

**MINUTES  
HORRY COUNTY COUNCIL  
REGULAR MEETING  
December 8, 2009  
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:** John Weaver; Pat Hartley; Anne Wright; Steve Gosnell; Paul Whitten; 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 6:04 p.m.

**INVOCATION:** Mr. Schulz gave the invocation.

**PLEDGE:** Mr. Loftus led the pledge.

**PUBLIC INPUT:**

1. Stan Bugner, Verizon, presented a check for \$300,000 that will be used for the airpark at Myrtle Beach International Airport. Jim Papadea thanked Mr. Bugner.
2. Marsha Walker was to speak about a Little River Promotion but was absent.
3. Tony McDonald spoke on funding for Carolina Forest Library. Ms. Gilland stated that Carolina Forest would be getting their library and that funds had been shifted and would be paid back.

Chairman Gilland closed public input at 6:14 p.m.

**CHANGES TO THE AGENDA:**

**Mr. Barnard moved to defer Resolution R-169-09, seconded by Mr. Schwartzkopf. The motion passed unanimously.**

**Mr. Allen requested to remove Resolution R-174-09 from the Consent Agenda.**

**Mr. Barnard stated pending the next Administration Committee Meeting, he requested to hold the announcement of District 5 disbursements of recreation funds.**

**Mr. Schulz moved to defer Resolution R-158-09, seconded by Mr. Barnard. The motion passed unanimously.**

**APPROVAL OF AGENDA CONTENTS: Mr. Frazier moved to approve the agenda as amended, seconded by Mr. P. Prince. The motion passed unanimously.**

**APPROVAL OF MINUTES: Regular Meeting November 17, 2009: Mr. Barnard 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:

Jay D. Moss, Jr.  
Robert L. Washington, Sr.  
Mary "Betty" Thompson Smith  
Jacquelyn "Jaci" Lu Pace Herron  
Luke Jordan  
Katharine R. Forbes  
Horace Huggins  
Annie Bell Hemingway  
C. Collin Hucks, Sr.  
Kathryn Lynn "Kathy" Grainger  
Marian Faye Singleton  
Fred W. Powell, Jr.  
Susan James  
Marian Lee ("Nurse Lee") Wright  
Joanne R. Wall  
Jerry E. Edge  
Steve S. Majka, Jr.  
John Henry Gore  
Dulane C. Spivey  
Freeman S. Allen  
A.E. Jackson, Jr.  
Jemmie Lloyd Cribb  
Elatha Watts Wilson  
Lloyd Darren Cook  
Hilda H. Faircloth  
Ronnie Grainger  
Walter R. Simcox  
Lottie Mae P. Long  
Nora C. "Boots" Jordan  
Tonya M. Fowler  
Jean Powell Johnson  
Grady Patterson  
Colonel Roger "Rog" Allen Sorensen

**CHARACTERISTIC OF THE MONTH: Self-Control:** Rejecting wrong desires and doing what is right.

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

First reading 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.

**Resolution R-157-09** to approve placing a plaque in memory of J.T. and Agnes Barfield at Punchbowl Landing.

**Resolution R-159-09** expressing County Council's support of the Withers Swash Initiative and highlighting the availability of special property tax incentives provided by the county for the rehabilitation of historic property within the Withers Swash community.

Resolutions to accept roads and drainage into the county maintenance system at the following locations: **R-160-09** Creekhaven PH 2 (Wind Whisper Cr, Dreamland Dr, Cypress Shadow Ct, Stargazer Ct); **R-161-09** Harmon's Crossing (Olympus Ln, Marley Ct, Adoniram Dr); **R-162-09** Porter's Bay PH 3 (Sourwood Ct, American Beech St, Carolina Hickory St, Sweetbay Magnolia St.); **R-163-09** Tuscany PH 1 (Pistola Ln); **R-164-09** Tuscany PH 1 Right-of-Way (Tuscany Grande Blvd, Viareggio Rd, Poppi Pt Ct, Montalcino Blvd) and **R-165-09** Tuscany PH 3A (Volterra Way, Pienza Dr).

