



Mr. Harley Hernandez spoke regarding Freemont/Longs area. He said that as Council remembered he appeared before them a month ago and asked that steps be taken to help alleviate the problems that existed in the Freemont/Longs area. He had attended the Public Safety meeting since then and quite honestly, he didn't see that anything actually active was taking place. He talked to Mr. Prince and between the two of them he didn't see that they had seen any real change or any active steps. They had asked that a COPE station be put to there which was approved some time ago but had never been budgeted for. The Public Safety committee meeting that he sat in, he heard about the fact that there was an inadequate budget to supply the police. He continued to see a continuous parade of police down Hwy. 9, Hwy. 90 and occasionally on Hwy. 905. He didn't ever see any come down in that direction. He had been told that there was a possibility that they were making the loop the other way. He said there was no police presence that he heard reported by anyone in the area. He wanted to know or wanted to be able to get a continuing report of what was and wasn't being done. There was a murder there, as he was sure all of them were aware, about two weeks ago and this was part of the continuing problem of crime in that area. They continued to have the immense, which was the only word for it, problem with trash on Pine Needle road. They could collect a large construction bag full of trash every day. He didn't feel that that should be their responsibility to do that but it appeared to be what they had to do to keep some sort of presentable appearance. They would really like to know what actual steps were being taken. They continued to lose sales because people talked to the County Police and were informed that it was a terrible crime area. He asked the same question that he asked the last time he was there, what exactly had to happen before somebody took an actual step and did something about the Freemont/Longs area. He once lived in Wampee and saw what they did for that. He had seen them take steps in other parts of the County and it seemed to have an effect and yet this one, which their own County Police said was the worse area within a 200 mile radius, continued to stay just like it was. He asked what did Council intend to do about it.

Mr. Knight said that Mr. Hernandez was right in that he had been to Council and the Public Safety Committee and at the meetings he had made it aware that the Board of Realtors and everybody else that there was a problem on Pine Needle Road. They had taken steps that they could possibly take. The different teams that they had that could work the area they had done that. They would certainly place a COPE team in the upcoming budget, in next year's budget and that would be a budget item that Council could approve or disapprove based on the need. There would be a recommendation for a COPE team for the Longs/Freemont, Hwy. 9 area. They had picked up trash on Pine Needle and Mr. Clardy could attest to that. The reports indicated that they had picked up the patrol in the area and would continue to do that. He thought that the community wanted to see a stationary team staffed and that would be a budget item.

Mr. Kost said some time ago, several weeks ago, he had a conversation with Mr. Whitten with regard to the police potentially starting a "Neighborhood Orientation Program". He wondered whether or not this might not be a good place to start. As an example, if they went to the police and patrolled that area, would they have a contact point that they would get in touch with in the area that was being spoken about.

Mr. Knight said that the local police in that area had contact with the businesses. They knew the people and knew them by name and knew their businesses. They knew them by noise

complaints and those type things and he thought that the local police officers were aware and had contact in all of the communities, whether it was Red Bluff, Mr. Wilson in the Red Bluff area. There were people in each of the communities that they knew by name and that the police officers knew.

Mr. Kost said that Mr. Whitten understood that he wasn't talking about broad areas like Red Bluff, Longs, etc. but was talking about smaller developments where there ought to be a contact point where someone could go to and say what's going on and ask who had been hit lately. There needed to be more communication at the residential level with the actual policemen. He didn't now whether this would be appropriate in this case or not and didn't know if it was only the business community that was suffering, but got the impression that it certainly wasn't and was the residential community that was suffering. He said they might know a ton of business owners but it wouldn't do any good to the others.

Mr. Knight said they knew Mr. Hernandez.

Chairman Prosser asked if they had any kind of analysis on that area of the County in terms of frequency and the nature of the crimes versus what they saw in other areas of the County.

Chief Goward said since the beginning of their efforts to establish an appropriate response to certain areas in the County where there were notable crime problems in terms of the severity of the crime, the numbers of the crime, danger to police officers answering the complaints and was how they initially established the six current COPE teams that they had now. They continued to monitor other areas of the County to compare their needs for reprioritization of resources on a regular basis. There was no question that in the Freemont/Longs area that if they were able to have additional resources that would probably be the next place in the County that they would recommend that kind of a concentration of manpower. He said they simply didn't have, unless otherwise directed, the capability now of reprioritizing other resources without having predictable serious consequences to current service levels in other areas that were just as important or more important in terms of the need and demand as there was in the Longs/Freemont area. They had reestablished some priorities for their roaming mobilization units to spend time in the Longs area and in particularly the Freemont area. They had done a significant amount of narcotics work in there probably more than anywhere else in the County. He said that obviously some of the results of those efforts weren't immediately noticeable because it took time to establish the kind of track history and purposes of drugs to get a successful prosecution in court so there weren't immediate arrests in every case in that regard but were pending cases. They were open to any of Council's suggestions as to whether or not they would be able to give up resources in other areas that were critical to law enforcement in the County or specific districts. They had a lot of options to reprioritize but they had a constant point in terms of meeting immediate needs that they were presently addressing.

Mr. Prince said that Mr. Knight brought them up to date on what was occurring so far. He asked Chief Goward if there were a way to monitor how many hours the police were policing in that area. It must be very evident that there weren't that many hours of policing going on in that area from what people were saying. They didn't ever see police there and he knew that people didn't stand beside the road looking for police all day, but wasn't there a way they could do something about that to make sure that police were in that area.

Chief Goward said there was a way to document on a daily basis the exact number of hours that police officers spent in there and what they were doing. It would add to the already difficult task of removing an officer from other things that they thought were more productive than having to maintain those kinds of tedious logs. They had chosen not to do that because of the efficiency that they expected to see in other areas of performance. He said that once again, in the event that Council saw it as a more important issue of accountability than other issues of productivity, then they would be happy to conform to their wishes.

Mr. Prince thought that a lot of times when they were going down state roads such as Hwy. 9 and Hwy. 905, they could go through those places in the rural areas.

Chief Goward wanted to respond to Mr. Hernandez's observations. He said that he couldn't argue with the fact that at any given point in time anybody who lived in that portion of the County wasn't going to see police cars going up and down Hwy. 9, Hwy. 90 and Hwy. 905. They were the major traffic thoroughfares in that part of the County to get to and from anywhere a police officer would have to go on any given time to answer a call or do whatever they did, so certainly, they were going to see more police cars driving those roadways than they were going to see directly in the Longs/Freemont areas because those were the roads that they had to travel to get to where they were going in that part of the County. That didn't mean that they weren't in route to do something else such as to answer a call or do something on a priority basis. They couldn't necessarily take the number of times they were seen driving on the roads and convert them into times to being in the Freemont of Longs area in general. There was no direct correlation that they could make in that observation and the practical reality of available time for a resource reprioritization in that area.

Mr. Prince said he would appreciate it if they could find some way to get more police in the area as soon as possible.

Chief Goward said that he had heard every word that Mr. Prince had said in the past about the need there and he took his concerns very seriously in that particular neighborhood, and they understood the nature of the compromise to the surrounding areas and were doing everything they could to make sure that any spare moment they had to provide additional service in there, they would do so.

#### **CHANGES TO THE AGENDA:**

**Mr. Cooper made a motion to defer Ordinance No. 132-02 (Fireworks ordinance) back to the Administration Committee.** He said the reason for that was...he had been in favor of it all the way through but the only thing he wanted to clarify was that he had been hearing a lot of talking about how much tax dollars they would be losing and he wanted to make sure that they clarified all of the numbers and bring it back to Council just like they did with the biker rally and understood exactly what they voted on. **Mr. Prince seconded the motion.**

Mr. Kost said he would have to vote against deferral. He didn't think it was a matter of economics; it was a matter of public safety. They had been fooling around with it for five years and it was time that they did something about it.

Mr. Knight said if this made it back to committee, they would like to have any information that anyone had that they could start taking a look at prior to the committee meeting from staff's viewpoint.

Mr. Smith said the item was up for public input and he wanted to know if they could have the opportunity to discuss and debate and then could always defer it if full Council chose to do that.

Chairman Prosser said it was scheduled for public review. **The motion to defer failed with Mr. Kost, Mr. Foxworth, Mr. Smith, Mr. Ryan, Ms. Gilland and Chairman Prosser voting nay.**

Mr. Prince asked if there were some that weren't at the meeting. Chairman Prosser said that Mr. Frazier was not there and Mr. Skidmore was on his way. Mr. Frazier was out of town.

**Mr. Foxworth made a motion to defer Ordinance No. 131-02.** He said that the petitioner had requested that they defer it due to health reasons. **Mr. Cooper seconded the motion. The motion carried.**

Mr. Foxworth requested to remove Resolution R-152-02 from the Consent Agenda. Chairman Prosser said they would remove that.

Mr. Foxworth also requested to remove Ordinance No. 144-02. Chairman Prosser said they would remove that.

**Mr. Hardee made a motion to defer Ordinance No. 137-02 to the next meeting.** The property owner was going to meet with Mr. Cox and may amend his request. **Ms. Jordan seconded the motion.** Ms. Gilland asked that the Planning staff note that this was no longer in her district and was in Mr. Hardee's district.

Ms. Gilland said that she wanted to remove the Resolution regarding Council on Aging and...Chairman Prosser said they had done that.

**Ms. Gilland made a motion to add a brief discussion or comment on the Government Public Access Channel and meeting tapes, video tapes.** Mr. Kost seconded the motion. **The motion failed with Mr. Cooper voting nay.**

**Mr. Ryan made a motion to approve the agenda as amended, seconded by Mr. Smith. The motion carried.**

#### **APPROVAL OF MINUTES:**

**Mr. Ryan made a motion to approve the minutes from September 17, 2002, seconded by Mr. Smith.** Ms. Gilland interrupted and said that Chairman Prosser skipped over the discussion part. She said that when they printed the minutes they needed to print at the top that it wasn't a verbatim copy of everything that was said. She thought that sometime in the future, folks were

always doing research and using the minutes that they might want to know that there were times when if they listened to the tape they would hear more than they actually saw in print. She thought it was only fair to note that on the minutes. She said otherwise, it seemed to be a verbatim transcript and it wasn't. **The motion carried.**

**APPROVAL OF CONSENT AGENDA:**

**Mr. Hardee made a motion to approve the Consent Agenda, as amended, seconded by Mr. Kost. The motion carried.**

**RESOLUTIONS/PRESENTATIONS:**

**Chairman Prosser presented Resolution R-152-02 honoring Horry County Council on Aging and Horry County Parks and Recreation for their joint efforts in providing recreational opportunities for the citizens of Horry County. Mr. Kost made a motion to approve, seconded by Mr. Hardee.**

Mr. Smith said that Mr. Fontaine was at the meeting and he wanted him to share a few words with them on the resolution and for the viewing audience they could share what the resolution was in honor of.

Mr. Fontaine said the award was real significant. He was very honored to be able to speak to Council for a few minutes of the notable improvements in the County about recreation issues. The recognition that Council on Aging was receiving was a very big surprise to them however, it was important and significant enough to talk to them and the public about how important it was in the big picture for the citizens of Horry County. The collaborative effort that was developed between Mr. Williams, Mr. Forbus, their staff, Ms. Gore and working closely with Mr. Knight and others, significant strides had been taken for recreation programs to reach not just the young but the old, older in the County. All throughout the County people were benefiting through programs. Council on Aging's role was simply to work in a logical way to collaborate with the County to make the programs work. It was feasible and common sense. They opened their doors and they opened theirs. He wanted this to be notable in that it set an example of what could be done with little dollars to make programs bigger and reach more people. He thought that was very important because sometimes people in the County lost touch with how much was happening and the strides that were being taken. He said that Mr. Williams had been wonderful to work with and Ms. Forbus was invaluable. He knew that he had very little to do with the programs. It simply fit into the philosophy of their agency and made sense but he wanted them to know that he was very grateful to receive the special award from the South Carolina Recreation and Parks Association. He said that Mr. Williams and Ms. Forbus nominated them and they won a statewide award in a collaborative manner. It was a significant thing and was presented as a special recognition to Horry County Parks and Recreation and Horry County Council in their appreciation and leadership and devoted services to the citizens of Horry County. He said that the recreation department had come a long way. His children enjoyed programming through the recreation department. Senior citizens throughout the whole County recognized that and they thanked them for it because they were a part of making it happen by allowing funding into the recreation and parks department. He thanked Mr. Smith for allowing him a moment to speak on the issue.

Chairman Prosser commended Council on Aging and the Recreation Department. They had done a lot with the programs over a couple of years to expand the recreation opportunities with a fairly limited budget.

Ms. Gilland said that Mr. Fontaine didn't go quite far enough. She brought the recommendation that Mr. Williams had written for their nomination of the award and as many folks that participated and the fact that they had a dedicated millage that went to Horry County Council on Aging, she thought that they ought to mention some of the activities. It may be that folks that were listening weren't aware of it. There were co-sponsorship monthly senior parties between the County recreation and HCCOA. Each party had a different theme. This past year they had a fish fry, a golden wedding anniversary, Valentines dinner and dance, St. Patrick's dinner and dance, Sadie Hawkins party, Farmers market, senior picnic and senior games day. Most of the events were held during the day because of limited transportation for seniors in the evenings. They did have two events which were the Valentines dinner and St. Patricks day party on Friday nights. They were bussed in from all over the County. In the daytime events were lunch and all sorts of door prizes and games. The largest event cohosted was the senior games that she had enjoyed going to for the past number of years with a huge amount of seniors with the senior olympics that ranged from checkers to a two mile run. She said that Johnny Shelley's mother could run rings around her and had won several awards and thought that she won the mile race last year. It was held out at Coastal since it was such a large event and their recreation department helped with that. The Deputy Director was Elaine Gore and Program Coordinator Mary Case was so involved in this. The programs that were offered on weekends and evening hours at the senior center were: painting classes, gingerbread classes, a cake decorating course, basket weaving class, seasonal crafts, beauty makeover, flower arranging, Breakfast with Santa, line dance classes and step aerobic. These events were held at the senior centers scattered around the County and the classes were open to all residents regardless of age. She was so impressed, not only with the Council on Aging and how they had done and become such a huge benefit to the community, but also with Mr. Williams and the Recreation Department on working with them. They had really stretched every dollar that they had been given and she was pleased and knew that those who participated were even more pleased with it. They could always use more participants.

Mr. Prince asked those that were present from Mr. Fontaine's staff to stand up. He knew some of them personally and knew that they did a good job and ought to be recognized. **The motion carried.**

**Chairman Prosser presented Resolution R-149-02 honoring Donald Helms for more than 20 years of public service on the Horry County Planning Commission. Mr. Hardee made a motion to approve, seconded by Ms. Jordan.**

Chairman Prosser thanked Mr. Helms for his long service to the Horry County Planning Commission. He had been a part of the County government and Planning Commission almost since the inception of it. He had a version of the resolution to present to Mr. Helms but would present it at a special event.

Mr. Helms said that he appreciated Horry County Council for allowing him to serve for 21 years and approximately 18 as the chairman of the Planning Commission. He thanked his family, his wife Betsy, and daughter Beth, for their support. He wanted to put it in perspective for them. He said that when he started in 1981 the Planning and Zoning Committee had two people which were Mr. Bernie Blend and Ms. Yvonne Coward and now there were 26. There were around 400 employees then and there were now just a little short of 1,800. The budget was \$8 million and now it was in excess of \$240 million. He had served Councilmen in an excess of 30, five chairmen, eight administrators including Mr. Knight four times, Planning Commission members of 42 and Planning Directors of three. The population was well over 100,000 and now it was in excess of 220,000 people in the County. DNR did a report about the growth in the County and they had been reported as being in the top five in the country and some said top ten or twelve. The population from DNR's report a few years ago said that South Carolina's growth was exceeding the population 4-1 except in Horry County and only exceeded by 15% which meant that growth and population were going about equal. The growth management policy of the Horry County Council, the growth management plan for Horry County could be contributed to the leadership of the County Council, excellent Planning staff selected by administration, and the comprehensive management growth practices by the Horry County Planning Commission. He thanked them for allowing him to serve the citizens of Horry County. He said good luck and God speed.

Chairman Prosser said that 21 years in a position with Horry County, particularly a politically appointed position had to be a record. It was testament to Mr. Helms and they appreciated his service.

Mr. Kost said that he thought Mr. Helms was the epitome of the volunteers that they had in the County. He said that he was when they considered the amount of time and effort. He figured it up that if they paid Mr. Helms the ridiculously low sum of \$5.00 an hour he would probably be a multi-millionaire at that point in time with the number of hours that he had volunteered and served with no compensation whatsoever. He said that was true of his case and many who hadn't put in as many hours as he but he had truly led the way. He said that he appreciated it.

