MINUTES
HORRY COUNTY COUNCIL
REGULAR MEETING

November 15, 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; Steve Gosnell; Paul Whitten; Janet Carter; Roland Meyer; 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 6:05 p.m.

INVOCATION: Mr. Worley gave the invocation.

PLEDGE: Mr. Barnard led in the pledge.

PUBLIC INPUT:

- 1. Anna Yager, Osprey Woods Subdivision, spoke on flooding and drainage problems in the subdivision. She thought the developer should be responsible for proper drainage.
- 2. Kenneth Siler, Little River, spoke in opposition to Ordinance 103-05, rezoning request of Jon Taylor, agent for Cavendish Properties and Talmedge Reid et al.
- 3. David Kahanamoku, Watson Riverside, spoke in opposition of Ordinance 188-05 and presented a petition.

Chairman Gilland closed public input.

CHANGES TO AGENDA:

Mr. Grabowski requested to remove Ordinances 187-05 and 188-05 from the Consent Agenda.

Mr. Worley requested to move Ordinance 197-05 to the first item under Reading of Ordinances.

Mr. Worley moved that the Executive Session item – Coquina Harbor Resort v. Horry County - be held in Open Session, seconded by Mr. Hardee. The motion passed unanimously.

Mr. Boyd requested to remove Ordinance 195-05 from the Consent Agenda.

Mr. Lazarus moved to defer Ordinance 153-05. The motion passed unanimously.

Mr. Barnard moved that the Executive Session item – Contractual Matter – Myrtle Beach International Airport - be held in Open Session, seconded by Mr. Lazarus. The motion passed unanimously.

Mr. Foxworth requested to remove Ordinances 157-05, 181-05, and 184-05 from the Consent Agenda.

Mr. Foxworth moved to add a discussion on Property Tax Reform and Development under Old/New Business. The motion passed unanimously.

Mr. Hardee requested to remove Ordinance 190-05 from the Consent Agenda.

Ms. Gilland requested to remove Resolution 147-05 from the Consent Agenda.

Mr. Lazarus moved to add a discussion on generating revenue from available airport land, seconded by Mr. Prince. The motion passed unanimously.

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

APPROVAL OF MINUTES: October 25, 2005: Mr. Barnard moved to approve the minutes as submitted, seconded by Mr. Grabowski. The motion passed unanimously.

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

Wilson Phillips, Jr. (Mr. Frazier)
William Dusenbury (Mr. Frazier)
Jimmie Wyman, Jr. (Mr. Frazier)
Eugene Wilson (Mr. Frazier)
Billy Lupo (Mr. Boyd)
Carl Jordan (Mr. Boyd)
J.B. Johnson (Mr. Boyd)
Stella Roberts (Mr. Boyd)
Brandon Green (Mr. Frazier)
Ke'Ajah Green (Mr. Frazier)

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

First reading of <u>Ordinance 180-05</u> to expand the boundaries of the Socastee Community Recreation Special Tax District so as to include one additional lot.

First reading of <u>Ordinance 182-05</u> authorizing the execution of a fee-in-lieu of tax agreement between Horry County and PWG USA for certain economic development property whereby such property will be subject to certain payments in lieu of taxes and other related matters.

First reading of the following ordinances to approve requests to amend the official zoning maps: <u>185-05</u> Carolina Site Design, agent for Howard Hudson; <u>186-05</u> James Wooten, agent for Int'l Holding Co. & Ten Oaks Land Holding Co.; <u>189-05</u> William V. Hucks, agent for Willie & Minnie Hucks; <u>191-05</u> Jamie Singleton, agent for Glenn Cribb & Ezekiel Singleton, et al; <u>192-05</u> James Wooten, agent for Main Street Commercial Properties; <u>193-05</u> Shannon Jordan, agent for Caroline Vaught Campbell; and <u>194-05</u> Erik Boxleitner, agent for Luigi Piccione Ventures.

