

**CITY COUNCIL MEETING AND PUBLIC HEARING
CONWAY CITY COUNCIL
CITY HALL COUNCIL CHAMBER
1001 3RD AVENUE
CONWAY, SOUTH CAROLINA
MONDAY -AUGUST 13, 2007 - 5:30 P.M.
MINUTES**

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

STAFF: Bill Graham, City Administrator; Barbara Blain-Olds, Assistant Administrator; Greg Richardson, Special Projects Coordinator, Reggie Gosnell, Chief of Police; Wanda Lilly, City Arborist; Timmy Williams, Beautification Dept. Director; Freddie DuBose, Director of Public Utilities, Karen Godin, Planning Director; Ken Senn, Parks and Recreation Director; Billy Joe Sawyer, Building Official; Michael Hardee, Finance Director; Darrell McDowell, Fire Chief; Jerry R. Barnhill, Public Works Director; Larry Schilling, Director of Grants and Procurement; Chris Comer

OTHERS IN ATTENDANCE:

Buck Ricks, Kenya Rice, Erica Johnson, Jeanne Sasser, Michael R. McMillan,, Rose Carroll, Dot Ricks, Felix Pitts, Jimmy Day, Lois Edwards, S.C. Forestry Commission; Jon Bourne, Hugh Archer and George Bullock, The Cypress Inn; Rebecca Murphy, Gov/Deals; Lora Lynn Raynor, Paulette Guijer; J. Marshall Biddle, David Hamilton, Weaver Engineering, Inc., Sherrie Evans, WPDE-TV15; Tonya Root, Sun News; Kathy Ropp, Horry Independent and other interested citizens.

CALL TO ORDER:

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

INVOCATION AND PLEDGE OF ALLEGIANCE:

Mayor Martin asked for a moment of silence in memory of Frank Thompson. Frank's father, Phillip Thompson, was a former Mayor of Conway. Council member Chestnut led Council in a prayer of guidance. City Council and others in attendance gave the Pledge of Allegiance to the Flag.

PRESENTATION

A Presentation of the 2006 Tree City USA Award by Lois Edwards, South Carolina Forestry Commission

Lois Edwards presented to Council the Tree City USA Award for 2006. This is the 22nd **City Council Minutes August 13, 2007**

consecutive year that the City has received this recognition. Ms. Edwards reviewed for the audience, the criteria to qualify for the award.

B. Presentation on CCU Arena Project by Rob Shelton

Rob Shelton, CCU, shared with City Council, the recently received architectural renderings of the proposed arena for CCU. Shelton explained that this is the conclusion of the planning stage and the beginning of the construction stage. He indicated that he will continue to keep City Council aware of the progress. Mayor Martin expressed his appreciation and said the City has assisted the University in this effort and Council looks forward to seeing the arena completed.

PUBLIC HEARINGS

Annexation Request

A. Request to Annex Approximately 13 Acres Located on Cox Ferry Road and Zone the Property Production, Service and Industry at Annexation

Godin advised City Council that this public hearing has been postponed until August 27, 2007. She stated that all property owners within 200 feet have received a revised letter, and an ad announcing the new date will run in the Horry Independent.

Zoning Ordinance Text Amendments

B. Request to Amend the Conway Zoning Ordinance to Split the Existing Waccamaw Riverfront District Into Two Different Districts, Waccamaw Riverfront District - 1 (WRD-1) and Waccamaw Riverfront District - 2 (WRD-2)

Godin said this item was discussed briefly with Council at the May 28, 2007 City Council meeting. At that time, staff was directed to move forward with the process, so long as the requirement to maintain public access to the riverfront was kept.

As a result of this input, staff developed language for a proposed ordinance which would eliminate the mandatory commercial/mixed use requirement on properties that are south of the Main Street Bridge. Most properties adjacent to downtown and those north of the Main Street Bridge would retain the exact zoning they have now, except the district would now be called Waccamaw Riverfront District - 1 (WRD-1)

Waccamaw Riverfront District - 2 (WRD-2) will not have the commercial component requirement, all other requirements will remain exactly as it is now.