Mr. Kost said that Mr. Cannon was retiring from the Planning Commission and he wanted to thank him for also for his service. There were a ton of people in the County who gave of themselves and they were examples for all. **The motion carried unanimously.**

**Chairman Prosser presented Resolution R-151-02 designating and naming the Garden City Beach Walkway along Atlantic Avenue as the "Danny B. Pendergrass Boardwalk" in honor and recognition of the foresight and efforts of Mr. Pendergrass over a span of 50 years in the development of Garden City Beach as an area promoting tourism growth for Horry County while, at the same time, maintaining for the community a wholesome, family atmosphere to benefit the local year-round citizens and residents. Mr. Foxworth made a motion to approve, seconded by Mr. Kost.**

Mr. Cooper thanked the Pendergrass family for coming out. They knew what they went through in trying to get this project done that they had helped them on for the last few years which was a boardwalk project down in the area. It wouldn't be happening if it weren't for the efforts of Mr. Pendergrass. He said that he would also be remiss if he didn't mention Jimmy Pendergrass. He

wasn't with them any longer but he worked behind the scenes as a liaison with the County and getting this accomplished. He thanked the family.

Ms. Henderson thanked Council for the honor and she appreciated it more than they knew.

Chairman Prosser reiterated Mr. Cooper's remarks. He proceeded him in District #5 and worked with Jimmy and everyone on the project. It had been a long time coming and they appreciated the family's efforts. **The motion carried.**

**Presentation of the new Horry County Health Department conceptual building complex.** Mr. Bruton made the presentation to Council. He said that some of them would recall when Hurricane Floyd flooded the Conway Health Department and caused the evacuation of it and it was eventually demolished. The Health Department was now located in three different locations. One was in the Hinson-Johnson property on North Main Street which was 8,300 sq. ft. and the rent was \$72,000 annually. The second location was the Russ-Hughes building on 9<sup>th</sup> Avenue which was 2,600 sq. ft at a cost of \$33,600 per year. The Cochran Building was County owned and was 14,859 sq. ft. It presently occupied about 26,000 sq. ft. and the rent annually was \$105,000. Although, there was not rent on the building, it had a value. If it weren't being used for that, the state valued it to be equal to the other \$105,000 and actually it would be about \$205,000 annual cost in the present locations. The locations were temporary and were very crowded. There were unsuitable conditions and weren't very accessible.

Mr. Bruton said that DHEC from the state level provided the County last year with \$225,000 for architect and engineering fees for the new facility. They went through a selection process and commissioned PMH Architects and Planners to work with the County and health department staff to develop a space needs program for a new facility at a cost of approximately \$6,000. The site was in the 701 Industrial Park. The perspective for the elevation and plan depicted what the building could look like. It was comparable to the agriculture building. The facility would be situated on four acres of land which the County owned. It would have two entrances. One entrance would be off of Industrial Park Road. There would be another entrance off of the newly constructed road which would enter into the administrative area. It totaled 39,194 sq. ft.

The cost estimate for the project was \$4,178,080.00 for the new building construction, \$370,000 for sitework, allowances for data and communications wiring was \$150,000, FF&E was \$150,000, security system would be \$30,000. They also had technical costs which was for professional fees, surveys, geo-technical, insurance, etc. of \$500,000. They would have a contingency of approximately \$228,000. The total estimated program cost which excluded any purchase of land would be \$5.6 million. He said basically the burden of providing a health department building in Horry County fell upon Horry County. In conclusion, staff recommended that Council approve the concept of the project. This would allow Mr. Davis, the grants coordinator and Dr. Stanley and Mr. Butler to begin their search for funding. They in turn could provide Council with information for use in fiscal year 2003 –2004 budget deliberations. They tried to prepare a best case/worse case funding scenario. In the best case budget, DHEC would provide \$1 million, grants could come up with \$500,000 and then Council would have the \$4.1 million for a total of \$5.6. The worse case scenario DHEC would provide \$330,000 which was the FF&E, computer cable and technical fees, if they struck out on the grant that would be zero and then Horry

County would have to provide \$5.27 million to reach the total of \$5.6 million. They had a ways to go but they had to start and he thought that after the first year in working on a new budget that was the time to start addressing it. He introduced Dr. Stanley and Mr. Butler. The request was to approve the project in its concept.

Mr. Kost asked what was the financial case on it. He asked what was the rent they were paying on the two buildings. Mr. Bruton said in actual checks, it was \$105,000 but they felt that the building that the County owned, the Cochran Building had a value. If it weren't being used, there was a possibility that they could rent it for another \$105,000 a year.

Mr. Kost asked what was the annual bonding expense. If they did it and had to spent the \$5.2 million, how much...Mr. Bruton said he would have to refer that to someone in Finance and Budget. He said it would really be more accurate once the grants coordination and everybody could determine what funding was available.

Mr. Kost said he wanted to look at the worse case scenario because that was what always seemed to happen to them with the state. Mr. Bruton didn't have any figures on what the bonding was.

Chairman Prosser said that Mr. Kost was asking about the debt service impact.

Mr. Knight said that County Council somewhat approved the concept in last year's budget. Some money was funded to do a study to get to the point where they were now. It would be next year's Council approving funding through the budget process. He said that Mr. Sawyer could give them a swag on it.

Mr. Sawyer said that he hadn't done bonding numbers on it and interest rates were down and it would depend on when they went to market. The projects that they funded in the last \$20 million project proposal that they went forward on, most of the items in the \$3 million neighborhood were somewhere in the neighborhood of three tenths of a mil or about six tenths of a mil, between a half mil to six tenths to fund the debt service on a project that size. He could run the numbers and bring those back.

Mr. Kost said that before they blessed this, they needed to know what the impact was going to be and not just blindly go forward.

Chairman Prosser said it was really an issue for the upcoming budget and at this point if they had any input on the scope of the project they needed to give that so they could refine it.

Mr. Kost understood the reason they were doing it which they didn't cover which was because they didn't feel that service could be appropriately given at this point in time at the three locations.

Mr. Bruton said yes and the crowding. The buildings were not intended for the use that they were presently being used for.

Mr. Kost said there were three buildings...Mr. Burton pointed them out on the presentation. Mr. Kost wanted the public to know that the County was mandated to provide space for the state agencies. Mr. Bruton said that was his understanding and he thought that in an agreement reached some years ago between the delegation and the County, the state paid all of the salaries and the County was responsible for the facility. Chairman Prosser wasn't sure it was an agreement but there was a mandate. Mr. Kost said it wasn't just Horry County and it went on across the state and was important for people to understand that when they did it, it may impact taxes but it wasn't because of a County function. He was in support of it but they needed to understand why they were doing it, who they were doing it for and why they were doing it the way they were.

Mr. Bruton said what they were asking for that night was to just approve the concept so they could go out and obtain any funding that they possibly could and therefore Council's portion could be less. They needed some time to do that prior to the budget preparation so they would have that information.

Ms. Gilland thanked Mr. Bruton for his presentation and for what they had done so far. She said if anyone had questions about why they were doing this, all they had to do was go into the three buildings that were currently being used. From the moment of walking in, they would see how lowfully inadequate it was. It struck her that Hurricane Floyd, for all the damage and the heartache that it brought, didn't do bad in every area because it was really a blessing in disguise that it ruined the County health department that was down in the gully that had been flooded on more than one occasion. It needed to be torn down and they needed to build a building to meet the needs of the people. It wasn't for just low income folks, it was for people who went on mission trips, inoculations and a broad spectrum. If they centralized everything in one location, they could get Lymo service there and whoever needed to get there could get there, and there were several things that they would be able to do in the same area at the same time. She didn't see how they could afford to hesitate one bit longer. There were certain things that they had to afford however they did it. She wanted them to accept the best case scenario instead of the worse case scenario but she thought that between the people in Grants and the influence that hopefully the legislative delegation in Columbia would shake some money loose somewhere to help them. She said that even if it were a worse case scenario, it was embarrassing for folks to see what they offered for the public. It may not be fair that the County had to pay for it and to construct the buildings, but that didn't make any difference to the person who had to go there for help. They didn't care who built the buildings or rented them, they deserved a place that was decent and the places were on the border line. She thanked them and whatever they could do to expedite it, she was in favor of.

Mr. Bruton said it was purely speculation as far as worse case –best case scenario. Worse case would be that they would get zero and furnished it all and the best case, which would be a miracle they wouldn't have to furnish any.

Ms. Jordan thanked Mr. Bruton for the good job that he did on the presentation. She said for the last four years that she had been on the Public Safety committee, they had met with them and she had gone and looked at the health departments and they were dumpy. She said they needed to go ahead and move on it. It was a good project and she was ready to go on with it.

Mr. Foxworth said he was concerned. He didn't have a problem with the project or it becoming a project but was concerned about the access to the facilities. They had three facilities that were spread out. Two were downtown and the third was relatively close to downtown. He asked if it would be advantageous to add to the funding scenario if they could, through intergovernmental agreements, try to maintain access to some of the folks downtown.

Mr. Bruton said they discussed it early on. It was a four acre site and four acres downtown would be a problem. It would add a tremendous cost for the acquisition of the land to the projects so rather than \$5.6 million it would go up. They discussed it with DHEC and they did some studies and seemed to think that the location would work fine and that with Hwy. 22 and other things that had happened, it would be accessible. He said that Lyimo traveled and went to DSS which was two doors down.

Mr. Foxworth said that the bus service gave him some level of wellbeing, but it still said Conway Health Department and he wondered about the people in the Conway area being able to get to it.

Mr. Knight said they had health department services also in buildings in Myrtle Beach. It wasn't just the Conway Health Department. There was one on 21<sup>st</sup> Avenue and the old Airbase. They would maintain those services also but some of the services would be relocated out not very far from Hwy. 22. People were at the meeting from the health department. He said they had endorsed the position where they were now and had been through this.

Mr. Ryan asked for clarification on their vote as to what it meant they were doing. Chairman Prosser said that Mr. Bruton was asking for approval of the concept so they would have something to go forth for grant applications and so forth regarding the scope. They weren't actually allocating money and wouldn't be doing that until next year's budget.

Mr. Ryan asked what was the County's bond debt to date. Mr. Sawyer didn't know the exact number but knew there was \$19 million with reassessment occurring. Mr. Ryan asked if they were above \$100 million. Mr. Sawyer said it was \$110 million to \$120 million, all projects. Mr. Ryan said it was around \$120 million and this would potentially be another \$ 5million. He said that someone had mentioned that this was to have the project. He said that roads were projects and the state was building roads and the County was primarily the one paying for them. The state told them that they had to have this and they were going to pay for it. He said that if this was their priority in the future, that was fine, but he felt that they needed to establish priorities before they started committing or even giving conceptualized plans to someone that they were behind something. It wasn't a wise road to journey down in committing before they prioritized. He wasn't sure if this was a priority yet or not.

Mr. Skidmore asked if the County owned one of the locations that they were operating out of now. Mr. Burton said they owned the Cochran building. Mr. Skidmore asked what did they intend to do with the building once they moved out. Mr. Bruton said it hadn't been officially decided. They were going to put a new roof on it. Once the building was vacated, they may eliminate the windows and use it for storage. They could sell it or lease it. It would be up for discussion. There was a shortage for renting storage space.

Mr. Prince asked about the employment as to the number of employees for the new building. Dr. Butler said there would be around 120 employees. Mr. Prince asked about the size of the new health department and other buildings. Mr. Bruton said it would be larger. The other was 25,000 sq. ft. to 28,000 sq. ft. and the other was 39,000 sq. ft. Mr. Prince said the Cochran building was an old building. Mr. Bruton said it was built in the 1950's. Mr. Prince said he went in the building ten to twelve years ago and it was dilapidated already. Mr. Bruton said it used to house the Department of Social Services. The Cochran building was a typical school building with a flat concrete roof without air conditioning. Mr. Prince said the buildings were bad for the employees to have to work and it was time for them to get out of them. He thought they should go ahead with the concept and if they didn't like it they didn't have to approve it and would have to let the state put up some of the money and get some land and wait a little longer if they had to.

Mr. Smith commended Mr. Bruton for his efforts in that he came to them with a good plan. He said that the Hwy. 701 Industrial Park was growing with buildings, and facilities were improving and the location was growing with the Environmental Services building underway, they really needed to take a real good look at beautifying or putting some sort of monument and entrance to the park. They may want to consider adding it to the scope of the project. Mr. Bruton agreed that they needed something. Chairman Prosser said that was a very good idea.

**Mr. Kost made a motion to approve the concept, seconded by Mr. Hardee. The motion carried with Mr. Ryan and Mr. Foxworth voting nay.**

**Chairman Prosser presented Resolution R-150-02 authorizing the county administrator to advertise a request for proposals for the operation of a beach recreational franchise for the operation of parasailing and banana boat rides and establishing a schedule for that process. Mr. Cooper made a motion to approve, seconded by Mr. Kost. The motion carried with Mr. Prince and Mr. Foxworth voting nay.**

Ms. Gilland said that she understood that the motion carried, but she was trying to get to her seat and had to walk a mile to get there from a ten foot area. She asked to make a discussion comment. Chairman Prosser said they had already passed it. He said they would go ahead and handle the first reading of Ordinance 144-02, which was related, and would take any comments on that.

**Chairman Prosser called for first reading of Ordinance 144-02 revising the county code concerning commercial activities of motor boats, sailboats and jet skis so as to exempt any activities conducted pursuant to a recreational franchise which may be granted by county council. Mr. Cooper made a motion to approve, seconded by Mr. Kost.**

Mr. Foxworth said he had asked that this be removed from the Consent Agenda because he had some concerns about it. He had spoken to some people from Public Safety that had some concerns and some other folks that lived in that part of the County that had concerns. He was open to the concept and was willing to listen. He would vote for it for first reading but couldn't promise that his support would be there in the future.

Ms. Gilland said she wasn't in favor of it because she didn't think they had thought it through. Like Mr. Cooper said a while ago that they needed to bring it back until they had all the questions answered. They had to assess the need, cost and all of the details of it. Down in the Garden City area and Murrells Inlet area, they had as many parasailers as there was a need for it seemed. She questioned the timing of it as well as anything else.

Mr. Cooper said that he didn't say that on this particular ordinance and had said it on the previous ordinance that Ms. Gilland voted against for her committee to get more information. The only thing in the ordinance that he wanted to point out was that they didn't do very much to it other than adding in a section that said, "this shall not apply to the operation of or conduct of activities pursuant to any water safety, beach service, or recreational franchise lawfully granted by the County Council". He said when it finally ran its course, it would come back before Council with all the information.

Mr. Smith requested a briefing memorandum on the item from the Public Safety Director before second reading.

Mr. Foxworth asked whose purview was the length of the franchise as granted.

Mr. Weaver said the maximum that the franchise could be was five years with a two year extension. The boundaries of franchises were created by municipalities or by counties controlled by state law. State law said that franchises could be a maximum of five years with a two year extension. They could be less but a maximum of seven. Mr. Foxworth asked if there were a minimum. Mr. Weaver said no. **The motion carried with Ms. Gilland and Mr. Prince voting nay.**

**Chairman Prosser called for third reading and public review of Ordinance 132-02 prohibiting the discharge of fireworks on beaches and adjacent areas. Mr. Kost made a motion to approve, seconded by Mr. Ryan. Chairman Prosser opened public review.**

Mr. Matt Lynn said he appreciated the opportunity to talk with them. He said that he had worked in the County for 25 years on both sides of the Waterway from the gateway of the County to the ocean. Over the past 15 years, he had lived on Shore Drive. That was his permanent residence. He lived at A Place At The Beach III which was a wood framed building. The fireworks issues had been a big issue with him for many years. He had worked with Representative Mark Kelly in trying to get it through the state and get the legislation through and it couldn't get out of committee. On many occasions he had put fires out in pine straw under his building. He had a tourist that was shooting fireworks off a balcony, and he said something to the man that it was illegal to shoot fireworks off of the balcony of a building, and he said to him that was why they had insurance. He said that a trash can, which the maintenance people used on the beach this past 4<sup>th</sup> of July not ten feet from his sea walk, was burned to the ground because of fireworks. In 1990, at A Place At The Beach IV, there were twelve units in the building that were burned due to fireworks. He said that had that fire been the day after it happened, it would have burned everything on the other side of Shore Drive. The wind was so strong that no fire department could have put the fire out. He thought it was time for somebody to stand up for the people in the County. The people in Shore Drive needed help and protection and nobody was trying to give them any protection. He said that

everybody was saying that they didn't have the authority, Council didn't have the authority to pass an ordinance like that. He said they had the power for public safety. They needed to use it. The state had turned its back on the people because of the big money and the fireworks lobby from the fireworks association. They were going to continue turning their back on the matter. They were not going to address it. There was a danger there and he lived in it permanently all year around. He said that somebody needed to do something to help the situation. He appreciated it if Council would do that and to consider passing the ban before there was a death or multiple deaths in that area. To him it was like a hurricane in that it wasn't an "if" situation, it was a "when" situation. It was going to happen. He appreciated their time.