<u>Resolution R-145-05</u> to accept dedication of the roads and drainage at Weslin Creek Phases I-III (Bragg Dr., Alexander Ct., Gallant Court, & Weslin Creek Dr.) into the county road system.

<u>Resolution R-146-05</u> addressed to the county's state legislative delegation regarding council's request for certain amendments to South Carolina Act 206 (Kost Bill).

Resolution R-148-05 amending R-158-05 to incorporate certain changes to the capital improvement program policies.

<u>Resolution R-150-05</u> to appoint the president of the Horry County Historical Society to the advisory committee of the Francis Marion Trail Commission.

The motion passed unanimously.

RESOLUTIONS/PRESENTATIONS:

<u>Resolution R-152-05</u> congratulating the Myrtle Beach High School Tennis Team on winning the State Tennis Championship. Mr. Lazarus presented the resolution to the tennis team and coach. Mr. Lazarus moved to approve, seconded by Mr. Foxworth. The motion passed unanimously.

<u>Resolution R-149-05</u> authorizing and approving Accommodations Tax funding. **Mr. Hardee moved to approve, seconded by Mr. Lazarus. The motion passed unanimously.**

Resolution 151-05 authorizing the administrator to execute a subrecipient agreement with NESA concerning the regional airport study and use of FAA funds. Mr. Frazier moved to approve, seconded by Mr. Hardee. Mr. Foxworth moved to amend to strike from the subrecipient agreement all mention of bids and authorize use of the Federal grant for the bid, seconded by Mr. Ryan. Mr. Foxworth stated that when the bidding process was concluded, the RFQ committee would make a recommendation to the Administration Committee. Senator Yancey McGill explained the agreement. Mr. Lazarus requested Mr. Foxworth represent Council as a member of Mr. McGill's committee to oversee the bid process and study for the regional airport. Mr. Foxworth called previous question to the amendment to the main motion. The amendment to the motion passed unanimously.

<u>Resolution R-147-05</u> to approve the sale by the Solid Waste Authority of a 0.32-acre parcel located along Hwy 57 in the Little River Township. **Mr. Lazarus moved to approve, seconded by Mr. Prince. The motion passed unanimously.**

READING OF ORDINANCES:

First reading of <u>Ordinance 197-05</u> to approve the request of Carolina Site Design, agent for Colonial Charters Golf & Country Club, Augusta Villas PDD, to amend the official zoning maps. **Mr. Worley moved to approve, seconded by Mr. Hardee.** Mr. Worley stated that Mr. McThieney had agreed to reconstruct Colony Drive. **The motion passed unanimously.**

First reading of <u>Ordinance 188-05</u> to approve the request of Smith Land Co., agent for Earl Bellamy to amend the official zoning maps. **Mr. Prince moved to approve, seconded by Mr. Hardee.** Mr. Grabowski motioned to disapprove but then requested Council vote negatively on Mr. Prince's motion. **The motion to approve failed unanimously.**

Third reading of <u>Ordinance 137-05</u> to approve the request of Jon Taylor, agent for South Carolina Coastal Development, Waterway Plantation Multifamily, to amend the official zoning maps. **Mr. Boyd moved to defer, seconded by Mr. Foxworth. The motion passed unanimously.**

Third reading and public review of <u>Ordinance 141-05</u> to amend the zoning ordinance to establish review standards for different levels of mining activity. **Mr. Barnard moved to approve, seconded by Mr. Foxworth. Mr. Prince moved to defer, seconded by Mr. Hardee.** Mr. Boyd requested that an Ad Hoc Committee on Mining be appointed by the Chairman to address concerns of the mining industry. He suggested Mr. Lazarus, Mr. Barnard, and himself serve on the committee. Mr. Frazier volunteered to serve. The following people spoke:

- 1. Mr. John Worley, Worley Trucking Co., spoke in favor for deferral.
- 2. Mr. Benjy Hardee, A.O. Hardee & Sons, spoke in favor of forming a committee and deferral.

