

AMENDED

**MINUTES
HORRY COUNTY COUNCIL
REGULAR SESSION
April 6, 2004
6:00 p.m.**

MEMBERS PRESENT: Liz Gilland, Chairman; Harold Worley; Mark Lazarus; Marion Foxworth; Mike Ryan; Howard Barnard; Gene Smith, Jr.; James Frazier; Carl Schwartzkopf; Paul Prince; Kevin Hardee; and John Boyd.

MEMBERS ABSENT:

OTHERS PRESENT: John Weaver; Pat Hartley; Janet Carter; Paul Whitten; Steve Gosnell; Westley Sawyer; and Roland Meyer.

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: The Honorable Mark Lazarus gave the invocation.

PLEDGE OF ALLEGIANCE: The Honorable John Boyd led in the Pledge.

Council spoke via telephone to Mr. Knight, the Administrator, who was on medical leave.

PUBLIC INPUT:

1. George Edwards spoke regarding Homeowner Appreciation; Taxes and Fees.
2. Bob Logan spoke regarding the Proposed Trade Center and Local Option Sales Tax.
3. John Bonsignor spoke regarding Pool Liners at Harbor Town; Consideration of a Consumer Affairs Department; and a Cat Problem at Deerfield.
4. Carl Hood spoke regarding Golf Course Taxation.
5. Vonnie Finkley spoke regarding hours of operation for the Asphalt Plant at Pine Island.

Chairman Gilland closed public input.

Chairman Gilland stated due to the upcoming election cycle those that had filed for office would be restricted from speaking at public input until their particular part of the election was over. She further stated that to be fair there were Council members running for reelection and she was going to limit the number of resolutions and presentations.

CHANGES TO THE AGENDA:

Mr. Boyd **moved to add to the agenda Resolution R-54-04**, seconded by Mr. Foxworth. The motion passed unanimously.

Mr. Boyd **requested to remove Ordinance 37-04 from the Consent Agenda**.

Mr. Foxworth **requested to remove Resolution R-52-04 from the Consent Agenda**.

Mr. Hardee **moved to defer Resolution R-41-04**. There was no second but a vote was taken that was unanimous.

APPROVAL OF AGENDA CONTENTS:

Mr. Boyd **moved to approve the agenda contents as amended**, seconded by Mr. Frazier. The motion passed unanimously.

APPROVAL OF MINUTES:

Regular Session, **March 16, 2004**: Mr. Boyd **moved to approve** the minutes as submitted, seconded by Mr. Hardee. The motion passed unanimously.

MEMORIAL DEDICATION OF MEETING:

Mr. Foxworth **moved that upon adjournment Council adjourn in honor and memorial of Ms. Madge Paige**. Mr. Boyd **moved to also adjourn in memory of Ms. Minne Lee Benton Brown**. Mr. Frazier **moved to also adjourn in memory of Mr. Tyson and Mrs. Sumter**.

Chairman Gilland welcomed Mr. Howard Barnard as the new District Five representative.

APPROVAL OF CONSENT AGENDA:

Mr. Hardee **moved to approve the following Consent Items**, seconded by Mr. Worley:

- Third reading of **Ordinance 35-04** authorizing the administrator to execute an amendment to the lease between Horry County and Shipgolf.com, Inc. for premises located with Myrtle Beach Int'l Airport.
- Third reading of **Ordinance 36-04** amending Ordinance 84-02 so as to transfer certain funds from retained earnings to certain accounts for capital projects.
- **Resolution R-47-04** approving amendments to the bylaws of the Horry County Board of Zoning Appeals.
- **Resolution R-43-04** declaring surplus the service weapon of Sergeant Robert Shelley and making it available for sale to him.