Mr. Dennis Fitzgerald spoke regarding fireworks. He said that he was before them two weeks ago and was there representing the Arcadian Shore Drive coalition of homeowners association. There were seventy-five homeowner associations in that area, the most densely populated area in the County. More visitors than anywhere else. Fireworks were a danger to people there at night. It was dark and they couldn't see it and they were shooting them off. He relayed to them incidents last week and Mr. Lynn, one of the residents, relayed incidents to them. They needed the ordinance passed. He heard some concern two weeks ago that the litigation and so on that possibly could come forth. He had copies whereby they already had specific ordinances for a given area. They controlled and kept vehicles off the beach and horses off the beach and didn't let people sleep there at night. They were specific to the beach. All they were asking for was something similar along those lines. It didn't seem right to him that the state could dictate to them and Council that they couldn't have that. He said quite frankly that he didn't think they should worry about a lawsuit because they were already doing it for other instances there. The issue was brought up in passing on the many issues of money and that this may be a money losing issue. He said that Mr. Ginevees, the broker in charge with Sloan Realty, got more complaints from visitors saying the fireworks, the danger that came from them and the disturbance that came from them. There was just as much money coming in from those people and they wouldn't be coming back to Myrtle Beach. He said that it was brought to his attention that at the state level, from the real estate standpoint, they were now coming forth with disclosure statements that all sellers were going to have to sign. The residents of the Shore Drive area were in the County and one of the issues was were there any nuisances, etc. It didn't seem right to him that an owner on Shore Drive, if they so desired to sell his condo, must disclose by the state that they had a nuisance created there, the nuisance of the fireworks and the danger that they created. He said that a gentleman who owned a condo in Myrtle Beach or North Myrtle Beach didn't have to disclose that because they didn't have that, but they on Shore Drive did. He urged them to pass the ordinance. They thought it was something that was definitely needed for the safety not only for their people but for the visitors of Shore Drive and the betterment of Horry County.

Atty. Tim Pogue, who was the County Attorney for Marion County, spoke regarding fireworks. He had been the county attorney there for five or six years. He had been asked to speak on behalf of the fireworks industry to urge them to consider not adopting the ordinance. His concerns and his clients' concerns came from two things. One was the legality, and he thought that they had heard plenty on the legality from the County's attorney, Mr. Weaver. He said if what they had proposed passed, it was obviously illegal and unconstitutional. He had heard from the other gentlemen and he understood their concerns but their remedy was with the General Assembly. It wasn't with County Council. He said that if County Council passed the ordinance, it was

unconstitutional. The facts were clear and they had received a memorandum about the Turbin case out of Darlington County. There was a remedy and it was with the General Assembly. He knew that nobody liked to hear that they didn't have the power to do something. All he could tell them was that he ask that they look at their legal opinion on it and consider that.

Mr. Pogue said the second item that caused his clients concern was the practicality of it. He had heard a lot of talk on public safety this, that and the other and he didn't know whether Council...he heard Mr. Smith on another ordinance or resolution say that he wanted input from the Public Safety people. He didn't know if they had already had input from their public safety people, but he thought if the main reason they were going to consider third reading and passing the ordinance, that they needed to have some input from their public safety officials, fire officials. He thought that was very important. He knew that this wasn't a popular stance but he thought it was something that they needed to strongly consider in light of the legal authority that was there and the legal opinion that had already been given to them. He didn't know how much, if any, input they had from the public safety division but he thought that was something that they definitely needed to consider before they jumped off and got into this. He thanked them for their time and consideration.

Chairman Prosser said if they looked at the Darlington County case and what it established, it raised a concern and raised that same concern for any jurisdiction whether it be city or county, as they found out. There were a number of cities and most all cities incorporated areas along the coast currently regulated fireworks seeming in contradiction to that particular ruling by the Supreme Court. He said that Beaufort County also regulated fireworks. He asked if there were any reason that Mr. Pogue's clients had not challenged that in any of the cities of Beaufort County.

Mr. Pogue said that he had just been involved in Horry County and hadn't been involved with any fireworks officials from any other county or municipality, just the one in the County. He hadn't researched it and couldn't give it to them. The only thing he could tell them was that the last paragraph of the opinion that said that the challenged ordinance had penalty provisions and concerns a matter provided for by the general law. Nowhere did the general law on fireworks provide for enactment of regulatory ordinances by a county. The ordinance was thus invalid. He said that the respondent was the county, he read, the County acted within its police power and that the ordinance was valid so long as it didn't conflict with the provisions of the general law. They disagreed and were bound by the terms of the statute that they referred to.

Chairman Prosser said whether or not they agreed or disagreed with that particular ruling, it seemed that since the other jurisdictions currently regulated fireworks and fell under that same issue with regard to the fact that the state had enacted something in the general law, it was a broader issue that the state needed to reexamine because there were other jurisdictions that were currently regulating fireworks.

Mr. Pogue said he couldn't agree or disagree because he didn't know anything at all about it and was speaking on behalf of the people that had asked him to speak.

Mr. Kost said he wanted Mr. Pogue to know that the public safety area had certainly taken a look at it and approved. He had a conversation the day before with Chief Webster and he would

dearly love to have it passed. He believed that Chief Webster was one of the people that had to put out the fire that was referenced not to long ago and was well aware of the safety issues that were involved.

Mr. Kost asked Mr. Pogue if he agreed that the home rule legislation provided to counties the right to pass ordinances or legislation regarding the health, safety and welfare of its people. He said that Mr. Pogue couldn't disagree because it said that they did. Mr. Pogue said it said that they could do that, but once again, there was a case that was directly out of point. Mr. Kost said in all due respect, and he disagreed with his own legal staff on it, the Darlington case wasn't based on safety and health and this was. Mr. Pogue asked if they had a written report from the County's safety officials on it. Mr. Kost said he didn't have a written report but had had a conversation with Chief Webster but they could get a written report. He said there was approval. Mr. Pogue said that Mr. Smith had said that he wanted to have a report from the public safety people before he made up his mind. Mr. Kost said it would be forth coming, if, in fact, it was asked for. He wanted Mr. Pogue to know that there wasn't agreement across the board even in the legal community that this was "illegal".

Mr. Foxworth said this was about the fifth time that they had voted on it in his short tenure on Council. He said four times in a row, he had voted against it and all four times he had given the two reasons as whether or not they had the actual authority to adopt such an ordinance and he also argued the point about the level of service required to enforce the ordinance. He said that Mr. Fitzgerald a moment ago had mentioned the visitors coming to Shore Drive and left claiming that they would never again visit Myrtle Beach. The truth of the matter was that they didn't visit Myrtle Beach to begin with. They were outside of the city limits, and if they were in Myrtle Beach, the problem would be taken care of. This was the level of the services commenced with municipal police enforcement and not County police enforcement. In addition to the general assembly, there were other avenues of redress. One was annexation or incorporation. He tended to agree with their authority by the County's attorney that they didn't possess the authority to adopt such an ordinance. The general assembly was their leader and told them what they could and couldn't do. That was what home rule was all about. There were some things that denied a whole lot of explanation. Prior to home rule, there was no such thing as county airports or water and sewer service and now there was and a lot had changed. There was still the prohibition against the city library and was no such thing as city libraries in South Carolina. He didn't know why but it wasn't there. There was also prohibition against counties enforcing fireworks ordinances. Since he voted against it four times, the urging to change his vote had become quite intense with phone calls, letters and personal visits and had been on the radio and on the television. There was even an editorial in one newspaper that had the four of the Council members that voted against it strapped to sky rockets, and there were probably a few around the dais that would probably agree with those sentiments. He said that his mother-in-law got an exceptionally large charge out of it and offered to strike the match. One of the phone calls that he received mentioned that this ordinance wouldn't impact District Three and why was he against it. He got to thinking about it and they were absolutely correct. From an enforcement standpoint, there was no portion of County beach in District Three but it did impact District Three because the taxpayers in District Three would have to pay for the litigation and if they were going to have to foot the bill for the litigation, then it occurred to him that perhaps they should also benefit from the safety net and for the safety improvements that would come from the ordinance as a public safety ordinance. He started looking around District Three and it wasn't hard

to find that there were two areas that were on the agenda that night because there were hidden bombs in the ground and they certainly didn't need to be shooting sky rockets into a subdivision where there were bombs under the ground. There had to be other places in the County that would benefit from such a ban. He remembered a few years ago when Socastee Recreation District, one of the presidents of the Socastee Neighborhood Coalition informed Council that that was one of the most densely unincorporated areas in South Carolina. He took them at their word and from what he saw he tended to agree with it. He questioned whether or not fireworks were in order out there, the most densely populated unincorporated area in the County. They were in the middle of a seven year drought. They heard about on a regular basis the term cotton fields, tobacco fields and corn fields and set up a situation in Galivants Ferry and Aynor where they could have a Malibu cannon type fire from a bottle rocket or a roman candle. He said if they were going to do this, he was open to it and thought they should extend it to the entire County. The entire County taxpayer was going to have to pick up the bill to pay for the litigation and they needed to extend the safety net to them as well. He wanted to know how the rest of Council felt about that.

Ms. Gilland requested Mr. Weaver to enlighten them a bit in that she knew he had done quite a bit of research the last few weeks on this.

Mr. Weaver said the briefing memorandum that had been contained in all three readings remained the opinion of the legal department. They didn't believe that it was an ordinance that was appropriate for Council's consideration as he had told Mr. Kost, his friend, that he would be happy to defend Council if and when it became necessary and hoped they won. It wasn't his job to give them the good news and the green light all the time. The question was raised by Chairman Prosser that how was it that the state had passed a law that prohibited the County from doing the ban but permitted the cities to do a ban. What kind of fairness issue was that. He said they had always presumed that the cities had some ordinance and authority from the state, a statute, that said it was okay for the cities to ban fireworks. They went looking for it, and between two lawyers and a computer that could pull every case in the world in a matter of seconds, there was no state law that allowed cities, municipalities to ban fireworks. In fact, they were subject to the same exclusions as the counties were in the issue, and yet Myrtle Beach, Hilton Head, Kiawai Island, Sullivans Island, North Myrtle Beach, all of these municipalities had ordinances that prohibited the shooting of fireworks. Whether it was enforced he had no idea. He knew that all of the city ordinances were passed generally before the 1985 Darlington County case which said that counties couldn't regulate. Then in 1989 the city attorney or town attorney and one of the members of the city council in Mt. Pleasant were considering such an ordinance as Myrtle Beach had as an example and wrote to the Attorney General and said that they wanted to pass an ordinance, but there was some concern as to whether it was legal and asked that they please render a formal Attorney General's opinion. The Attorney General said in 1989, and there had only been that one opinion and no update since that time, that municipalities would be subject to the same restriction and the same exclusion for passing a fireworks ordinance that banned or in any way controlled fireworks beyond what the state law permitted. The state law was very specific about what was and wasn't permitted. The law said that when the state set up the appropriate legislation, the appropriate statutes, the appropriate committees, boards and authorities to control an industry like this, that it then fell outside the scope of a county or a city's legal right to in any way expand upon it or restrict it. They were bound by what it said and that was what the Attorney General said. He was there to modify his earlier opinion when he said that counties couldn't pass such an ordinance as they were considering, but he always

left them with the idea that it was okay for cities to do it but wasn't okay for counties to do it. He said that the Attorney General was the opinion of the highest legal officer in the state but only a judge, only a court could determine the true constitutionality of that issue and had never been challenged by any municipality. As far as he knew, no one that had ever been arrested in Hilton Head or Kiawah had challenged that municipality's right and had gone to the Supreme Court like was done for a county in Darlington. Whether that would ever be done he didn't know. It was an expensive road to take as opposed to paying a \$100 fine if caught. He said that his opinion had not changed and it had really been strengthened but he concluded with his comments about Mr. Kost and his willingness to stand firm for Council and for the citizens who wanted a ban.

Mr. Prince asked if someone had to be a certain age to buy fireworks. Mr. Weaver said the age was 14. Mr. Prince asked when discharging, did a parent have to be with someone 14. Mr. Weaver said he had the state law with him and could look it up but he knew that 14 was the age. The whole industry was there and he was sure they could answer every question Mr. Prince had. Mr. Prince said he bet there had never been any called to arrest someone underage for buying or discharging.

Ms. Jordan knew that the City of Conway was real hard on fireworks and if someone were to get a ticket and paid the ticket...if they were to challenge it in court they would probably win.

Mr. Weaver said if they were willing to pay the freight and take the time and hire Atty. Martin and Atty. Britain and go to Judge Breeden and then to Judge Anderson and then to Judge Toal, they might win after about \$50,000 or might pay the \$100 fine and forget about it. That was why it wasn't challenged and was simply a financial impossibility for someone to go that route most likely.

Chairman Prosser said his question to Mr. Weaver was to show him the specific authority granted to municipalities. In looking over it, there was nothing that prohibited counties or cities from enacting an ordinance banning fireworks other than the precedence set by the Supreme Court when they said because it wasn't specifically provided for that they had that authority then they didn't because there was a general law on the books regarding fireworks. What they had were a number of cities and at least one other county with ordinances that they had on the books and were enforcing which would fall under the same concern that Mr. Weaver had raised as immediate concern and in his opinion, he thought they ought to join them and if they were the emphasis for the court case that finally clarified this in the state, then it was worth doing because this was an issue they had been dealing with for years with the resolution and was of particular concern in the area.

Ms. Gilland said that she had forgotten that Mr. Foxworth voted against it as well. She thought she was the only one and she didn't know what kind of letters or calls that he got, but she got some pretty hateful ones. People had strong feelings about it and one man made it very clear to her that everybody in Maisons-Sur-Mer absolutely hated her and they hated the sound of her name. She thought what a waste of energy and that was too bad. She didn't sit up there to be the most popular person and obviously she wasn't. However, she had committed to think things through and make the best decision she could which is why she would continue to vote no on it for three simple reasons. One was that the legality was questionable as they had already heard and she wouldn't belabor the point. What wasn't questionable was would they be going to court over it and have to

spend County taxpayer money on the court case, yes. They already had an attorney. She said that Mr. Pogue was obviously a fine son of the south because he used that famous southern term, “your alls attorney” as he had called Mr. Weaver. She didn’t think that anybody from outside the south used that and might not have understood what he said. The legality was questionable but they would go to court. If they were to win in court and were given the right to ban fireworks or to approve the ordinance they hadn’t considered sufficiently enforcement. She said that Chief Webster may be 100% in favor of banning fireworks so that he wouldn’t have to answer calls on Shore Drive, but what he may not have been certain of was the fact that it left the rest of the County wide open to fireworks because the ordinance only banned from the oceanfront to two blocks in. She had lived here most of her life and when they took fireworks on the beach, she had done so and had watched a whole lot of folks do it, they tried to shoot them out over the ocean. The ocean water didn’t burn and neither did the sand so they only had the area behind them. Unfortunately, because of the ocean winds, the fireworks often came back and that was the problem in Shore Drive. She wasn’t unconcerned about that and wasn’t ignorant of it. She didn’t disagree that they had a terrible problem on Shore Drive and that some of them were concerned, frightened and angry because of it and for the potential of fire. She said that they didn’t even have any enforcement for an ordinance that would ban the fireworks. The beach patrol operated in daylight hours and they didn’t have any money at this point. . . she saw Mr. Kost shaking his head and would get a chance to rebut. They couldn’t control it adequately and by passing it, they would have to commit more money for patrolling on the beach. That was another issue that they would have to deal with and it would cost perhaps a tax increase to take care of that. She knew also that the city of Myrtle Beach may well have banned them, but had been told that they got 30 calls a night in the summer because of fireworks on the beach and didn’t respond to all of them effectively and efficiently because they couldn’t. The ordinance didn’t outlaw fireworks on the fourth of July so then on that day, everybody was free to shoot them anywhere even on Shore Drive. If it were a problem any other night, it was going to continue to be a problem then.

