

**CITY COUNCIL MEETING  
CONWAY CITY COUNCIL  
CITY HALL COUNCIL CHAMBER  
MONDAY–FEBRUARY 26, 2007–5:30 P.M.  
MINUTES**

**PRESENT:** Gregory K. Martin, Mayor; Irby L. Koon, Mayor Pro Tem; Vivian E. Chestnut; Jean M. Timbes; Randle L. Alford; Thomas J. Anderson

**Absent:** Alys C. Lawson

**STAFF:** Bill Graham, City Administrator; Barbara Blain-Olds, Assistant City Administrator; Lois Roberts, Executive Secretary; Greg Richardson, Special Projects Coordinator; Jerry Barnhill, Public Works Director; Larry Schilling, Grants Coordinator; Tim Williams, Beautification Director; Freddie DuBose, Public Utilities Director; Reggie Gosnell, Chief of Police; Michael Hardee, Finance Director; Darrell McDowell, Fire Chief; Billy Joe Sawyer, Building Official; Wanda Lilly, Arborist; Lt. Tim Chapman, Conway Police

**OTHERS:** Tonya Root, Sun News; Kathy Ropp, Horry Independent; Residents Technology Blvd.; Dr. Bob Guffy, First Baptist Church

**I. CALL TO ORDER**

Mayor Martin called the meeting to order at 5:30 p.m.

**II INVOCATION/PLEDGE OF ALLEGIANCE**

Reverend Guffy gave the invocation and led the audience in reciting the Pledge of Allegiance.

**III. PRESENTATION–Employee Longevity Bonus Award**

Lt. Timothy Chapman has been employed with the City of Conway Police Department since February 24, 1992. He was hired as a police officer; promoted to Corporal on February 8, 1997; Sergeant on January 2, 2000, and to Lieutenant on October 14, 2000. He assists in the command staff of the department and helps make operational decisions that guide the department in a positive direction. Timothy Chapman was named Officer of the Year in 1997, Kiwanis Excellence in Law Enforcement Officer in 2004, and the City of Conway Public Safety Employee of the Year 2002.

Graham and Mayor Pro Tem Koon presented the bonus award to Chapman.

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**IV. PUBLIC HEARING**

**ITEM #1–REZONING REQUEST–Request to Rezone Approximately 6.8 Acres Located at 2201 Technology Boulevard from Highway Commercial (HC) to High Density Residential (R-3)**

Godin noted that Weaver Engineering has requested to rezone the property referenced above. The future Land Use map of the Comprehensive Plan designates this parcel as single family residential. The Planning Commission recommended approval of this rezoning. She noted that Grand Water and Sewer would provide sewer, and the City of Conway will provide water. This development, if developed as multi-family, would be required to have a Type B landscaping buffer along the entire rear property line.

The Mayor asked if anyone wished to speak on this matter.

L. Sangtian stated that for every unit constructed on the site there would be two cars. He asked if a traffic study was considered. It was noted that the quality of life for senior citizens would deteriorate in Myrtle Trace. He noted the Neighborhood Association is opposed to the rezoning.

Jeanette Burke, Quail Creek resident, vented her concerns about the increase in traffic on Singleton Ridge Road and surrounding roads.

Peggy Latham, Clemson Road, stated she would like for Council to leave the parcel at its current zoning classification. She asked that Council also consider planning the growth that is taking place in this area.

Dianna Hughes, 104 Clemson Road, stated that an environmental impact study should be done on this property before it is developed and proof of the study provided to the residents. In addition, the drainage should be studied because it floods in this area. The residents are opposed to the approval of the rezoning request.

Mayor Martin noted this is the first time this request has come before Council. A property owner has a legal right to request a change to the Council, and Council has to hear it.

Mark Sloan, Quail Creek Resident, stated the invasion of students from other developments that have occurred should be taken into consideration. He is opposed to the change

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Mike Donnelly, 3220 Clemson Road, stated he is opposed to the project because there would be no privacy in his yard.

Henry Bonnett stated all the college housing should be planned for one area of the campus and not spread out.

Robert McCormick stated that coming out at Clemson Road is almost impossible in the late evenings due to the traffic there now and this will only get worse. He is opposed to the rezoning request.

Wendy Donnelly said there is constant noise during the day and parties during the night and on weekends from college students.

