

**MINUTES
HORRY COUNTY COUNCIL
REGULAR MEETING
February 17, 2009
6:00 p.m.**

MEMBERS PRESENT: Liz Gilland, Chairman; Harold Worley; Brent Schulz; Marion Foxworth; Gary Loftus; Howard Barnard; Bob Grabowski; James Frazier; Carl Schwartzkopf; Paul Prince; Jody Prince; and Al Allen.

MEMBERS ABSENT:

OTHERS PRESENT: Danny Knight; Pat Hartley; John Weaver; Anne Wright; Steve Gosnell; Paul Whitten; Janet Carter; 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 6:02 p.m.

INVOCATION: Mr. Foxworth gave the invocation.

PLEDGE: Mr. Schwartzkopf led the pledge.

PUBLIC INPUT:

1. Karen Sauls spoke on flow control.

Chairman Gilland closed public input at 6:10 p.m.

CHANGES TO THE AGENDA:

Mr. Foxworth moved to move Resolution R-09-09 and Resolution R-20-09 from Resolutions to the Consent Agenda, seconded by Mr. Barnard. The motion passed unanimously.

Mr. Foxworth moved to add under Old/New Business a discussion item on the budget and an item concerning the railroad, seconded by Mr. Barnard. The motion passed unanimously.

APPROVAL OF AGENDA CONTENTS: Mr. Barnard moved to approve the agenda as amended, seconded by Mr. Foxworth. The motion passed unanimously.

APPROVAL OF MINUTES: Regular Meeting February 3, 2009: Mr. Schwartzkopf moved to approve the minutes as submitted, seconded by Mr. Schulz. The motion passed unanimously.

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

Robert Adamson
Rudell Hemingway
Odell Stackhouse, Jr.
J.B. Stackhouse
Marionette Sorell
Thelma Baxley
William Cooper
Myrtie Roberts
James Gerald
LeRoy Cox
Bertha P. McDowell
Danny Bellamy
Hiott Edens

CHARATERISTIC OF THE MONTH: Forgiveness: Clearing the record of those who have wronged me and not holding a grudge.

APPROVAL OF CONSENT AGENDA: Mr. Frazier moved to approve the Consent Agenda, seconded by Mr. Grabowski. The Consent Agenda consisted of the following:

First reading of **Ordinance 17-09** to modify the list of qualifying public infrastructure to be funded through the intergovernmental agreement with the SC Jobs-Economic Development Authority.

First reading of the following ordinances to approve the request to amend the official zoning maps: **18-09** Queens Harbour, Tract 5A, PDD; **19-09** Sheila & Milton Wayne Goff; **20-09** Jerry Boyd, agent for James Earl Todd; **21-09** Richard McNamara; **22-09** Steve Powell, agent for Jack Martin and **23-09** Galloway Minor PDD.

District 1 Board Appointment: Mr. Jerome Randall to the Parks & Open Space Board.

Resolution R-09-09 congratulating the 2008-09 South Carolina AAA Varsity High School Boys Football Champions, the Myrtle Beach Seahawks.

Resolution R-20-09 congratulating the 2007-2008 South Carolina AAA Varsity High School Boys Basketball Champions, the Myrtle Beach Seahawks.

The motion passed unanimously.

RESOLUTIONS/PRESENTATIONS:

Resolution R-21-09 commemorating the 100th anniversary of the NAACP. Mr. Foxworth presented the resolution to Mr. Mickey James. **Mr. Foxworth moved to approve, seconded by Mr. Frazier.** Mr. James thanked Council and presented an award to Mr. Foxworth. **The motion passed unanimously.**

READING OF ORDINANCES:

Third reading and public review of **Ordinance 123-06** to approve the request of Tim Wilkes, agent for Seventeen South LLC, to amend the official zoning maps. **Mr. P. Prince moved to approve, seconded by Mr. Schulz.** There was no public review. **The motion passed unanimously.**