The third reason was because if they got the legal right, and passed the ordinance, and won in court and were 100% effective in enforcing it, and shut down completely the shooting of fireworks in the Garden City area and along Shore Drive and for two blocks in, then they were going to get into the situation of fireworks being available in South Carolina and not in a lot of northern states particularly people coming here expecting to shoot them because it was on every corner almost and could buy fireworks. Where did they think they were going to go to shoot them, they would come inland. She couldn’t sit there and approve an ordinance that may, she didn’t think it would, but it may resolve a problem in the Shore Drive area but would cause one heck of a problem particularly for the fire department in the western part of the County specifically. If she were banned from Shore Drive for shooting her fireworks that she had been doing for years, she would say fine, that she couldn’t shoot them over the ocean and would go along Hwy. 22 and pick out the darkest area of the County and was wide open for fireworks. She asked if they remembered the small forest fire that they had that became a raging one that caused hundreds of thousands of dollars. She predicted that they would have a forest fire about once a week in the summer because there would be no law that said that they couldn’t shoot fireworks there or any other open field in the County. When they were shot out into the ocean, no matter where they went because of the wind or misdirection of whatever there was only half a chance that they were going to land on something that would burn because water and sand wouldn’t burn. If they were anywhere else in the County, there was a 360 degree circle where most everything had a potential for burning. If they

shot across the Waterway, which would be another prime place, there were woods on the other side that they couldn't even get to to put out a fire. Those were the concerns that she couldn't overlook. If they were talking about banning it to a two block area of the unincorporated area of the County...woods could catch on fire and it was equally important for them to maintain the welfare of the folks that lived in homes in the unincorporated part of the area in addition to those in condominiums along Shore Drive. She preferred because they were in the part of the year where this had become less of an issue in that it was October and firework season wouldn't begin again in full force until the Spring. They had time if they chose to defer it for the purpose of not doing away with it and not tucking it away and wait until Mr. Kost was off of Council so they could ignore it because he had been the one that had been behind it for so long but defer it so they could have a committee and bring back an ordinance if they were going to go the way of an ordinance and test the court in it and bring back an ordinance that would work not just for Shore Drive, not just even for Garden City or a portion of Garden City but for the entire County. If they were going to ban fireworks and still allow hundreds of places to sell fireworks, then she suggested that it was incumbent on the County to find a site, two or three that they could invite people to to shoot off the fireworks rather than saying that the whole rest of the County was free and for them to come on in when they were having a drought and shoot the fireworks. She said that Chief Webster thought he saw a problem on Shore Drive, wait until they were shooting them all over the western part of the County or in between here in Myrtle Beach. The folks in the Legends were already scared to pieces this year with a forest fire. It wasn't the best ordinance they could come up with. If they wanted to get the police, fire, members of Council, homeowners association into a group and try to craft an ordinance that may work a little better than this one, then she was all for that, but this didn't work except for two specific areas in the County. Even if the areas were protected from fireworks from the passing of this until the end of time, it had put the rest of the County at risk and that was unacceptable and they could do better.

Mr. Hardee said that he had calls from different people and probably more calls from people about this ordinance than anything he had voted on. He got a call last week from a gentleman in the Green Sea area and he put it in perspective for him. He said that when someone broke into his home in Green Sea, it took an hour sometimes to get an officer there. It wasn't the officer's fault and was backing up another sector as they usually did when they had problems. The man said now they were going to make it so that the officer that came there would be in Myrtle Beach trying to arrest someone for shooting fireworks on the beach which was going to take two hours to get someone there. Mr. Hardee said he voted because he tried to put himself in Mr. Fitzgerald's place and he understood the problems that he was having, but he agreed with Ms. Gilland that if they banned it two blocks from the ocean, people were going to back up in residential areas and shoot fireworks and would have just as many problems. He didn't think it was going to work.

Mr. Kost said he was going to try to respond to twenty minutes of dialogue in about three minutes. He said that if they were so concerned about not being able to catch every single perpetrator who shot fireworks illegally if they were to pass it, why were they not concerned about every single fear out on the highways. They were never going to catch everyone but there were, if they put the law in place, some people who would obey it that they wouldn't have to deal with. He didn't consider that to be a possible problem.

Mr. Kost said secondly, they had danger that day. They were trying to take care of the beach area because it was very heavily populated. People could shoot the fireworks today and for anyone to sit there and say that suddenly all those tourists that came here to the beach were now going to flood out to US Hwy. 22 to shoot fireworks because it was the only place to do it was a preposterous example and didn't fit at all. His guess was that they would have no more fireworks in the western part of the County in the future than they had today.

Thirdly, he wasn't asking for more police. He said to keep the beach patrol there contrary to what Ms. Gilland said, those folks were on until 2:00 A.M. The last time he looked it was pretty dark then and wasn't daylight. The same people who patrolled it today could patrol it in the future. The problem today, Mr. Whitten had mentioned nuisance factors with one being noise. When they went to the beach and there were 50 people firing firecrackers or fireworks on the beach, which one of them did they ticket for breaking the noise ordinance. Once more, they didn't even have a machine to measure the noise so they couldn't possibly issue a valid ticket and they knew it so they didn't do it. He referred to trash and littering. They shot rockets into the air and who was going to charge them for littering. They didn't know where the litter fell and had to have evidence, but if he were a beach patrol person and went down on the beach at 11:00 P.M. at night and saw someone discharging some kind of rocket, he could issue them a ticket if he were a policeman. Frankly, if they did it right with the proper notification on the signs, they would go to them and say, sir or ma'am, it was now illegal and wished they wouldn't do that, and if they were caught again, they would be issued a ticket. It would be taken care of. He said they were playing it far too much and not giving proper consideration to people who were indeed the most impacted. He was going to finish with one thought for everyone. People said that they didn't have the authority to do this and that it was illegal to do it because the General Assembly hadn't specifically allowed them the opportunity. They hadn't said that they could manage fireworks. He said if he followed that rationale, he would vote against mosquito control because they didn't say anything about the County's ability to spray for mosquitoes either. They were both for the health and welfare of the people. They couldn't have their cake and eat it too.

Mr. Prince said that Ms. Gilland pretty well took care of most of the things he wanted to ask. He sympathized with the problem, but if they took one area and said that they couldn't shoot fireworks in that area, and for example if there were 100 people or 200 people doing that in that area, then those people were going to go down some other parts of the beach. That wouldn't be fair to the rest of the areas. He found it hard to vote to pass an ordinance where it was kind of a spotted area. There were a lot of other things in the County that caused death, injuries and everything else and they allowed it such as tobacco, alcohol and fireworks. It was still in the state and in the County and would be there probably when they were dead and gone. He didn't think they were going to make ordinance after ordinance and do away with it.

Chairman Prosser said if they passed the ordinance, then all sections of the beach in Horry County would prohibit fireworks because right now the only places where they were allowed were the unincorporated portions of the beach.

Mr. Cooper said this had given him a lot of heartburn for a long time and he felt that they had kind of helped create the whole problem. They had been selective in enforcing the noise ordinance and had been selective in enforcing the litter ordinance. They had existing laws on the

books, as a couple of them had mentioned, and that Mr. Prince and Mr. Foxworth had mentioned earlier. They were helping create and this was an example of something that had gotten out of control because of the lack of enforcement or selective enforcement of things that they should be enforcing. This was a bigger issue and it needed to be deferred to the Public Safety Committee for review on some other issues. They had had this problem before with the bikers and everything else. From his point of view in looking back on the area when they were talking about litter and safety, those were the complaints that he got. More than any of those was the noise issue. They could go ahead and fix that if they would. It gave him a lot of heartburn about the legality of it and he was the one that was called down in his area when they were called and complained. It was a two sided sword and they needed to go ahead and vote on it and get it over with.

Mr. Foxworth said that he wasn't sure the problem was created from lack of enforcement or from a perspective of whether or not it was a county position to enforce it. He said that counties were set up basically as rural governments. They were not a metropolitan police force. They were limited in what they could and couldn't do. He believed that it exceeded the scope of what a county police department was set up for. **He called for the question.**

Mr. Cooper said there was a specific ordinance on the book for noise ordinance and said 11:00 P.M. They shouldn't set up there and never give them the intention to enforce whatever law they wanted to. If it were on the books, they needed to enforce it and if they weren't going to enforce it, they needed to repeal it.

Chairman Prosser said he wanted to address two issues and then they would vote. He said that number one, he kept hearing the level of service argument that they were talking about and if they looked at Horry County, it was a county that was extremely urbanized in many parts of the County, and in fact, two thirds of the population lived in the unincorporated areas of the County. He said everyday in things they did, they were called to provide a more urban level of service in many parts of the County. They could use that same argument about the level of service to say that they shouldn't have a noise ordinance, shouldn't regulate massage parlors and shouldn't regulate adult entertainment or other nuisances or health and safety issues. He didn't quite understand how the argument against this particular issue...Mr. Foxworth said they could also use that argument as an argument for a metropolitan police force. Chairman Prosser said if they wanted to create a consolidated county government, that was a whole separate issue they could debate at another time. The other issue was one of enforcement, and as Mr. Kost mentioned, there were speed limit laws on the books and they obviously didn't catch everyone who speed, but there was a deterrent in effect there and amazing enough, there were some law abiding citizens that followed those types of rules and would follow a fireworks ordinance. He said that wasn't an argument for not creating regulations. They weren't talking about adding any department of fireworks enforcement. They were talking about giving another tool to the folks that were already out there on a day to day basis and they had a certain priority that they had to follow the protocol. If there were a house break-in in progress, he couldn't imagine a beach patrol officer being called to Green Sea, but in the event that that happened, that was a higher priority call than a fireworks violation and always would be. They had a system in place to deal with those issues. He thought that the only repealing issue against voting in favor of the ordinance was the legal concern that had been raised, and given where they stood with a number of other jurisdictions having the same laws on the books, he thought this was something that they needed to press forward on and test the courts.

He asked that they vote electronically. **The motion failed with Mr. Kost, Mr. Ryan, Mr. Cooper, Mr. Smith and Chairman Prosser voting aye. Mr. Frazier wasn't present at the meeting to vote.**

**Chairman Prosser called for third reading and public review of Ordinance 120-02 to amend the zoning ordinance pertaining to temporary vending fees. Mr. Ryan made a motion to approve, seconded by Mr. Skidmore. Chairman Prosser opened public review.**

Mr. Jimmy Bullard spoke regarding Ordinance 120-02. He said that he had been in business in Horry County for thirty years. He had been behind closed doors with County Council on the issue. He said that Mr. Cooper, in the last meeting, brought forth \$750 for the ten day vending. He saw how easy it was to put numbers up on the board. All they had to do was punch a keyboard and try the numbers out. They came to them because it was \$600, and now for some unfortunate reason, it was \$700. It actually wasn't \$700 because there was another \$100 for hawkers and peddlers and \$50 for hospitality fees which could boost it up to as much as \$850 for a vendor to set up. He said that in talking with people from Sturgis, their vending permits were \$600. There was no question about it but there was \$230 that went toward the pick up of trash, port-a-johns, etc. He said that Mr. Schoonover that was at one of the meetings said that he spent over \$13,000 or \$15,000 for port-a-johns. This particular permit that they were talking about of \$700 would be the highest permit in the United States, if not the world, for any vendor to set up. As of right now, there were about 40 vendors moving to Charleston County and were working on more. There were several locations in Charleston County where there would be vendors setting up. Vendors wouldn't pay the \$700 to set up in the Spring. He had talked with the president of the vendors association, who was Ms. Loretta O'Brien, when he said the association he was talking about vendors that worked Sturgis and Laconia, all the major vendors across the united states. The talked about Myrtle Beach wasn't good. He felt that some of the people on County Council didn't want bike week in Myrtle Beach. He said it was 67 years old and had been there longer than most of them had been. He asked that Council think about it, and if possible, take it back to a workshop where they could have more time to work on it. He said that they were not satisfied with Mr. Cooper's idea of breaking it down the way he broke it down. A one day permit was \$100 the way it was set up. If he walked in with \$100 to apply for a permit, he had to reach into his pocket and pull another \$100 to \$150 before he could get his permit because he had to buy his hawkers and peddlers which was something that they didn't talk about. He felt that the people weren't there standing up for this was the hotels, motels, restaruants, filling stations, the people that really made the money off of the events that came to Myrtle Beach.

Ms. Cynthia Nance spoke regarding Ordinance 120-02. She said that she had spoken to them before about this. She had heard for several meetings that she had been to with Mr. Cooper about homework, had they done their homework and that they needed to do their homework. She asked who had they talked to. What she had heard was that they talked to some of the SB&B people and they were charging \$5,000 and that was what they were judging it on. They were all not that type of vendor and didn't even hold those type of vendors at their place. She had told them before that she was a small vendor but was also a Horry County landowner and they were asking her to come before Mr. Meyer and get a permit for \$700 to set up a small vendor on her own piece of property. That was a lot. She wasn't a very wealthy person and did this to supplement an income. That may not sound like very much to them. She didn't know what their income was but hers wasn't all that

great. She used this as an extra income to take care of her taxes that had been raised in the last three years. That may not be what they considered part of the vendor situation, but it was, because they were asking the small vendors, as well as the larger ones, that came to come up with \$700 from \$250 and that was a lot of money. They were all trying to work with them and the County and keep it going. The rally brought a lot to Myrtle Beach and to the County. If they hadn't been out to see it, they wouldn't know, but they heard a lot of controversy about noise. This was a tourist place and there was going to be noise and traffic. She had lived with it for 50 some years in trying to get out of her little driveway. She had waited sometimes 30 minutes. They couldn't just say to do away with everything and they would be doing that if they jacked the prices up. She wouldn't be able to afford to put up her own vendors. She asked that they consider that when they did their homework to talk to some of the local vendors in Horry County. There were a lot of them. They weren't just people who visited out of state. A lot of the ones that came in were small vendors themselves. She said that \$250 was a big jump and \$700 was almost impossible for a small vendor. She asked that they reconsider and think about it and talk to somebody else besides big people or whoever they talked to.

Mr. Prince asked Ms. Nance if she had a business there already where she set up on her own land. Ms. Nance said she didn't. She had a small business there but didn't now. Mr. Prince asked if she had a County business license. Ms. Nance said she did, but didn't anymore in that her business hadn't been in service for two years. Mr. Prince said that if Ms. Nance already had a business license and owned her own land, she wouldn't come under having to get a permit. Ms. Nance said that was what they had told her and was what she had always had to do.

Chairman Prosser asked Ms. Nance how many vendors did she typically have on her property. Ms. Nance said last spring she had about sixteen. It was a small area and she was one owner. She said that in the middle of the Spring rally, word got out that it was going up to \$600 and they told her that it was more than what they were going to be able to do.

Mr. Prince asked Ms. Nance if she rented out to other vendors. Ms. Nance said she did. She was speaking for herself as well as others. Mr. Prince said the fees that went up would be taken out of her profit. Ms. Nance said most definitely. She also had to pay for port-a-johns and waste. She wasn't walking away from it like a millionaire and was certainly not going to do anything with it if she had to put \$700 up, she wouldn't be able to. Even \$250 was a lot. She asked that they reconsider and talk to some of the local people that were vendors.

Mr. Doyce Heinzemann spoke regarding Ordinance 120-02. He said that he had quite a number of vendors that came in and didn't do a very good. It rained Saturday and Monday, which were the days that they thought they were going to make some money. They were rained out and a lot of them went home without making the expenses that it took to get there. He had a few vendors for the Fall rally and they didn't know what they were going to do in the Spring because they weren't going to come back to see what was going to happen in the Spring. They were very discouraged at how much it was going to cost them to get back in the game. By raising the fees from what they were used to paying and what they could afford to pay, they were taking out of their reach. On his property, he may have four or five vendors, big vendors that could afford to come back, but the rest of them couldn't afford to come back and weren't going to come back. They were going to go to the racetracks and other places where they were making it more attractive for them to

come instead of them making it unattractive for them to stay. In that respect, they needed to do something with the fees to attract what they had and keep it there and make it grow instead of detouring it somewhere else like Charleston, Georgetown and maybe into North Carolina. Who knew where it was going to go. It wasn't going to stay here if the fees stayed the way they were.

Mr. Lacy Cannon spoke regarding Ordinance 120-02. He said that he had been a resident of Horry County all his life. He stayed in the western part of the County. Ever since the issue came up with Planning and Zoning, he had been asking questions of different ones. There were a lot of people in the area such as doctors and lawyers. They also rode Harleys and came to the same events. There also were a lot of doctors, lawyers and Indian chiefs that came from all over the country to come to spend their money in Myrtle Beach. They spent millions of dollars while they were here and bought hundreds of thousands of dollars worth of rooms and those tax dollars were paying already accommodations tax for food, drinks, and room and board. He thought they were being too harsh on the people. They needed to step back. If they wanted to get rid of the Harley Davidson riders and bikers and make Myrtle Beach a little bit more of a pampered beach, then that was fine, but if they were going to destroy the Harley Davidson weekend by taking away one of the biggest parts of their events which was for them to be able to do their trading and this was what they were actually doing. He was against it from the very onset and he thought that the \$250 was more than adequate for them to have to pay. He appreciated any of them voting to keep them there.

