

AMENDED
March 2, 2004

MINUTES
HORRY COUNTY COUNCIL
REGULAR SESSION
February 17, 2004
6:00 p.m.

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

MEMBERS ABSENT:

OTHERS PRESENT: Danny Knight; Pat Hartley; John Weaver; Janet Carter; Paul Whitten; Steve Gosnell; 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 Mike Ryan gave the invocation.

PLEDGE OF ALLEGIANCE: The Honorable Paul Prince led in the Pledge.

PUBLIC INPUT:

1. Mr. John Cook was to speak regarding County Rezoning but was absent.
2. Ms. Racheal Broadhurst spoke in opposition of Ordinance 31-04.
3. Mr. Lawrence Langdale spoke in opposition of Ordinance 31-04.
4. Mr. Ted Prehodka spoke regarding Ordinance 31-04, Zoning and Master Plan.

Chairman Gilland closed public input.

CHANGES TO THE AGENDA:

Chairman Gilland **requested the addition of a discussion on the SIB meeting under Old/New Business.** Mr. Smith **moved to add to the agenda**, seconded by Mr. Ryan. The motion passed unanimously.

Chairman Gilland **requested the addition of a discussion on the Airport under Old/New Business.** Mr. Hardee **moved to add to the agenda**, seconded by Mr. Lazarus. The motion failed. The vote was as follows:

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

Chairman Gilland called a special meeting of Council for Thursday, January 19th at 8:00 a.m. for the sole purpose of discussion on the Airport.

Mayor Mark McBride spoke regarding the Aviation Trust Fund and urged Mr. Worley to reconsider his opposition to adding discussion to the agenda.

Mr. Weaver requested on behalf of the Finance Department that the Presentation of the Certificate of Excellence in Financial Reporting to the Finance Department and a Presentation on the Management Letter from the External Auditor be deferred to the next meeting. Mr. Ryan **moved to defer the presentations to the next meeting**, seconded by Mr. Smith. The motion passed unanimously.

Mr. Weaver further stated that Resolutions R-17-04 and R-18-04 were replaced with Ordinances 32-04 and Ordinance 33-04. He pointed out a typographical error on **Ordinance 132-03 in that it reflected one-year but should reflect six months.**

Chairman Gilland stated the Presentation by Palmetto Pride to the Community Pride Grant Program winners would be deferred at the request of Palmetto Pride; R-12-04 had been withdrawn by the applicant; and Ordinance 93-03 had been withdrawn by request of the applicant. She requested to add a mention of a resolution for National Surveyors Week. Mr. Hardee **moved to approve**, seconded by Mr. Ryan. The motion passed unanimously.

Mr. Foxworth requested the **removal Ordinance 24-04 from the Consent Agenda.**

APPROVAL OF AGENDA CONTENTS:

Mr. Hardee **moved to approve the agenda as amended**, seconded by Mr. Ryan. The motion passed unanimously.

APPROVAL OF MINUTES:

Regular Session, **January 27, 2004**: Mr. Ryan **moved to approve the minutes as submitted**, seconded by Mr. Prince. The motion passed unanimously.

MEMORIAL DEDICATION OF MEETING:

Mr. Foxworth **moved that upon adjournment, Council dedicate the meeting in memory of Mr. Gary Todd**.

APPROVAL OF CONSENT AGENDA:

Mr. Smith **moved to approve the following Consent Items**, seconded by Mr. Boyd:

- First reading of the following ordinances to approve the request to amend the official zoning maps: **25-04** Clarence E. Doyle, Jr.; **26-04** Derrick Blanton, agent for MTD Investments, Inc.; **27-04** Gerald L. Herring; **28-04** Joseph R. Anderson; **29-04** Robert Rabon, agent for Rabon's Mobile Homes.

The motion passed unanimously.

RESOLUTIONS/PRESENTATIONS:

Chairman Gilland stated the week of February 16-22 was National Surveyors Week in South Carolina and congratulated the surveyors.

Resolution R-15-04 honoring Ms. Georgia Ellis for her commitment and dedication to her community. Mr. Worley **moved to approve**, seconded by Mr. Hardee. The motion passed unanimously.