Matters relating to Bellavita Residential Improvement District:

Resolution R-22-09 to approve certain provisions within the memorandum of understanding with Grande Crescent Corporation relating to the proposed Bellavita Residential Improvement District. **Mr. Foxworth moved to approve, seconded by Mr. Schwartzkopf.** Mr. Weaver spoke briefly on the procurement code as to the compliance that the developer had to meet. Tony Sala, Silver Companies, spoke briefly on the project and the improvements. **Mr. Foxworth moved to approve 2. (d) Alternative 2- Developer Version, seconded by Mr. Grabowski. The motion passed with Mr. Worley and Mr. Barnard voting nay. Mr. Foxworth moved to approve 2. (e) Alternative 2- (Developer Version), seconded by Mr. Schulz. The motion passed with Mr. Worley and Mr. Barnard voting nay. Mr. Foxworth moved to approve 2. (f) Alternative 2 (Developer Version), seconded by Mr. Allen. The motion passed with Mr. Worley and Mr. Barnard voting nay. Mr. Foxworth moved to approve 4. Alternative 2- (Developer Version), seconded by Mr. Grabowski. The motion passed with Mr. Worley and Mr. Barnard voting nay. Mr. Allen moved to approve 5. Alternative 2 (Developer Version), seconded by Mr. Schulz. The motion passed with Mr. Worley and Mr. Barnard voting nay. The main motion as amended passed with Mr. Worley and Mr. Barnard voting nay.**

Third reading and public review of **Ordinance 137-08** authorizing the creation of the Bellavita Improvement District and service area, approving and authorizing the implementation of the Bellavita Improvement Plan; providing for the financing of improvements within the Bellavita Improvement District by assessment, issuance of bonds, or other revenues described herein; ordering the preparation of an assessment roll and the sending of a notice of such assessment to property owners; and authorizing reimbursement of expenses incurred prior to issuance of bonds. **Mr. Foxworth moved to approve, seconded by Mr. Grabowski.** Harry McKnight spoke at public review. Mr. Worley requested that the record show that he adamantly opposed this. Frannie Hizer, McNair Law Firm, spoke on the project stating that there should not be a result where the taxpayers would have to pay the debt. The debt was intended to be paid solely from resources generated in the district including potentially a tax sale or something of the like if needed. **The motion passed with Mr. Worley and Mr. Barnard voting nay.**

Chairman Gilland called a recess at 7:13 p.m. The meeting reconvened at 7:22 p.m.

Third reading and public review of **Ordinance 131-08** to amend the County Code pertaining to temporary vending overlay zones and temporary vending fees and requirements. **Mr. Schulz moved to approve, seconded by Mr. Barnard.** The following people spoke at public review: Cal Harrelson; Violet Lucas; Tom Gibbons; Sharon Kimmer; Paul Bennick; Robert Kelly; John Sally; Richard Martin; Sherry Smith; Joe Estock; Willie Lee; George Acker; Eva McMillan; Kim Dabor; Tom Rice; Don Perry; Ruth Gore; Phil Mannie and John Springs.

Chairman Gilland called a recess at 8:34 p.m. The meeting reconvened at 8:43 p.m.

Continuation of Third reading of **Ordinance 131-08**: **Mr. Worley moved to amend to reduce permits for all establishments that sale alcohol by 50% in all areas and all other establishments by 25% and use 2008 numbers; Delete C.4 35 contiguous acres; change the five days to seven days for permits; include all rallies and reduce the SSTVO and NSTVO from \$1500 to \$800; SWTVO and NWTVO would be reduced to \$500 and WTVO would be \$500.** He requested that they revisit the ordinance in the fall. **Mr. Grabowski seconded the motion. The motion to amend passed. The vote was as follows:**

<u>In favor</u>	<u>Opposed</u>	<u>Absent</u>
Frazier	Barnard	Loftus
Worley	Allen	
P. Prince	Schulz	
Grabowski	J. Prince	
Foxworth	Schwartzkopf	
Gilland		

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

<u>In favor</u>	<u>Opposed</u>	<u>Absent</u>
Frazier	Barnard	Loftus
Worley	Allen	
P. Prince	Schulz	
Foxworth	J. Prince	
Gilland	Schwartzkopf	
	Grabowski	

Chairman Gilland called a recess at 9:30 p.m. The meeting reconvened at 9:40 p.m.