At this point, Mayor Martin asked for any public comments. Hugh Archer and George Bullock, owners of the Cypress Inn, expressed concern about private residents being allowed to build next door to the Cypress Inn. It was their opinion, that they have followed all the guidelines to meet the requirements presently in place while planning their ongoing addition to the Inn and they do not favor allowing a change at this time.

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Buck Ricks asked if the change was brought up by a developer. He said he feels the City is

relaxing the standards with the proposed change and he is opposed to the change. There being no other comments on this item, the Mayor moved to the next item on the agenda.

Request to Amend the Conway Zoning Ordinance to Create a Special Sign District for the University Commons Commercial Center Located on Highway 501 East

Godin explained that in order to allow greater flexibility, yet provide careful review of the signage

of large comprehensively designed projects, City Council may establish by ordinance, special overlay sign districts for major development proposals. Such ordinance shall specify the sign restrictions pertaining to that special overlay sign district and shall supersede the restrictions of certain sections of the Sign Ordinance.

This proposed special sign district was reviewed and approved by the Community Appearance Board and the Planning Commission.

Godin explained that the center was built under County regulations and the pylon sign was installed, then the development requested to be annexed into the City. Under the City regulations, no additional signs can be added to the 32 foot existing pylon sign. Anderson commented that he feels that Burroughs and Chapin built as they wanted and now they are asking the City for the special sign district in order to acquire additional signage for each tenant.

The public hearing portion of the meeting was closed.

**CITY COUNCIL MEETING:
PUBLIC INPUT**

Kenya Rice regarding E.R.I.C.K.A. Outreach, Inc.

Kenya Rice spoke briefly about the E.R.I.C.K.A program. She said they have partnered with the Conway Housing Authority and have been approved to work in Darden Terrace. She was before Council asking for a letter of support from City Council and also asking for financial support. She said they hope to establish a GED certification program and establish a tutorial program for after school. Ms. Rice said E.R.I.C.K.A. would target elementary school age children for the after school program. The tutorial program's goal is to reduce the high drop out rate. Funding is needed to purchase computers for both the GED and tutorial program. Council asked if they would accept used computers. She felt that this was a viable option. She indicated that eleven computers are needed. The Finance Director was asked where funding could be obtained, should Council wish to do something. Hardee said there is \$7,000 in Council's Contingency Fund. Alford said that he would like to give E.R.I.C.K.A. \$3500. Lawson said she is concerned about obligating such a large portion of the Contingency Fund so early in the fiscal year. Following further discussion, it was decided that staff should have a recommendation on this item at the August 27th Council meeting.

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Lora Lynn Raynor - Clean Water/Safety Issues

Ms. Raynor shared with Council photos of an area of concern. She indicated that a new business

has located on the corner of Hwy. 378 and Westridge and she believes that the ground work they have done there will cause flooding.

Ms. Raynor also spoke about the issue of clean water. She would like to have well water for drinking, although she indicated that the best water for drinking is the rain water as it falls.

She said that she lives in public housing and the Director wants her out.

Ms. Raynor is having a fund raiser at the Ole Smokehouse for the Humane Society and invited all members of City Council to attend.

JEANNE SASSER, representing the Horry County Historical Society, spoke with Council regarding a recent fire on the Bryan property which is the location of their office, 606 Main Street. The fire did damage to an accessory building behind the office. She said several spent fireworks have been found on the property. She is uncertain if the property was used to shoot the fireworks from or if the fireworks landed on the property; however, it is suspected that the fireworks were likely the cause of the fire to the accessory building. Ms. Sasser said that the Horry County Historical Society's Board is very concerned about the shooting of fireworks in the City, due to the risk of fires.

BUCK RICKS, spoke about the pending ordinance on animal waste removal. He is in support of the ordinance; however he favors the City providing a biodegradable bag for the waste. Also he said he believes that the ordinance, as written, would violate sections of the present City Code.

Ricks also questions what might be the proposed use of the property which Kingston Pointe is donating to the City.