**Resolution R-170-09** to recognize and honor the public service of W.G. Hucks, Jr. on Horry County Council.

District Appointment: Duane Oliver to the Affordable/Workforce Housing Commission.

**The motion passed with Mr. Barnard voting nay on the following: R-160-09; R-161-09; R-162-09; R-163-09; R-164-09 and R-165-09.**

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

**Announcement of Employee of the Year.** Ms. Wright introduced Christy Blanton from the Museum as one of the three finalists. Mr. Whitten introduced Michael Hughes from the Detention Center as one of the three finalists. Ms. Wright introduced Wanda Campbell from the Finance Department as one of the three finalists. Mr. Weaver announced that Christy Blanton was named the employee of the year. Ms. Blanton thanked everyone.

**Resolution R-171-09** to recognize Greg Hembre, Fifteenth Circuit Solicitor, for outstanding achievements. Mr. Whitten presented the award to Mr. Hembre. Mr. Hembre thanked Council and his staff. **Mr. P. Prince moved to approve, seconded by Mr. Schwartzkopf. The motion passed unanimously.**

**Resolution R-172-09** to recognize Phillip E. Thompson, Horry County Sheriff, on being elected as President of the South Carolina Sheriff's Association. **Mr. P. Prince moved to approve, seconded by Mr. Allen. The motion passed unanimously.** Mr. Whitten presented the award to Sheriff Thompson. Sheriff Thompson thanked Council.

**Resolution R-173-09** to recognize Renee Hardwick, Horry County E911 Deputy Director, on being elected President of the South Carolina National Emergency Number Association. **Mr. P. Prince moved to approve, seconded by Mr. Schulz. The motion passed unanimously.** Mr. Whitten presented the award to Ms. Hardwick. Ms. Hardwick thanked Council.

**Resolution R-166-09** to recognize and honor the philanthropy of Larry W. Paul for his generous donations which have resulted in the opening of Horry County Museum's W. L. Paul Living History Farm. Ms. Wright presented the award to Mr. Paul. Mr. Paul thanked Council. **Mr. Schwartzkopf moved to approve, seconded by Mr. Worley. The motion passed unanimously.**

**Presentation on the Paddling Trail on the Waccamaw River.** Staci Williams gave a presentation on the Waccamaw River Blue Trail and requested Council's support of a Conservation Subdivision Ordinance that would be forthcoming in a couple months. The ordinance would urge developers to use it to protect the areas that the community had strongly voiced support of. Mr. Schulz stated he had been working on the conservation zoning district. Before it came before Council, a lot of graphics would have to be developed to try to explain it. It was very complex, but at the end of the day, it was a good thing. Ms. Gilland suggested that Ms. Williams get it touch with eagle scouts regarding the trail.

**Resolution R-174-09** to honor the memory of the Carolina Lifecare Team who perished in a tragic helicopter crash in September 2009. Mr. Whitten introduced members of the Carolina Lifecare Team and presented a plaque in memory of those that perished in the crash. There would be a service at the Conway Airport in January in which the plaque would be set into the concrete on the landing pad at the Airport as a permanent memorial to the team. **Mr. Grabowski moved to approve, seconded by Mr. Schwartzkopf. The motion passed unanimously.**

**Presentation on Audit Results for FY2009.** Laurie Smith, Auditor with Elliott Davis Firm, gave a presentation on the audit results for FY 2009. Ms. Gilland stated the report was good and thanked the Finance Department for their hard work. She further stated the bottom line was they got a good report again and was in fact the best one they had gotten in a number of years.