Mr. Cooper said this was something that he had been involved up to his eyebrows with as far as the bikers since he had been on Council. He was in favor of the biker festival but there were a lot of things that had to be controlled better. They had made a lot of strides in the last few years and he had met with a lot of people including Ms. Nance. They had met numerous times and had met twice in the building. Council voted on it and there was a representative from the biker community and they met with them privately with a cross section of those that had called him and wanted to come to his office and meet with him on this. They felt that this was a compromise that they came up with considering it was going to be \$600. They could rehash the whole thing that they had gone through for the last few years. He said there were some people on Council that didn't want the biker festival and they needed to realize that. If they were going to continue the biker festival, there would have to be some middle ground and that was why they sent it back to committee and that was what they felt with which was something that they felt everyone live in the middle ground. He said that some of the other suggestions that were made to them were a lot more extreme than this. He felt that this was middle ground and it was time to move it on. **Mr. Cooper made a motion for previous question, seconded by Mr. Kost.** Ms. Gilland said that wasn't fair. Mr. Prince asked if there was a motion and a second on it. Chairman Prosser said he did. Mr. Prince wanted to make an amendment to the motion. Chairman Prosser said they needed to vote on previous question which was the motion that was on the floor. Ms. Gilland said that her button was pushed. Mr. Prince said his was, too. Chairman Prosser understood, but one of Ms. Gilland's fellow council members made a motion for previous question and those were the rules. Ms. Gilland said that Chairman Prosser didn't always follow those rules and usually called on those who already had their hands up. Chairman Prosser said he had a motion for previous question. Ms. Gilland said she understood. Chairman Prosser said that Ms. Gilland could certainly vote her conscious on that. **The motion for previous question carried with Mr. Prince, Ms. Gilland and Mr. Smith voting nay.**

Mr. Prince asked if he could make an amendment. Chairman Prosser said not at the time because they were already on the motion to vote on it. **Mr. Prince made a motion to table and to send to back to committee.** Chairman Prosser said he couldn't take the motion to table because they had already passed the motion for previous question which meant that they would immediately vote on the issue. He asked that they vote electronically.

Chairman Prosser said that he needed Ms. Gilland's vote. Ms. Gilland said that if she couldn't get her questions answered, she wasn't going to vote on it. Chairman Prosser said the rules required that they vote but she could go right ahead. Ms. Gilland said that Chairman Prosser wasn't following his usual procedure so ...he played in favor of issues...Chairman Prosser said that was so ridiculous. Ms. Gilland said that it wasn't. Chairman Prosser said their rules were their rules. There was a motion for previous question and just because the Council didn't vote (inaudible) the way in which she had to vote didn't mean that he was being unfair even though he was sure, as normal she would like to pass that back to him. **The motion carried with Mr. Prince voting nay. Ms. Gilland did not vote.**

**Chairman Prosser called for second reading of Ordinance 141-02 amending the FY03 budget in an amount to be determined not later than October 1, 2002 for the purpose of implementing and funding a mosquito abatement program so as to further promote and protect the health, safety and welfare of Horry County's citizens from the West Nile Virus.**

Chairman Prosser said the anticipated expense was \$715,000 and would be taken from the fund balance and adding \$715,000 to the budget for FY03. **Mr. Hardee made a motion to approve, seconded by Ms. Jordan.**

Mr. Whitten said two months ago South Carolina had no positive or confirmed cases of West Nile in the entire state. Chairman Prosser asked Mr. Whitten to do the abbreviated version. Mr. Whitten said this was a continuing issue that was going to be a problem. There was a proposal for a two prong approach which was aerial and ground. The ground would increase from two to five and he had told them that they would be on line the 25<sup>th</sup> and they were and were operating. The plan was to utilize the five public works districts. They were putting one ground unit in each of the districts each evening. The priorities had been established and they established that as the neighborhoods next to the major rivers and neighborhoods with high mosquito counts. They were doing a surveillance operation and also had worked with the shadow trackers which were their GPS tracking and had quality control on the ground units on a daily basis. They had some problems getting that established but they were operational now. The ground operation budget that they talked about last week was \$60,000. In developing an aerial spraying program, they selected Allen Aviation to provide an aerial spraying service and initiated those services last Wednesday, September 25<sup>th</sup>. Their plan was to use the five public works districts and a grid system overlaying the County. The grids were 10,000 acres in size and was based on what could be sprayed in a flight session. They had prioritized that based on the mosquito and surveillance counts they were getting. There was at least one grid in each of the five public works districts that would be sprayed each week. They knew they had a good process and prioritized what was going on and were working to develop some GPS mapping capabilities on the aircraft so they would know where they were flying. They were keeping track of it and keeping it on a very up to date basis. The budget for a single County-wide spraying was \$125,000 for the air service and a chemical cost of \$225,000 for a total

cost of a single County-wide spraying of \$350,000. As a proposal he wanted to come in with a complete County-wide spraying in the Fall of this year and were looking at the Spring of 2003 to come in and do another spraying. He proposed that if Council's intent was to have an ongoing aerial spray program, he recommended that they develop the aerial capability in-house with their own air assets and do that on a reoccurring basis. He had \$5,000 budgeted and that gave them four aircraft from military surplus program. There were transport costs. Chairman Prosser asked Mr. Whitten if he meant helicopters. Mr. Whitten said yes and that they would be four aircraft which was OH58 which was a military aircraft that they thought was appropriate for their needs. It had low cost per hour and low noise and wasn't as loud as some of the other helicopters and aircraft. There was a one time cost for spray equipment which was to get the capability to get the spray equipment. There was also a salary and benefits for a partial year for a pilot. The pilot was also the mechanic and was how most of the other counties that were doing it in-house, it was a combination. There was insurance and operating costs. The other benefit that they didn't see that wasn't monetary was that it gave them the capability to now have air assets for police missions, fire and suppression missions and other areas that were necessary. They had already looked at being able to purchase infrared radar and a spot light that was used and there were a lot of grant opportunities out of the terrorism money that they could use. He saw their own capability gave their multi-capabilities with the air platform. The impact on this year's budget was \$715,000 total for this year. It included the ground spraying, Fall spraying and the building of their own air asset capability and a complete spraying in the Spring.

Mr. Whitten referred to next year's impact. If they provided \$715,000 this year, they could accomplish at least two entire County sprayings at a cost of \$650,000 of additional money. If the intent was to continue this in a long-term process and the County have aerial spraying long-term, this was his recommendation that they go with their own assets. If the intent was to just do the one time spray, then a contract was a better answer. His recommendation based on his analysis of West Nile and what was happening with West Nile and the proliferation and the number of people that they were seeing in the spread of the disease, he believed that it was prudent on their part to develop an in-house capability.

Chairman Prosser asked Mr. Whitten if he believed from a health and safety standpoint that it would be necessary to have at least two aerial sprayings a year on an reoccurring basis. Mr. Whitten said yes, indefinitely. He reminded them that the West Nile Virus wasn't discovered in the United States until 1999 and was in New York and had now made its way all the way to California. The best that they knew at this point and there were some issues because it was so new, but he thought it was safe to say that West Nile was in the United States and was a public health problem for the foreseeable future.

Chairman Prosser said if they were to contract the aerial spraying based on the current contract price, they would be looking at \$700,000 a year on a recurring basis, and if they did it in-house it would be \$540,000 and would be about a \$160,000 difference and would have some availability for uses on the aircraft. Mr. Whitten said that was correct.

Mr. Prince asked how did they know that the spraying was killing the mosquitoes. He killed thirteen or fourteen the day before and that day. He was close to an area that had just been sprayed not too long ago. Mr. Whitten said they had spoken to a number of people including Dr. Horton

who had a list of qualifications such as he was a professor of Entomology of Clemson University, past chairman of Clemson University....Chairman Prosser said they would accept that he was qualified. Mr. Whitten said that Dr. Horton's recommendation was premium mathosyne was the pesticide of choice for mosquito adulticide programs. That was what they were doing. He said the EPA said it all and it was the best recommended practice.

Mr. Prince asked why wasn't it killing the mosquitoes. Mr. Whitten said it wouldn't kill every mosquito. Everyone that he had spoken to that had had their area sprayed had noticed a marked decrease in the number of adult mosquitoes after it had been sprayed. He couldn't promise that it killed every mosquito because every mosquito had to be hit by the pesticide. It wasn't 100% positive. This was the best practice and they were killing mosquitoes by vast quantities. They were seeing an impact on the aerial and ground spraying.

Mr. Prince said they needed to fight it all they could but they needed to be practical about it because they weren't going to get rid of all of the mosquitoes. He didn't care how many dollars they spent. They weren't going to kill all of the mosquitoes. They had to do it in a way to where it wouldn't burden the taxpayers any more than they had to. He said that the fire ants were probably worse as they had ever been and most individuals went out and bought stuff to fight the ants. There was more than there had ever been. They had to be careful as to how much money they put into it. He knew they had to try.

Mr. Cooper asked if any research had been done in developing a vaccine on it. Mr. Whitten said the best information they had been able to gather was that they were not close to it. It hadn't been a priority to medical science until the last year or two. It was several years away.

Mr. Cooper said that when they had the article in the paper in *The Sun News* he got a lot of calls because it looked like the whole pocket was in Districts Four and Five. Mr. Whitten said the whole County was under the spraying program. Mr. Cooper suggested that Ms. Bourcier or Public Safety release it. Chairman Prosser said it was available on the website and could see the map and areas. Mr. Whitten said it showed the priorities for aerial spraying and were also posting the ground spraying priorities. It didn't show the exact date because the wind might be up and would shift some. They were doing it on a weekly basis and were looking at doing it on a daily basis.

Ms. Gilland asked about coordination with the cities. She knew that several of the municipalities had their own spray trucks. If they were going to do a County-wide effort, were they going to coordinate with them to save somebody some money along the way. Mr. Whitten said the way he approached it was the Fall spray. He saw some immediacy in doing it. He made the recommendation to the administrator that they looked at spraying the entire County including the municipalities. They contacted the municipalities and had in writing their approval to conduct spraying operations over their cities.

Ms. Gilland said since this was ongoing would there be coordination. Mr. Whitten said yes, and in the next spraying they would be looking at that. They weren't establishing a precedent that they automatically do that. This was a one time and they felt it was important to do it. He said there was a requirement on him for them to do that coordination. They had flown eight to nine grids already.

Ms. Gilland said she had heard compliments and she didn't know if they had done the Conway area but there was an event Saturday night where the Long Bay Symphony played on the river front and she heard people saying that whatever they were doing it must be working because there wasn't very many mosquitoes.

Chairman Prosser asked Ms. Bourcier to tell them about public works districts four and five.

Mr. Cooper asked if he were the only person that saw the article.

Mr. Whitten said they only gave their initial priorities and they were updated every Friday and reposted on the web with the next ten priorities.

Ms. Bourcier said the schedule updates would be sent out to the media as well as posted on the County webstie. They would receive them every Friday for the next week's spray schedule. They would be updated every week. Right now, they didn't have an archive system of what had been sprayed but would have that up as well the next day.

Mr. Ryan said it was his third month, August, they had a conversation and went over purchasing a helicopter for the County for various reasons. He said that Mr. Whitten mentioned that they had an OH58. He asked if Mr. Whitten had researched a UH1. Mr. Whitten said they had and that right now his recommendation was not to go with the UH1. One reason was that the operating cost per hour was much higher. The fuel consumption was much higher and the noise factor was much higher. That was part of the issue of when they sprayed. It was dusk and dawn. There were some noise issues with the blade noise with the Hughie so they thought that the OH58 was a better platform for them in the purpose. Also on the availability of the OH58's, he said to say that he wanted military surplus was nice but he had to look at what the United States military was looking at coming available in surplus. They were projecting a number of OH58's and was a much higher volume than UH1's.

Mr. Ryan said it restricted their capability for using it for anything else. He mentioned the Police Department and SLED, such as a hostage rescue, and was pretty good on a UH1. Mr. Whitten said it would also lose capability for buckets and he would probably drop 75% of the lift capabilities. Those were some of the issues that they had looked at.

Mr. Ryan asked if it could stay up longer than an UH1 or a OH58. Mr. Whitten didn't know. Mr. Ryan didn't think so plus the future possibility of using it for medical evacuation and couldn't do it on a OH58. Mr. Whitten said it was much tougher than a OH58.

Mr. Hardee said he had some friends that hunted in the Shell Hunting Club in the Red Bluff area and they were there at ground zero every day and said that they could tell a big difference since they had sprayed in that area.

Mr. Smith said the Fall 2002 totalled \$350,000 for the contract for the aerial spraying. He said that if they contracted for the Spring rather than going and purchasing equipment and doing it in-house....Mr. Whitten said it would be another \$350,000. Basically they would drop that column

and replicate the Fall 2002. That was his recommendation for contract process. Mr. Smith said that if Council elected to chose to contract the service out and were looking at a \$700,000 purchase as to \$650,000 for the FY04, he asked if that was a fair comparison. Mr. Whitten said they needed to look at the air operations. They would be looking at \$700,000 versus \$540,000. Mr. Smith said it was about a \$160,000 difference. Mr. Whitten said just on the air operations.

Mr. Smith thought the aggressive approach was that they were combating the West Nile Virus and weren't combating mosquitoes. He said that the environmental and public safety folks that were digging into it would hopefully have a remedy for the West Nile Virus. He had a lot of reservations about purchasing equipment and adding additional employees and going that range and investing money in that type of activity. He said if there were other services and the police department that would utilizing the equipment and manpower he would entertain that but would like to get more information back on it before he was comfortable in moving forward with purchasing equipment.

Mr. Kost applauded everything that had been done and supported it because it was the right thing to do. He said that what they were doing was no more legal because the state legislature hadn't approved how they were doing this than anything else that they had talked about that evening.

Chairman Prosser thanked Mr. Kost and said that it wasn't germane to the issue. Mr. Kost said it was. Chairman Prosser said he was sure that Mr. Weaver would tell him that there was a case on point. Mr. Kost said they might be surprised at what Mr. Weaver told them.

Mr. Prince said they might want to point out some of the ways that the citizens of Horry County could do around their home to help fight mosquitoes. Mr. Whitten said the biggest thing that they recommended to people was that they remove any standing water from their yards. That was the number one thing that people could do to reduce the risk of breeding mosquitoes. It didn't take much to have mosquitoes breeding in the yards. The use of an insect repellent was recommended. The website had DHEC information containing action that could be taken by homeowners. He recommended that they go to the website. Mr. Prince said that some people didn't have access to a website. Chairman Prosser said they could call public information.

Mr. Prince asked if it meant that all the ditches that he saw stagnated water in was creating mosquitoes. Mr. Whitten said probably and that standing water was where mosquitoes breed and it was standing whether it was an abandoned tire or in a ditch, it was a breeding ground for mosquitoes. Mr. Prince said that Public Works needed to be on the go in letting the water flow out of the ditches and clean them out. Mr. Gosnell said for them to call and let them know and they would get on it.

Ms. Jordan asked if they could put the information on the County's access channel. Ms. Bourcier said it was already on.

Chairman Prosser said that \$715,000 was based on a plan to purchase the equipment in the Spring. He said once they created it and got into it it would be a reoccurring expense from year to year. He supported it, but as Mr. Smith pointed out, they needed to realize that this was a new

endeavor they were creating and his experience was that they rarely ever got rid of something once they created it.

**The motion carried unanimously.**

**Chairman Prosser called for second reading and public review of Ordinance 135-02 to amend the zoning ordinance and land development regulations pertaining to the coverage area of the Highway 544 overlay. Ms. Gilland made a motion to approve, seconded by Mr. Skidmore. There was no public review. The motion carried.**

**Chairman Prosser called for second reading and public review of the following ordinances to approve the request to amend the official zoning maps: 117-02 Waitzel Dean Childers; 136-02 Steve Strickland, agent for TEG, LLC; 139-02 AB Consulting Engineers, agent for Donald W. & Harriet Blanton, Blanton Business/Industrial Park PDD and 140-02 Walter Toomey, agent for DC Properties LLC, DC Warehouse PDD. Mr. Ryan made a motion to approve, seconded by Mr. Hardee.**

Ms. Harriet Blanton spoke regarding Ordinance 139-02. She said that she was the applicant. She thanked them for requesting that the future land use committee make their reviews to further define the Comprehensive Plan. She thanked the Planning Department for allowing her to serve on the committee. It was apparent through their studies that Hwy. 57 and Hwy. 9 corridors were becoming commercial and light industrial development in the northeastern part of the County. She read a motion from the committee. As a member of the committee she requested that it be faxed to her so that they would know exactly how far they had come. She read, "The motion from the Hwy. 57 and Hwy. 9 committee meeting on August 28, 2002 was for the center one half mile radius corridor to be LI Mixed Retail Commercial with medium to high density residential zoning. Lacy Cannon made the motion, Billy Hardee seconded the motion. The committee approved it unanimously with Harriet Blanton recusing herself."

