

MINUTES
HORRY COUNTY COUNCIL
REGULAR MEETING
September 5, 2006
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; and Kevin Hardee.

MEMBERS ABSENT: John Boyd

OTHERS PRESENT: Danny Knight; Pat Hartley; John Weaver; Anne Wright; Steve Gosnell; Paul Whitten; Janet Carter; Beth Fryar; 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 6:00 p.m.

INVOCATION: Mr. Prince gave the invocation.

PLEDGE: Mr. Ryan led in the pledge.

PUBLIC INPUT:

1. George Edwards spoke on a proposed adequate facilities ordinance, placing new construction on the tax roll, enactment of impact fees, property tax installment payment plan and golf course usages.
2. Wayne Nobles was to speak about College Park and College Place at Coastal Carolina University but was absent.
3. Birgit Darby was to speak on handicap taxis at Airport but was absent.
4. Pat Liebitz spoke on the lack of infrastructure to support growth.
5. Carla Crane spoke on fireworks at Garden City Beach.

Chairman Gilland closed public input at 6:25 p.m.

CHANGES TO AGENDA:

Mr. Prince moved to defer Ordinance 134-06, seconded by Mr. Schwartzkopf. The motion passed. The vote was as follows:

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

Chairman Gilland deleted R-112-06 from the agenda because it had been approved at the August 15th meeting.

Mr. Frazier moved to withdraw Ordinance 128-06 at the developer's request, seconded by Mr. Schwartzkopf. The motion passed. The vote was as follows:

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

Mr. Ryan requested to add under Announcements a disbursement of recreation funds.

Mr. Barnard stated that Mr. Hardee's brother had passed away unexpectedly and he had left the meeting.

APPROVAL OF AGENDA CONTENTS: Mr. Schwartzkopf moved to approve the agenda as amended, seconded by Mr. Grabowski. The motion passed. The vote was as follows:

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

APPROVAL OF MINUTES: Regular Meeting August 15, 2006: Mr. Ryan moved to approve the minutes as submitted, seconded by Mr. Prince. The motion passed. The vote was as follows:

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

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

James Randolph Sherman (Mr. Frazier)
Roy Winston Hardee (Chairman Gilland)
Lt. Col. Edward V.Cerny (Mr. Schwartzkopf)
Charles Daniel Harrison (Mr. Prince)
Paul Hajba, Sr. (Mr. Prince)
Thomas J. Morgan, Jr. (Mr. Foxworth)

APPROVAL OF CONSENT AGENDA: Mr. Frazier moved to approve the Consent Agenda, seconded by Mr. Prince.

The Consent Agenda consisted of the following:

- Third reading of the following ordinances to approve requests to amend the official zoning maps: **121-06** James Wooten, agent for Buckingham Realty Holdings; **122-06** Aaron Bartlett; **124-06** Rob Wilfong, agent for Bill Clark Homes; **126-06** Donald Smith, agent for Charles Linder & Kenneth Wells; **127-06** Eddie White, agent for Lisa & Ray Cleary and James K. Hucks; **129-06** Thomas Penny; **130-06** Brett Allen; **131-06** Jamie McLain, agent for Yauhannah LLC; **132-06** Margaret Grey, agent for Red Apple Group Commercial PDD; **133-06** George Crickmore, agent for Blenda Harris; **135-06** Thomas Suken, agent for Todd Dayton; **136-06** Bot & Elaine Miles; **137-06** Duane Oliver, agent for Renee Monroe; **138-06** David & Stephanie Prince; **139-06** Jon Taylor, agent for Marie Watts; and **140-06** Tom Cecala (Ashton Development LLC).
- Third reading of **Ordinance 142-06** to approve the request of Horry County Planning Department, Oak Crest PDD, to amend the official zoning maps.
- Third reading of **Ordinance 143-06** to approve the request of Etd of South Carolina, The Gates PDD, to amend the official zoning maps.

- First reading of **Ordinance 170-06** authorizing the administrator to execute an amendment to lease agreements with Ramp 66 to allow for the purchase/installation of fuel storage capacity at Grand Strand Airport.
- First reading of **Ordinance 171-06** granting a utility easement to the City of Myrtle Beach on Pampas Drive on the former MBAFB property.
- First reading of **Ordinance 173-06** to amend the zoning ordinance to add a section pertaining to Tree Preservation and standards thereof.
- **Resolution R-113-06** endorsing the widening of Hwy 9 from Green Sea to I-95.
- **Resolution R-114-06** to approve Year 14 of the road improvement plan.