Tim Joseph commented on the traffic. He is a teacher at HGTC and has noticed the tremendous flow of traffic. He noted there would be some serious safety issues with the increase in traffic that would result if the proposed development is constructed.

Rod Carter, 110 Wofford Road, asked how tall the buildings would be when constructed. Godin stated they would be three stories or 35 feet tall. Carter said this area has turned from a nice quiet area to an area that is just congested. He advised that he has been the victim of two break-ins and is concerned about safety issues.

An unidentified speaker noted he plans to put his property on the market should the proposed development occur. He is concerned about the traffic and safety. He is opposed to the rezoning change

Carl Schwartzkopf, University Circle, noted the number of phone calls he received from residents regarding the quality of life in and around Clemson Road, University Boulevard, and Wofford Road. He asked Council if they would like to have this project built in their back yards if they lived along Singleton Ridge Road or Clemson Road.

Josie Smith, University Drive, stated she is concerned about the traffic and has seen police out there only one time a day.

Ed Cerney, 148 Citadel Drive, stated that there will in all probability be more than two cars per unit, and the traffic would be worse than projected.

The Mayor noted that this matter will be discussed later in the meeting. The public hearing portion of the meeting was closed.

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**V. PUBLIC INPUT**

**Fountain**

Brenda Cutts stated she spoke to the Riverfront Steering Committee regarding the placement of a fountain at the Riverwalk. She said the Camellia Garden Club is excited about the possibility of installing the fountain at the Riverwalk and would like to hold a small ceremony. She said there is about \$800 available to help with the costs to install the fountain.

The Mayor noted that the architects indicated they would incorporate the fountain into the design of the riverfront. He requested that staff provide a letter to the Camellia Garden Club about placing the fountain at the Riverfront Park.

Anderson said he would like to see something done by the club such as maintaining it on a monthly or quarterly basis. Cutts noted there is another club that has planned to do some planting and caring for the area around the fountain.

Timbes noted that Council agreed to place a plaque on the fountain recognizing the Garden club.

There were no other speakers; therefore, the public input portion of the meeting was closed.

**VI. ORDINANCES FOR FINAL READING**

**A. Ordinance #ZA2007-02-26(A)–Annexing Approximately 1.5 Acres Located on Bradford Drive and Zone the Property Low Density Residential (R-1)**

Council gave first reading approval to the ordinance referenced above at the last meeting.

**Motion:** Chestnut made a motion, which was seconded by Alford to give final reading approval to Ordinance #ZA2007-02-26(A). **Vote:** The vote in favor of the motion was unanimous. The motion carried.

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- B. Ordinance #ZA2007-02-26(B)–Annexing Approximately 59.9 Acres Located on Dunn Shortcut Road and Zone the Property Low Density Residential (R-1)**

The ordinance referenced above received first reading approval at the Council meeting held February 12, 2007.

**Motion:** Alford made a motion, which was seconded by Timbes to give final reading approval to Ordinance #ZA2007-02-26(B). **Vote:** the vote in favor of the motion was unanimous. The motion carried.

- C. Ordinance #2007-01-22(A) Authorizing the Purchase of 0.34 Acres, More or Less of Land on Norton Street from Thomas E. McCarthy**

Council approved first reading at the last meeting. The purchase price is \$22,500.

**Motion:** Koon made a motion, which was seconded by Chestnut to give final reading approval to Ordinance #2007-01-22(A). **Discussion:** Anderson asked if there has been a decision made on the parking style. Graham stated that staff plans to contact the adjoining property owner to see if we can acquire some additional property; therefore, parking plans will be provided at a later date. **Vote:** The vote in favor of the motion was unanimous. The motion carried.

**VII. ORDINANCES FOR FIRST READING**

- A. Ordinance #ZA2007-03-12(A)–Rezoning Approximately 6.8 Acres Located at 2201 Technology Boulevard from Highway Commercial (HC) to High Density Residential (R-3)**

Council heard comments from several citizens during the public hearing portion of the meeting.

Alford asked if any plan had been received from the developer and do we know for sure that this will be multi-family units. Godin said the information provided states that the current developer plans to construct 60 units on the parcel. Godin explained the R-3 zoning and noted that 146 units is the maximum that can be built on this parcel; however, the current buyer is proposing only 60 units. Koon asked if this property would support 240 people and still have space for parking. Godin noted she has not seen a sketch of the plan; however, a parking plan must be included and the zoning allows for two parking spaces per unit.