**Resolution R-167-09** establishing a joint partnership with the Horry County School District and Horry-Georgetown Technical College regarding an aviation technology center. **Mr. Schwartzkopf moved to approve, seconded by Mr. J. Prince.** Mr. Allen spoke briefly on the resolution stating that they had presented it to several folks and it had received above 100% support. Joe DeFeo, Horry County School Board, spoke briefly stating they were asking for a partnership and an opportunity to move into the program. **The motion passed unanimously.**

**Resolution R-168-09** to approve the reallocation of District 5 road fee funds allocated to Deerfield Phase IIB, and District 5 recreation funds allocated to East Coast Greenway, to the Garden City Community Association for use on road/right-of-way maintenance. **Mr. Barnard moved to approve, seconded by Mr. Schwartzkopf. The motion passed unanimously.**

#### **READING OF ORDINANCES:**

Third reading and public review of **Ordinance 89-09** to approve the request of Sadie, Carlenese, Daniel and Marshall Patrick to amend the official zoning maps. **Mr. P. Prince moved to approve, seconded by Mr. Schulz.** There was no public review. **Mr. Schwartzkopf moved to amend to 1.96 acres, seconded by Mr. P. Prince. The motion to amend passed unanimously. Mr. P. Prince moved to approve the main motion as amended, seconded by Mr. Schwartzkopf. The main motion as amended passed unanimously.**

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

Second reading and public review 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 Herrmann, agent for William & Judith Hudson and **102-09** Edward & Belinda Royston. **Mr. Frazier moved to approve, seconded by Mr. Schulz.** There was no public review. **The motion passed unanimously.**

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

**The Mercer Group Contract for New Administrator Search: \$5000 for additional expenses and \$500 for reimbursement of expenses for each interviewed candidate.** Ms. Gilland stated the Mercer Group contract for the new administrator search- at their last meeting they came up with a tie and voted to go back to the Mercer Group and take from the next, get new applications that he had already looked at and decide from those who they would like to interview next for the position. To do more work, as he had done before, with the original five applicants, would take a little bit more money. She said \$5000 to be exact and then \$500 or so for reimbursement of expenses for each interviewed candidate to be flown in and put up overnight and eat while they were here. She asked if there was any discussion or a motion for that. **Mr. Foxworth so moved, seconded by Mr. J. Prince. (Motion not stated- Clerk's interpretation of motion was to approve \$5000 for Mercer contract extension, and \$500 expense for each candidate interviewed.)**

Mr. P. Prince asked to explain the motion. Ms. Gilland said they originally hired Mr. Mercer to do what he did for them for \$15,000. She said with approximately \$5,000 extra expenses to fly in the candidates and to do all the research they did on that. When they failed to find an

administrator from the first group, they were going back again to him, and so, this was additional time and expense for him and would cost them approximately \$5000 more plus bringing the new candidates in, approximately \$500 for airfare, hotel, breakfast and dinner while they were here.

Mr. P. Prince asked why did they have to spend any more money if he was pulling from what they already had. There was a top five and he knew two or three left that were still there. Two of the top five refused to come here. Ms. Gilland said three of the top five were out so that left two and she believed Council decided they wanted to look at more than just those two which was what they had been doing since they got the resumes from them in the past week or so. She said what he does was when they picked the ones they wanted to see again they did the complete vetting. They call about the resumes and ran all sorts of checks and did everything from financial records and all related research that they wouldn't have to do so that the candidates that they present had a clean bill of health financially, integrity, and everything else. They did all the work for them so that they were simply able to – background check was what she was trying to find- he did the background check for them.

Mr. Worley said what he was hearing Ms. Gilland say was, the \$5000, \$500 plus dollars was just for to be used on folks that they already looked at one time before. Ms. Gilland said to be used, no, those that they had not looked at. She said he presented them the resumes and they picked five and he vetted those five. Mr. Worley said that was what he was saying. In other words, they were paying him \$5000 to bring them back five that they had already said they didn't want, was that correct? Ms. Gilland said no sir, they didn't say they didn't want them. Mr. Worley said well obviously they didn't choose them so didn't they think it would be wise if they were going to spend money at least bring any potential candidates out there to include Mr. Ballantyne, Mr. Weaver or whoever, put everybody back in the mix and let the chips fall where they may.

Ms. Gilland said they voted on that last time and made that decision at the last meeting. Mr. Worley said no, they didn't vote on that.