Update on Out-of-State Vehicle License Collections. Ms. Lois Eargle introduced volunteers that helped locate approximately \$2 million in collections on out-of-state tags.

Resolution R-16-04 to allow the Public Defender's Office to participate in the county's insurance plan. Mr. Worley **moved to approve**, seconded by Mr. Hardee. The motion passed. The vote was as follows:

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

First reading of **Ordinance 32-04** to approve additional employees for the Clerk of Court's Office. Mr. Lazarus **moved to approve**, seconded by Mr. Hardee. The motion passed. The vote was as follows:

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

First reading of **Ordinance 33-04** to approve additional employees for the Auditor's Office. Mr. Boyd **moved to approve**, seconded by Mr. Hardee. The motion passed. The vote was as follows:

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

Resolution R-19-04 authorizing and approving accommodations tax funding. Mr. Worley **moved to approve**, seconded by Mr. Hardee. The motion passed. The vote was as follows:

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

READING OF ORDINANCES:

Third reading and public review of **Ordinance 125-03** to approve the request of James Wooten, agent for Julie, J.D. & S.G. Vereen, Wellingford PDD. Mr. Lazarus **moved to approve**, seconded by Mr. Hardee. There was no public review. Mr. Ryan **moved to amend that the ordinance reflect the previous uses and the uses not to be used**, seconded by Mr. Smith. Mr. Shep Guyton stated the complete list was in the packet, which included all the uses they had requested and those they asked to be excluded. Mr. Ryan **withdrew his motion to amend**. Mr. Mike Wooten spoke regarding buffer issues. Mr. Jon Taylor spoke. Mr. Westley Sawyer addressed rollback taxes. The motion passed. The vote was as follows:

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

First reading of **Ordinance 31-04** to impose a 9-month moratorium on the rezoning of properties generally located south of Highway 501, east of the Waccamaw River, and lying within Council District 4. Mr. Ryan **moved to approve**, seconded by Mr. Smith. Mr. Schwartzkopf **moved to amend to a six (6)- month moratorium**. Mr. Worley **moved to table the amendment**, seconded by Mr. Lazarus. The motion to table passed. The vote was as follows:

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

Mr. Hardee **moved for previous question**.

The motion to approve first reading of Ordinance 31-04 failed. The vote was as follows:

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

Chairman Gilland called a recess at 7:50 p.m. The meeting reconvened at 8:10 p.m.

Third reading and public review of **Ordinance 110-03** to provide for the exchange of property at the South Strand Complex for additional road right-of-way needed for the construction of Scipio Lane. Mr. Smith **moved to approve**, seconded by Mr. Boyd. Ms. Elaine Evans spoke. Mr. Foxworth stated for the record the exchange didn't include the railroad spur. The motion passed unanimously.

Third reading and public review of **Ordinance 126-03** to approve the request by Jon Taylor, agent for Landbank, LLC, Buist Plantation PDD to amend the official zoning maps. Mr. Boyd **moved to approve**, seconded by Mr. Lazarus. There was no public review. The motion passed. The vote was as follows:

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

Third reading and public review of **Ordinance 132-03** to impose a one-year moratorium on the issuance of permits for off-premise signs in the unincorporated portions of Horry County. Mr. Smith **moved to approve**, seconded by Mr. Ryan. There was no public review. Mr. Prince **moved to amend to exclude 2X2 signs**. Mr. Meyer stated the amendment was not needed. Mr. Lazarus and Mr. Hardee recused themselves from voting. The motion passed. The vote was as follows:

<u>In favor</u>	<u>Opposed</u>
Worley	Prince
Foxworth	
Ryan	
Smith	
Frazier	
Schwartzkopf	
Boyd	
Gilland	

Third reading and public review of **Ordinance 01-04** to approve the request of Patrick Boulter et al to amend the official zoning maps. Mr. Boyd **moved to approve**, seconded by Mr. Prince. There was no public review. The motion passed unanimously.