The motion passed on the above items. The vote was as follows:

<u>In favor</u>	<u>Opposed</u>	<u>Absent</u>
Lazarus	Worley	Boyd
Foxworth	(Ord. 121-06; 122-06; 124-06;	Hardee
Ryan	126-06; 127-06; 129-06; 127-06;	
Barnard	131-06; 132-06; 133-06; 135-06;	
Grabowski	137-06; 138-06; 139-06; 140-06;	
Frazier	142-06; 143-06; 170-06; and 171-06.	
Schwartzkopf		
Prince		
Gilland		

RESOLUTIONS/PRESENTATIONS:

Presentation of national recognition and awards to two county departments. Chairman Gilland presented the following awards: From the National Association of Counties: Kelly Brosky, Graphic Design; Lisa Bourcier, annual report newspaper format; and Sheila Butler and Tim Oliver, digital government award for the use of technology to provide a high level of service to the public.

From ESRI: Mike Dyer, ESRI, presented an award to the IT/GIS Department for outstanding achievements in GIS technology, web services, network infrastructure, and application architecture.

Chairman Gilland called a recess at 6:40 p.m. The meeting reconvened at 6:50 p.m.

Presentation update on the traffic study for the Hwy 17 Bypass/Hwy 707 Interchange (Back Gate). Buddy Styers, MBAFB Redevelopment Authority, gave a brief history on how the traffic study was initiated. He introduced Rick Day, with Carter Burgess & Associates, the firm that had been hired to complete the study. Mr. Day reported the study would focus on how best to intersect Hwys 17 and 707 at the back gate area in the short term and long term. The recommendations for the short term included dual southbound left turn lanes on Hwy. 17, an acceleration lane on Hwy. 17 heading north, right turn extension on Farrow Parkway, left turn lane from Farrow onto Hwy. 17,

and acceleration/deceleration lane improvements. The estimated construction cost for the short term improvements was \$1.865 million. Mr. Styers stated the Redevelopment Authority had appropriated \$500,000, but felt the cost would exceed that amount. He would be seeking funding assistance perhaps from the City of Myrtle Beach and the County. Mark Howeller, Waccamaw Regional Council of Governments, stated the COG had allocated \$1.1 million for design work at the intersection. He stated that perhaps \$100,000 could be applied to a Phase Two study that would look at the area on Hwy. 17 between Hwy. 501 and Hwy. 544.

Presentation on the FAA ASR-11 Radar at Myrtle Beach Int'l Airport. Mr. Weaver stated the present radar system at the airport was a functionable and adequate radar but was somewhat antiquated in light of what was available on the market today, but it didn't provide coverage everywhere. The coverage was limited to maybe twenty miles in an elevation of 8,000-10,000 feet. In 2001, the FAA began a two-year study to determine what should be done about upgrading the system. In 2003, the FAA decided on where they believed the best site location for a new ASR radar should be located which was generally on the Myrtle Beach side of the airport about half way between where the existing terminal was and Highway 17 business. County Council was advised of the site and no objection was voiced. The Council approved the new location site. The ASR was constructed and was operational in a test mode and was scheduled to become active in the Spring of 2007.

The developer of The Crown Reef property, located on the south side of Myrtle Beach, decided to add a third condominium tower and took the plans to the Myrtle Beach Planning Department and City Council. The architect for the project was concerned about the additional height and asked Bob Kemp, Airport Director, what steps needed to be taken with the FAA. Mr. Kemp advised that a Form 7460 be filed with the FAA. The form would tell the FAA that the developer was planning a building of a particular height in a particular location. The form was filed and during the review process, the FAA learned that not only was the developer asking for approval on the third building, but the first two buildings were identified for the first time. A Form 7460 had not been presented to the FAA for its consideration back in 2000 for those buildings. The developer blamed the city, the city blamed the county, and the county blamed this- and that. It was a nightmare for everyone because no one that should have been accepting responsibility was accepting responsibility.

The decision on where to place the radar was made by the FAA. The FAA sent notices seeking input on the radar location to Bob Kemp, Airport Director, and Mayor Mark McBride. They did not receive any adverse opinions from either the city or the county. The FAA had undertaken a study now recognizing that a navigational obstruction would be presented if the condos continued to be high and spread further down towards the airport. They were considering what options or alternatives might be available. One option might be to move the radar to another location at a cost of \$6 million which the FAA would fund. He stated the solution would be totally dictated by the FAA and their options would be presented in the next 30 days or so.