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Timbes asked for an explanation of the Highway Commercial Zone versus the uses for R-3. Godin said Highway Commercial is the City's most intense zoning classification and read the uses and noted there are approximately 100 plus uses to include ABC stores, banks, hospitals, etc. With the R-3 zone classification there could only be residential zoning which allows single family detached homes, walking trails, townhouses, duplexes etc. Timbes noted if this property is left as Highway Commercial, there could very well be something much less desirable such as bar that could be constructed on the site suited for Highway Commercial. Godin noted the parcel is currently zoned Highway Commercial, and it could be developed with one of the allowed uses from the list for Highway Commercial. If a developer wanted to construct one of the allowed uses, it could be approved on staff level with no further requirements to meet. Chestnut asked about green space. Godin stated that there should be approximately 1.45 acres of dedicated open space. Chestnut asked Mr. Sam Washington, owner of the property, if there are any wetlands on the property. Mr. Washington said he is not aware of any and there is not supposed to be any wetlands on the parcel. Godin said a developer cannot build right up to the property line whether its Highway Commercial or Residential. Alford said he is concerned about the height of the buildings, and we need to inform the developer, because as one resident said someone would be able to look down into his yard. Godin said the height conforms to the guidelines in the R-3 Zoning Classification.

A citizen asked what was planned for the ditch and the drainage that is on the parcel. Godin said a developer has to bring in a full set of engineered plans that require a drainage plan on the site. She said it could not be filled in.

The Mayor asked about the existing landscape. Godin noted it is a wooded area. Koon asked if we could require the pines trees to act as a buffer. The Mayor said we could make a stipulation regarding the trees or buffer. Godin said we couldn't place a conditional zoning, but we could encourage the developer to leave some trees to act as an additional buffer. She noted it makes sense for other developments in a similar situation to leave some trees rather than cutting down and replanting. Timbes asked if there is a possibility of reducing the number of occupants by deleting the top story of a unit. Godin said the other option would be to use a Planned Development. Anderson asked if that would be spot zoning. Timbes said we could ask the developer to consider a PUD. Godin responded we could.

Marshall Biddle, representing the Developers, asked if he could answer some questions and spoke on the R-3 and R-4 height requirements. He said if Council would like for them to leave the trees there, they would consider that. The plan is to build three to four bedroom units and includes all parking and landscape requirements.

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Alford asked if professional office space is an allowed use for this property with a 50' height allowance. Godin responded yes. Koon noted the height of the trees already in place exceed fifteen feet. The Mayor asked if it were to remain Highway Commercial, what kind of businesses could be placed there. Godin said there is not a density maximum for Highway Commercial as long as the project would fit into the space. Biddle delineated the location of the ditch. He said there is no parking on the rear of the proposed buildings or windows, and with the trees already in place, they could serve as a privacy factor or buffer. Timbes asked if any consideration had been given to a PUD. Biddle said they looked at all zoning classifications.

**Motion:** Alford made a motion, which was seconded by Koon to deny the approval of the rezoning request of Ordinance #ZA2007-03-12(A), with the recommendation that it be brought back to Council as a possible PUD. **Discussion:** Timbes said it concerns her that we are leaving the property Highway Commercial, and we may not be better off because of what could potentially be placed on the property. She said she would like to see a more detailed plan of the structure and site plans. Alford said we have to get with the developer to see if better planning for the site can be done; otherwise, there could be a 50' office building there. Biddle presented a conceptual drawing of what the project looks like. The Council reviewed it. Anderson said it would be irresponsible not to talk with the County Council representative about the five-way intersection before we put over 200 cars there. **Vote:** The vote in favor of the motion was unanimous. The motion carried.

Mayor Martin asked staff to explain to the public what was just done. Godin noted that the request has been denied, and that the developer would be contacted to discuss a Planned Development. The process is that it would have to be presented to the Planning Commission with the new zoning classification. Mayor Martin asked if doing a PUD would allow the Council more flexibility in what can be constructed. It was noted the developer would have to make the request for the zoning classification. Godin explained if Mr. Washington wanted to sell this property today to someone who wants to use it for Highway Commercial, it could be done without a public hearing or a notice to residents. They would only need to submit plans for the site.