Mr. P. Prince said two of the ones of the top five he understood refused to come to the County and that left three of the top five that were still open to come. Ms. Gilland said it left two. She said that Mr. Stewart dropped out and then Ballantyne...Mr. P. Prince said there were two, top five, so why don't they entertain those two. Ms. Gilland said some of the Council members' number one choice didn't make the top five so they were interested in perhaps seeing if they couldn't get some of those...**Mr. P. Prince moved to entertain the two that were left out of the five candidates and not spend any more money. The motion died due to the lack of a second.**

Mr. Foxworth said by way of looking at the money, since Mr. Knight retired and Mr. Weaver assumed the position as interim, they had actually saved money by not having to pay the full administrator salary and only augmenting Mr. Weaver's salary above what he was getting before. There were actually some savings involved in what amounted to a vacancy variance for the administrator slot. Mr. Worley said it was \$112,000. Mr. Foxworth said that meant if they allocated this money they were going to spend less than 20% of what they had already saved. As far as looking at what they had already rejected, he didn't necessarily agree with it.

The search firm brought them what they considered their top 25 candidates out of the 77 that applied. They looked through and made recommendations and all of them appeared to be good candidates, and frankly, he thought some of them had their minds made up going in and perhaps taking a fresh look at those top 25 would inspire them to come back and look closer. He said if not, Mr. Worley may be right, they may end up at the end of this part of the process of going back to Mr. Mercer or to another head hunter and start the entire process over and opening back up for applications. He didn't know where they were going but he was one of the Council that thought they ought to at least take this preliminary step and look at the 21 remaining finalists again. He didn't think when they looked as the auditor just pointed out, \$130 million or \$140 million annual operating budget and a total budget somewhere in excess of \$300 million, that spending \$20,000 to find the right person to do it was necessarily a bad investment of capital on their part. He said having said that, and he thought most of them having read the issue ad nauseam in the paper and thought about it and came in with their minds pretty well made up- **Mr. Foxworth moved for previous question and to vote on his motion, seconded by Mr. J. Prince.** Mr. Worley asked Mr. Foxworth if he was going to shut off debate on an issue this important. Mr. Foxworth said that Mr. Worley had already spoken twice. Mr. Worley said there were some others that wanted to speak.

Ms. Gilland said they had the question called and ...Mr. Weaver stated in order for the previous question to be called required a majority vote. Ms. Gilland said they would now vote on whether or not to call the previous question which meant to shut off the debate and vote. Mr. Schulz spoke but was inaudible. Ms. Gilland said they might as well vote on the board. She said this was for previous question. A yes meant they move straight to the vote and no meant they talk about it more in layman's terms. **The motion for previous question failed. The vote was as follows:**

<b><u>In favor</u></b>	<b><u>Opposed</u></b>
<b>J. Prince</b>	<b>Worley</b>
<b>Foxworth</b>	<b>Schulz</b>
<b>Schwartzkopf</b>	<b>Loftus</b>
<b>Grabowski</b>	<b>Barnard</b>
<b>Allen</b>	<b>Frazier</b>
<b>Gilland</b>	<b>P. Prince</b>

Ms. Gilland said okay, she guessed they would talk about it some more. She called on Mr. Schulz in that he had has light on. Mr. Schulz said that he agreed with Mr. Foxworth that they had talked about this ad nauseam, but just to put a few things out there, right now they had a deficit they were going into of about \$5 million. He said he knew that \$5,000 or \$10,000 in the big scheme of things wasn't a whole lot of money, but he had a feeling that they were going to be right back to where they started now. Instead of spending the money, one thing he recommended was that they get the Human Resources Department to get in there. They had a labor attorney in that department and not spend the money because he knew what was going to happen. They all knew what was going to happen. They were going to be right back to where they were right now, in a gridlock vote, he guaranteed it. They had already spent \$26,000 and were getting ready to spend another \$8,000 to \$10,000- \$34,000 or \$36,000. He wasn't for spending any more money on this and thought it was ridiculous and was going to end up in a gridlock vote again. He said that was kind of where he was on it right now.