ORDINANCES FOR FINAL READING

Ordinance #ZA2007-8-13(B) - Accepting the request to rezone approximately 2,613 square feet located at 1624 Racepath Avenue from Highway Commercial (HC) to Medium Density Residential R-2

Motion: Chestnut made a motion, seconded by Anderson to approve final reading of Ordinance #ZA2007-8-13(B). **Vote:** Unanimous. Motion carried.

Ordinance #ZA2007-8-13 C - Accepting the request to rezone approximately 6.81 acres located on Technology Boulevard from Highway Commercial (HC) to Planned District (PD)

Motion: Koon made a motion, seconded by Timbes to approve final reading of Ordinance #ZA2007-8-13 C and approve the City Administrator to sign a letter which was drafted to
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SCDOT. **Discussion:** Lawson said that she wanted the City to continue to pursue changes to Technology Boulevard to better accommodate traffic in the area. In conjunction with the traffic issue, a letter was drafted to SCDOT requesting a joint meeting with them, Horry County representatives and City representatives to look at possible road alternatives/changes to alleviate

traffic concerns in the area. **Vote:** Unanimous. Motion carried.

Ordinance #2007-08-13(D) - Accepting donation of Kingston Pointe Property

Motion: Alford made a motion, seconded by Lawson to approve final reading of Ordinance #2007-08-13(D). **Vote:** Unanimous. Motion carried.

Ordinance #2007-8-13(F) - Amending the Code of Ordinances, City of Conway, South Carolina, Article B, Sec. 6-4-22 Pets Running at Large by Amending the Title of Sec. 6.4.22 to read: Pets running at large, Leash required, Removal of excretion from public ways and Adding a subsection c.

Motion: Lawson made a motion, seconded by Timbes to approve final reading of Ordinance #2007-8-13(F). **Discussion:** Anderson asked about the issue of dog tags. This was not addressed in the proposed ordinance. Dog tags are required per our City Code; however they have not been issued by the Police Department for years. Anderson suggests that this be removed from the Code if the City is not going to require them.

Timbes said that City Code requires property owners to maintain the strip of property between the sidewalk and the street. This is frequently where animal waste is left by animals other than the animals of property owners. The ordinance would remedy this.

Substitute Motion: Koon offered a substitute motion to table this item and allow staff further time to research the best way to dispose of animal waste. Motion seconded by Anderson. **Vote:** Unanimous. Motion carried.

ORDINANCES FOR FIRST READING

Ordinance #2007-8-27(A) - Amending the Conway Zoning Ordinance to Split the Existing Waccamaw Riverfront District Into Two Different Districts, Waccamaw Riverfront District - 1 (WRD-1) and Waccamaw Riverfront District - 2 (WRD-2)

Timbes and Alford both voiced opposition to this ordinance. It was stated that the ordinance, if approved, would allow commercial on the first floor; however it would not be required, as it is now. Lawson said she perceives problems if the change is not made. **Motion:** Koon made a motion, seconded by Lawson to approve first reading of Ordinance #2007-8-27(A) **Vote:** Koon, Lawson, Martin and Anderson in favor of the motion. Opposed: Timbes, Chestnut and Alford. Motion carried.

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Ordinance #2007-8-27(B) - Amending the Conway Zoning Ordinance to Create a Special Sign District for the University Commons Commercial Center Located on Highway 501 East

Mayor Martin said he is concerned about the height of the pylon sign. **Motion:** Koon made a motion, seconded by Alford, to approve first reading of Ordinance #2007-8-27(B). **Vote:** Koon, Alford, Anderson, Lawson, Martin, and Timbes. Opposed: Chestnut. Motion carried.

BIDS

Vehicle Bid - Recreation Department

Bids were obtained for a 2008 Ford Focus from Conway Ford in the amount of \$13,185.00 and Benson Ford under the State Contract for \$11,805.75. **Motion:** Koon made a motion, seconded by Chestnut to accept the low bid from Benson Ford, under State Contract. **Vote:** Unanimous. Motion carried.

Vehicle Bids - Police Department

The Police Department's 2007-2008 Capital Outlay Budget specifically designates funding for the replacement of older high mileage front line patrol vehicles. The four (4) vehicles being requested will be utilized for this purpose.