Residents asked if the sign posting the property could be placed in a more visible area so that it can be seen more easily.

This matter will be discussed at a future meeting after conferring with the developer.

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**B. Ordinance #ZA2007-03-12 (B) - Accepting the Petition of Charles P. Frishman to Annex Approximately 11,250 Square Feet Located at 107 Quail Run and Zone the Property Low Density Residential (R-1)**

Godin stated that Charles P. Frishman requested the annexation of approximately 11,250 square feet located at 107 Quail Run and zone the property Low Density Residential (R-1). There is currently one (1) single family home located on the property.

**Motion:** Anderson made a motion, seconded by Koon, to grant first reading approval to Ordinance #ZA2007-03-12(B). **Vote:** The vote in favor of the motion was unanimous. The motion carried.

**VIII. ITEMS FOR DISCUSSION**

**A. ASI Engineers, Inc. Request Approval for a Commercial Curb Cut Sharing Frontage with a Residential Neighborhood on Radio Lane**

Godin stated that ASI Engineers, Inc. requested approval for a commercial curb cut sharing frontage with a residential neighborhood. The applicants are in the process of designing a Wilco Hess gas station on the site at the corner of Highway 378 and Radio Lane. Godin stated that property owners within 200' of the proposed project were notified of the request. No one was present to speak for or against the request.

**Motion:** Koon made a motion, seconded by Anderson, to approve the commercial curb cut as requested. **Vote:** Voting in favor of the motion: Anderson, Koon, Martin, Chestnut, Alford. **Opposed to the motion:** Timbes. The motion carried.

**B. Designation of Professional Seats on the City's Community Appearance Board**

Godin stated that the CAB had asked staff to forward a request to City Council regarding the composition of their board. The request would require a text amendment to the Zoning Ordinance which would have to be reviewed by the Planning Commission and advertised for a public hearing. It was the consensus of City Council that the Planning Director proceed with the CAB's request and prepare a text amendment to the Zoning Ordinance in this regard.

**C. Request from City Council to Explore Options Regarding City Entrance Landscaping**

As a part of this fiscal year's goals, City Council requested staff explore ways to create beauty spots along major thoroughfares and at major entrances to the City. Staff presented several options for Council's consideration regarding proposed landscaping enhancements in the areas of Highway 378, Highway 701 South, and Highway 701 North. Cost estimates for the three projects is approximately \$2,000; however, this project was not budgeted in the FY 2006-2007 budget. **Motion:** Koon made a motion,

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seconded by Timbes, to approve the landscaping request as presented. **Discussion:** Koon suggested the City use metal borders rather than plastic ones. Mayor Martin also noted that plantings in the right-of-ways in the entranceway centers should not be over a certain height. Godin will check with SCDOT on right-of-way planting requirements. Chestnut noted that staff be allowed to do a budget amendment to fund the project, if necessary. **Vote:** The vote in favor of the motion was unanimous. The motion carried.

**D. Request for Project for New Transportation Enhancement Funds**

Schilling informed Council that FY 2007 Transportation Funds are available through GSATS. These are competitive grants with a \$40,000 maximum grant and a 20% required match (\$10,000). The Transportation Enhancement application is due in March 2007. Staff requested suggestions for potential enhancement projects and the following sidewalk projects were proposed: Whittemore Street - Singleton Street to Brown Street; Brown Street - Whittemore Street to Horry Street. **Motion:** Alford made a motion, seconded by Anderson, to approve matching the \$40,000 grant in next year's budget. **Vote:** The vote in favor of the motion was unanimous. The motion carried.

