Mr. Ness spoke on music programs at a local library that had been cancelled due to a problem with loitering. Mr. Cliff Boyer, Library Director, spoke briefly about the issue stating that the library was not cancelling teen programs but there had been a disruption in the services due to some personnel issues. There may be some delays and were working through those.

Chairman Gilland closed public input at 6:12 p.m.

CHANGES TO AGENDA:

Mr. Frazier moved to add Resolution R-08-10- A Resolution honoring the courage and bravery of Brenda D. Williams- to the regular agenda and Resolution 06-10- A Resolution proclaiming the month of January as Horry County's official "Human Trafficking Awareness Month" in support of the designated day of January 11 as the United States "Human Trafficking Awareness Day."- to the Consent Agenda, seconded by Mr. Allen. The motion passed unanimously.

Chairman Gilland asked Mr. Loftus if he was okay with sending Resolution R-07-10- A Resolution opposing the passage of House Bill 3272- to the Administration Committee. Mr. Loftus stated he was okay with that but wanted to make sure that it got on the track.

Mr. Allen requested to remove Ordinance 02-10 from the Consent Agenda.

Mr. Schwartzkopf moved to remand Resolution R-02-10 back to the Planning Commission to reconsider as a RE1, seconded by Mr. Barnard. The motion passed unanimously.

Mr. Barnard also requested to remove Ordinance 02-10 from the Consent Agenda.

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

Mr. Weaver pointed out Resolution R-01-10 on the agenda had to do with reallocation of state accommodations taxes. Prior to that being approved in the Administration Committee in mid December, Council approved Resolution R-168-09 that had to do with the reallocation of certain monies to District Five. Assuming that Resolution R-01-10 was passed, they would then need to reconsider to vote down Resolution R-168-09. He requested that they entertain a motion to reconsider that and then take it up following the new state accommodation tax resolution. **Mr. Barnard moved to reconsider Resolution R-168-09, seconded by Mr. Schwartzkopf. The motion passed unanimously.**

APPROVAL OF MINUTES: Regular Meeting December 8, 2009 and Budget Retreat November 20, 2009: Mr. Schulz moved to approve the minutes as submitted, seconded by Mr. Schwartzkopf. The motion passed unanimously.

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

Lena L. McNeil
George Flowers
Michael McPartlin
Wilbur Carl Dew
Paula Starr Fellows
Annie Lucille Sawyer
John D. Williams
Channie Adams
Evelyn Dollinger
Shelvia Fowler
Billie Cox
Giles A. Jenerette
Anne D. Childs
Wayne Suggs
Glenda Ulmer Walker
Charles Duane Sendler

Mildred Davis Hogan
Vera Spicer Harris
John A. "Jack" Birdsall
Ann Elizabeth Porter Brown
Gwyn "Glen" Lewis
Mary Kate Lovell
David O'Driscoll
Shelia M. Phillips
Jewel M. Washburn
Patrick Russell Moore
Michael L. Dewitt
Ednee M. Coker
Jessie M. Cox
Mavis Paul
Joseph Liston Sarvis
Virginia Elizabeth O'Dare
Austin Legrand Martin
John J. Rullo, Sr.
Ivory Watts
Levon King
John McCracken
Isla Mae Shelley
Joe Trupiano
Chester Woodrow Powell
Billie Jacobs

APPROVAL OF MINUTES: Mr. Grabowski moved to approve the minutes from the November 20, 2009 Budget Retreat, seconded by Mr. Schwartzkopf. The motion passed unanimously.

CHARATERISTIC OF THE MONTH: Punctuality: Showing esteem for others by doing the right thing at the right time.

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

Third reading of Ordinance 99-09 to amend the 2010 Budget so as to authorize and provide funding for certain capital improvements to the Conway-Horry County Airport for operating expenses and additional personnel positions for the operation of the FBO, and for information technology and car rental service center improvements at Myrtle Beach Int'l Airport.

Third reading of the following ordinances to approve the request to amend the official zoning maps: 100-09 Richco Realty & Construction Co., agent for Warren D. Graham, III et al; 101-09 Bert Von Hermann, agent for William & Judith Hudson and 102-09 Edward & Belinda Royston.

First reading of the following ordinances to approve the request to amend the official zoning maps: **03-10** Louis & Francis Conti; **04-10** Palm View Apartments at Lakeside Crossing Minor PDD and **05-10** Randolph Graham.

Resolution R-06-10 proclaiming the month of January as Horry County's official "Human Trafficking Awareness Month" in support of the designated day of January 11 as the United States "Human Trafficking Awareness Day."

Board Appointment: Louis Keiner to the Vereen Memorial Gardens Board.

The motion passed unanimously.

RESOLUTIONS/PRESENTATIONS:

Resolution R-169-09 to recognize Rendel Mincey, Horry County Assessor, on being elected as President of the South Carolina Association of Assessing Officials. Ms. Wright presented the resolution to Mr. Mincey. Mr. Mincey thanked Council. **Mr. Worley moved to approve, seconded by Mr. Schwartzkopf. The motion passed unanimously.**

Resolution R-01-10 amending Resolution R-88-09 to reallocate the distribution of State Accommodations Tax for FY2010. **Mr. Worley moved to approve, seconded by Mr. Schulz.** Chairman Gilland stated that because tourism was down, the ATAX funding was down as well. Mr. Weaver stated there were too many people asking for money and not enough money to go around. They took the money that they normally allocated for Beach Services and Beach Renourishment, which together totaled around \$2.1 million. They were not going to collect that much money this year. Other organizations were clamoring for help to keep their projects going. They proposed that the \$510,000 that was going to beach renourishment be given to the other organizations. They would pay that money back at the rate of \$100,000 a year so that when beach renourishment came around again in about five years, there would be as much money as needed for their contribution towards the full beach renourishment project. Mr. Foxworth asked where did they anticipate the \$100,000 coming from in the future budget, was it general fund money or excess from ATAX. Mr. Worley said it was from equipment. Mr. Weaver said that money was being set aside as a capital reserve fund and Mr. Whitten had said he would be able to meet his equipment obligations with the budget that he had now, less the \$100,000. He stated it wouldn't be new money coming from the general fund but would be money saved up through Mr. Whitten's budgetary constraints.