Resolution R-102-06 approving Year 5 distribution percentages for local accommodations tax collections. Mr. Grabowski moved to approve, seconded by Mr. Worley. Mr. Lazarus moved to designate and authorize the expenditure of \$10,000 in funding from the contingency fund to the Myrtle Beach Area Chamber of Commerce to help with a Travel South showcase and that the balance of the money left, the 5%, be sent to the Administration Committee for discussion, seconded by Mr. Worley. The motion passed. The vote was as follows:

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

Resolution R-110-06 and R-110-A-06 authorizing expenditure of bond proceeds. Mr. Prince moved to approve, seconded by Mr. Worley. The motion passed. The vote was as follows:

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

Resolution R-111-06 to approve certain emergency medical service accounts to be written off. Mr. Worley moved to approve, seconded by Mr. Grabowski. The motion passed. The vote was as follows:

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

Chairman Gilland requested Council approve the addition of Resolution R-115-06 to the agenda. Mr. Hardee had intended to add it but had to leave the meeting unexpectedly. It was agreed to add it to the agenda. Resolution R-115-06 proclaiming September 2006 as Literacy Month. Mr. Barnard moved to approve, seconded by Mr. Schwartzkopf. The motion passed. The vote was as follows:

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

READING OF ORDINANCES:

Second reading of Ordinance 19-06 to approve the request to amend the official zoning maps so as to rezone properties identified in the US 17 Comprehensive Rezoning- Little River. Mr. Worley moved to remand to the I&R Committee, seconded by Mr. Schwartzkopf. Mr. Barnard stated it would not be brought up in the I&R Committee until Mr. Worley notified them. The motion passed. The vote was as follows:

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

Second reading and public review of the following ordinances to approve requests to amend the official zoning maps: 146-06 Rob Wilfong, agent for Violet Gore; 147-06 Thomas & Hutton Engineering, agent for Jeffrey & Louise Vereen; 149-06 Kevin Sansbury, agent for Pitch Landing Partnership; 150-06 Robert Weaver, agent for Eagle South LLC; 151-06 Steve Powell, agent for Ashford LLC; 152-06 Eddie White, agent for Home Team Construction; 153-06 Michael Bessent, agent for White & Associates; 154-06 T. Van Davenport, agent for Kathleen Schulin; 155-06 Alex Murphy; 156-06 Rob Wilfong, agent for Scott & Holly Kaufmann; 157-06 Rob Wilfong, agent for Sidney Green Heirs at law; 158-06 Horry County Planning, agent for Agnes Little; 159-06 Horry County Planning, agent for Cox Investments; 160-06 Danny Hardee, agent for Belle Grove Plantation; 161-06 Jerry B. Boyd; 163-06 Craig & Gabriella Buis; 164-06 Steve Powell, agent for Meadow Development; 165-06 Todd Grinolds, agent for Dorothy & Daren Watson and 166-06 Davant Malphrus, agent for Wate, LLC.

Mr. Ryan requested that Ordinance 147-06 be considered separately.

Mr. Prince moved to approve, seconded by Mr. Grabowski.

The following individuals spoke during public review:

1. Coleman Randall spoke in favor of Ordinance 157-06.
2. Patricia Milley spoke in opposition of Ordinance 153-06.
3. Pam Creech, Brandy Watts, John Brown, and Corey Merchant spoke in opposition to Ordinance 153-06, 160-06 and 165-06.
4. David Prince spoke in favor of Ordinance 160-06.
5. Tamara Burgstrom spoke in favor of Ordinance 165-06.
6. Dennis Carmichael spoke in favor of Ordinance 165-06.
7. Ernestine Allen spoke on wetlands being destroyed by developers.
8. Gene Prince spoke in opposition of Ordinance 160-06.

The motion to approve passed. The vote was as follows:

In favor

***Worley**

Lazarus

Foxworth

Ryan

Barnard

Grabowski

Frazier

***Schwartzkopf**

Prince

Gilland

Opposed

***See note below**

Absent

Boyd

Hardee

***Note: Nay votes were cast by Mr. Schwartzkopf on the following ordinances: 150-06, 153-06, 160-06 and 165-06.**

Nay votes were cast by Mr. Worley on the following ordinances: 146-06, 149-06, 150-06, 151-06, 152-06, 153-06, 154-06, 155-06, 156-06, 157-06, 158-06, 160-06, 163-06, 164-06, 165-06 and 166-06.

Chairman Gilland requested that the Planning Department include in the Council packet statistics on area schools as well as the number of people present at meetings regarding rezonings regardless if they spoke.

Second reading and public review of **Ordinance 147-06** to approve the request of Thomas & Hutton Engineering, agent for Jeffrey & Louise Vereen to amend the official zoning maps. **Mr. Prince moved to approve, seconded by Mr. Worley.** The following people spoke at public review:

1. Kathy & Larry Hane spoke in opposition.

Ms. Carter and Ms. Coleman, Planning Department, spoke briefly about the rezoning.

