

MINUTES
HORRY COUNTY COUNCIL
Regular Council Meeting
October 19, 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; and Paul Prince. Kevin Hardee arrived later in the meeting.

MEMBERS ABSENT: John Boyd.

OTHERS PRESENT: Danny Knight; Pat Hartley; John Weaver; Steve Gosnell; Paul Whitten; Anne Wright; Janet Carter; 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 approximately 6:05 p.m.

INVOCATION: The Honorable Mike Ryan gave the invocation.

PLEDGE OF ALLEGIANCE: The Honorable Mark Lazarus led in the Pledge.

PUBLIC INPUT:

1. Ms. J.J. Allen spoke regarding Ordinance 128-04 (Stillwater PDD). She was concerned that traffic and noise would increase in the Fantasy Harbour area.
2. Ms. Bridget Johnson introduced herself as the new Conway Chamber Executive Director. She briefly commented on the future goals for the membership.
3. Mr. George Edwards presented a powerpoint presentation regarding Impact Fees.

Chairman Gilland closed public input.

CASA awards to County Police Officers. Ms. Joanne Patterson presented CASA awards for helping citizens in domestic abuse cases. The following individuals received awards: Anthony Gerald; Sadequa Spivey; Judge Christopher Arakas; Bobby Frazier; and Sharmane Smalls. Mr. Barnard congratulated Ms. Patterson on her work with CASA.

CHANGES TO THE AGENDA:

Mr. Foxworth **moved to add discussion on Light Overflow under Old/New Business**, seconded by Mr. Schwartzkopf. The motion passed unanimously.

Mr. Foxworth **requested to remove Ordinance 130-04 from the Consent Agenda.**

Mr. Smith **requested to remove Ordinance 105-04 and Ordinance 110-04 from the Consent Agenda.**

Mr. Lazarus **moved to reconsider third reading of Ordinance 88-04**, seconded by Mr. Frazier. The motion passed unanimously.

Mr. Ryan **requested to remove Ordinance 107-04 from the Consent Agenda.**

Mr. Foxworth **moved to add Resolutions R-153-04 and R-154-04**, seconded by Mr. Ryan. The motion passed unanimously.

Mr. Foxworth **moved to remand Ordinance 85-04 to the Airport Advisory Committee for further consideration regarding Article V**, seconded by Mr. Frazier. The motion passed with Mr. Lazarus voting nay.

Mr. Foxworth **moved to table Ordinance 106-04**, seconded by Mr. Prince. The motion passed unanimously.

APPROVAL OF AGENDA CONTENTS: Mr. Frazier **moved to approve the agenda contents**, seconded by Mr. Ryan. The motion passed with Mr. Lazarus voting nay.

Reconsideration of Third Reading of **Ordinance 88-04** to approve the request of Earle & Karen McDaniel and Shirley Jean Hall to amend the official zoning maps. Mr. Lazarus **moved to approve**, seconded by Mr. Worley. The motion passed unanimously.

APPROVAL OF MINUTES:

October 5, 2004: Mr. Smith **moved to approve the minutes as submitted**, seconded by Mr. Barnard. The motion passed unanimously.

MEMORIAL DEDICATION OF MEETING: Chairman Gilland requested that upon adjournment Council adjourn in memorial of Mary Cooper's husband, John Cooper. Mr. Frazier requested also that upon adjournment Council adjourn in memorial of Mr. Alston from Sandridge.

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

- Third reading of the following ordinances to approve the request to amend the official zoning maps: **101-04** James & Karen Cabanaw; **102-04** Horry County Planning, agent for Bleu-In Enterprises; **103-04** Joe McGroarty, agent for GGG of Myrtle Beach LLC; and **104-04** Tony McCrackin.
- Third reading of **Ordinance 109-04** to authorize the administrator to enter into contract of sale of property located within the Cool Spring Business Park.

