

**MINUTES
HORRY COUNTY COUNCIL
REGULAR MEETING
February 7, 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; Kevin Hardee; and John Boyd.

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 6:00 p.m.

INVOCATION: Mr. Ryan gave the invocation.

PLEDGE: Mr. Grabowski led in the pledge.

PUBLIC INPUT:

1. Sara Jones spoke regarding the hazards of aerial fireworks on public beaches.
2. Judy Panarello spoke regarding the Vietnam Memorial Moving Wall and requested permission for the wall be located at Vereen Memorial Gardens during Bike Week and the Blue Crab Festival. Ms. Gilland sent the request to the February 13th Public Safety committee meeting.
3. Bob Cavanaugh spoke regarding height restrictions in Little River.
4. Robert Squires spoke about the Waccamaw Tractor and Engine Club. The club meets every third Tuesday monthly at 6:30 p.m. at the John Dawsey Senior Center in Aynor.

Chairman Gilland closed public input at 6:30 p.m.

CHANGES TO AGENDA:

Mr. Grabowski moved to defer Resolution R-14-06 until the next meeting, seconded by Mr. Barnard. The motion passed unanimously.

Mr. Prince moved to add District 9 appointment, J.T. Merritt, to the Board of Assessment Appeals, seconded by Mr. Boyd. The motion passed unanimously.

Mr. Barnard moved to add Ordinance 15-06, seconded by Mr. Boyd. The motion passed unanimously.

Mr. Hardee moved to defer Ordinance 11-06 until the applicant gets back with staff on a PDD, seconded by Mr. Barnard. The motion passed unanimously.

Mr. Foxworth moved to reconsider third reading of Ordinance 199-05, seconded by Mr. Hardee. The motion passed unanimously.

Mr. Foxworth moved to add Exercising of Electoral Oversight under Old/New Business, seconded by Mr. Prince. The motion passed unanimously.

APPROVAL OF AGENDA CONTENTS: Mr. Foxworth moved to approve the agenda as amended, seconded by Mr. Schwartzkopf. Chairman Gilland stated there would be no further additions once the agenda was approved as amended. Mr. Lazarus requested a ruling from the Chair on the procedures for Council to nominate appointments relating to the addition of something new to the agenda. Ms. Gilland stated that at the January 10th meeting it was stated that nominations needed to be in ahead of time and a notice was sent out. If there was a motion and a second to add to the agenda, then it had to be with a unanimous vote. **Mr. Lazarus moved to overrule the Chair so nominations could be added from the floor, seconded by Mr. Hardee.** Ms. Gilland discussed where the past Zoning Board of Appeals' members were located and changing to a 9-member board. **Mr. Foxworth called a point of order. The motion to overrule the Chairman failed. The vote was as follows:**

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

Mr. Boyd moved to reconsider, seconded by Mr. Lazarus. Mr. Foxworth stated the motion to appeal to overrule the Chairman was a non-renewable motion. **Mr. Prince moved to defer to the next meeting, seconded by Mr. Hardee. Mr. Schwartzkopf moved to approve the agenda as amended, seconded by Mr. Boyd. The motion passed. The vote was as follows:**

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

APPROVAL OF MINUTES: January 24, 2006: Mr. Worley moved to approve, seconded by Mr. Ryan. The motion passed unanimously.

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

- Inez Britt (Mr. Frazier)
- Ronald Isom (Mr. Frazier)
- Frankie Moore (Mr. Boyd)
- Lloyd Lawrimore (Mr. Boyd)
- Justin Site (Mr. Boyd)

Chairman Gilland reannounced that Mark Lazarus had been elected as Vice-Chairman at the last meeting.

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

- Third reading of **Ordinance 01-06** to authorize the conveyance to SCDOT of a 0.24-acre parcel of real estate located at the Ralph Ellis Complex so as to allow for the expansion of Highway 57 and the improvement of the Highway 9 / Highway 57 intersection.

The motion passed unanimously.