- **Resolution R-49-04** ratifying the submission of grant applications and to accept grants of funds from the SC Department of Commerce, Division of Aeronautics, to the County Department of Airports.
- **Resolution R-50-04** authorizing the administrator to make adjustments to the Department of Airport's budget so as to accept a contribution of \$75,000 from the Myrtle Beach AFB Redevelopment Authority for the purpose of making repairs to the fixed based operator building at the Myrtle Beach Int'l Airport.
- **Resolution R-51-04** declaring surplus light fixtures located on Department of Airport's property in North Myrtle Beach to be surplus property, donating some of those fixtures to Ocean Strand Soccer, Inc., a non-profit organization, and authorizing the director of procurement to dispose of the remainder.
- **District 9 Appointment** of Caroline Massey Ewing to the Library Board of Trustees.

The motion passed unanimously.

RESOLUTIONS/PRESENTATIONS:

Resolution R-42-04 honoring the life and achievements of Dr. M. Randall Jones. Mr. Hardee **moved to approve**, seconded by Mr. Boyd. The motion passed unanimously.

Resolution R-44-04 honoring Police Officer Teresa Fulton for her outstanding dedication to the citizens and visitors of Horry County and the Horry County Fire/Rescue Department. Mr. Frazier **moved to approve**, seconded by Mr. Prince. Mr. Whitten read the resolution to Ms. Fulton. The motion passed. The vote was as follows:

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

Resolution R-45-04 honoring Joseph Moore for his outstanding dedication to the citizens and visitors of Horry County and the Horry County Fire/Rescue Department. Mr. Frazier **moved to approve**, seconded by Mr. Prince. Mr. Whitten read the resolution to Mr. Moore. The motion passed. The vote was as follows.

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

Resolution R-46-04 honoring Kenneth Lee Sherman for his outstanding dedication to the citizens and visitors of Horry County and the Horry County Fire/Rescue Department. Mr. Frazier **moved to approve**, seconded by Mr. Prince. Mr. Whitten read the resolution to Mr. Sherman. The motion passed unanimously. The vote was as follows:

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

Resolution R-48-04 authorizing the Solid Waste Authority to purchase 6 compactors for yard waste and two solid waste compactors to be utilized at the county’s convenience centers. Mr. Smith **moved to approve**, seconded by Mr. Boyd. The motion passed. The vote was as follows:

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

Resolution R-37-04 instructing the administrator to work with the Myrtle Beach City Manager and PARTNERS Economic Development Corp. to develop a plan to approve private interests, the State of South Carolina and the United States government to secure state and federal funding for land acquisition construction and to designate the City of Myrtle Beach as the recipient of private funds and state and federal grant monies for the purpose of securing property for the future expansion of the Myrtle Beach Convention Center into an international trade and convention facility. Mr. Lazarus **moved to approve**, seconded by Mr. Hardee. Mr. Worley **moved to defer until Council gathered more information, seconded by Mr. Prince**. The motion to defer failed. The vote was as follows:

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

Mr. Barnard **moved to amend the next to the last whereas in the ordinance so that it would read, “Whereas, the financial condition of the City and County does not allow the City or County to fund this acquisition; and”**. Mr. Prince seconded the motion. The motion passed unanimously.

Mr. Prince **moved to amend the next to the last whereas so that it would read, “Whereas, the financial condition of the County does not allow the County to fund this acquisition”; and to also amend the last whereas to read, “Whereas, the Myrtle Beach City Council has directed its City Manager to search for private, State and/or Federal funds to assist in securing this site,”** seconded by Mr. Lazarus. The motion passed unanimously.

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

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

Resolution R-53-04 in opposition to the golf course valuation bill pending before the state legislation. Mr. Rendel Mincey explained the resolution. Mr. Foxworth **moved to approve**, seconded by Mr. Boyd. The motion passed unanimously.

Chairman Gilland called a recess at 7:45 p.m. The meeting reconvened at 8:05 p.m.

Resolution R-54-04 recognizing the critical role telecommunications plays in providing public safety to the citizens of Horry County. Mr. Boyd **moved to approve**, seconded by Mr. Frazier. Ms. Toni Bessent introduced a few employees from the department. The motion passed unanimously. Chairman Gilland requested a five-minute presentation be made in the future on the advances that had been made.