- First reading of **Ordinance 129-04** adopting procedures for the disposal of county-owned real property by way of lease, purchase, or lease-purchase and setting forth guidelines therefore.
- First reading of the following ordinances to approve requests to amend the official zoning maps: **116-04** James Liston Wells; **117-04** Venture Engineering, agent for Elizabeth Small etal; **118-04** David & Angie Lewis, agent for Donnie & Lounette Lewis; **119-04** Castles Engineering, agent for Martin Ventures VII LLC; **120-04** Venture Engineering, agent for Julia Nance Gray; **121-04** James Wooten, agent for Waterway Investors LLC; **122-04** Earthworks Group, agent for Cliff Chestnut & Dennis Holmes; **123-04** Freddie Graham, agent for Aynor Auto Parts; **124-04** Scott McNew, agent for Burroughs & Chapin Co.; **125-04** Carlton & Sherri Thompkins; and **126-04** Kenneth, Timothy, Omer & Doris Capps.
- Resolutions to accept dedication of roads and drainage in the county system at the following locations: **R-146-04** Tibwin Ave. at Ridgewood on the Green; **R-147-04** Southgate at Carolina Forest IV-C (Hidden Creek Ln.); **R-148-04** Southgate at Carolina Forest IIIB (Southgate Pkwy., Middlebrook Ln., Pleasant Pointe Ln.); and **R-149-04** Gates Phase IV (Bingham Ct. & Brampton Rd.)

The motion passed unanimously.

RESOLUTIONS/PRESENTATIONS:

Update on the SC Education Lottery. Mr. Ernie Passailaigne, Executive Director of the SC Education Lottery, presented a powerpoint presentation regarding the allocation of revenues from the Lottery.

Resolution R-150-04 authorizing a reimbursement to two county employees for costs associated with vehicle damage to personal vehicles while parked at county-owned facilities during Hurricane Charley. Mr. Ryan **moved to approve**, seconded by Mr. Schwartzkopf. The motion passed. The vote was as follows:

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

Resolution R-151-04 authorizing the county’s external auditing firm to conduct certain audit procedures relating to the expenditures incurred for the RIDE I program. Mr. Frazier **moved to approve**, seconded by Mr. Worley. The motion passed. The vote was as follows:

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

Mr. Hardee arrived at the meeting at 7:00 p.m.

Resolution R-152-04 in support of Georgetown County’s stand on the legal principle of Home Rule as that governmental body continues its efforts to prohibit casino boat operations within the county’s boundaries. Mr. Foxworth **moved to approve**, seconded by Mr. Ryan. The motion passed unanimously. Mr. Foxworth requested a copy of the resolution be sent to Georgetown County. Chairman Gilland would hand deliver it.

Resolution R-153-04 pursuant to Section 10 of Ordinance 49-04 so as to accept and reallocate funds from various sources for capital projects at Myrtle Beach Int’l Airport. Mr. Hardee **moved to approve**, seconded by Mr. Prince. Mr. Weaver explained the resolution. The motion passed unanimously.

Resolution R-154-04 proclaiming November 1-7,2004 as Grief Awareness Week. Mr. Frazier **moved to approve**, seconded by Mr. Schwartzkopf. The motion passed unanimously. Rev. Cheryl Adamson, Chaplin of Mercy Hospice of Horry County, thanked Council for the resolution. She stated there would be a seminar at Conway Medical Center in the Fitness Center on Monday, November 8th from 10:30 a.m. to 12:00 p.m. and 6:00 p.m. to 7:30 p.m. There would also be an Annual Tree Celebration at the Lutheran Church on Hwy. 501 on Sunday to remember lost loved ones.

READING OF ORDINANCES:

Third reading of **Ordinance 88-04** to approve the request of Earle & Karen McDaniel and Shirley Jean Hall to amend the official zoning maps. Mr. Lazarus **moved to approve**, seconded by Mr. Schwartzkopf. Mr. Lazarus **moved to amend from FA zoning to RE (Rural Estates) zoning**, seconded by Mr. Smith. The motion to amend passed unanimously. The main motion as amended passed unanimously.

Third reading of **Ordinance 99-04** to amend the county code pertaining to the storage of junked vehicles. Mr. Hardee **moved to approval**, seconded by Mr. Schwartzkopf. There was no public review. The motion passed. The vote was as follows:

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

Third reading and public review of **Ordinance 100-04** to amend portions of the business license ordinance and county code. Mr. Hardee **moved to approve**, seconded by Mr. Foxworth. There was no public review. The motion passed. The vote was as follows:

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

Second reading and public review of **Ordinance 114-04** to provide for the exchange of property between Horry County and the City of Conway. Mr. Hardee **moved to approve**, seconded by Mr. Ryan. Mr. Steve Thomas, City of Conway Administrator, stated the City Council was waiting on a report from the consulting engineers on the stormwater system. He would present that information to City Council on October 25th, then address the resolution which was included in the County Ordinance prior to November 9th meeting for consideration of third reading. Mr. Prince was concerned with future parking. Mr. Schwartzkopf requested not to give third reading until County Council received the documents. Mr. Lazarus requested the appraisal for the property. Mr. Weaver stated the Assessor’s office prepared an appraisal and would make it available. Mr. Smith stated that information was in the I&R Committee. The appraisal was around \$140,000. The motion passed. The vote was as follows:

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

First reading of **Ordinance 115-04** to amend Ordinance 159-00 (Horry County Open Space Board) and portions of the code of ordinances relating thereto. Mr. Hardee **moved to approve**, seconded by Mr. Schwartzkopf. The motion passed unanimously.