Mr. Weaver stated that Mr. P. Prince had expressed a concern to him about the \$10,000 for Loris, and also Mr. Allen was as equally concerned about the \$10,000 for Aynor. Staff recognized the need for that contribution and will be looking to find an alternative source for those two \$10,000 contributions. He said he could tell them without reservation that the \$10,000 for the two small communities for their festivals would be funded next year from another source.

Mr. Foxworth asked that staff look at sending it all to public safety or beach renourishment and then create a fund of equal value that they could grant out as they saw fit without the oversight of someone either from the north end of Myrtle Beach or Columbia second guessing what they needed to do. He requested that staff give an assessment of what they thought about it as they moved

forward into the next budget process. Mr. Weaver stated they would be prepared for that at the appropriate time.

Mr. Worley said the key to what they were doing was basically the \$510,000 that was going into the renourishment for this year plus an additional \$110,000 from capital savings of equipment would allow them to put \$15,000 in the Garden City Community Association street lighting program, clearing and grass cutting of \$86,223.04, Myrtle Beach Family Campground Association of \$62,832, South Strand Campground Association of \$24,000, \$6500 for Arcadian/Shore Drive Assoc., and Little River Chamber of Commerce \$95,000. **The motion passed with Messrs. Allen and P. Prince voting nay.**

Mr. Weaver stated it was now appropriate to consider the reconsideration of Resolution 168-09 and would be based upon the prior vote, a vote of no should be recorded. **Mr. Barnard moved to disapprove Resolution R-168-09. Mr. Schwartzkopf seconded the motion to disapprove. The motion passed unanimously.**

Resolution to disapprove the following request to amend the official zoning maps: **R-03-10** Maulesh Patel, agent for John Dillon. **Mr. Grabowski moved to approve the disapproval, seconded by Mr. Barnard. The motion passed unanimously.**

Resolution R-08-10 honoring the courage and bravery of Brenda D. Williams. Mr. Frazier read the resolution and spoke briefly on Ms. Williams. **Mr. Frazier moved to approve, seconded by Mr. Schwartzkopf. The motion passed unanimously.**

READING OF ORDINANCES:

Second reading and public review of **Ordinance 103-09** to amend the county code pertaining to special exception requirements for fox and coyote enclosures in the LFA, FA, and CFA zoning districts. **Mr. J. Prince moved to approve, seconded by Mr. Schulz.** Kevin Gause spoke in opposition. **The motion passed unanimously.**

First reading of **Ordinance 01-10** to amend the FY2010 budget so as to recognize a projected revenue shortfall, delete budgeted revenue of \$2 million, and delete the same amount of funding set aside for FY2011. **Mr. Schwartzkopf moved to approve, seconded by Mr. Foxworth. The motion passed unanimously.**

OLD/NEW BUSINESS:

Chairman Gilland presented a 5-year service pen to Mr. Barnard and Mr. Grabowski. She stated that this was Mr. Frazier's 30th year. Ms. Gilland said she received a 15-year pin.

First reading of **Ordinance 02-10** amending the County Code to repeal existing ordinances relating to county procurement and to enact the Horry County Procurement Code as Appendix E to the County Code. **Mr. Worley moved to approve, seconded by Mr. Schulz.** Mr. Allen stated he had been working on something with some of the other councilmen for the past four or five months and wanted to send it back to committee before second reading. Ms. Gilland stated that it would go

back to committee after First Reading. **The motion passed unanimously. The ordinance was referred to the Administration Committee.**

EXECUTIVE SESSION: Legal Briefing on Pending Litigation. Mr. Worley moved to enter into Executive Session, seconded by Mr. Schulz. The motion passed unanimously. (Council entered into Executive Session at 7:05 p.m.) Mr. Grabowski moved to come out of Executive Session, seconded by Mr. Schulz. The motion passed unanimously. (Council came out of Executive Session at 7:20 p.m.) Mr. Weaver stated during the course of Executive Session, Council received a legal briefing on pending litigation. He stated upon receiving details of that, no votes were taken and no decisions were made and no action would be taken on it.

ADJOURNMENT: The meeting adjourned at 7:21 p.m. in memorial of Lena L. McNeil; George Flowers; Michael McPartlin; Wilbur Dew; Paula Fellows; Annie Lucille Sawyer; John D. Williams; Channie Adams; Giles A. Jenerette; Anne D. Childs; Wayne Suggs; Glenda Ulmer Walker; Charles Duane Sandler; Mildred Davis Hogan; Vera Spicer Harris; John A “Jack” Birdsall; Ann Elizabeth Porter Brown; Gwyn “Glen” Lewis; Mary Kate Lovell; David O’Driscoll; Sheila M. Phillips; Jewel M. Washburn; Patrick Russell Moore; Michael L. Dewitt; Ednee M. Coker; Jessie M. Cox; Mavis Paul; Joseph Liston Sarvis; Virginia Elizabeth O’Dare; Austin Legrand Martin; John J. Rullo, Sr.; Ivory Watts; Levon King; John McCracken; Isla Mae Shelley; Joe Trupiano; Chester Woodrow Powell and Billie Jacobs.