

MINUTES
HORRY COUNTY COUNCIL
REGULAR SESSION
May 3, 2005
6:00 p.m.

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

MEMBERS ABSENT:

OTHERS PRESENT: Danny Knight; Pat Hartley; John Weaver; Anne Wright; Paul Whitten; Steve Gosnell; Janet Carter; Beth Fryar; Westley Sawyer; Roland Meyer; 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 6:10 p.m.

INVOCATION: The Honorable Marion Foxworth gave the invocation.

PLEDGE OF ALLEGIANCE: The Honorable Howard Barnard led in the pledge.

PUBLIC INPUT:

1. Winnie Dale Bessent was to speak regarding Stormwater problems on Brittany Lane but wasn't present. Mr. Boyd stated he had spoken with Ms. Bessent and informed her that they were working on the problem.
2. Pam Creech spoke on Special Variance Zoning regarding mining operations. She requested the ordinance be changed to a three reading process rather than through the special planning variance for one reading. Mr. Rosario displayed pictures of the area of Landalphie Road and Carter Road regarding mines. Chairman Gilland requested that Ms. Carter and the I&R Committee review the ordinance and make recommendations for any changes.
3. Renee Wickstrom spoke regarding noise resulting from dirt bikes in the Shell Community. Mr. Hardee reported a PDD for a proposed motorcross track would be considered by the Planning Commission at its next meeting and then forwarded to Council. Staff was directed to review the noise ordinance, issuance of a land disturbance permit, admission charge, and incorporation with the Secretary of State.

Chairman Gilland asked Kaye Lewis and Lonnie Stevens, who were scheduled to speak regarding noise in the Shell community, if their complaints had been addressed in the previous discussion. Ms. Lewis stated that she thought so. Chairman Gilland moved on into public input to allow others to speak regarding another topic that had not been addressed.

4. Janice Dowe spoke regarding the Boggs Asphalt Plant at Pine Island operating at 11:30 p.m. and opening at 6:00 a.m. Mr. Weaver stated the asphalt plant had entered into a contract with the County for runway repairs at the Airport that required work to be done at night. He further stated they were doing everything possible to find an alternative solution to satisfy everyone's needs.

Chairman Gilland requested that Ed Wilson and Buck Ricks speak at the next meeting because the time limit for public input had expired.

Chairman Gilland closed public input at 6:55 p.m.

CHANGES TO THE AGENDA:

Mr. Lazarus **moved to add discussion on International Drive under Old/New Business**, seconded by Mr. Barnard. The motion passed unanimously.

Mr. Foxworth **moved to add discussion on the Noise Ordinance and Light Infusion under Old/New Business**, seconded by Mr. Ryan. The motion passed unanimously.

Mr. Foxworth **moved to add a proclamation that the month of May be declared Motorcycle Awareness Month**, seconded by Mr. Boyd. The motion passed unanimously.

Mr. Boyd **moved to add discussion on Ditching and Roads under Old/New Business**. There was no second to the motion and no opposition.

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

APPROVAL OF MINUTES: April 19, 2005: Mr. Prince **moved to approve the minutes as submitted**, seconded by Mr. Lazarus. The motion passed unanimously.

MEMORIAL DEDICATION OF MEETING:

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

Richard Bell, Sr. (Mr. Frazier)
Raymond Schild (Mr. Lazarus)
Danny Isaac, Sr. (Mr. Lazarus)
Wilson Herman Morris (Mr. Prince)

APPROVAL OF CONSENT AGENDA: There were no items on the Consent Agenda.

RESOLUTIONS/PRESENTATIONS:

Public hearing and **Resolution R-42-05** approving the sale of 14 acres in the Cool Spring Business Center to Pepsi Cola Bottling Company. Mr. Prince **moved to approve**, seconded by Mr. Boyd. No one spoke at the public hearing. The motion passed unanimously.

Public hearing and **Resolution R-43-05** approving the sale of 2 acres in the Pine Ridge Business Center to Tarheel Aviation & Investments LLC. Mr. Prince **moved to approve**, seconded by Mr. Schwartzkopf. No one spoke at the public hearing. The motion passed unanimously.

READING OF ORDINANCES:

Third reading and public review of **Ordinance 106-04** to approve the request of James Wooten, agent for Dennis Cyrus, Harrelson Ellis Tract PDD, to amend the official zoning maps. Mr. Prince **moved to approve**, seconded by Mr. Hardee. There was no public review. Mr. Lazarus **moved to amend to add a turn lane**, seconded by Mr. Prince. The motion to amend passed unanimously. The main motion as amended passed unanimously.