First reading of **Ordinance 127-04** to approve the request of A. Edward Jackson, Cooper Minor PDD, to amend the official zoning maps. Mr. Smith **moved to approve**, seconded by Mr. Prince. The motion passed unanimously.

First reading of **Ordinance 128-04** to approve the request of James Wooten, agent for DENHUC LLC, GCC LLC, RWD Holdings LLC, Stillwater PDD to amend the official zoning maps. Mr. Hardee **moved to approve**, seconded by Mr. Lazarus. Mr. Ryan **moved to defer until the next meeting**, seconded by Mr. Schwartzkopf. Mr. Mike Wooten spoke regarding traffic concerns. He stated at second reading, there would be a representative from SCDOT to address the traffic issue. Mr. Lazarus reminded Council that at Budget Retreat there was a majority vote to approve 5-foot setbacks. Mr. Gosnell gave a brief history of the property. The motion passed to defer.

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

Third reading of **Ordinance 107-04** to amend the zoning ordinance providing for revisions to the Planned Development District ordinance. Mr. Smith **moved to approve**, seconded by Mr. Schwartzkopf. Mr. Ryan requested to restrict 5-foot setbacks in the amendments. Chairman Gilland stated this issue was discussed at the joint workshop with the Planning Commission. Mr. Lazarus suggested scheduling a bus tour jointly with the Planning Commission to view all communities within Horry County including the ones with 5-foot setbacks. Mr. Ryan **moved to withdraw his request for amendment**. The motion passed unanimously for third reading with no amendments.

Third 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. Prince **moved to approve**, seconded by Mr. Frazier. Mr. Hardee and Mr. Smith recused themselves from voting and discussion. The motion passed unanimously.

Third 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. Ms. Carter explained the amended ordinance. Mr. Smith **moved to amend to include the addition of multi-family uses in Phase V**, seconded by Mr. Hardee. The motion passed unanimously.

First reading of **Ordinance 130-04** amending the budget ordinance so as to accept and reallocate funds from various sources for capital projects at Myrtle Beach Int'l Airport. Mr. Foxworth **moved for disapproval**, seconded by Mr. Lazarus. The motion passed unanimously.

Mr. Weaver stated Council needed to vote on **Ordinance 105-04** as amended. Mr. Prince **moved to approve Ordinance 105-04 as amended**, seconded by Mr. Hardee. The motion passed unanimously.

OLD/NEW BUSINESS:

Update on the Coastal Carolina Arena project. Chairman Gilland updated Council on the Coastal Carolina Arena Workshop that was held October 12th. The arena project was deferred until the November 9th Council meeting.

Mr. Barnard left the meeting at 7:55 p.m.

Discussion on development impact fee referendum question. Chairman Gilland explained the ballot question. She asked that if citizens had more concerns about impact fees to contact their Council member or staff.

Update on timeshare fees. Chairman Gilland explained Council had given second reading for a \$5 timeshare fee. The issue was tabled until Coastal Carolina completed a study funded by the timeshare industry on the economic and financial impacts of the industry. Chairman Gilland reported the study had been completed and the results would be presented at a Council workshop on November 4th. Third reading of the ordinance would be scheduled at the November 9th Council meeting.

Discussion on light overflow. Mr. Foxworth had received several calls within the last month regarding the lighting spillover effect from commercial properties. He questioned if there were any regulations in the zoning ordinance. Mr. Meyer stated there was a general provision in the zoning ordinance, Light and Glare section, Section 520. He explained the penalties involved in a violation. He stated there were no regulations on a spillover effect from commercial to commercial.

ANNOUNCEMENTS:

Chairman Gilland announced a Public Information Meeting would be held on Highway 57/9 conducted by SCDOT and FHA on Thursday, October 21, 2004, 4:00-7:00 pm at the Ralph Ellis County Complex Bldg., 107 Highway 57 North, Little River.

Chairman Gilland stated the Fall Budget Retreat would be November 11th through 13th.

ADJOURNMENT:

Mr. Lazarus **moved to adjourn**, seconded by Mr. Hardee. The meeting adjourned at 8:25 p.m.