Ms. Gilland asked if there was anybody else that would like to comment. Mr. P. Prince said he would like to amend the motion. He asked if they had a motion on the floor. Ms. Gilland said yes, they did. **Mr. P. Prince moved to amend to interview the two applicants that were left at no charge, no expense to County government.** Ms. Gilland said they couldn't do that. They couldn't bring them back without an expense. Mr. P. Prince said they were on their own. If they wanted a job bad enough they...Ms. Gilland asked if there was a second to that. **The motion died due to the lack of a second.**

Ms. Gilland said they would go back to the original motion and would vote on the board. She said the motion was that they spend \$5000 more on Mr. Mercer's group with approximately \$500 a piece for travel expense for the candidates they bring in. Mr. Worley said James...Mr. Mr. Frazier said he would let everybody decide and he would vote last. Ms. Gilland asked, sir, she didn't hear him. Mr. Worley said Mr. Frazier didn't understand. Mr. Worley said they were waiting on Ms. Gilland. Ms. Gilland said she would be glad to vote. **Ms. Gilland said it was a tie vote so the motion failed. The vote was as follows:**

**In favor**

**Foxworth  
Grabowski  
Schwartzkopf  
J. Prince  
Allen  
Gilland**

**Opposed**

**Worley  
Schulz  
P. Prince  
Loftus  
Barnard  
Frazier**

Ms. Gilland asked if they had any other suggestions. Mr. Foxworth said he had a question. He said in the years he had been here he knew that monies had been...it was his understanding that the funds would be coming from the administrator's contingency fund, was that correct. Ms. Gilland said yes sir. Mr. Foxworth said from time to time they had directed the administrator to spend those funds and from time to time they had not and it was as said, a contingency fund. He asked did it necessarily require a vote of Council. He could understand this situation why Mr. Weaver would want one but was it absolutely required. Ms. Gilland said she thought they would have to get a directive from Mr. Weaver for someone and obviously they sitting up there usually do the directing are not of one mind on this. She didn't understand and thought they needed to have a five minute break.

Ms. Gilland called a recess at 7:36 p.m. The meeting reconvened at 7:49 p.m.

Ms. Gilland thanked everyone for the time out and said they needed to breathe a minute and take a bit of a break. She asked if there was anything else to be said about the administrator situation. She said then she was moving on and had two things under Old/New Business.



**City/County board reviews: double jeopardy problem and possible solution.** Ms. Gilland spoke regarding a problem in Conway where the City of Conway's architectural review board okayed a historical building to be renovated and then it came to the County board and was turned down and were in an appeals process. She requested that if a municipality had its own review board that they not make the applicant go before that board and then have to go kind of like a double jeopardy. She requested that the issue be sent to the I&R Committee. Ms. Carter spoke briefly on different aspects of the problem.

**Incentives for empty commercial buildings.** Ms. Gilland stated there were problems with empty commercial buildings. She requested that the issue be sent to the I&R Committee to craft an ordinance that would make the empty, particularly big box stores- chain stores, more appealing either with an incentive or a tax break so that instead of people rushing out and building new buildings and leaving hundreds of empty store fronts that they would make the empty stores as appealing as building something new. She requested staff research it.

## **ANNOUNCEMENTS:**

**ADJOURNMENT:** The meeting adjourned at 8:00 p.m. in memorial of Jay D. Moss, Jr.; Robert L. Washington, Sr.; Mary "Betty" Thompson Smith; Jacquelyn "Jaci" Lu Pace Herron; Luke Jordan; Katharine R. Forbes; Horace Huggins; Annie Bell Hemingway; C. Collin Hucks, Sr.; Kathryn Lynn "Kathy" Grainger; Marian Faye Singleton; Fred W. Powell, Jr.; Susan James; Marian Lee "Nurse Lee" Wright; Joanne R. Wall; Jerry E. Edge; Steve S. Majka, Jr.; John Henry Gore; Dulane C. Spivey; Freeman S. Allen; A.E. Jackson, Jr.; Jemmie Lloyd Cribb; Elatha Watts Wilson; Lloyd Darren Cook; Hilda H. Faircloth; Ronnie Grainger; Walter R. Simcox; Lottie Mae P. Long; Nora C. "Boots" Jordan; Tonya M. Fowler; Jean Powell Johnson; Grady Patterson and Colonel Roger "Rog" Allen Sorensen.