RESOLUTIONS/PRESENTATIONS:

Resolution R-15-06 to *disapprove* the request of Brian Baldonado, agent for Pavilack Industries to amend the official zoning maps. **Mr. Grabowski moved to disapprove RE-2 and change to RE-1 and approve as first reading ordinance, seconded by Mr. Worley. The motion passed unanimously.**

READING OF ORDINANCES:

Third reading of **Ordinance 107-05** to amend the zoning ordinance pertaining to the establishment of height restrictions in the unincorporated portion of Horry County. **Mr. Boyd moved to approve, seconded by Mr. Worley. Mr. Boyd moved to amend to remove the countywide portion, seconded by Mr. Grabowski. The motion passed. The vote was as follows:**

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

Mr. Worley moved to amend to lower the PDD height cap from 180 ft to 120 ft, seconded by Mr. Schwartzkopf. Ms. Carter explained the area covered by the height restriction. **The motion passed. The vote was as follows:**

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

Mr. Hardee was concerned if there were any pending lawsuits in the Little River area. Mr. Weaver stated there was one pending lawsuit from Cricket Cove. Mr. Foxworth thought the entire county needed to be covered under the height restriction. Mr. Barnard explained Resort Commercial, Resort Residential, Highway Commercial and General Residential would have additional breakdowns associated with heights when Ordinance 15-06 was taken up. Mr. Lazarus requested passing the amended version under a PDD but set it as a “sunset”. Once third reading was adopted for Ordinance 15-06 then the ordinance would be lifted from the Little River area. Ms. Carter explained the ordinance and new zoning reclassifications.

Chairman Gilland called a recess at 7:33 p.m. The meeting reconvened at 7:46 p.m.

Mr. Schwartzkopf called for the vote. The main motion as amended passed. The vote was as follows:

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

First reading of **Ordinance 15-06** to amend the zoning ordinance, Appendix B, of the Horry County Code of Ordinances pertaining to the height limits in certain zoning districts. **Mr. Boyd moved to approve, seconded by Mr. Barnard. Mr. Barnard moved to amend to add the “Conflict With the Proceeding Ordinances” language, seconded by Mr. Boyd. The amended motion passed unanimously. Mr. Lazarus moved to amend the Amusement Commercial zoning classification for the unlimited height to stay as is, seconded by Mr. Hardee.** Mr. Lazarus requested staff find another designation for amusement parks with a certain amount of landmass. **Mr. Lazarus withdrew his motion. The main motion as amended passed. The vote was as follows:**

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

OLD/NEW BUSINESS:

Appointments to the Zoning Board of Appeals:

East of Waccamaw: (5 seats)

Carl Franklin
Eleanor Edwards
Jean McDowell
Stoney Cantor
Walter Krieger
Chris Hanna
Pat Lebiedz
Mike Arrington

West of Waccamaw: (4 seats)

Pam Creech
William I. Jones
Wendell Todd
Allen Beverly

Mr. Prince moved to defer to the next meeting, seconded by Mr. Hardee. Ms. Gilland stated the nominations were closed and if deferred, the same nominees would appear on the next agenda. **The motion failed. The vote was as follows:**

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

Mr. Prince moved to amend the nominations to add Lee Sherman and Johnny Boyd to the western part of the county. Ms. Gilland stated Mr. Prince was out of order. Ms. Hartley distributed the ballots.

READING OF ORDINANCES:

Third reading and public review of **Ordinance 141-05** to amend the zoning ordinance to establish review standards for different levels of mining. **Mr. Boyd moved to approve, seconded by Mr. Lazarus. Mr. Boyd moved to amend to the amended version attached in the packet, seconded by Mr. Frazier. The amended motion passed unanimously.** The following persons spoke:

1. General James Vaught spoke briefly about inspecting mines and protecting environments.
2. Ms. Pam Creech served on the Ad Hoc Committee on Mining.
3. Ms. Christine Quadia stated one representative from Nichols area was unfair. She presented a proposal of a mining committee for terms of 3 years.
4. Mr. Trent Hardee thought Council needed to move forward on the ordinance.
5. Mr. Benji Hardee thanked Council for creating the Ad Hoc Committee and hoped Council would pass the amended version recommended by the committee.
6. Mr. Pat Lebiecz, Nixonville Community, spoke briefly about operational times, number of mines in the community and community input.
7. Ms. Marguerite McClam served on the Ad Hoc Committee on Mining. She spoke briefly about water quality.

