

**MINUTES**  
**HORRY COUNTY COUNCIL**  
**Regular Council Meeting**  
**September 21, 2004**  
**6:00 p.m.**

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

**MEMBERS ABSENT:**

**OTHERS PRESENT:** Danny Knight; Pat Hartley; John Weaver; Steve Gosnell; Paul Whitten; Anne Wright; Janet Carter; 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:** The Honorable James Frazier gave the invocation.

**PLEDGE OF ALLEGIANCE:** The Honorable Carl Schwartzkopf led in the Pledge.

**PUBLIC INPUT:**

1. Edna Leviner was to speak regarding a rezoning request for Barry Hardwick but was not present.
2. Bonnie Hardwick was to speak regarding a rezoning request for Tony McCrackin but was not present.
3. Bob Fogner gave an update on the Veterans Memorial.
4. Phillip Antwone spoke regarding Cable TV Bundling of Services.
5. Richard Tebbs spoke regarding a formal complaint on Public Safety.
6. Susanne Riley spoke regarding noise at the Myrtle Beach Speedway.

Chairman Gilland closed public input.

**CHANGES TO THE AGENDA:**

Mr. Lazarus requested to remove Ordinance 88-04 from the Consent Agenda.

Mr. Boyd moved to add Resolution R-139-04 and Resolution R-140-04, seconded by Mr. Prince. The motion passed unanimously.

Mr. Boyd requested to remove Resolution R-137-04 from the Consent Agenda.

Mr. Smith requested to remove Ordinance 110-04 from the Consent Agenda.

Mr. Foxworth moved to defer discussion on Mass Transit to the next meeting, seconded by Mr. Frazier. The motion passed unanimously.

Mr. Prince requested to remove Ordinance 103-04 from the Consent Agenda.

**APPROVAL OF AGENDA CONTENTS:** Mr. Barnard moved to approve the agenda contents, seconded by Mr. Boyd. The motion passed unanimously.

**APPROVAL OF MINUTES:**

**September 7, 2004:** Mr. Smith moved to approve the minutes as submitted, seconded by Mr. Prince. The motion passed unanimously.

**MEMORIAL DEDICATION OF MEETING:** Mr. Lazarus requested that upon adjournment Council adjourn in memorial of Mr. Gary Allred. Mr. Frazier requested that upon adjournment Council also adjourn in memorial of Mr. Amos Graham and Mr. Matthew Rhue.

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

- Third reading of **Ordinance 76-04** to approve the request by James Wooten, agent for Rum Bluff Land Development Co., Rum Bluff PDD to amend the official zoning maps.
- Third reading of the following ordinances to approve requests to amend the official zoning maps: **77-04** Lonnie Mitchell Chestnut; **79-04** Charles & Charlotte Freeman; **80-04** Lonnie T. Johnson; **81-04** John Easterling III, agent for Little River Landing LLC; **82-04** Joseph & Shari Rincione, agents for Charlie Sing etal; **83-04** Planning Commission for Issac Lacy Cannon, Jr.; **86-04** John Poston, agent for Eagle South LLC; **87-04** James D. & Sheryl H. Stewart; **89-04** Horry County Planning for Bleuz-In Enterprises; **90-04** Jamie McLain, agent for Hot Mix Inc., **91-04** William & Sylvia Hackett; **92-04** John Dewitt, Jr.; **93-04** Bobby Miller, agent for Jarvis & Frances Bellamy; and **123-01** Rufus C. Perdue, agent for Judith S. Dennis.

- First reading of the following ordinances to approve requests to amend the official zoning maps: **101-04** James & Karen Cabanaw; **102-04** Horry County Planning, agent for Bleuz-In Enterprises; **104-04** Tony McCrackin.
- First reading of **Ordinance 107-04** to amend the zoning ordinance providing for revisions to the Planned Development District ordinance.
- First reading of **Ordinance 108-04** to amend the comprehensive plan to include the 2004 Highway 17 Business and Highway 17 Bypass Area Plan Supplement.
- First reading of **Ordinance 109-04** to authorize the administrator to enter into contracts of sale of property located within the Cool Spring Business Park.
- Resolutions to accept roads and drainage into the county system at the following locations: **R-131-04** Arrowhead Village (Arrowhead Blvd., Barclay Dr.); **R-132-04** Arrowhead Village (Barclay Dr., Denby Ct.); **R-133-04** Palmetto Glen IIB (Tibton Cr., Glen Haven Dr.) and **R-134-04** Caspian Village Phase I (Smalls Dr., Ali Ct.).
- **Resolution R-136-04** authorizing the administrator to transfer funds from Vera Road road maintenance fee account to Long Leaf Drive road maintenance fee account.
- District 1 Appointment of William H. Bailey to the Airport Advisory Committee.
- Appointment of Phillis A. Newman to fill the seat vacated by Bernard Spalding on the Vereen Memorial Historical Gardens Committee.
- **Resolution R-139-04** changing the name of the Aynor Senior Citizen Center to the John W. Dawsey Senior Citizen Center.
- **Resolution R-140-04** honoring the Aynor Pilot Club for the successful completion of their 25<sup>th</sup> Aynor Harvest Hoe-Down.