Third reading and public review of **Ordinance 02-04** to approve the request of Hal Dixon for DASH, Inc., agent for The Bishop of Charleston, Mallard Landing Village West PDD, to amend the official zoning maps. Mr. Boyd **moved to approve**, seconded by Mr. Hardee. Ms. Elaine Evans spoke. The motion passed unanimously.

Third reading and public review of **Ordinance 03-04** to amend the County Code establishing revised public hearing procedures for the approval of new or changed street names. Mr. Smith **moved to approve**, seconded by Mr. Boyd. There was no public review. The motion passed unanimously.

Third reading and public review of **Ordinance 05-04** to amend the FY 2004 budget to increase the Department of Airport's budget to include regular part-time positions to accommodate additional airline traffic at Myrtle Beach Int'l Airport. Mr. Boyd **moved to approve**, seconded by Mr. Frazier. There was no public review. The motion passed unanimously.

Third reading and public review of **Ordinance 06-04** to grant utility easements to various utility service providers at various fire station sites. Mr. Prince **moved to approve**, seconded by Mr. Boyd. There was no public review. Mr. Smith recused himself. The motion passed unanimously.

Third reading and public review of **Ordinance 07-04** to grant an easement to the SC Public Service Authority for distribution of right-of-way along the southern boundary line of the Carolina Bays Parkway and frontage road. Mr. Prince **moved to approve**, seconded by Mr. Boyd. There was no public review. Mr. Smith recused himself. Chairman Gilland requested that Mr. Smith convey to Santee Cooper a request that they put the utilities as far away from the roadway as possible and would like it underground as well. The motion passed unanimously.

Third reading and public review of **Ordinance 08-04** to amend the Land Development Regulations of the County Code providing clarification and revision to existing standards and the addition of new standards. Mr. Smith **moved to approve**, seconded by Mr. Prince. There was no public review. The motion passed unanimously.

Third reading and public review of **Ordinance 09-04** establishing a community waste disposal fee of \$2.25 per ton chargeable to the Solid Waste Authority for each ton of municipal solid waste and mixed construction materials accepted for disposal into the landfill property belonging to the Solid Waste Authority. Mr. Boyd **moved to approve**, seconded by Mr. Hardee. There was no public review. Mr. Lazarus **moved to amend to include the last sentence in Paragraph Four of the ordinance which read: "Further public benefit expenditures for county-wide projects must be submitted to County Council and the League of Cities for approval"**, seconded by Mr. Boyd. The motion to amend passed. The vote was as follows:

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

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

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

Third reading and public review of **Ordinance 12-04** to approve the request of JBK Trucking, Inc., agent for Kathryn Chestnut King, to amend the official zoning maps. Mr. Hardee **moved to approve**, seconded by Mr. Prince. 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: **13-04** Lavivian Daniels, agent for Vivian Buck Estate; **14-04** Paula Nance & Timothy J. Wilson & Cynthia Nance; **15-04** Jo Ann Wiegand, agent for Thomas P. or Jessie Brown & The Market; **16-04** James Wooten, agent for B.J. Investments Ltd. Prtn.; and **17-04** Richard T. Kennedy. Ms. Elaine Evans spoke regarding Ordinance 14-04. A granddaughter of Lavivian Daniels spoke regarding Ordinance 13-04. (Clerk's Note: A motion and a second to approve the above ordinances were not recorded, however a unanimous vote was recorded.) (During the Council meeting of March 2, 2004, a motion was made by Mr. Lazarus, seconded by Mr. Prince, to approve second reading of the above ordinances. The motion passed unanimously.)

Second reading and public review of **Ordinance 19-04**, to approve the request to amend the official zoning maps for James Wooten & DDC Engineers, agent for Kerry Brown, Jasmine Park PDD. Mr. Mike Wooten spoke regarding Ordinance 19-04. Mr. Smith **moved to amend to remove the footnote that reads: “** Based upon Gray Formula, i.e., number of units times 2,3, times .01= total open space required. Please note, should the total project density be reduced during the design stages, open space requirement will adjust down accordingly. ** Subject to change, see note above.” And to further amend the PDD to incorporate the additional open space requirements that were voluntarily offered, and to further amend to buffer**, seconded by Mr. Lazarus. The motion to amend passed unanimously. (Clerk's Note: A motion and a second to approve as amended were not recorded, however a unanimous vote to approve was recorded.) (During the Council meeting of March 2, 2004, a motion was made by Mr. Lazarus, seconded by Mr. Boyd, to approve second reading of the above ordinance. The motion passed unanimously.)