Mr. Boyd called the question. Ms. Gilland requested an amendment to the operational times. **Mr. Ryan moved to amend the operational times from 7:00 a.m. to 7:00 p.m. Mr. Schwartzkopf moved to amend the operational times from 6:00 a.m. to 6:00 p.m., seconded by Mr. Ryan.** Mr. Gosnell stated it would be a case-by-case basis on operational times due to location. **Mr. Schwartzkopf withdrew his motion. Mr. Prince called the question. The main motion passed unanimously.**

Third reading of **Ordinance 02-06** to amend the county code to adopt procedures for the issuance of a mining permit upon approval by County Council resolution after public hearing. **Mr. Frazier moved to approve, seconded by Mr. Boyd.** There was a Scribner’s error on the fee amount of \$500. It should be \$250. **Mr. Schwartzkopf moved to amend the last sentence should read, “violation of this provision should constitute a misdemeanor punishable by a fine a) up to \$500; b) 30 days in jail; or c) both of the above”, seconded by Mr. Prince.** Ms. Carter addressed the proposed amendment. The magistrates would do what they deemed appropriate. **Mr. Schwartzkopf withdrew his motion. Mr. Boyd called the question. The motion passed unanimously.**

Chairman Gilland called a recess at 8:56 p.m. The meeting reconvened at 9:07 p.m.

Third reading of **Ordinance 206-05** to approve the request of Leroy Grainger, agent for Evon, Inc., to amend the official zoning maps. **Mr. Schwartzkopf moved to approve, seconded by Mr. Hardee. The motion passed. The vote was as follows:**

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

Third reading of **Ordinance 208-05** to approve the request of Allen Foxworth, Silver Creek PDD, to amend the official zoning maps. **Mr. Grabowski moved to approve, seconded by Mr. Hardee. The motion passed. The vote was as follows:**

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

Second reading and public review of **Ordinance 153-05** to approve the request of James Wooten, agent for Partners of Associates 90, Heritage Downs PDD, to amend the official zoning maps. **Mr. Schwartzkopf moved to approve, seconded by Mr. Hardee.** The following persons spoke:

1. General James Vaught was in favor of the ordinance. Ms. Gilland requested staff contact SCDOT regarding cleaning the bridges on Hwy 90.
2. Ms. Amelia Wood was concerned with the number of proposed developments in the area and requested a new fire station.

The motion passed unanimously.

Second reading and public review of **Ordinance 14-06** to approve the request of William Oram, agent for Holmestown Center LLC, Holmestown Center PDD, to amend the official zoning maps. **Mr. Ryan moved to approve, seconded by Mr. Prince. 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: **03-06** Wallace Clardy, agent for White Oak Forest LLC; **04-06** Tony Cox, agent for Myrtle Beach Farms; **05-06** Tony Cox, agent for Broadway Station LLC; **06-06** Liston Wells, agent for Teresa Diane Wells; **07-06** Ashton Development, agent for Karen D. Wart, Trustee; **08-06** Kevin Covington; **10-06** Michael Bessent, agent for Richard & Wanda Harrelson; **12-06** Nigel Horoney, agent for Karl Nemeth; and **13-06** Ken Watson, agent for Diversified Partners LLC. **Mr. Ryan moved to approve, seconded by Mr. Prince. There was no public review. The motion passed unanimously.**

Reconsideration - Third reading of **Ordinance 199-05** to approve the request of Signature Golf, World Tour PDD, to amend the official zoning maps. **Mr. Foxworth moved to approve, seconded by Mr. Grabowski. Mr. Foxworth moved to amend Special Provision 5 that was passed at third reading be replaced with the following verbage, seconded by Mr. Barnard.**