The motion failed. The vote was as follows:

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

Second reading and public review of **Ordinance 141-06** to approve the request of Mike Wooten, agent for The Park at Long Bay PDD, to amend the official zoning maps. **Mr. Prince moved to approve, seconded by Mr. Grabowski.** There was no public review. **Mr. Prince moved to amend to include a \$120,000 contribution for recreation in District Nine,** seconded by Mr. Worley. The motion passed. The vote was as follows:

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

Second reading and public review of **Ordinance 145-06** authorizing the administrator to execute title to real estate to finalize agreement with SCDOT regarding the Fantasy Harbor interchange. **Mr. Prince 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>	<u>Absent</u>
Worley	Schwartzkopf	Boyd
Lazarus	Prince	Hardee
Foxworth	Gilland	
Ryan		
Barnard		
Grabowski		
Frazier		

Second reading of **Ordinance 123-06** to approve the request of Tim Wilkes, agent for Seventeenth South LLC, to amend the official zoning maps. **Mr. Worley moved to approve, seconded by Mr. Schwartzkopf. Chairman Gilland requested that the Planning Department make a notebook for Council with all zoning designations.** Ms. Carter briefed Council on the uses allowed. **Mr. Ryan moved to table, seconded by Mr. Worley. The motion to table passed. The vote was as follows:**

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

Second reading and public review of **Ordinance 168-06** to approve the request of Dale Gaff, agent for River Grand PDD, to amend the official zoning maps. **Mr. Worley moved to approve, seconded by Mr. Prince.** There was no public review. **The motion passed. The vote was as follows:**

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

Second reading and public review of **Ordinance 169-06** to approve the request of Jeff Solan, agent for Pirates Cove PDD, to amend the official zoning maps. **Mr. Prince moved to approve, 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>Absent</u>
Foxworth	Prince	Worley	Boyd
Ryan	Gilland		Hardee
Barnard			Lazarus
Frazier			Grabowski
Schwartzkopf			

Second reading of **Ordinance 175-06** to approve the request of Steve Powell, agent for West River Properties, to amend the official zoning maps. **Mr. Frazier moved to approve, seconded by Mr. Ryan. The motion passed. The vote was as follows:**

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

First reading of **Ordinance 172-06** to approve the request of Eddie White, agent for Raymond Cleary, et al, to amend the official zoning maps. Mr. Foxworth stated a neighborhood meeting would be held next week to discuss some concerns. A representative of the client spoke from the audience requesting to be notified of the meeting. **Mr. Foxworth moved to approve, seconded by Mr. Prince. The motion passed. The vote was as follows:**

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

First reading of **Ordinance 174-06** to regulate gambling vessels that are berthed within the boundaries of the unincorporated areas of Horry County including but not limited to, the assessment of various financial surcharges. **Mr. Ryan moved to approve, seconded by Mr. Worley. Mr. Prince moved to amend to send the boats to Florida. The motion to amend died for lack of a second.** Al Shuman, Diamond Casino Boat, spoke briefly on the issue. **The motion passed. The vote was as follows:**

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

OLD/NEW BUSINESS:

Building permits and illegal immigrants. Mr. Foxworth requested to defer discussion to the next meeting. There was no opposition.

Update on NESAs Regional Airport Study. Mr. Worley stated the Administration Committee had a special meeting that day at 5:00 p.m. and voted unanimously to proceed with the regional airport study.

ANNOUNCEMENTS:

Employees of the Quarter. Chairman Gilland deferred the announcement to the next meeting.

Finance Department Award for FY 2005 Financial Statements. Chairman Gilland deferred the announcement to the next meeting.

Budget Department Award for FY 2006 Budget. Chairman Gilland deferred the announcement to the next meeting.

Disbursement of Recreational funds to Carolina Heat softball program, \$1,000. Chairman Gilland announced the disbursement of recreation funds to Carolina Heat softball program in Mr. Hardee's absence.

Mr. Ryan announced the disbursement of not to exceed \$12,000 to purchase playground equipment for Lakewood Elementary School.

EXECUTIVE SESSION:

ADJOURNMENT:

Mr. Worley moved to adjourn. The meeting adjourned at 10:00 p.m. in memorial of James Randolph Sherman; Roy Winston Hardee; Lt. Col. Edward V. Cerny; Charles D. Harrison; Paul Hajba, Sr.; and Thomas J. Morgan, Jr.