**E. Overview and Schedule for the Update of "Shaping our Future - Conway 2007" - City of Conway Comprehensive Plan**

Godin stated that the Comprehensive Plan "Shaping our Future - Conway 2007" needed to be updated during the year 2007 and 2008. She then gave an overview and schedule for the update. She also asked that City Council appoint a Steering Committee to monitor the plan's progress as it is developed. The Committee would be charged with assembling the members of the seven (7) technical committees. They would also be asked to attend and host the Community Vision Workshop and attend the Technical Committee meetings they select. Godin asked the Council members to consider submitting two names each for consideration on the Steering Committee. In addition to the 14 members appointed by City Council, staff would also suggest that the Planning Commission chairperson or their designee also serve on the Steering Committee which would bring the total membership to fifteen. One suggestion was to use board members from the various City Board's and Commissions. Staff was asked to submit to Council the current listings of all the City's Board and Commission members. Mayor Martin asked each Council member to be prepared to submit two names each at the next City Council meeting for consideration of appointment to the Steering Committee. Timbes stated that people should know this will involve a considerable amount of their time. It is also important for everyone to know that everyone who applies for the Committee cannot be selected in case they are not chosen. It was also asked that this information be placed on the access channel.

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**F. Report from the Riverfront Steering Committee Meeting held February 15, 2007**

Bill Graham gave a report from the latest Riverfront Steering Committee meeting which was held on February 15, 2007. From that meeting, the following recommendations were asked to be presented to City Council:

1. Revise the plans for Kingston Street entrance to the Riverwalk as presented at the meeting.
2. Bid the improvements for Elm Street as previously approved. (At this point, it appears likely that the City and the County will be able to resolve the drainage and fill dirt issues within the next several weeks.)
3. Bid the project with the plans showing utilization of a portion of the firemen's property for expanded marina parking.
4. Bid the expanded marina parking as an alternate so that that work could be deleted if negotiations with the firemen are unsuccessful.
5. Provide a photograph and dimensions of the fountain to the architect for appropriate inclusion into the Riverfront plans.

Also, Graham stated it appears that the City will be able to move forward with the project on the following schedule:

March 30	Complete construction plans
April 30	Solicit bids
May 30	Complete bid review and selection of contractor
June 30	Begin construction
December 31	Complete construction

**Motion:** Chestnut made a motion, seconded by Timbes, to approve the recommendations as made by the Riverfront Steering Committee and the construction schedule. **Discussion:** Timbes noted that work on the Riverfront and the flooding problems in that area should be addressed at the same time. It was also noted that consideration be given to the use of the City crews and the City supervise the construction. **Vote:** The vote in favor of the motion was unanimous. The motion carried.

**G. Report on the College Town Goal**

Greg Richardson gave an update on efforts made by the City for promoting Conway as a college town. The City's and the University's websites are linked, staff hopes to display CCU banners during special CCU events; supporting information is on the access channel, and have a broadcast audio of the football games on the access channel. The City established Teal Day and recently distributed a spring sports

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schedule to all city departments. CCU baseball is sponsoring a City of Conway Employee Appreciation night on Thursday, March 16<sup>th</sup> at 6 p.m. where City employees and their families receive free admission to the ball game. This event is sponsored by CCU Athletics. Also, Greg Richardson stated that CCU is considering having their homecoming parade downtown in Conway this year with the City's approval. Mayor Martin stated that the City should help assist in promoting the homecoming parade if CCU wants to have it in downtown Conway. Alford stated that staff should look at Spartanburg and Eastern Michigan and get some ideas from them as to what they do to promote themselves as a college town.

### H. **Report on Risk Management - Workers Comp and Insurance**

Greg Richardson stated that staff had been focusing on reducing incidents and costs related to the incidents which in turn will result in reduced premiums for the City. During the weekly staff meetings on Wednesdays, a brief review of all cases is given to the department heads. With the combined efforts of monitoring and awareness, the number of incidents has been reduced. The Safety and Wellness Committees, along with the support of management, are also working to promote health and safety within the workplace. Bill Graham stated that the City is working in to reduce incidents and premiums by promoting safety in a positive manner. This is a high priority with the City.

## IX **PROPOSALS**

### A. **Request for the American Cancer Society's Relay for Life to be Held at the Conway Recreation Complex on April 20 and 21, 2007**

Ken Senn stated that the American Cancer Society had requested permission to hold their annual Relay for Life fund raiser at the Conway Recreation Department. The event will begin at 7 p.m. on Friday, April 20<sup>th</sup> and will end at 7 a.m. on Saturday, April 21.

**Motion:** Chestnut made a motion, seconded by Koon, to approve the request of the American Cancer Society to hold their Relay for Life at the Conway Recreation Department. **Discussion:** It was suggested that the City have a team to participate in this event. **Vote:** The vote in favor of the motion was unanimous. The motion carried.