Resolution R-52-04 authorizing the administer to make adjustments to the Department of Airport’s budget so as to authorize expenditures related to necessary repairs to hanger doors at Myrtle Beach Int’l Airport. Mr. Hardee **moved to approve**, seconded by Mr. Worley. Mr. Kemp explained the resolution. The motion passed unanimously.

READING OF ORDINANCES:

Third reading and public review of **Ordinance 4-04** to amend the county code to re-establish the Horry County Board of Architectural Review and to adopt standards consistent with the SC Planning Enabling Act. Mr. Smith **moved to approve**, seconded by Mr. Worley. Mr. Joel Carter gave a brief presentation. There was no public review. The motion passed unanimously.

Third reading and public review of **Ordinance 34-04** to amend the land use element of the comprehensive plan to include the Hwy. 57 and Hwy. 9-area plan supplement. Mr. Prince **moved to approve**, seconded by Mr. Smith. There was no public review. Mr. Worley **moved to defer and send back to the Hwy. 57 & 9 Committee**, seconded by Mr. Hardee. The motion to defer passed unanimously.

Second reading and public review of the following ordinances to approve the request to amend the official zoning maps:

- **39-04** Dock Hardee, agent for Dock Levi Hardee & Earl Buffkin
- **40-04** William Lee Strickland
- **41-04** James R. Clarkson, agent for Glenwood Fowler et al
- **42-04** Horry County Planning Director
- **43-04** David Norris, agent for Mary Lee Green et al
- **44-04** David Norris, agent for Myrtle Beach F.I., LLC
- **45-04** John A. Stout, Jr.
- **46-04** H. Boyd Martin

Mr. Boyd **moved to approve the above ordinances**, seconded by Mr. Hardee. There was no public review. The motion passed unanimously.

Second reading and public review of **Ordinance 18-04** to approve the request of Thomas & Hutton Engineering, agent for Landbank and Augusta Plantation, Berkshire Forest PDD, to amend the official zoning maps. Mr. Hardee **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>
Worley	Ryan
Lazarus	Smith
Foxworth	
Barnard	
Frazier	
Schwartzkopf	
Prince	
Hardee	
Boyd	
Gilland	

Second reading and public review of **Ordinance 38-04** to amend the county code pertaining to the Highway Commercial Zoning District. Mr. Prince **moved to approve**, seconded by Mr. Hardee. There was no public review. The motion passed unanimously.

Second reading and public review of **Ordinance 47-04** to approve the request of William Housand, agent for Housand Minor PDD, to amend the official zoning maps. Mr. Prince **moved to approve**, seconded by Mr. Worley. There was no public review. The motion passed unanimously.

Second reading and public review of **Ordinance 48-04** authorizing the sale of not to exceed \$11.2 million general obligation bonds for the Horry County Fire Protection District. Mr. Gary Alderman gave a presentation. Chairman Gilland requested a map showing existing stations and the proposed new stations. Mr. Lazarus requested a proposal on career wise employees. Mr. Boyd requested that staff look at purchasing more minipumpers. There was no public review. (Clerk's note: A motion and a second were not stated, however a unanimous vote to approve second reading was taken.) (During the April 20, 2004 Council meeting, a motion to approve second reading was made by Mr. Boyd, seconded by Mr. Hardee. The motion passed unanimously.)

First reading of **Ordinance 49-04** to raise revenue, make appropriations and adopt a budget for FY ending June 30, 2005. Mr. Frazier **moved to approve**, seconded by Mr. Boyd. Mr. Weaver gave a brief overview on the decisions made by Council at the budget retreats. The motion passed unanimously.

First reading of **Ordinance 50-04** to amend Ordinance 111-01 (local accommodations tax) adding a provision relating to certain reporting requirements of the recipient organizations and to delete the provision relating to out-of-market advertising sources. Mr. Worley **moved to approve**, seconded by Mr. Ryan. The motion passed unanimously.