“The developer of World Tour PDD, hereby agrees that, as an inducement for approval of the rezoning for the subject tract, which will allow for the construction of one thousand (1000) multi-family residential units, he will provide financial assistance in funding the widening of River Oaks Boulevard. Said assistance will be in the form of a contribution of \$1,000.00 per unit of development. The contribution for the entire one thousand (1000) unit project will be made within one (1) week after conditional preliminary site plan approval by the Horry County Planning Commission’s Technical Review Committee for the first phase of the World Tour PDD project. No further approvals for the project shall be given until the financial contribution has been received by the County.

The *form* of the contribution will be: 10%, or \$ 100,000.00 in cash, with the remaining 90% to be provided as an irrevocable Letter of Credit in a form acceptable to the County. The form of the Letter of Credit shall be substantially the same as the form set forth in the Land Development Regulations, except that the only condition for draw shall be a letter from Horry County stating: "Horry County is presenting this Letter of Credit for payment in accordance with Ordinance 199-05, Special Provision 5." The Letter of Credit shall remain in effect for a period of five years. Any extensions to the initial time period of the Letter of Credit must be received no later than fifteen days prior to expiration. Failure to provide an extension fifteen days prior to any expiration date within the five year period shall entitle Horry County to draw the Letter of Credit without regard as to whether the County is ready to proceed with the improvements.

It is the intent of the developer for Horry County to utilize the initial funding to enable the County to proceed immediately with engineering and design of these improvements. Horry County may utilize these funds *ONLY* for the improvements to River Oaks Boulevard. The County may call the Letter of Credit for the purposes of paying for the construction of said improvements including engineering and design costs.

The improvements to River Oaks Boulevard shall be defined as the widening of the roadway from the existing two (2) lane section to a four (4) or, if funds are available five (5) lane section, including the necessary utility relocation, stormwater management, pedestrian and traffic management elements and landscaping features.

Horry County will seek additional funding from other developers of property along the route in order to ensure that the proposed improvements are adequately funded. The developer trusts that the County will work diligently to obtain similar agreements with other developers in an effort to raise additional funding for the River Oaks Boulevard improvements so as to have amply funding for the improvements for the entire length of the roadway.

The County agrees that through the efforts to raise the additional funding to complete the improvements to River Oaks Boulevard, the method and "per unit contribution" established herein will be utilized as a model. Further, the County agrees that, in the event the amount of funds raised through this effort is greater than the amount necessary to improve River Oaks Boulevard, the developer(s) will receive a refund on a pro rata basis."

Mr. Foxworth explained the proposal. Mr. Mel Graham, developer, spoke briefly on the issue. **The amended motion passed. The vote was as follows:**

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

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

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

OLD/NEW BUSINESS:

Appointments to the Zoning Board of Appeals: Ms. Gilland announced the appointments as follows:

<u>East of Waccamaw:</u>	<u>West of Waccamaw:</u>
Jean McDowell	Pam Creech
Pat Lebiedz	William I. Jones
Mike Arrington	Wendell Todd
Chris Hanna	Allen Beverly
Walter Krieger	

Ms. Hartley distributed ballots for selection of 4-year terms.

District 9 appointment of J.T. Merritt to the Board of Assessment Appeals. 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	Frazier		Hardee
Lazarus	Schwartzkopf		
Foxworth	Prince		
Ryan	Boyd		
Barnard	Gilland		
Grabowski			

Exercising of Electoral Oversight. Mr. Foxworth requested staff make individual presentations for grant applications to the committee it applied. Ms. Gilland suggested title only on the agenda for the committees.

ANNOUNCEMENTS:

Mr. Boyd requested \$2,000 recreation money for the Aynor Basketball Court.

Mr. Barnard announced that Mr. Boyd had been selected President of Colorado Northwestern Community College.

ADJOURNMENT: The meeting adjourned at 9:40 p.m. in memorial of Inez Britt; Ronald Isom; Frankie Moore; Lloyd Lawrimore; and Justin Site.