The motion to defer passed unanimously. Ms. Gilland stated she would appoint the Ad Hoc Committee and gave a deadline of December 15th to report back to Council. Mr. Boyd stated the first committee meeting would be Thursday, November 17th at 3:00 p.m. in Council's Conference Room.

Ms. Gilland called a short recess at 7:30 p.m. The meeting reconvened at 7:47 p.m.

Third reading of <u>Ordinance 148-05</u> to approve the request of Alexander Smalls and Cynthia Smalls McClure to amend the official zoning maps. **Mr. Foxworth moved to approve, seconded by Mr. Grabowski. The motion passed unanimously.**

Third reading and public review of <u>Ordinance 172-05</u> to approve the request of John Poston, agent for Lionell G. Duncan to amend the official zoning maps. **Mr. Hardee moved to approve, seconded by Mr. Prince.** There was no public review. **The motion passed unanimously.**

Second reading and public review of <u>Ordinance 103-05</u> to approve the request of Jon Taylor, agent for Cavendish Properties and Talmadge Reid et al, to amend the official zoning maps. **Mr. Hardee moved to approve, seconded by Mr. Worley.** The following people spoke:

- 1. Joe Telesco, property manager of Mariner's Point, spoke in opposition. He was concerned about traffic volume and over population of the area.
- 2. Lawrence Sloan spoke in opposition. He requested the zoning remain at the current R-4.
- 3. Ralph Humrickhouse spoke in opposition. He was concerned that the Little River Neighborhood Area Plan was not being considered.

Ms. Carter explained the Planning Commission's recommendation. Mr. Worley stated the developer, Mr. Shep Guyton, had agreed on GR-8 zoning with a height cap of 35 ft. Mr. Guyton confirmed that agreement. **The motion to approve passed.** The vote was as follows:

In favorOpposedLazarusWorleyFoxworthRyanBarnardGrabowskiFrazierSchwartzkopfPrinceGilland

Hardee Boyd

Grabowski

Second reading of <u>Ordinance 106-05</u> to amend Ord. 145-01 wherein there was established a method by which agencies and organizations were to be funded from the county's annual supplemental budget. **Mr. Foxworth moved to approve, seconded by Mr. Grabowski. The motion passed.** The vote was as follows:

In favor
WorleyOpposed
FrazierQpposed
RyanLazarusSchwartzkopfPrinceFoxworthHardeeBarnardBoyd

Gilland

Second reading and public review of <u>Ordinance 158-05</u> to expend the boundaries of the Mt. Gilead Special Tax District so as to include those various residential lots located within the subdivision that recently have been annexed into Horry County from Georgetown County. **Mr. Boyd moved to approve, seconded by Mr. Schwartzkopf.** There was no public review. **The motion passed unanimously.**

Second reading and public review of <u>Ordinance 159-05</u> to amend the zoning ordinance pertaining to onpremises consumption of alcohol. **Mr. Boyd moved to approve, seconded by Mr. Prince.** There was no public review. Mr. Schwartzkopf was concerned having the same business fee license for different size facilities. **Mr. Schwartzkopf moved to add a graduated fee for the facilities.** Mr. Weaver explained Council could not amend the business license ordinance with this ordinance. They could revisit the business license in conjunction with next year's budget. **Mr. Schwartzkopf withdrew his motion.** He requested the issue be discussed at the budget retreat. **The motion passed.** The vote was as follows:

In favorOpposedNot PresentWorleyFrazierFoxworthHardeeLazarusSchwartzkopf

Ryan Prince
Barnard Boyd
Grabowski Gilland

Second reading and public review of <u>Ordinance 160-05</u> to amend the zoning ordinance pertaining to non-commercial docks. **Mr. Prince moved to approve, seconded by Mr. Schwartzkopf.** There was no public review. **The motion passed.** The vote was as follows:

In favorOpposedNot PresentWorleyFrazierHardee

Lazarus Schwartzkopf

Foxworth Prince Ryan Boyd Barnard Gilland

Grabowski

First reading of <u>Ordinance 190-05</u> to approve the request of James McLain, to amend the official zoning maps. **Mr. Frazier moved to approve, seconded by Mr. Prince.** Ms. Gilland requested staff ask developers to put turn lanes into developments on 2-lane roads. **The motion passed.** The vote was as follows:

<u>In favor</u> <u>Opposed</u> <u>Not Present</u> Worley Frazier Hardee

Lazarus Schwartzkopf

Foxworth Prince Ryan Boyd Barnard Gilland

Grabowski

Second reading and public review of the following ordinances to approve requests to amend the official zoning maps: 161-05 Venture Engineering, agent for David & Goldstein Small; 163-05 Robert Guyton, agent for White Oak Forest III, LLC; 164-05 William Johnson; 165-05 Kevin & Gwendolyn Murray; 167-05 American Dream Homes, agent for Nelson Hardwick; 168-05 Robert Castles, agent for Myrtle Beach National Golf Club; 169-05 Charles & Lanora Reed; 170-05 Christopher Blanton, agent for Little River Lodging, LLC; and 171-05 Luigi Piccione Ventures, agent for Lawrence & C.H. Housand. Mr. Foxworth requested to remove Ordinance 163-05 Robert Guyton, agent for White Oak Forest III, LLC from the list and take it separately. Mr. Barnard stated they were working on the roads for Ordinance 167-05 American Dream Homes, agent for Nelson Hardwick. Mr. Grabowski moved to approve, seconded by Mr. Boyd. There was no public review. The motion passed. The vote was as follows:

In favor
WorleyOpposed
FrazierNot Present
Hardee

Lazarus Schwartzkopf

Foxworth Prince Ryan Boyd Barnard Gilland

Grabowski

Second reading and public review of <u>Ordinance 163-05</u> to approve the request of Robert Guyton, agent for White Oak Forest III, LLC, to amend the official zoning maps. **Mr. Grabowski moved to approve, seconded by Mr. Barnard. Mr. Lazarus recused himself from voting.** The following people spoke:

1. Paul Sourcy, resident of Carolina Forest, spoke in opposition. He was concerned about the elementary school traffic volume.

- 2. Jeanette Bert, resident of Spring Lakes, requested the ordinance be deferred to discuss the best use for the land.
- 3. Ken Duford, resident of Waterford Plantation, spoke in opposition. He was concerned about land being cleared without approval.
- 4. Mike Wooten, DDC Engineers, stated the land that had been cleared would be a development that had been approved by state and local agencies as a business park. The area that was requested to be rezoned was tract 2 of that land.

Ms. Carter explained staff's recommendation for approval.

5. Shep Guyton, developer, explained the rezoning request. He viewed this as a down zoning because it would reduce the potential traffic. There would be amenities with 2 and 3 story buildings as condominiums.

Mr. Foxworth spoke briefly about interconnectivity of roads in the Carolina Forest area. He was concerned about turn lanes and signal lights at Gateway and Carolina Forest Blvd.

The motion passed. The vote was as follows:

In favor		Opposed	Not Present
Worley	Frazier		Hardee
Foxworth	Schwartzkopf		Lazarus
Ryan	Prince		
Barnard	Boyd		
Crahowski	Gilland		

Second reading and public review of <u>Ordinance 173-05</u> to approve the request of Kevin Wheeler, agent for Hardee Construction Co., Triangle Estates PDD, to amend the official zoning maps. **Mr. Grabowski moved to approve, seconded by Mr. Prince.** There was no public review. **The motion passed.** The vote was as follows:

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

Second reading and public review of <u>Ordinance 174-05</u> to approve the request of Erik Boxleitner, agent for Prado Verde PDD, to amend the official zoning maps. **Mr. Ryan moved to approve, seconded by Mr. Prince.** There was no public review. **The motion passed.** The vote was as follows:

In favor		Opposed	Not Present
Worley	Frazier		Hardee
Foxworth	Schwartzkopf		Lazarus
Ryan	Prince		Boyd
Barnard	Gilland		
~			