### B. **Consider Proposal to Tile a Ditch at Conway Senior Center**

At the February 12<sup>th</sup> City Council meeting, Jerry Barnhill was asked to get a price on tiling the ditch at the Senior Center. The estimated cost is \$6,322 which includes 80' of 36" RCP at a cost of \$2,600; 12' of 24" RCP @ \$362; 140' of 18" RCP @ \$1,360; and three basins at 2,000. Barnhill stated this was not a budgeted expense in the 06-07 budget and one option would be to budget for the project in 07-08. **Motion:** Chestnut made a motion, seconded by Koon, to approve tiling of the ditch by doing a budget amendment. Council would also like a priority list on smaller drainage projects. **Vote:** The vote in favor of the motion was unanimous. The motion carried.

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**C. Proposed Sidewalk Improvements for 5<sup>th</sup> Avenue**

There are several areas of sidewalk that need to be repaired along 5th Avenue between Laurel and Elm Street. The Public Works Director visited the site and found that someone had marked the areas that need improvements with orange paint. The cost estimate for these improvements is \$1,640.00. **Motion:** Koon made a motion, seconded by Timbes, to grant approval to the proposed sidewalk improvements for 5<sup>th</sup> Avenue between Laurel and Elm Street. **Vote:** The vote in favor of the motion was unanimous. The motion carried.

**D. Proposed Relocation of a Downtown Historic District Sign**

At the last City Council meeting, Mayor Martin mentioned that the Conway Downtown Historic District sign, which was located on the south side of the Main Street Bridge, was missing. The Beautification Department staff searched for the sign but it could not be found. The Mayor suggested that Council consider relocating the similar sign located on 4<sup>th</sup> Avenue near Conway National Bank to the Main Street Bridge location. If so, Council may wish to replace the sign which is being moved from the 4<sup>th</sup> Avenue location. The cost of the sign frame and post is \$418 including tax. **Motion:** Chestnut made a motion, seconded by Anderson, to approve the request as presented and move the sign from 4<sup>th</sup> Avenue to the Main Street Bridge site. **Discussion:** It was noted that the sign post should be made secure. Also Jean Timbes noted that the area around the foot of the bridge always looks trashy and should be kept clean. **Vote:** The vote in favor of the motion was unanimous. The motion carried.

**E. Consider a Proposal for New City Flag and Motto**

Greg Richardson shared with the Council several versions of a new flag for their consideration along with the proposed motto "Historic Rivertown." Council was in agreement that they preferred a green colored flag and any reference to dates should be 1732. However, they would like more time to consider these before making a decision.

**X. CONSENT AGENDA**

The following items were on the consent agenda for approval: City Council Minutes of 2-12-07; CAB Minutes of 1-10 and 1-24-07; Rose Hill Minutes and Meeting Notices; Lakeside Cemetery Minutes of 1-15-07; Event Reminder for Friday - Ribbon Cuttings for Moegan's and Izzi-B; City Council Meeting Dates and Payroll Dates; and Departmental Monthly Reports. **Motion:** Koon made a motion, seconded by Anderson, to approve the consent agenda. **Vote:** The vote in favor of the motion was unanimous. The motion carried.

**XI. ADMINISTRATOR'S REPORT**

Budget Retreat - Graham stated that the Annual Budget Retreat is to be held March 8

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and 9<sup>th</sup>. Due to some scheduling conflicts, the retreat would end on Friday night rather than extending into Saturday. He also stated that the Clemson Study is not ready for presentation at the Budget Retreat as was originally thought. Graham encouraged Council members to complete their goals for the 07-08 budget year and get them in to staff by Wednesday, February 28<sup>th</sup>. This would give staff time to prepare their goals for their review at the budget retreat.

Tour Boat - Graham stated that Mr. Holbert will have the tour boat docked at the marina on Thursday, March 1<sup>st</sup>. He should be ready for tours sometime between mid-March and the end of March. One item that needed approving was the fact that Mr. Holbert wanted to change the name of the business to River Memories, LLC. **Motion:** Koon made a motion, seconded by Anderson, to authorize the City Administrator to execute the document with River Memories, LLC. **Vote:** The vote in favor of the motion was unanimous. The motion carried.