Ms. Blanton came to them with a request of the rezoning of property of Harriet and Donald Blanton and Hattie Stevens from CFA and Commercial to Commercial on the front of the property and Light Industrial on the back. The property was located on the south side of Hwy. 9 intersection fronting Hwy. 57. Much of the property north of Hwy. 9 near the intersection where the County complex was housed was already zoned Commercial and Light Industrial. With the proposed Solid Waste Authority project on Hwy. 57 south, which aligned with her property, and the recommendation of the future land use committee for the Hwy. 9 and Hwy. 57 intersection to be considered a Commercial Light Industrial town center rather than a village concept. Her request mimicked the lay of the land for the present and future use. She would appreciate their confirmative vote.

There was no further public review on any of the other ordinances. **The motion carried.**

**Chairman Prosser called for second reading and public review of Ordinance 138-02 Jon Taylor, agent for International Paper Realty Corp., Waterway Heights PDD.**

**Mr. Kost made a motion to approve contingent upon the frontage road being paved along Carolina Bays so as to ensure that safety vehicles such as fire trucks were able to reach**

**the area.** He said at the last meeting no one knew that was going to be and they knew that there was already a state road there and he understood from Mr. Taylor that in fact the developer was going to pave that road. His approval was based on that. **Ms. Gilland seconded the motion.**

Chairman Prosser said if the motion was to approve they couldn't have a contingent motion. He said that Mr. Kost's statement that his approval was based on that was fine for the record.

Mr. Gosnell said they would need to amend the ordinance to incorporate that requirement.

**Mr. Kost made a motion to amend Ordinance 138-02, seconded by Ms. Gilland.**

Chairman Prosser asked if there was a name of the road or a description such as the length. Mr. Kost said if they didn't have it they could add it at the next meeting. **The motion to amend carried. The main motion as amended carried.**

**Chairman Prosser called for first reading of Ordinance 108-02 to approve the request of Resort Development Company of America, LLC, agent for Carolina Company LLC to amend the official zoning maps. Mr. Cooper made a motion to approve, seconded by Mr. Hardee.**

Mr. Ryan said that he didn't currently support the ordinance for a number of reasons. One was traffic. The traffic in the area was going to increase with the rezoning and would probably increase to around 16,000 vehicles for the year. The project was less than a quarter mile, 2,300 ft. from the proposed Carolina Bays Parkway which would empty right out into the area. That was of concern. The building height was also a concern. He had had a discussion with the developer and he had indicated a 60 ft. maximum building height. Mr. Ryan had asked him to reduce that. The building was supposed to be three stories in height. **Mr. Ryan made a motion to amend to 40 ft., seconded by Ms. Gilland.**

Mr. Kost said before he voted on it he would like to hear what the impact was on the developer in that did it reduce the number of units they could have, did it put it out of reach for them financially.

Mr. Claude Epps spoke regarding Ordinance 108-02. He represented the applicant in this matter. The applicant was quite willing to work on the overall density and height in the area. To reduce all the buildings in the development to the 40 ft. or to a two-story level would make the overall project economically not feasible. They preferred if Council chose to get first reading that night and before they came back at second reading to propose to Council a potential modified plan that would hope to address some of the issues that Mr. Ryan had raised and hopefully would satisfy the balance of Council as to the density and heights. They could at that time also address the traffic flow issues which they had amended already to enhance traffic flow in the area. He asked Council to defer any amendment to hold the PDD from 60 ft. to 40 ft. and let them come back before the next meeting with a proposal as to the height and would stagger those so that it would minimize any impact on surrounding areas.

Mr. Ryan said that 40 ft. would be a development of a three-story building and wouldn't be a two-story and could amend it to that. Mr. Epps said that the 60 ft. was...he asked Mr. Ryan to let them address that because they were not trying to increase the density that PDD allowed. He thought that the allowed height was meant to do a total of 150 units and to drop them all to 40 ft. would be a significant reduction. If Council saw fit to go ahead and give them first reading, it would give them two weeks to come back with a detailed presentation at second reading as to the exact heights and densities, they would appreciate that.

Mr. Ryan wanted to make sure that he understood it. He said there was supposed to be ten buildings with fifteen units each, five on each floor. Mr. Epps said that was correct. Mr. Ryan said from a previous conversation with the developer ...Mr. Epps said they were not asking for more than that and technically he wasn't in the position to give him the exact areas and heights. He said that if he could do that at the next meeting, he could give them a elevation with precise heights, precise number of units and that the developer was sensitive to the neighboring areas and was looking at ...because of the discussions with Council and with neighbors, they were trying to lessen the impact.

Mr. Ryan wanted to make sure that they understood that he wasn't trying...he was under the understanding that they had agreed to the previous idea that it was a three-story building. Mr. Epps said the 150 units, three-stories, fifteen units per building was correct. He didn't want to agree to a limitation presently that might effect the ability to do that. Mr. Ryan understood.

**Mr. Ryan withdrew his motion to amend. The motion carried with Mr. Ryan and Ms. Gilland voting nay.**

Chairman Prosser said when they had second reading, they would have public review on that and if they had a more complete presentation on the density that would be useful at that time.

Mr. Epps said they would have it before the next meeting.

**Chairman Prosser called for first reading by title only of Ordinance No. 142-02 to establish a moratorium on development approvals and construction for properties located within the Impact and Safety Zones of the former Conway Bombing and Gunnery Range as identified in an Engineering Evaluation/Cost Analysis Final Draft document commissioned by the US Army Corps of Engineers dated April 2002. (Decision Memorandum: Horry County's position and action steps in response to the U.S. Army Corps of Engineers' Draft Engineering Evaluation/Cost Analysis for the former Conway Bombing and Gunnery Range. Ms. Gilland made a motion to approve, seconded by Mr. Ryan.**

Mr. Skidmore said that Chairman Prosser had eleven items placed on the agenda and also a statement of position and had the subject area. He asked Chairman Prosser to define the subject areas.

Chairman Prosser said that his decision memorandum was in the packet and he was going to handle the first reading first, which was Ms. Gilland's motion. It was printed together and that wasn't his intent. The first reading by title only was Ms. Gilland's proposal for a moratorium which

would include, he assumed, the entire 55,000 acres. Ms. Gilland said no, that it was the target areas. Chairman Prosser said the target areas, impact and safety zone. Mr. Skidmore asked what was the acreage on it. Mr. Foxworth thought it was 8,000.

Mr. Weaver said that Range Two, which was generally the Myrtle Beach National Golf Course, was 2,005 acres. Range Three, which adjoined Carolina Bays Parkway, was 2,005 acres. Range Seven was 560 acres. He referred to another range but didn't see a number on the map to refer to although he was sure there was one, the Barefoot area likewise was 2,005 acres. It was a total of about 6,600 acres. Chairman Prosser said that would be the impact and safety zone. Mr. Weaver said yes.

Ms. Gilland said that she was well aware that the word "moratorium" raised a lot of red flags in an area that was developing as fast as theirs. It was sort of a taboo word around there but it was the only word that she could think of that would catch the attention that she wanted it to catch. She asked Mr. Weaver at the last meeting to give Council an update on the briefing that the Corps of Engineers had given on what used to be known as the old Conway Bombing Range. The bombs were dropped and were so called dummy bombs and were dropped around World War II. They had been very fortunate because there had been no accidents or injuries since then but on the other hand the area had not been developed until about the last 10 years. When the Corps had their public meeting a few weeks ago, and Mr. Weaver reported on it to Council two weeks ago, she expressed concern and the Chairman gave the response that she thought was held by a lot of folks that, Ms. Gilland this is not news and was reported several years ago and was kind of general knowledge that it was an old bombing range. She was truly afraid that this was going to be somewhat ignored because it was one of those sticky wickets that no matter what they did they would have problems. Nonetheless, once the Corps had pretty much put them on official notice with the public meeting and given some of the information that they gave, she could no longer sit there and hope that in the future they would have the fortune that they had had in the past with no one being injured. Her concern was that while the dummy bombs that didn't detonate upon impact, they had no idea how many there were, but they were in the high risk category. There were five major target areas with a safety zone around it. Construction was now beginning to go on, not just on the surface level, but continued construction or ground disturbance to the point that they were digging major holes and crevices sometimes just for ponds, but were selling dirt for one of the areas and were digging down deep which was where her concern was for the operators of the heavy machinery. She said that when the Corps relayed that the reason that they suddenly, after 20 to 50 years, became interested in this was because some children were killed in California when they discovered some undetonated ordnance. Five kids bounced it around, she supposed, and it exploded finally and two were killed and three were wounded. That was all she needed to know to think that they needed to take some sort of a stand, if nothing else to let people know that there was a concern and somewhat of a danger out there. It hadn't happened, yet but all it would take was one unexploded ordnance to detonate and someone to lose their life or a limb. The impression from a lot of folks was that they were dummy bombs filled with cardboard and didn't do much when they exploded. She said nonetheless, the shrapnel from the metal on the outside of the bomb became shrapnel and could kill or maim. Mr. Weaver reminded her that evening that when the Corps gave their presentation, they talked about the possibility about a crater 30 ft. deep and 30 ft. wide. She didn't realize or had not remembered that it was that dangerous, that they didn't have the money to clear the ground and that should be the federal government's concern. They weren't moving any faster than the typical

government movement of glacier speed. They were developing about as fast as any other county, and faster than most other counties in the nation, and that was where they were running into the problem. She didn't know if Council would support a moratorium but she hoped they would at least until they could have a meeting together to come up with some resolution or at least some action that they needed to take. She said that perhaps they needed to simply require that developers in certain areas go a further step in trying to insure that the land was cleared before they had people out there working on it and digging deep. She didn't know enough about the issue to know what it was that they needed to do, but she knew enough to know that if they had potential explosives out there, and the ground was being disturbed the way it was, she wasn't sure that she could count on them being blessed in the future the way they had been in the past so that no one was hurt or injured. She recommended a moratorium simply until they could come up with a new ordinance that would put whatever specifications they needed to put on the developers in the particular target and safety zone areas to ensure as much as they could that no one would be hurt or injured. She heard that there may be a lawsuit against International Paper for this. If they made millions from a lawsuit, then maybe the developers could then use some of those millions to clear the land on their own and hopefully would be reimbursed by the government at some millennium the future, she didn't know. She said that she couldn't sit there and know about the problem and not do something. She proposed a moratorium until such time that they could come up with a better answer than simply to cease work in the target areas. There were more answers, better and deeper answers than she had come up with yet but the moratorium was the quickest way to catch attention and to sort of force some action on it. Just by looking at the position paper that Chairman Prosser wrote, there had been some work put into it already and that was all she wanted, some time and attention and hopefully for the public to realize that there was a concern that was shared by the Council for and again the health, welfare and safety of their constituents and citizens. She asked that they pass the moratorium until such time they could come up with an ordinance.

Chairman Prosser wanted to make sure that people understood and that his remarks at the last meeting were not mischaracterized. He said this was an issue that concerned him very much and anyone else that had looked into it. He had spent many hours in the last couple weeks with staff in researching the particular issue. He said, as he expressed to Ms. Gilland on the phone when she wanted to add the moratorium issue to the agenda, which they did, that they were working toward having the Corps come to the next meeting, October 15, as well as the attorney that was advising the County, and any other parties that were involved to give them an update and some recommendations of where they needed to go. He appreciated Ms. Gilland's proposal for a moratorium and thought there was sufficient concern on the part of everyone, involved including staff and himself, that they needed to do something. He wasn't sure if a moratorium accomplished what they really needed to be accomplished in terms of the public safety aspect or in terms of putting the responsibility where the responsibility really should be, which was with the Corps of Engineers and the federal government. He said to put everything on hold that was currently there he thought was to some degree will let the Corps off of the hook to do what they needed to do. He wasn't in favor of allowing mass development in an area that they felt was in danger, but it needed to be evaluated very quickly based on what had been presented by the Corps of Engineers.

Mr. Kost said if he read it correctly, they wanted a moratorium not only on approving any development that was brought to them which he considered to be very appropriate, but also on the construction for property that was already underway. That was where he thought they would have

great difficulty because they would have a developer or builder significantly into a project and a moratorium on construction would stop them dead in their tracks and as it was currently worded, there would be no kind of notification whatsoever in terms of them having to do something. He suggested that they put a moratorium on any plans that came in until they could come up with an appropriate program and that they also attempted to get the people who were developing property in those areas to sign a statement to the effect that whatever accidents occurred as a result of this in their areas that they were responsible for it and in other words, hold the County free of any responsibility and if they were to choose not to do that, then deal with that on an individual basis. He couldn't see stopping an individual if they chose to go ahead, but he could see stopping somebody from going in and starting a plan.

Mr. Smith said that the moratorium was proposed and he asked if that would cease any sort of landpit operations where they were taking soil from an area to another area such as a road project, land clearing or land maintenance. He asked if that would successfully stop that or not.

Ms. Gilland said this was a work in progress and was by title only to begin discussion on it. It could end up being whatever they wanted it to be. Her intent wasn't to stop something that they were in the middle of. Her intent on the other hand was, for example, Myrtle Beach National was in her district and they had plans that had been approved for PUD and were trying to change it to a PDD with a few minor changes but nothing had been done to disturb the dirt in that area. Just because they had an approval for their plan that was a PDD now, she didn't feel comfortable with them going ahead. She didn't mind stopping something that hadn't been started but didn't want to stop something that someone was in the middle of. She said that this was just a work in progress and they could craft it however they would. She said that the developers around here were pretty connected to Washington a lot more than Council was, and if they did something to stop some development, even for a short time, some of the engineering companies and some of the big developers had ears in Washington and had folks that would pay attention to them, and if they heard the folks here screaming, those who had the sources, connection and clout that Council didn't have, then that was exactly what they needed to, perhaps, tweak the folks in Columbia to push the federal agencies that needed to make the decisions quicker and make their evaluations quicker. That was also an intent of the ordinance.

Mr. Smith said he wasn't finished. He asked if they had been able to or had staff been able to identify any other existing current development plans or current construction within the areas that were identified as target areas and safety zones. If they passed the moratorium, were they expecting any existing development. Did they know that answer.

Mr. Gosnell said there were existing developments with prior approval under construction with the infrastructure being built today that fell within two critical areas which were areas B and C. There were at least two. They had researched it and had it available.

Mr. Smith said a consideration for Council was that some of the areas that were existing undeveloped and didn't have current activity going have on a moratorium in those areas as a safety precaution. It was a difficult issue with the development plans that were ongoing and he understood. He asked if they were to do the moratorium, what would be the length, the duration.

Mr. Prince said if he understood it correctly, all of the land was privately owned. Ms. Gilland said except for the tracks that the County owned. Chairman Prosser said the County owned tracks in there as well. Mr. Prince asked what responsibility did the private owner have.

Chairman Prosser said the main thing that they needed to remember was that it was the US Government's responsibility to clean up all of the land. He said that Mr. Prince's question was about the individual responsibility of building on the land.

Mr. Weaver said the issue wasn't so much with the development of the land, although that was what they were considering with the moratorium. The issue was what did the owners know, what were they told by the prior owner at the time that they bought the land. That was an issue that he was certain would be litigated involving the original property owner and that battle would be fought over millions of dollars in years of time.

Mr. Weaver addressed the issue that Mr. Smith brought up about the length of the moratorium. That was an issue that gave him great concern because they were here trying to decide what to do and how long it was going to take. They didn't really have much control over that all. They didn't have the money, knowledge or expertise to make the final decision. That was a Corps of Engineers' and the federal government's responsibility, and once they came up with their well planned or well thought out plan using the best available resources of engineering companies worldwide, then they had to go to Congress and see if Congress would give them the money to implement the plan. Based upon what he was told at the meeting that he attended by the Corps of Engineers was that the Conway Bombing Range was way down the list in terms of importance. There was a likelihood, although Mr. Nesbit wouldn't say it quite as bluntly as he would, that there would never be sufficient money provided to adequately certify the properties as being cleared. They may have a moratorium for six weeks, six months or six years and be no further along with getting that assurance for the property owners and the developers as they had now. If they were to remember earlier that they discussed a takings. When they placed a moratorium on property for an extended period of time without any rational basis for that length, they may well find that Horry County government owned that property. He didn't think they could afford that. They had no control over how long it would take to finalize the plan, but they better not base their moratorium unlimited based upon what the Corps of Engineers did, and better make it a very restricted and limited time and reconsider it perhaps every three to six months if that were necessary.

Mr. Prince asked what would they gain and would they accomplish anything with it. They may get themselves in trouble with it.

Mr. Weaver said they were trying to prevent the unexpected, catastrophic explosion from occurring in property that they now knew was being developed and now knew certainly that there were unexploded ordnances, whether that was a small shell or a 200 lb. bomb that may blow the 30 ft. crater that Ms. Gilland had talked about. The largest explosion that was performed intentionally by the Corps of Engineers had to do with excavation. Mr. Goodson was digging a 150-acre lake when the one ordnance that was found that was the major explosion that they had had there. They were trying to stop that potential for a period of time until the Corps of Engineers could decide what was the best way to notify the public and to prevent that catastrophic explosion from occurring.