Grabowski

Second reading and public review of <u>Ordinance 175-05</u> to amend the FY2006 budget so as to authorize additional funding to facilitate the purchase of a new computer assisted mass appraisal (CAMA) system and to approve 3 additional administrative assistants for the Register of Deeds Department. Mr. Weaver clarified the ordinance in the packet was the proposed amended version from the Administration Committee. Mr. Worley moved to approve, seconded by Mr. Boyd. Mr. Worley moved to amend as to the amendments shown in the packet, seconded by Mr. Frazier. The amended motion passed. There was no public review. The vote was as follows:

In favorOpposedNot PresentWorleyFrazierFoxworthHardeeLazarusSchwartzkopfPrinceRyanBarnardBoydGrabowskiGilland

Second reading and public review of <u>Ordinance 176-05</u> authorizing the administrator to execute a first amendment to lease agreement with the FAA for the location, operation and maintenance of airport surveillance radar equipment. **Mr. Boyd moved to approve, seconded by Mr. Schwartzkopf.** There was no public review. **The motion passed.** The vote was as follows:

In favorOpposedNot PresentWorleySchwartzkopfHardeeLazarusPrinceRyanBarnardBoydFoxworthGrabowskiGilland

Frazier

Second reading and public review of <u>Ordinance 177-05</u> granting a utility easement to Santee Cooper for the ASR-11 site under lease to the US Government. **Mr. Prince moved to approve, seconded by Mr. Schwartzkopf.** There was no public review. **The motion passed.** The vote was as follows:

In favor
WorleyOpposedNot Present
HardeeLazarusPrinceRyanBarnardBoydFoxworthGrabowskiGilland

Frazier

Second reading of <u>Ordinance 178-05</u> to approve the request of Venture Engineering, agent for Randy and Sandra Conner, to amend the official zoning maps. **Mr. Prince moved to approve, seconded by Boyd. The motion passed.** The vote was as follows:

In favorOpposedNot PresentWorleySchwartzkopfHardeeLazarusPrinceRyanBarnardBoydFoxworthGrabowskiGilland

Frazier

Second reading of <u>Ordinance 183-05</u> to amend the FY2006 budget so as to provide additional positions, including equipment and supplies, for Planning, Code Enforcement and Engineering Departments. **Mr. Barnard moved to approve, seconded by Mr. Lazarus. The motion passed.** The vote was as follows:

In favorOpposedNot PresentWorleySchwartzkopfHardeeLazarusPrinceRyanBarnardBoydFoxworthGrabowskiGilland

Frazier

First reading of <u>Ordinance 179-05</u> to amend the FY2006 budget so as to authorize additional funding for an airport management study. **Mr. Boyd moved to approve, seconded by Mr. Frazier. The motion passed.** The vote was as follows:

In favorOpposedNot PresentWorleySchwartzkopfHardeeLazarusPrinceRyanBarnardBoydFoxworthGrabowskiGilland

Frazier

First reading of <u>Ordinance 196-05</u> to approve the request of Waterfall II PDD to amend the official zoning maps. **Mr. Prince moved to approve, seconded by Mr. Grabowski. The motion passed.** The vote was as follows:

In favor
WorleyOpposedNot Present
RyanLazarusPrinceFoxworthBarnard
GrabowskiBoydFrazierGilland

Third reading of <u>Ordinance 157-05</u> to amend the FY 2006 budget so as to authorize one part-time administrative assistant for the Coroner's Office. **Mr. Frazier moved to approve, seconded by Mr. Schwartzkopf. The motion passed.** The vote was as follows:

In favorOpposedNot PresentWorleySchwartzkopfRyanLazarusPrinceFoxworthBarnardHardeeGrabowskiBoydFrazierGilland

First reading of <u>Ordinance 181-05</u> to establish the periodic review and the effective date of salary adjustments for Horry County elected official other than members of County Council. **Mr. Boyd moved to approve, seconded by Mr. Schwartzkopf. The motion passed.** The vote was as follows:

In favor
WorleyOpposedNot Present
RyanLazarusPrinceFoxworthBarnardHardeeGrabowskiBoydFrazierGilland

First reading of <u>Ordinance 184-05</u> to amend the zoning ordinance providing for extended hours of operation for asphalt / batch plants engaged in publicly-mandated construction projects. **Mr. Prince moved to approve, seconded by Mr. Barnard.** The ordinance would allow government jobs to work outside the hours of the noise ordinance on a case-by-case basis. **The motion to approve failed unanimously.**

First reading of <u>Ordinance 195-05</u> to approve the request of Mickey Howell, agent for International Paper Co., to amend the official zoning maps. **Mr. Boyd moved to approve, seconded by Mr. Hardee.** Mr. Boyd requested Mr. Howell contact him regarding turn lanes on Hwy 378 into the development. **The motion passed.** The vote was as follows:

In favor
Worley Schwartzkopf Grabowski
Lazarus Prince
Foxworth Hardee
Ryan Boyd
Barnard Gilland
Frazier

<u>Legal briefing – Coquina Harbor Resort v. Horry County.</u> Mr. Weaver spoke regarding a settlement proposal made by the attorney and owners of Coquina Harbor Resort. The owners had offered to build condominiums no more than 145 ft. in height. The case would be dismissed if Council agreed on this settlement proposal. **Mr. Boyd moved to defer to the next meeting, seconded by Mr. Worley. The motion passed.** The vote was as follows:

In favor
Worley Frazier Hardee
Lazarus Schwartzkopf
Foxworth Prince
Ryan Boyd
Barnard Gilland
Grabowski

Ms. Gilland called a short recess at 9:45 p.m. The meeting reconvened at 9:54 p.m.

<u>Legal briefing – Contractual Matter – Myrtle Beach International Airport.</u> Mr. Weaver discussed HNTB Architecture's request for additional fees to complete design plans for the new terminal. Staff had negotiated a \$6.5 million increase to bring the design to 65% and 100% completion. He advised there were two options for consideration: 1) accept HNTB's \$6.5 million proposal, or, 2) reject their proposal and require compliance with the original contract. **Mr. Barnard moved to receive a cost estimate (to construct**

the terminal) from Skanska and have the county attorney take HNTB to court, seconded by Mr. Boyd. The motion passed. The vote was as follows:

In favorOpposedNot PresentWorleyFrazierHardee

Lazarus Schwartzkopf

Foxworth Prince Ryan Boyd Barnard Gilland

Grabowski

Barnard

OLD/NEW BUSINESS:

Gilland

Generating Revenue from Available Airport Land. Ms. Wright requested authorization to proceed with the issuance of a RFP for leasing airport land. Mr. Lazarus moved to approve, seconded by Mr. Boyd. The motion passed. The vote was as follows:

In favor
WorleyOpposedNot Present
HardeeLazarusSchwartzkopfGrabowskiFoxworth
RyanPrinceBoyd

Property Tax Reform and Development. Mr. Foxworth spoke regarding the discussion of property tax reform at the Administration Committee and the Budget Retreat. The Senate and House subcommittees met and the proposal would discontinue property taxes on homes, keep property taxes for businesses, discontinue sales tax on groceries, and increase sales tax on everything else. The County's ability to increase the taxes on businesses would be capped and services would be tied to personal income growth statewide. Mr. Foxworth requested the I&R Committee begin working on an ordinance ready to act on after the first of the year that would link growth and local government and issues of building permits on statewide personal income growth. Mr. Barnard agreed, but requested Mr. Foxworth's guidance.

ADJOURNMENT: The meeting adjourned at 10:55 p.m. in memorial of Wilson Phillips, Jr.; William Dusenbury; Jimmy Wyman, Jr.; Eugene Wilson; Billy Lupo; Carl Jordan; J.B. Johnson; Stella Roberts; Brandon Green; and Ke'Ajah Green.