The motion passed unanimously.

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

**Presentation on the Grand Strand Area Transportation Study.** Mr. Mark Howeller presented a brief history and a list of transportation improvement projects for FY 2005-2007.

Mr. Worley introduced Mr. William Bailey as the newest board member of the Airport Advisory Committee. Mr. Bailey spoke briefly thanking Council for the opportunity to serve.

**Resolution R-124-04** authorizing a refund of overpayment of personal property depreciation to AVX Corporation pursuant to the fee-in-lieu agreement approved by County Council. Mr. Hardee **moved to approve**, seconded by Mr. Boyd. Ms. Anne Wright explained the resolution. The motion passed unanimously.

**Resolution R-135-04** to *disapprove* the request of Glenn Goodwin, agent for Time Warner Entertainment, to amend the official zoning maps. Mr. Barnard **moved to approve the disapproval**, seconded by Mr. Frazier. The motion passed unanimously.

**READING OF ORDINANCES:**

Third reading of **Ordinance 34-04** to amend the comprehensive plan to include the 2003 Highway 57 and Highway 9 Area Plan Supplement. Mr. Lazarus **moved to approve**, seconded by Mr. Hardee. The motion passed unanimously

Second reading and public review of **Ordinance 94-04** authorizing the administrator to execute a permanent easement to Michael Goodson across property owned by Horry County at Gunter's Lake boat landing. Mr. Boyd **moved to approve**, seconded by Mr. Frazier. There was no public review. The motion passed unanimously.

Second reading and public review of **Ordinance 95-04** authorizing the administrator to execute a lease agreement with the FAA for airport surveillance radar equipment. Mr. Foxworth **moved to approve**, seconded by Mr. Hardee. There was no public review. The motion passed unanimously.

Second reading and public review of **Ordinance 96-04** authorizing the administrator to execute a merchandise concession and lease agreement at the Myrtle Beach Int'l Airport. Mr. Foxworth **moved to approve**, seconded by Mr. Lazarus. There was no public review. Mr. Kemp spoke briefly about the bids and hanger doors. The motion passed unanimously.

Second reading and public review of **Ordinance 97-04** authorizing the administrator to execute a food and beverage concession and lease agreement at the Myrtle Beach Int'l Airport. 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 98-04** amending the zoning ordinance pertaining to tattoo parlors. Mr. Barnard **moved to approve**, seconded by Mr. Hardee. There was no public review. The motion passed unanimously.

Second reading and public review of **Ordinance 99-04** amending the county code pertaining to the storage of junked vehicles. Mr. Boyd **moved to approve**, seconded by Mr. Schwartzkopf. There was no public review. Mr. Lazarus **moved to amend Section 10-35. Junk yards and salvage yards (3) -to strike the word "plastic"**, seconded by Mr. Boyd. The motion to amend passed unanimously. Mr. Worley requested information regarding federal guidelines. Chairman Gilland referenced property on Hwy. 501 (fences that could be seen through) and requested that staff enforce the ordinance. The main motion as amended passed unanimously.

First reading of **Ordinance 105-04** to approve the request of Allen Foxworth, agent for L.W. Paul, Silver Creek PDD, to amend the official zoning maps. Mr. Smith **moved to approve**, seconded by Mr. Prince. Mr. Smith requested that staff review language requiring sidewalks and asked that it be added within the ordinance. Ms. Carol Coleman, Planning Department, spoke briefly about the rezoning. Mr. Gosnell spoke regarding the sidewalks. The motion passed unanimously.

First reading of **Ordinance 106-04** to approve the request of James M. Wooten, agent for Dennis Cyrus, Harrelson Ellis Tract PDD, to amend the official zoning maps. Mr. Prince **moved to approve**, seconded by Mr. Hardee. Mr. Smith requested that staff review language requiring sidewalks and asked that it be added within the ordinance. Mr. Mike Wooten spoke regarding the rezoning. The motion passed unanimously.

Third reading of **Ordinance 88-04** to approve the request to amend the official zoning maps for Horry County for Earle & Karen McDaniel & Shirley Jean Hall. Mr. Smith **moved to approve**, seconded by Mr. Boyd. Ms. Carter spoke regarding the uses of the zoning. Mr. Lazarus requested they look at the nuisance law at the upcoming retreat. Mr. Barnard **moved to defer to the next meeting and asked the applicant to be present**, seconded by Mr. Worley. The motion passed unanimously.