Third reading of **Ordinance 49-05** to initiate a land use study and recommendations as to appropriate land use, zoning, and buffering for commercially developing areas in the northeastern section of Horry County along certain portions of Highway 17. Mr. Worley **moved to approve**, seconded by Mr. Ryan. Mr. Worley **moved to amend to exempt medical facilities**, seconded by Mr. Boyd. The motion to amend passed unanimously. Mr. Lazarus **moved to amend to exempt hotel use but withdrew the motion after no one from the public came forward**. Mr. Lazarus **moved to amend that no other moratorium may be placed within the County during the study period**, seconded by Mr. Hardee. The motion to amend passed. The vote was as follows:

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

Chairman Gilland proposed the following amendment to Paragraph 1.A. “No earlier than thirty days prior to the expiration of the six month moratorium, should the administrator determine that there is insufficient time for the county staff and the Planning Commission to meet its responsibility regarding the land use study and related recommendations, then in that event, the administrator shall so notify Council of this time restraint and therefore Council may, by resolution, extend the moratorium expiration back up to an additional ninety day period. Mr. Worley **moved to amend as stated by Chairman Gilland**, seconded by Mr. Schwartzkopf. The motion to amend passed. The vote was as follows:

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

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

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

Chairman Gilland called a recess at 7:25 p.m. The meeting reconvened at 7:45 p.m.

Second reading and public review of **Ordinance 50-05** amending the county code pertaining to buildings and building regulations. Mr. Boyd **moved to approve**, seconded by Mr. Hardee. David Jacobs spoke briefly on the IRC. There was no public review. The motion passed unanimously.

Second reading and public review of **Ordinance 51-05** granting a quit claim deed to the city of Conway for all of the county’s interest in Collins Jollie Road. Mr. Barnard **moved to approve**, seconded by Mr. Frazier. Steve Thomas, Administrator for the City of Conway, requested Council consider sending the issue back to the I&R Committee because of questions regarding maintenance of the road. Mr. Barnard **moved to amend to approve second reading and defer third reading until such time I&R sends it back**, seconded by Mr. Ryan. The motion passed unanimously. The main motion passed unanimously.

Second reading and public review of **Ordinance 52-05** amending the county code pertaining to vested development rights. Mr. Barnard **moved to approve**, seconded by Mr. Frazier. 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: **54-05** Jennifer Richardson, agent for Abbie Rose Development LLC et al; **55-05** Chris Sansbury, agent for Kenneth & Odessa Brown, Trustees; **56-05** L.C. Barnaba, agent for Nathalie Flowers Edge; **57-05** Robert Mosser, agent for Guy Properties, Inc.; **58-05** Judy C. Norris; **59-05** Jack Pretzell & Patricia Pretzell Harrop; **60-05** Glendale & Carolyn Faye Causey; **61-05** McArthur Bullard, Sr.; **62-05** Marilyn Hyman & Tammy Squires; **63-05** James Lewis, agent for Edward J. Lewis; **64-05** Charles Allen, agent for CHEF, Inc.; and **65-05** Jimmy Jordan, agent for Gladys M. McNeill. There was no public review. Mr. Prince **moved to approve**, seconded by Mr. Schwartzkopf. Mr. Boyd spoke briefly about Ordinance 66-05 and the concern over noise and safety since the area was underneath the runway. Mr. Barnard stated he had asked staff to coordinate on the issue. Mr. Boyd spoke briefly about Ordinance 57-05 and the definition of low density. Ms. Carter defined low density. Mr. Prince spoke briefly about Ordinance 57-05 and asked staff to check into an off ramp there. Ms. Carter stated she would ask the Planning Commission to require that of them if SCDOT agreed to it. **Mr. Hardee recused himself from voting on Ordinance 65-05.** Regarding Ordinance 65-05, Ms. Gilland inquired about turn lanes. Jimmy Jordan stated turn lanes were not planned at the time. Mr. Prince **moved to amend to add a turn lane**, seconded by Mr. Schwartzkopf. Mr. Weaver stated the amendment was out of order because it was a straight rezoning. Mr. Gosnell stated upon receipt of the plans from the developer they would pass the request on to the Planning Commission to make that a condition of the development plan once it was received. **Mr. Prince withdrew his motion to amend.** Ms. Gilland spoke briefly on Ordinance 60-05 and suggested the Planning Commission require an additional turn lane. The motion to approve passed unanimously.