Reconsideration of Third Reading of Ordinance 131-08: Mr. Barnard moved to reconsider Third Reading of Ordinance 131-08, seconded by Mr. Schwartzkopf. The motion passed. The vote was as follows:

<u>In favor</u>	<u>Opposed</u>	<u>Absent</u>
Barnard	Grabowski	Loftus
Allen	P. Prince	
Schulz	Worley	
J. Prince		
Schwartzkopf		
Frazier		
Foxworth		
Gilland		

Mr. Schwartzkopf moved to amend to accept Mr. Weaver’s powerpoint presentation, delete the 35 contiguous acres, change from five days to seven days, and reduce the fees from \$1500 to \$800 and the other two at \$500, seconded by Mr. Grabowski. Mr. Worley moved to amend to 25 from Georgetown to Hwy. 544, 50 from Hwy. 544 to Hwy. 501 and 75 on the north side, seconded by Mr. Grabowski. The motion passed. The vote was as follows:

<u>In favor</u>	<u>Opposed</u>	<u>Absent</u>
Frazier	Schwartzkopf	Loftus
Barnard	J. Prince	
P. Prince	Schulz	
Grabowski	Allen	
Foxworth	Barnard	
Gilland		

Mr. Schwartzkopf’s motion to amend passed. The vote was as follows:

<u>In favor</u>	<u>Opposed</u>	<u>Absent</u>
Frazier	Schwartzkopf	Loftus
Barnard	J. Prince	
P. Prince	Schulz	
Grabowski	Allen	
Foxworth	Barnard	
Gilland		

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

<u>In favor</u>	<u>Opposed</u>	<u>Absent</u>
P. Prince	Schulz	Loftus
Foxworth	Allen	
J. Prince	Barnard	
Worley	Schwartzkopf	
Frazier	Grabowski	
Gilland		

Third reading and public review of **Ordinance 04-09** to amend the County Code so as to provide for a revised system of special events permitting. **Mr. Grabowski moved to approve, seconded by Mr. Schwartzkopf. Mr. Worley moved to amend to change 25% parking to 10%, seconded by Mr. Barnard.** Mr. Whitten stated this was his guidelines and wasn't part of the ordinance. **Mr. P. Prince moved to amend to allow for a credit in case of rain or inclement weather, seconded by Mr. Grabowski. The motion passed unanimously. Mr. Grabowski moved to amend to add "events sponsored by Horry County Schools", seconded by Mr. Foxworth.** Mr. Carotti stated this was an equal protection issue and had to be treated alike. **The motion and second to amend the schools was withdrawn. The main motion as amended passed unanimously.**

Third reading and public review of **Ordinance 05-09** amending the FY 2009 budget so as to include state funding for the Public Defender and to incorporate the Public Defender's Office as a county department. **Mr. Foxworth moved to approve, seconded by Mr. Frazier.** There was no public review. **The motion passed unanimously. (Mr. Schulz and Mr. Loftus were absent.)**

Third reading and public review of **Ordinance 06-09** amending the FY 2009 budget so as to include funding for the Public Defender Georgetown Division and to incorporate the Public Defender's Georgetown Office into the county budget. **Mr. Foxworth moved to approve, seconded by Mr. Schwartzkopf.** There was no public review. **The motion passed unanimously. (Mr. Schulz and Mr. Loftus were absent.)**