Second reading and public review of **Ordinance 20-04** to amend the zoning ordinance pertaining to the placement of multiple structures on a single parcel of land. Mr. Smith **moved to approve**, seconded by Mr. Boyd. There was no public review. The motion passed unanimously.

Second reading and public review of **Ordinance 21-04** to prohibit commercial activity at public boat landings and on other property open to the general public owned by Horry County. Mr. Hardee **moved to approve**, seconded by Mr. Boyd. There was no public review. The motion passed unanimously.

Second reading and public review of **Ordinance 22-04** approving and authorizing the execution of an amendment to lease agreement-leasing property at Myrtle Beach Int'l Airport to Huffman Helicopters, Inc. Mr. Hardee **moved to approve**, seconded by Mr. Prince. There was no public review. The motion passed unanimously.

Second reading of **Ordinance 23-04** to impose a one-year moratorium on the issuance of licenses and permits for new casino boat locations, including locations offering day cruises with gambling and/or gaming. Mr. Boyd **moved to approve**, seconded by Mr. Worley. There was no public review. The motion passed unanimously.

Second reading of **Ordinance 30-04** to approve the request of Mildred S. Martin, agent for Zachous Martin, to amend the official zoning maps. Mr. Boyd **moved to approve**, seconded by Mr. Frazier. The motion passed unanimously.

First reading of **Ordinance 24-04** to reduce the assessment ratio applicable to general aviation aircraft subject to county property tax to a 4% rate based upon the fair market value of the aircraft. Mr. Lazarus **moved to approve**, seconded by Mr. Prince. Mr. Smith requested the issue be considered by the Airport Advisory Committee. The motion passed. The vote was as follows:

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

OLD/NEW BUSINESS:

Appointment of Chad B. Hatley to the Solid Waste Authority Board of Directors. Chairman Gilland stated that an interview would be scheduled before the next meeting. Mr. Hardee **moved to defer**, seconded by Mr. Worley. The motion passed unanimously.

Discussion on County Staff Responsiveness. Mr. Ryan stated there were some staff departments he had requested items and hadn't received them. He requested that Council evaluate the County Administrator. Chairman Gilland requested Council follow the chain of command and make requests to the County Administrator.

Discussion on the State Infrastructure Bank. Mr. Weaver briefed Council on the results from a series of meetings with the SIB. Mr. Worley requested an accounting of County funds. Mr. Boyd **moved to approve first reading by title only of an ordinance to extend the sunset by up to five years if necessary with the provision that no more than \$352 million would be paid by Horry County,** seconded by Mr. Hardee. The motion passed. The vote was as follows:

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

ANNOUNCEMENTS:

Chairman Gilland announced the following:

A Special Meeting would be held on Thursday, February 19th at 8:00 a.m. regarding the Airport; Special Meeting would be held on Friday, February 20th at 3:00 on SWA/Clemson University; the March Regular Council meetings would be held on March 2nd and March 16th; an I-73 meeting would be held in Washington on February 25-26th; and a Tourism Reception in Columbia for the Legislatures would be held on March 23rd.

Mr. Foxworth announced there would not be an Administration Committee meeting in February.

Mr. Prince requested information be presented at the special meeting regarding the Airport on how the money was spent from the Aviation Trust Fund. Mr. Weaver would provide a 20-year accounting.

Mr. Lazarus requested information on the anticipated cost of Harrelson Boulevard and an amortization schedule at the \$6, \$7, and \$8 million level over the 30-year period.

ADJOURN:

Mr. Worley **moved to adjourn**, seconded by Mr. Hardee. The motion passed unanimously and the meeting adjourned at 9:55 p.m.