First reading of **Ordinance 51-04** to approve an intergovernmental agreement with the City of Myrtle Beach outlining the details of a settlement and resolution of the dispute/controversy between the two governmental entities related to the use of funds received by the City of Myrtle Beach from lease proceeds on the Seascape Property a/k/a the aviation trust fund. Mr. Lazarus **moved to approve**, seconded by Mr. Ryan. The motion passed. The vote was as follows:

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

First reading of **Ordinance 52-04** authorizing the administrator to execute a lease agreement with the City of Myrtle Beach for a portion of the premises located near the end of the runway of Myrtle Beach Int'l Airport for use as a boat ramp and recreational area open to the general public. Mr. Prince **moved to approve**, seconded by Mr. Boyd. The motion passed unanimously.

First reading of **Ordinance 53-04** authorizing the issuance and sale of general obligation bonds in the amount of \$3 million for a centralized healthcare education facility at Horry-Georgetown Technical College. Mr. Lazarus **moved to approve**, seconded by Mr. Hardee. Mr. Boyd recused himself from voting. The motion passed unanimously.

Third reading of **Ordinance 37-04** amending the Zoning Ordinance, Section 437- Home Occupations, providing added clarification. Mr. Foxworth **moved to approve**, seconded by Mr. Ryan. Mr. Boyd **moved to amend to allow a renter to operate a home occupation provided they had written and notarized permission from the owner**, seconded by Mr. Lazarus. Mr. Weaver restated the amendment, which was located in Number 4. of the ordinance, **Operators of the home occupation must be owners of the principle building or renters with the written permission of the owner.** The motion passed. The vote was as follows:

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

Mr. Roland Meyer explained portions of the ordinance.

Mr. Ryan **moved for previous question.**

Mr. Smith **moved to amend Section 437- Home Occupation** so that it read, **An occupation conducted entirely within a residential dwelling or a fully enclosed detached structure that is an accessory use to the residential dwelling and is operated by the owners/renter of the dwelling and is clearly incidental and secondary to the use of a dwelling for residential purposes. The character of the residential dwelling shall not be changed**, seconded by Mr. Boyd. The motion passed unanimously.

Mr. Lazarus **called for point of order.**

Mr. Lazarus **moved to strike #6 in the ordinance**, seconded by Mr. Worley.

Mr. Lazarus **moved to defer to the I&R Committee**, seconded by Mr. Prince. The motion to defer passed. The vote was as follows:

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

OLD/NEW BUSINESS:

Discussion on Coastal Carolina University Study of Lymo’s impact on Horry County. Mr. Lazarus requested that CCU do a study on LYMO as to the actual economic impact. Chairman Gilland requested that request be done in writing to the correct person at CCU.

Discussion on mandatory recycling for commercial businesses. Chairman Gilland stated that developers needed to consider a location for cardboard recycling in future developments. Mr. Foxworth requested they look at the zoning ordinances pertaining to shielding of dumpsters. Mr. Smith requested they look at plan reviews and incorporate that requirement into the other requirements with respect to the plans that were reviewed and approved.

ANNOUNCEMENTS:

Mr. Weaver asked Council if they were interested in advertising to the public certain vacancies on various boards and commissions. Chairman Gilland stated that was a good idea and requested that it also be put on the government access channel.

Mr. Worley presented a rendering of the new Horry County Memorial Library addition. He was concerned about the contemporary design of the building and asked that they take a look at it before it was too late.

Mr. Boyd announced that the Public Safety Committee would meet April 21, 2004 at the Surfside Beach Town Council Chambers to discuss the upcoming Biker Week.

ADJOURN:

Mr. Prince **moved to adjourn**, seconded by Mr. Ryan. The motion passed unanimously. The meeting adjourned at 10:15 p.m. in memory of Ms. Madge Paige; Mrs. Minnie Lee Benton Brown; Mr. Tyson and Mrs. Sumter.