Chairman Prosser said that the Corps of Engineers had identified a potential problem based on instances that they had had in other parts of the country of similar ranges and had come back to evaluate the issue and did a final draft report, which sounded like a federal government document, and on the area what was done, what the area was used for and what the potential was in certain parts of the old bombing range area for a potential public safety problem. They hadn't really offered any good solutions at this point and had said that this was the problem and they were going to tell Horry County local government that the problem potentially existed and they should sort of take it under advisement and do whatever they thought they needed to do. The translation of that was that they were trying to put that issue on the County and transfer that liability or responsibility in his opinion. They understood that there was a Corps responsibility there and the federal government and didn't have the funding for mediation and cleanup. This was a part of the process and once the report was finalized it, had to go supposedly to Congress and seek funding to clean it up. There was a section of the draft report that had a number of things that they suggested that the County do which was to place on all deeds some kind of notification about the bombing range. He said that had very direct implications for property values in the area. They suggested a public information campaign and to send notices to all of the property owners in that area. A lot of the things that they suggested had impact to the County and citizens and also were cost impacts for them and was something that they had to look at and evaluate from a County standpoint for public safety and what it was going to cost and how they were going to do it.

Mr. Cooper said it seemed like there were two different issues such as the moratorium that Ms. Gilland put forth and the position and action steps that Chairman Prosser put forth. He asked if they were going to vote on them separately.

Chairman Prosser said they were and that he regressed for a second since everyone had general questions.

**Mr. Cooper made a motion for previous question on the moratorium.**

Mr. Foxworth said that Mr. Weaver had briefly addressed the takings issue. He said from a legal standpoint, there were existing development agreements in place that the County hadn't adopted with the developers. He asked how did the moratorium effect those.

Mr. Weaver said he had great concern with implementing something that would stop in place development that was already in progress or agreements that they had that had been negotiated.

Mr. Foxworth said in addition, he guessed that he was showing his cynical side, just by virtue of even discussing the subject, he could see marketing spin doctors at work. He asked if they were opening themselves up to any kind of litigation or liability down the road for potential loss of business.

Mr. Weaver didn't see any way that Horry County, as a public body, with actual knowledge of a potential problem there could say, Oh golly we have to be quiet and can't let anybody know because we will get sued. On the other hand, were they opening themselves up because they did say something. He said no, they were not because the information that they were relaying publicly

at the meeting had been available in the public libraries and public meetings held by the Corps of Engineers. He saw no new secretive information that they were disseminating.

Mr. Foxworth said with the possible exception of identifying target areas. Mr. Weaver said those had all been identified. What he spoke to them about came straight from the Corps of Engineers. Mr. Foxworth understood but if they were to take action that night and pass a moratorium in the target areas, were they not in affect by extension stamping their seal of approval of the other, the remaining 55,000 acres. Were they not declaring it bomb free and were they not doing that based on the Army Corps findings rather than their own.

Mr. Weaver said they had no way to make certain the findings. They didn't have the expertise nor the money. He thought they had a right to relay although Chairman Prosser had said that this was one of those government final drafts so they would disallow responsibility because it was a draft form. He didn't think much was going to change other than a few words being stricken.

Mr. Foxworth asked Mr. Weaver if he knew what they based their report on. Were they talking about 60 year old beauracratc carbon copies in Washington miles away or did they actually have people on the ground interviewing people that were here and watched what had happened.

Mr. Weaver said they had aerial photos that were 60 years old that they had overlaid with what was in existence now. They had had engineers, ordnance specialists, he guessed the way to say it was the best that money could buy, come in and do examinations. There were people on the ground and people interviewing residents from 50 years ago. There were five volumes, April 2002 was the fifth. It went back to 1995 and was probably two feet high if they stacked it together. It had been extensive and exhaustive.

Mr. Foxworth asked Mr. Weaver if he felt satisfied with what they had brought forward. Mr. Weaver said he couldn't imagine anything being more extensive than what had been brought forth. He couldn't imagine anybody else other than the federal government being able to afford what had been done. Now the issue was whether or not they could afford to fix what they found.

Chairman Prosser presented the April report that was prepared by an engineering firm out of Charlotte. There were a number of maps and other things that resulted from the old information and the new information.

**Mr. Cooper made a motion for previous question, seconded by Mr. Skidmore.**

Mr. Prince said it was time to go home. Chairman Prosser agreed.

Chairman Prosser called upon Mr. Kost to speak and Mr. Kost replied that the question had been called and he didn't think that his comments would be appropriate.

Chairman Prosser said he didn't have a motion for previous question. He said that he didn't have a second to the motion. Mr. Kost said that Mr. Skidmore seconded the motion. Chairman Prosser said okay.

**Ms. Gilland requested to withdraw her motion.** Chairman Prosser asked Mr. Cooper if he had a motion for previous question. Mr. Cooper (inaudible). Chairman Prosser said they would vote on Mr. Cooper's motion.

**Ms. Gilland withdrew her motion for the moratorium.** Chairman Prosser said that would make it easy.

Ms. Gilland said she wasn't antidevelopment and wanted the County to develop and develop well and didn't want to put people at danger and be blamed for not doing anything if someone were to get hurt. She said she had no idea of the cost of evaluating an area and determining whether or not there were still live ordinances there or how they would go about being careful so that no one got injured. She said that Mr. Wooten probably knew a whole lot more about it. She wanted to see the owners and developers of the target areas and the safety zones meet with the County and let them get together and determine what could best be done to prevent anyone from being injured, hurt or killed. They needed to do whatever they could since the government wasn't going to do it until most of them were dead. They needed to do what they could to insure that things were done as carefully as possible. She requested that a committee of Council meet with the developers and see what kind of recommendations were given, no guidelines of the federal government, what recommendations could they come up with. They needed to do something and there needed to be some concern to do what they could other than ignoring it and hoping that nobody got hurt.

Mr. Hardee agreed.

Chairman Prosser said that was a good segue into his decision memorandum because he assured them that no one there had been ignoring the issue and thought that many of them had been working on it long before Ms. Gilland decided to bring attention to it as she said. He said at this point Horry County needed to have a position and response to the Corps of Engineers report. That really was a question for them at this point.

Chairman Prosser recommended that they establish a position statement that basically summarized that 1.) It was the federal government's responsibility and whatever they did needed to be done to ensure that they were not let off the hook in that sense. 2.) Was that their objectives, first and foremost was public safety, and secondly, was full restoration of the property to its highest and best use as defined by local planning. He said that meant by Council because they were the body that did local planning. 3.) That Horry County fully cooperate with the federal government in accomplishing the objectives, however they needed as a government to be held harmless by the federal government and reimbursed for any expenses that they incurred because the things that they were asking for was if they looked at the level of detail obviously, a six or seven inch report, wasn't something that was going to be quickly but would require a tremendous amount of staff time and more than likely some outside experts to assist them in doing what they needed to do. The other steps that they needed to take once they established that with the Corps, they needed to get together all of the impacted parties to see what their position was. Some of them had come forth and had expressed what they planned to do or what they would like to see done and they needed to help facilitate the effort. They needed to get an idea of the overall scope of the problem and determine where the areas were that were really dangerous. He said that all of the 55,000 acres were not a problem and even the Corps report said that, and they could quickly determine the areas that were

problems and the ones that were not, so they could, in essence, eliminate the areas that were not problems and deal only with the areas that were public safety problems.

Chairman Prosser said they determined the areas that had a potential problem and needed to be incorporated in the plan. If they had some large scale developments coming forth in those areas, they had to take that into account and was something that they may need to defer further approvals on those particular areas, and once they determined that there was a potential problem and until the plan could be developed in conjunction with the Corps, that was acceptable to them and reassured the County that the problem was being actively addressed from a public safety standpoint. They needed to bring the Planning Commission into the process. He said that staff had already begun working on some of them and had developed a comprehensive list of land owners within the area and designated which areas were currently developed and which areas were zoned for future developing. They needed to develop a public information campaign and needed to reiterate that they had already done that and had put it out there to folks that if they discovered something that was suspicious in the area, that they were to call 9-1-1 and the emergency response folks had protocol to deal with it and would then deploy whatever local assets were necessary and notify the Corps, who would send a team in to take care of a potential problem. They also needed to go ahead and get a list of any other professionals that they needed to bring into the process and qualify those such as attorneys or engineers that they may need and then decide what their strategy was going to be in terms of the legislative administrative process at the federal level in bringing the state and federal representatives into the process for their assistance. The other thing was to research what was happening in other areas around the country with similar problems so they could share information and determine what the Corps was and wasn't doing in those areas to help them better understand what they needed to do.

Chairman Prosser said that was what he would recommend and he thought that was the full scope of what they needed to do at this point based on what had been presented to them and based on looking at the document, reviewing related documents and talking to a number of folks involved in the process. It was something that really put the County in a bad position and put them in a difficult position. It was a serious issue and wasn't an issue that they needed to create undue panic over. They had to take the issue for what it was and look at what had been presented in terms of the problem.

Mr. Cooper agreed with the statement of the position and most of the points. The only thing that he had some concern about was # 3 and he felt that it should be deferred to the Public Safety Committee as to exactly what they were trying to accomplish and come back with recommendations to Council. **Mr. Cooper made a motion that they go ahead and proceed with the Statement of Position with Items 1-11 minus # 3. Mr. Ryan seconded the motion.**

Chairman Prosser said that was something that may not be concurrent with the rest of the steps and was something that once they took the first step to determine where the actual problems existed, they could narrow down that issue and could be taken into consideration for the Planning Department.

Mr. Weaver said this was a complex and lengthy discussion in just deciding what they were going to do much less how they were going to solve it. When he and Ms. Carter went to the two

meetings, the Corps of Engineers assured them, the County as a whole, that they would always be there and continue to cooperate and be available to answer questions. It seemed to him in light of not having a Council meeting in November, the first meeting in November, that perhaps a combined workshop of Council, the Planning Commission, the Corps of Engineers from both Charleston and Huntsville, developers, it seemed to him that all players taking up that one area...he was afraid that they were going to have this sent to the Public Safety Committee and they weren't going to be able to get there that day...Chairman Prosser agreed and it was his intent that they were going to get with full Council, the Planning Commission and the responsible parties with the Corps That would depend on the schedule. He would try to schedule a workshop when they could get the Corps here in the next few weeks.

Mr. Weaver said the Corps had an excellent presentation to identify the problem. There would be no doubt that the problem was well identified and then they would talk about money.

Mr. Cooper asked if they were talking about Number Three. Chairman Prosser said yes and that it was something that I&R should...it was really something more appropriate for a workshop because everyone was kind of equally concerned.

Mr. Cooper said they should be able to proceed with the others. Chairman Prosser said right.

Ms. Gilland said if they could bring in all of the parties that Mr. Weaver mentioned, she was real anxious for the developers to take part in this as well in the discussion and suggestions.

Mr. Kost said he agreed with everything they were pursuing to do. He had major concerns. He said that everything they were talking about was weeks away. They needed to address what to advise the Planning Department to do the next day when a developer comes in and says that they had a plan for an area.

Mr. Weaver said the Planning Commission had that exact situation before it on Thursday.

Mr. Kost said they needed to make a statement that clarified what they were going to do in the interim while the other long range plans were in place. In addition to that, they needed to consider formal advise to the existing builders in those areas that basically clarified that they were not responsible and that they proceed at their own risk. If they didn't do that they had now escalated the situation to the point where there wasn't a soul in the world who didn't know that there was a problem and were wide open if they didn't take forceful, clear and immediate action to those.

Chairman Prosser agreed and said that really was their dilemma at that point. They could strike Number Three as it was and put in there that they would provide notice to any party requesting development approval or permits for property in the areas, in the subject area and that they would provide notice to them of the issue in that the issue existed.

Mr. Kost said divorcing themselves of the responsibility. They could proceed at their own risk if they wanted. They could do it two ways. They could tell Planning to wait to approve anything new until such time as they had met with the Corps and in a four to six week period of

time come up with an action program, but if there were somebody who was already working, he thought that they needed to tell them that if they exploded something and hurt someone for them not to come to the County because they were not going to be responsible. He asked if that were possible to do.

Chairman Prosser said they could certainly notify them but the question was, the transfer of the liability.

Mr. Kost said they had no liability and were not transferring liability. They had to maintain...Chairman Prosser said clarification or whatever it was that Mr. Kost was talking about.

Mr. Kost said they would proceed at their own risk and not the County's.

Mr. Weaver said there were acts of omission as well as acts of co-mission and if they knew and didn't tell them, then that was a type of litigation also. The Planning Department was faced with the situation with Myrtle Beach National this Thursday on the 500 acres.

Ms. Carter said also in Carolina Forest.

Mr. Weaver said there were two in the safety zone and maybe one partially in the bulls' eye. He asked what do they do, approve them, not approve them, put it on a delay for six weeks, that was what they were confronted with. Do they tell them or not tell them.

Ms. Carter said that thus far staff had come up with that they had included the information on the staff review sheets to the Planning Commission that the property was within the area that was identified by the Corps in the study. In the two PDD's that had been presented for Thursday night they had put down under special provisions that any future platting actions contained a notation to the affect that whatever lots were within the area be identified and that the plats indicated that which anyone who was purchasing was going to purchase by the plat would hopefully appear in the chamber of title and put them on record notice. One of the recommendations that the Corps had made, and that Chairman Prosser said they needed to investigate further to figure out the cost, was that they should require people seeking building permits to sign an affidavit that they were aware of it and were proceeding at their own risk. That would take them a little time to implement because they had to identify all of the properties and be able to flag them in such a way that it would alert the person issuing permits at the front desk. It wasn't something that they could implement immediately.

Chairman Prosser thought that was what Mr. Kost was asking. Ms. Carter said it was and it would take them some time to do that and couldn't do that the next day. They could proceed with the affidavits with the building permits if that were their desire.

Mr. Kost said he was a step beyond building permits. His guess was that there were builders out there shoveling some dirt around who probably didn't or hadn't applied for a specified building permit. He asked what would happen when one of their bulldozers hit one of the ordnances and killed the bulldozer operator and they hadn't said anything at that point in time that they were not

responsible and that when they were out there building, they were responsible if they chose to proceed.

Ms. Carter thought that all of the developers were well aware of it. They had been notified by the Corps and had given the right of entry to enter their property and do inspections. She said whether they were contractors, the ones who were on the tractors...Mr. Kost understood that they were aware but were they aware of the fact that if something happened that they were not going to have a lawsuit against the County. Ms. Carter said she didn't know if they would ever be able to convince them of that. They could tell them that. Mr. Kost said unless they made a statement to those people that they were to be held harmless in the event of an accident, they were going to have...Chairman Prosser said that was what Ms. Carter was speaking to in terms of the affidavit and was the exact thing that Mr. Kost was asking for. Mr. Kost said it was on building permits only.

Mr. Gosnell said they could develop a list of ...he said that Mr. Kost was right in that there was a building permit issue and those developments that had preliminary plat approval that they could notify and come up with a list of people to notify. Whether that person notified their contractor and the contractor notified their subs he thought was a separate issue.

Chairman Prosser said the only stage in which the County permitted something was for the building permit. Mr. Gosnell said or preliminary plat or stormwater. Chairman Prosser said it had to be one of those points. Ms. Carter said that wasn't always going to be the person...whoever was seeking the Planning Department approval or Planning Commission approval and then Council approval wasn't going to be the person always doing the construction. If it were a PDD, they may sell off a portion of it to another developer. She said that International Paper wasn't developing all of Carolina Forest. It was really hard to pin it down until they actually permitted construction on a site.

Mr. Gosnell said there were two issues. There was the issue and they could start compiling a list of the approvals whether it was preliminary plat of building sites that were ready for a building permit. The other issue was new developments that would be brought in. He had an issue with that in how do they proceed. Do they hold up any approvals of those for a four or six week period until they met with the Corps or do they approve them subject to any...new subdivisions coming in for approval, PDD's. Myrtle Beach National was one and there were probably several others that would be coming in 30 to 45 days. He asked how would they handle those that hadn't been approved yet.

Chairman Prosser said that was what he was seeking to address with what he had in the memo.

Mr. Kost said they wouldn't get there before those applications were made and he thought they needed to tell Planning what they wanted them to do, what Council wanted to do.

Chairman Prosser suggested that they strike #3 as it was and say that they would provide notice to any party requesting approval of permitting from Horry County in that area unless it had been determined what they had to do to provide the notice.

Ms. Gilland said as an example, Myrtle Beach National, they were coming up Thursday in front of the Planning Commission but then they were going to have to have three readings of Council. Before they gave final approval, there was a good bit amount of time would have passed so that they would have met with the Corps between now and then...they were talking about holding up the process a bit that was a natural hold up.