Third reading and public review of **Ordinance 07-09** to amend the FY 2009 budget so as to authorize the appropriation and transfer of \$500,000 from the Industrial Park Fund to the Airport Fund for the purpose of providing infrastructure for the Myrtle Beach Int'l Commerce Park. **Mr. Schwartzkopf moved to approve, seconded by Mr. Grabowski.** There was no public review. **The motion passed unanimously. (Mr. Schulz and Mr. Loftus were absent.)**

Third reading and public review of the following ordinances to approve the request to amend the official zoning maps: **10-09** Robert Guyton, agent for Raccoon Run Golf Club; **11-09** Carolina Site Design, agent for Paddy Village PDD; **12-09** Gail Olive, agent for Habitat for Humanity; and **13-09** James & Alice Allen. **Mr. P. Prince moved to approve, seconded by Mr. Grabowski.** There was no public review. **The motion passed unanimously. (Mr. Schulz and Mr. Loftus were absent.)**

Third reading and public review of **Ordinance 14-09** to add the following cemeteries to the Horry County Historic Property Register as individual historic properties: Rogers Cemetery, Stevenson Cemetery, Johnson Cemetery, Stroud Cemetery, Elliott Cemetery, Royals Cemetery, St. Peter AME Church Cemetery, St. Matthews Missionary Baptist Church Cemetery, Centenary United Methodist Church Cemetery, Sweetwater Baptist Church Cemetery, Socastee United Methodist Church Cemetery, Hughes Cemetery, Daniel Chestnut Cemetery, Barnhill/Martin Cemetery, Hamilton Cemetery, True Vine Missionary Baptist Church Cemetery, Ridgefield Baptist Church Cemetery, Noie Blanton Graveyard, Harrelson/Mills Cemetery, McCracken Cemetery, and the Waller Burying Ground. **Mr. Barnard moved to defer to the next meeting, seconded by Mr. Foxworth. No vote was taken but there was no objection. (Mr. Schulz and Mr. Loftus were absent.)**

Third reading and public review of **Ordinance 15-09** authorizing the administrator to execute and consummate a settlement agreement between the Myrtle Trace Homeowners Assn and Horry County which will include conveyance by the county to the homeowners association of roads located within the Myrtle Trace Retirement Community previously dedicated to the county. **Mr. Schwartzkopf moved to approve, seconded by Mr. Barnard.** There was no public review. **The motion passed unanimously. (Mr. Schulz and Mr. Loftus were absent.)**

Second reading and public review of **Ordinance 16-09** to postpone one year the implementation of Horry County's real property reassessment. **Mr. Schwartzkopf moved to approve, seconded by Mr. Barnard.** There was no public review. **The motion passed unanimously. (Mr. Schulz and Mr. Loftus were absent.)**

Second reading of **Ordinance 129-08** to approve the request of Gail Olive, agent for Habitat for Humanity, to amend the official zoning maps. **Mr. J. Prince moved to approve, seconded by Mr. Grabowski. Mr. J. Prince moved to amend to a PDD, seconded by Mr. Schwartzkopf. The motion to amend passed unanimously. (Mr. Schulz and Mr. Loftus were absent.) The main motion as amended passed unanimously. (Mr. Schulz and Mr. Loftus were absent.)**

OLD/NEW BUSINESS:

Mr. Foxworth stated he would postpone the discussion on the budget item.

Mr. Foxworth spoke briefly on the rail cars on Hwy. 501. Mr. Gosnell stated he would be in touch with Mr. Pippin.

ANNOUNCEMENTS:

ADJOURNMENT: The meeting adjourned at 10:33p.m. in memorial of Robert Adamson, Rudell Hemingway, Odell Stackhouse, Jr., J.B. Stackhouse, Marionette Sorell, Thelma Baxley, William Cooper, Myrtie Roberts, James Gerald, LeRoy Cox, Bertha P. McDowell, Danny Bellamy and Hiott Edens.