Second reading and public review of **Ordinance 53-05** to approve the request of James Wooten, agent for EEQ and BCW Family Limited Partnership & Raccoon Run Golf Club, to amend the official zoning maps. Mr. Lazarus **moved to approve**, seconded by Mr. Grabowski. Mr. Norman Smith, Burgess Community, spoke at public review in opposition of the rezoning and presented a petition. Mr. Wooten spoke briefly on the project. The motion passed. The vote was as follows:

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

Items related to the Myrtle Beach International Airport:

1. Second reading and public review of **Ordinance 66-05** authorizing the administrator to execute a lease agreement with AvCraft Support Services for property on airport premises. Mr. Hardee **moved to approve**, seconded by Mr. Barnard. The following people spoke at public review:
 1. Pam Creech spoke in opposition of the ordinance.
 2. Ben Bartell, owner of AvCraft, spoke on the lease agreement.

Mr. Weaver stated Mr. Bartell had expressed concern over two lease provisions, namely Change in Ownership or Control of Lessee and Lessor's Right to Recapture Premises. The terms that Mr. Bartell requested could be met and would be reflected as an amendment at third reading. The motion passed. The vote was as follows:

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

2. Second reading and public review of **Ordinance 67-05** authorizing the administrator to execute a Declaration of Restrictive Covenants as a condition of the Army Corps of Engineers Permit pertaining to the new airport terminal complex. Mr. Lazarus **moved to approve**, seconded by Mr. Frazier. There was no public review. The motion passed unanimously.
3. Second reading and public review of **Ordinance 68-05** authorizing the administrator to execute an amendment to the lease agreement between the General Services Administration for additional space at the airport. Mr. Boyd **moved to approve**, seconded by Mr. Frazier. There was no public review. The motion passed unanimously.

Second reading and public review of the following Ordinances amending the Zoning Ordinance pertaining to home occupations:

Ordinance 69-05 to amend Section 437 of the zoning ordinance; **Ordinance 70-05** to amend Section 528 of the zoning ordinance; **Ordinance 71-05** to amend Section 529 of the zoning ordinance; **Ordinance 72-05** to amend Section 530 of the zoning ordinance and **Ordinance 73-05** to amend Section 531 of the zoning ordinance. Mr. Frazier **moved to approve**, seconded by Mr. Boyd. There was no public review. The motion passed unanimously.

OLD/NEW BUSINESS:

Discussion on establishment of Local Vendor Preference criteria in the Procurement Code.

Mr. Hardee requested that Coastal Carolina University do a study on the effect on the local economy by giving a local vendor preference. Chairman Gilland requested that Mr. Knight contact them regarding it. Mr. Boyd requested that if a study were done that they look at the possible use of reverse auction.

International Drive. Mr. Lazarus spoke about the condition of International Drive. He requested Mr. Gosnell look at the possibility of placing rock to fill the holes and maintain it on a regular basis. Mr. Gosnell stated there were a couple of options in looking at it from a Public Safety side without any action of Council in maintaining it on a onetime basis. If Council wanted to maintain it on a regular basis it would take an ordinance change by Council to take the dirt road into the County system.

Noise Ordinance/Light. Mr. Foxworth stated the noise ordinance continued to be an item of concern. He requested the Public Safety Committee review the noise ordinance and look at the light ordinance as well as to enforcement. He spoke on problems with light from batch plants, asphalt and concrete plants, racetracks, and bleed over light from church facilities. He suggested they look at permitted uses within zoning classifications. Chairman Gilland suggested revisiting extraterritorial jurisdiction zoning.

Roads. Mr. Boyd spoke regarding a situation where someone went to Court requesting a county road be turned into a private road and nobody knew it was going to court. The concern was that there was no notification and it needed to be addressed. Mr. Weaver spoke briefly on state law.

Ditching. Mr. Boyd spoke regarding the problem with digging ditches deeper for drainage. He requested Mr. Gosnell look at the issue. Mr. Gosnell requested Mr. Boyd get with him on the problem locations.

ANNOUNCEMENTS:

Mr. Boyd announced on Friday, May 6th at 11:00 a.m. the road dedication for Srgt. Charles McNeill would be held.

Mr. Foxworth **moved to declare May as Motorcycle Safety Awareness Month**, seconded by Mr. Schwartzkopf. The motion passed unanimously.

Chairman Gilland announced that the Budget Workshop for May 10th had been changed to May 11th.

ADJOURNMENT:

The meeting adjourned at 9:45 p.m.