MASC and SCMIRF Legal Counsel Business License Class Action Suit - Graham stated that several municipalities had been advised by the Municipal Association that they would be involved in a class action lawsuit regarding business licenses. Conway was one of the municipalities involved. Graham went on to state that MASC has offered to defend this lawsuit at no cost to the City or other members of MASC. To that end, MASC has retained attorney Danny Crowe and his firm of Turner, Padgett, Graham & Laney, P.A. to represent any of the defendant municipalities that wish to be represented by him and his firm. If Council was in agreement to this, staff would need to execute an agreement of representation. The MASC would have Danny Crowe represent any municipality at no cost. However, Council member Lawson had informed staff that her husband is partners with Turner, Padgett, Graham & Laney law firm. Graham checked with the Ethics Commission, and they said that under those circumstances, disclosing that information was the correct thing to do. If Council was voting on anything in this regard, Council member Lawson would abstain from discussion and voting on the matter. As long as an affiliation is properly disclosed and actions adhered to, it was not an ethical violation. Timbes stated that she would have concerns if any local representative of this law firm were to be present rather than Danny Crowe. Graham stated the primary representative for this law suit would be Danny himself. Council asked that if any fees were involved down the road, Council wanted to know about it.

Police Department Patches - The Police Chief shared a patch that was designed for the Police Department. Graham stated that he would like to have Council's approval on all patches. **Motion:** Koon made a motion, seconded by Anderson, to accept the patch as presented by the Police Chief. **Vote:** The vote in favor of the motion was unanimous. The motion carried.

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**XII. COUNCIL INPUT**

**Tom Anderson**

Anderson stated the City could use some inmates to do some clean up along East Country Club Drive from Highway 905 to Long Avenue. The Smith-Jones Meeting time was not listed in the newspaper ad. Ken Senn stated it was scheduled for Tuesday, March 6<sup>th</sup> at 7 p.m. Staff will check on this. Highway 378, 501, and 701 and the 9<sup>th</sup> Avenue intersections need to be concreted. He asked that staff check with DOT on this and see if they could schedule to do one intersection every couple of years. Anderson stated that Verizon is putting their fiber optics underground in North Myrtle Beach. He asked staff to check with NMB and see what type agreement they have with Verizon.

**Randy Alford**

Alford noted that building permits are up and commended the building department for their good work. Alford questioned the status of the downtown tree plantings. Staff informed Council that the trees that were received through a grant were very small trees. Larger ones would need to be bought to make a good visual impact. In regard to the financial report, Council man Alford states that it looks like the City has \$1 million dollars could be used for a City gym or some other project. He would like for staff to have a recommendation for the \$1 million dollars at the budget retreat.

**Mayor Martin**

Mayor Martin stated he had numerous complaints In regard to the space between Lakeland and 12<sup>th</sup> Avenue. Bill Graham stated that signs would be placed on both ends stating "No Public Access" and Chief Gosnell would be enforcing it. Koon stated that he had talked with some of the neighbors in that area, and they had never seen a car or people walking in that area. Maybe it was not as big a problem as it seems. Chestnut stated that one lady complaining was serious about the problem and had seen the same person walking and riding his bike through there on numerous occasions which caused her some concerns. Police Chief Gosnell stated he would get with the City Administrator and Jerry Barnhill in this regard.

**XIII. EXECUTIVE SESSION**

**A. Contractual Matter - Discussion Regarding Negotiations with Conway Volunteer Fire Association Regarding the Utilization of a Portion of its Property for Expansion of Marina Parking**

It was noted that the above referenced matter should be discussed in executive session. **Motion:** Anderson made a motion, seconded by Chestnut, to enter into executive session. **Vote:** The vote in favor of the motion was unanimous. The motion carried.

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**Motion:** Chestnut made a motion, seconded by Timbes, to come out of executive session. **Vote:** The vote in favor of the motion was unanimous. The motion carried.

No action was taken during executive session.

**XIV. ADJOURNMENT**

There was no further business to discuss; therefore, the meeting was adjourned.

**Motion:** Anderson made a motion, seconded by Koon, to adjourn. **Vote:** The vote in favor of the motion was unanimous. The motion carried.

Minutes approved by Council this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_, City Clerk

Minutes prepared by Lois K. Roberts, Executive Secretary.