First reading of **Ordinance 103-04** to approve the request to amend the official zoning maps for Horry County for Joe McGroarty, agent for GGG of Myrtle Beach LLC. Mr. Hardee **moved to approve**, seconded by Mr. Prince. Mr. Prince **moved to amend to GR5**, seconded by Mr. Smith. Ms. Carter spoke briefly regarding the rezoning. Mr. Prince **withdrew his motion to amend** and Mr. Smith **withdrew his second to the motion**. The motion to approve first reading passed unanimously.

First reading of **Ordinance 110-04** to provide for the granting of easements and deeding of utility sites to various utility service providers in order to obtain utility services at the Cool Spring Business Park. Mr. Boyd **moved to approve**, seconded by Mr. Prince. Mr. Hardee and Mr. Smith recused themselves from discussion and voting. The motion passed unanimously.

**Resolution R-137-04** approving and authorizing the Horry County Law Enforcement Officer's Memorial. Mr. Boyd **moved to approve**, seconded by Mr. Frazier. Mr. Lazarus requested that they plat out a plan to use the memorial for educational purposes. The motion passed unanimously.

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

**Discussion on a request from the City of Conway to swap parcels of land with the county.** Chairman Gilland explained the issue was to enter into an agreement with the City of Conway to swap properties located at the intersection of Elm and Laurel Streets if the City agreed to make drainage improvements on Second Avenue in front of the county building/parking lot and at the Public Safety Building located on Highway 701. Mr. Worley requested a report on the value of the properties. Mr. Boyd moved to approve an ordinance on first reading by title only and refer the matter to the I&R Committee to review the drainage issues and property values, seconded by Mr. Lazarus. Mr. Steve Thomas, Conway City Administrator, explained the city's request and illustrated the location of the properties. If the swap could be effectuated, the City would offer the property to a developer who planned to construct a restaurant. Mr. Worley requested copies of the OCRM permit and the letter from the Corps of Engineers indicating approval of the building construction.

Mr. Foxworth reminded the Chairman that the issue of passing First Reading by title only of an ordinance addressing this matter was not on the advertised and approved agenda, therefore the motion to approve first reading was inappropriate. Mr. Worley objected to moving forward with a vote for first reading because the matter was posted as discussion only. Mr. Weaver reminded Council that precedence had been set at previous meetings that allowed a discussion item be brought forward as a first reading vote. Chairman Gilland ruled that an advisory vote would be taken on moving the matter forward for first reading at the October 5<sup>th</sup> council meeting with deferral to the I&R Committee. The vote was as follows:

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

**Discussion on Myrtle Beach Bike Rallies.** Mr. Foxworth spoke briefly about a third bike rally being planned for the Grand Strand. He stated the Administration Committee would revisit the vendor permits at its next meeting. Mr. Lazarus requested the committee look at issuing permits after Mother’s Day weekend. Mr. Ryan requested Council look at increasing vendor fees and reducing the number of days, as well as restrictions on the number of vendors within sectors. He also requested they review the noise ordinance and enforcing it. Chairman Gilland stated they would be meeting in late October or November to determine the dates for the next few years and would try to shift to provide a week between the rallies.

**Status Report on Postal Way.** Mr. Gosnell reported that the majority of the property owners were willing to move forward with the potential of gifting the right-of-way. Staff requested a letter to that affect in which the property owners were circulating.

**Progress Report on Emergency Access in Subdivisions.** Ms. Carter reported that the LDR Committee was considering the problems and had a subcommittee that specifically addressed the issue on September 8<sup>th</sup>. There were three options available to them. The subcommittee recommended they eliminate the option to provide emergency access in that it hadn’t worked well in several instances.

**Report on meeting with Congressional leasers in Washington, DC.** Chairman Gilland reported on the meetings in Washington seeking funding for the Airport terminal and I-73.

**ANNOUNCEMENTS:**

Chairman Gilland reminded Council of the joint Workshop with the Planning Commission that was scheduled for September 23<sup>rd</sup> at 3:00 p.m.

Mr. Smith expressed his appreciation to Ms. Carol Coleman, Planning Department, for all her hard work while employed with the County. She was leaving to become the Planning Director for Georgetown County.

Mr. Boyd clarified that regarding the Police Memorial the Police Department would determine who went on the memorial and the criteria.

Mr. Boyd announced that he had been chosen to sit on the NACO Justice and Public Safety Steering Committee.

**ADJOURN:** The meeting adjourned at 9:10 p.m.