Mr. Weaver asked if they were suggesting that they approve going forward subject to being notified next Thursday. The Planning Commission formally and officially put the developers on notice next Thursday of the two that were pending.

Chairman Prosser said that was what he would suggest and then when they came before Council, they had to take into consideration where they stood with the issues. It was a whole other issue and then it came here. In terms of staff and the Planning Commission, they needed to incorporate something to notify them.

Mr. Weaver said from a practical standpoint, if they met that Thursday, then they would have the second meeting in October, the one meeting in November and would be in December before third reading worked its way through. Chairman Prosser said if it even came to the next meeting because sometimes it took two meetings before it was in the hopper. Mr. Weaver said no earlier than the first meeting in December and conceivably in January, if they didn't have two meetings in December.

Mr. Hardee said he was in favor of the notification process but there was one thing that they were leaving out. If they went out and bought a piece of property from International Paper and the developer paid \$20 million for it, they were sitting and paying interest on it, he thought that the notification process was appropriate but he thought that if they wanted to pay to have their property swept for devices and explosives and could get a letter stating that there were none, or if they identified some and moved them, then he thought they should be allowed to go ahead forward.

Chairman Prosser thought that all of them would probably agree with that because it was in the area they needed to submit a plan to them that was acceptable in that sense. He said given the location of the property, and the fact that it was a very fast growing developing area, there was a lot of emphasis for continued development out there and may take some of those that were developing the land doing some of those steps themselves and hopefully would be compensated later by the Corps. He said that if any private party could come up with an acceptable plan and demonstrate that to them, they should take that into consideration and approve it.

Mr. Skidmore asked if they were going by the lights around the dais or by raising their hands or just talking. Chairman Prosser said he could do any of the above.

Mr. Skidmore asked if there were already a system in environmental one and two process they could have done before purchasing a piece of land. Mr. Gosnell said yes. Mr. Skidmore thought that most people that bought large tracts had that done now. He had.

Mr. Skidmore asked about the subject area in that if they were talking about the 6,560 acres or the target sites and safety zones. Chairman Prosser said that Mr. Cooper's motion was to strike

that particular point. At that point, he thought more than likely what they were talking about was the impact and safety zones. They didn't have enough information that night to define that exact area. He thought that was the next step. When they did this, they had to further define within the 55,000 acres what they were talking about. It was only small and certain portions of the area. This was a plan to start with, to begin responding, so they could determine these things and ask the questions that came up.

Mr. Skidmore thought it was a good plan and didn't know why Council needed to take action on it that night. He thought that Mr. Weaver suggested to have a workshop with the Corps, Planning Commission, landowners, developers and Council to look and see what they could do.

Chairman Prosser said that was why it was important for them to take action that night. Number one, they knew about it and needed do something in response. Mr. Skidmore said they had known about it for two years. Chairman Prosser said the report was fairly recent and had just come out and had been asked to respond to it. The other issue was that he wanted to have Council's position so that he could then contact the Corps and tell them their position and invite them to come down. He wanted to be able to express to the Corps what they were looking for so they could better respond to what it was that they were asking them to do.

Mr. Smith said he was deteriorating as the night went by. He added to Mr. Weaver in that he was talking about the direction to staff and notification of folks who were bringing new development plans in and the Planning Commission dealt with...this was a serious safety issue and he went a little further in that his opinion was for staff to recommend to the applicant to defer it until they had had an opportunity to deal with some of the issues if the applicant was willing to. He tended to agree with Mr. Kost about notification. There was work and development that was going on and there would be folks out in the area working the next day. They were talking about the developers and property owners but if they thought about who was actually more prone to get injured it would be a lot of the contractors and utility providers who were actually doing a lot of the digging on the development plans. He wanted to see Council and staff put together a list of current developments and current projects and formulate a notification list which included utility providers and most of the contractors that would physically be on site because they were the ones that were at the most risk. They needed to get some sort of notification and include what Mr. Kost said about releasing the County of liabilities.

Mr. Weaver said at Chairman Prosser's request, the Planning Department had done an exhaustive search of the people who owned property within the target areas and safety zones of the four ranges. The total was 511 people. They knew them by name and address. There may be a few more or a few less but within ten, they already had that information. They could be notified. Another thing was that they talked about giving direction to the Planning Commission, which he thought was important, and the Planning Department but once it came before Council, they could defer it. They were not bound to pass it on three readings instantly and if they had something in the works with the Corps of Engineers, he suggested to Chairman Prosser that it may be in December or perhaps in January. They controlled that speed. He didn't think the developers were going to be moving along until third reading was passed anyway.

Mr. Foxworth said he was a bit confused because a few minutes ago when he asked questions, they had all the information in the world and had five volumes and knew exactly where the target areas were and now they were learning that they didn't have enough information to make a decision. He liked what they were doing with the decision memorandum and understood Mr. Cooper's reluctance on point three, and he tended to agree with him, but while in the statement of position Number Three they put the monkey square on the back of the Army Corps of Engineers and in the background, they retracted part of it back. They didn't have the information that they needed to make a recommendation and Ms. Gilland had withdrawn the moratorium and they were talking strictly about notification at that point. He didn't think they should narrow the scope of the notification down to strictly those three target areas. Each and every one of them sat up there and came to the job with a unique set of life experiences and backgrounds and whatnot. One of his questions earlier was how did the Army Corps of Engineers come about making the determination about the target areas. He asked that question because in 1941 and first part of 1942, his father who had just gotten out of high school, had a job staking out targets in that area. In 1968 through 1973, Mr. Foxworth had an opportunity to spend a great deal of time every day in that and again in the mid 70's as a stringer for a local radio station while the largest forest fire in the history of South Carolina was burning, he was there to watch the bulldozers being pulled out. He wasn't convinced that those were their only three areas of concern. He said that if all they were doing was talking about notifying the property owners or contractors, that there may be a problem and that they were not to be held liable for it then, he thought they ought to open it up to the entire Gunnery range because to do less, they were opening themselves up for potential problems down the road. If they were trying to avoid that in this end, he saw no reason to front end load it for trouble down the road.

Chairman Prosser said that was why he phrased the original language as he did in terms of being somewhat vague because he didn't think that, at that point while they did have all of the studies that identified the target areas and safety zones, he didn't think they had sufficient information or had had the opportunity to sufficiently evaluate the information and determine which areas may be safe or unsafe. There were certain parts identified in the study but that would have to be further identified through their process as they looked at the property records. He thought he was addressing Mr. Foxworth's question. They could do a notification to everyone within the entire 55,000 acres and was certainly possible and could identify all the tracks within that area.

Mr. Gosnell said it would take some time but they could.

Mr. Foxworth said that they had spent seven years preparing the draft study and worked on it from 1995 to 2002. They had been working on it for at least seven years that they had known about. People around there had known about it considerably longer than that. He didn't see why they narrowed the scope on one side of the position statement and then widen it back out on the other. They seemed to be inconsistent there.

Chairman Prosser asked Mr. Foxworth what did he consider narrowing the scope. Mr. Foxworth said the background. Chairman Prosser said the background had nothing to do with the recommendation to the action steps. In terms of the actions they took, he thought that it was fairly broad. They could notify everyone and the practical side of that was as areas came up for approvals and development that was when they looked specifically at those areas in sort of that order.

Mr. Foxworth said that one of the subdivisions that they might also want to think about notification was the cities because they had some tracts within the former gunnery range that were now part of municipalities. Chairman Prosser agreed with that. He said that they needed to agree on the steps that they needed to take and move forward and a lot of the details would fall out as they tried to accomplish each of the things.

Mr. Knight said it may be easier to decide which ones they weren't going to contact because they had heard that the entire Garden City Beach was a target area and Shore Drive was a target area. It may be easier to decide who they weren't going to contact.

Chairman Prosser said that to some degree everyone in the County should be aware of the problem because of the publicity it had had or would have in a couple of months.

Mr. Kost said they started with a small fire and they were sure talking about a big one now.

Chairman Prosser said they had to deal with the issue at hand which was the potential hazard the Corps had identified. Beyond that, all they were talking about was rumor, folklore or whatever else.

Mr. Knight said they basically came up with the target areas on a map. Mr. Gosnell said those were the hot areas that the Corps identified those areas as impact and safety areas and were the areas that they had identified 512 properties and those were the ones that they recommended notification to.

Chairman Prosser asked if it were their opinion that outside of those areas and based on the evaluation of the Corps' study, they wouldn't need to provide notification because they didn't see it as a public safety there.

Mr. Gosnell said those were the critical areas identified by the Corps' consultant in their draft and final study.

Mr. Gilland said they could only hope that every bomb or target area was in a safety zone.

Mr. Cooper said they needed to keep it in perspective. He said that a lot of people had known about it and had been put out to the public before. They had a statement of position and had some points that they were going to take on it. They were going to expand Number Three. They could go ahead and evaluate about expanding the area and if they were going to do that they needed to go back further to the War of Northern Aggression and mark off every battle field that was in the South and every potential exploding cannon ball and go out and put a study on that too. There was a whole bunch of them out there and it wasn't too long ago that he read in the paper about some one that came across a cannon ball and it exploded. He said at some point they had to get some sort of plan going and try to take some sort of action and start moving forward or could sit there for eternity.

**Mr. Cooper called for the question that he called earlier and that Mr. Skidmore seconded.** Chairman Prosser said okay and that he didn't have any one else in queue who wanted

to speak. Mr. Wooten had had his hand up for a while and represented the project in the area and Chairman Prosser asked that he make his point quickly.

Mr. Wooten from DDC Engineers spoke to Council and presented some slides. He said that he represented a number of clients who were affected by this. He passed out a handout to Council. It was an executive summary from the Parsons Group. The Corps, in their executive summary...for those who had taken the time to read all the volumes, they needed a life. The executive summary was confusing enough on its own merit. It took two or three members of his staff about a day and a half to really sit down and sort out what the report actually said. The Corps had separated the bombing areas and safety zones into three sections, Sections 1, 2 and 3. There had only been one area where an ordnance had actually been found. He said that Mr. Weaver had mentioned that in Mr. Goodson's area, they found a bomb and they used an explosive device to explode the bomb. The bomb itself didn't explode. The Corps report called out Area C and Area B as high potential areas. Area A and Area C-1 were moderate. The areas in green had no evidence of any explosives in those areas. The areas F they didn't even mention in the summary report because they couldn't find any evidence of any ordnances in those particular areas. He pointed out areas A and A-1. The pegs within the circle was Myrtle Beach National and Wild Wing and was one of the areas that they had said was a potential for bombs. That area was totally developed with the exception of Sterrits Swamp and a 4.57 acre parcel that was located on the proposed rezoning that may come to Council here in the next couple months. The second area zoning had just about all been developed by Wild Wing, the Solid Waste Authority and the remainder of Myrtle Beach National. It clearly said on page two of the executive summary that the area A-1 outside of that circle had no potential for a ...he quoted, "Results of a risk evaluation indicate that there is no public safety risk associated with ordnance and explosives in sector three." That was that area. What they were concerned with was the 4.74 acre parcel in the project that they proposed to rezone. He said that Myrtle Beach National had hired a company called EODT, who was one of the national firms that specialized in dealing with these problems and were going to meet them on site Thursday morning at 9:30 A.M. They were going to determine what they were going to do with that one area of upland that was contained in an area that may or may not contain ordnances. The reason for the rush was that Myrtle Beach National had a multimillion dollar financial deal on selling the property that could very easily go awry if this issue wasn't resolved very quickly. They had no choice but to move forward with it. The reason that he wanted to show them this was that if they read the report without taking into context the areas that had already been developed, and no ordnance had been found, and without taking into context that the entire 55,000 acres that they were talking about have been in timber harvesting process for... at least three times timber had been harvested off the majority of the property since 1941 and 1942 and no ordnance had been found. The likelihood, although it was there, he applauded Council on realizing that and taking steps forward, the likelihood was relatively small that an ordnance would be found in the areas. The developer's side of this was that they pleaded that they give them the opportunity as they had discussed that night to handle the issues and move forward as quickly as they could. The project was coming up for rezoning and they also represented Barefoot Resort which was in one of the areas where they believed an ordnance was.

Chairman Prosser said that those were facts that they could take into consideration as each of them came to them, the PDD request for Myrtle Beach National. They needed to establish the protocol first and then would be able to look at it and the data that Mr. Wooten presented was the data that they would need at that time.

Mr. Wooten said in 1998, the Corps was all over Barefoot. They asked them to come out there and investigate. He said that obviously the Corps didn't speak to Parsons about what they had failed to find in that area. There were some discrepancies between the Parsons report and between what they had learned from the Corps back in 1999. They attempted to contact the individual who wrote the report for Parsons and found that that individual no longer worked for Parsons and hadn't been able to find that individual and now they were dealing with an individual who knew very little if anything about that particular project. It was a problem and he appreciated them moving forward with it. He said that he would appreciate their indulgence in the understanding of the development community in that time was money, and the fact that if a project was delayed, the developers weren't allowed to move forward and try to find solutions to those problems, irrevocable harm could be done to the property owners and to the developers.

Chairman Prosser said that was part of what made the issue so difficult for them. They understood the urgency of it and also had the duty to protect public safety. They tried to balance those two things. He said that any information, proposals or assistance that the development community wanted to lend the County in the process, they would be more than welcome.

Mr. Wooten said they would like to report back to them the results of the initiation and study that they would be starting Thursday as the guinea pig in this great experience they were getting ready to get into.

Chairman Prosser said they needed to go ahead and vote on what they had.

Mr. Kost asked if Chairman Prosser had a motion on the floor. Chairman Prosser said he did and it was to approve the decision memorandum, the position statement and the action steps with the exception of Number Three which was Mr. Cooper's motion. He asked that they amend that to strike Number Three and to add in that they would provide notice to any parties requesting development approval or permits and would then have to let staff work on that.

Mr. Cooper asked Chairman Prosser to restate the amendment again. Chairman Prosser said that they would provide notice to any parties requesting the development approval or permits within the subject area.

Mr. Skidmore asked what was the subject area.

Chairman Prosser asked how would they define the subject area. Mr. Gosnell said the target areas and impact areas identified in the study. He said the circled areas on the map included in the study and not the entire 55,000 acres.

Chairman Prosser asked if there were any objection to amending that.

Mr. Kost suggested that in addition to approving the plan that was presented, was that they direct the Planning Commission to obtain release of County responsibility from any developer requesting building or subdivision approval and further that a legal notice be provided to all

companies in current construction in the danger zone that they proceed at their own risk and that the County wasn't responsible. **Mr. Smith seconded the motion.**

Chairman Prosser said they could add that and it was provided for generally in what he had written that they would provide notice. Mr. Kost said all they were doing was saying that they would tell them that there was something out there and they knew that already.

Mr. Weaver said if they didn't obtain such signatures on such an affidavit, no permit would be issued. Mr. Kost said right. **Mr. Kost made the motion to amend, seconded by Mr. Smith. The motion carried with Mr. Foxworth voting nay.**

Chairman Prosser said they would add and incorporate that into point three.

Mr. Knight said that when the people came to the Planning Commission with a set of plans, the staff didn't engineer it or do the stormwater. They brought the recommendations to staff whether it was a public safety issue on entrances, width...he thought what they should do was to let the professionals, Mr. Wooten on his property, his rezoning come to the Planning Commission with what his recommendations would be on that piece of property and how he would...Chairman Prosser thought that was what they were saying. Mr. Kost was saying that if they choose to proceed that they would sign something saying that they were doing so at their own risk. Mr. Knight said that was great. They had been talking about staff getting the information on all of the areas and that type stuff and he didn't know how they could do that.

Chairman Prosser said they had to start somewhere and there were a lot of questions that were going to come up and a lot more work that had to be done after they left that night, but they needed a starting point and he thought they had it on the floor, a good starting point. He said they needed to go ahead and vote on that. **The main motion carried as amended with Mr. Foxworth voting nay.**

Mr. Foxworth said that he thought the vote they just took was on the main motion. Chairman Prosser said it was on the main motion as amended per Mr. Kost amendment. Mr. Foxworth asked that they please note his vote as a nay on the main motion. Chairman Prosser said they would and that he was curious as to why he didn't vote against the main motion. They would record his vote as a no.

#### **OLD/NEW BUSINESS:**

##### **Approval of Indigent Claim by Goldfinch Funeral Directors.**

**Ms. Jordan made a motion to approve, seconded by Mr. Ryan. The motion carried.**

Mr. Ryan asked if they could defer the Discussion on the change to an adoption of a biennial budget process. Chairman Prosser said they could.

**Mr. Ryan made a motion to adjourn, seconded by Mr. Cooper. The motion carried and the meeting adjourned at 10:45 P.M.**