Two bids were received. One bid was from Love Chevrolet in Columbia (State Contract, at a unit price of \$19,066 plus tax and the other bid was from Palmetto Chevrolet in Conway at a unit price of \$18,569 plus tax.

Alford verified that these were replacement vehicles, not additional vehicles. **Motion:** Chestnut made a motion, seconded by Anderson, to approve the local low bid from Palmetto Chevrolet for the four vehicles. **Vote:** Unanimous. Motion carried.

RESOLUTION

Keenan Lineback, for outstanding achievements in surfing. **Motion:** Timbes made a motion, seconded by Alford to approve the resolution as drafted for Keenan Lineback. She will be invited to attend the September 10th City Council meeting to accept the resolution. **Vote:** Unanimous. Motion carried.

ITEMS FOR CONSIDERATION

Discussion of Current Code in Regard to Fireworks

Following a presentation by Chief Gosnell advising Council as to how the current City Code address fireworks, Timbes feels the City needs to tighten the restrictions regarding fireworks in the City. She is very concerned about people shooting fireworks and not being responsible, i.e. where they land, where they are shot from and picking up debris from fireworks.

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Staff recommends that Council consider including in the City Code a "Red Flag Alert" and burning ban. The addition would prohibit the shooting or discharge of any fireworks within the City anytime a Reg Flag Alert and/or Burning Ban has been issued by either the Governor or South Carolina Forestry Department.

Lawson and Koon said they would favor adding the Red Flag Alert and Burning Ban to our Code.

No formal action by Council. Staff was asked to prepare a draft ordinance based on this evening's comment and bring back to City Council on August 27, 2007.

911 System Transfer

Barring any unforeseen difficulties, the transfer of City Fire Dispatching will occur on or before Tuesday, August 28, 2007. The City will not incur any cost, associated with the transfer of dispatching services. **Motion:** Chestnut made a motion, seconded by Alford to approve the transfer of City Fire dispatching duties to Horry County's 911 Center. **Vote:** Unanimous. Motion carried.

Speed Limit on Racepath Avenue and 5th Avenue

Motion: Anderson made a motion, seconded by Koon, to approve Staff's recommendation by reducing the maximum permissible speed on Racepath Avenue and Fifth Avenue from 30 MPH to 25 MPH, to post signage reflecting the lower maximum speed limit and continue to monitor speeds. **Vote:** Unanimous. Motion carried.

Solid Waste Department Equipment (Lease/Purchase)

The 2007-2008 Budget has funds available for a lease purchase agreement to replace one front loader, two side loaders, acquire one additional side loader and one additional roll off truck. Bids were advertised with SCBO with six vendors responding. Council is being asked to approve the lease purchase of one front loader for \$193,003.00, one roll off truck for \$152,456.00 and three side loaders for \$161,341.46 each. The total purchase price for the five pieces of equipment would be \$829,483.38. The FY2007-2008 Budget allows for \$134,000 of payments for this lease purchase. The projected lease purchase payment at current interest rates would be \$47,000.00 quarterly or \$94,000.00 for FY 2007-2008 based on anticipated delivery date. **Motion:** Koon made a motion, seconded by Chestnut to approve the lease purchase as presented by staff. **Vote:** Unanimous. Motion carried.

Local Update of Census Program

Godin advised Council that the US Census Bureau is preparing for the 2010 Census. They provide municipalities with several different options to review and update the Census Bureau's Address List. This address list is very important to ensuring that the City obtains an accurate count of City residents, as many grants are formulaic and base funding on numbers of residents. Godin then

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briefly explained the options. Staff recommends Option 1 which is most labor intensive; however this option provides for a full Address List review of census information and has an appeal option. The recommendation is based on the fact that this is the first census year that the City has had an established GIS system, the City limits have changed dramatically since 2000, and the City has experienced tremendous residential growth since 2000. It is estimated that for each _____ not counted, the cost to the City is \$2000.00. **Motion:** Anderson made a motion, seconded by Lawson to approve staff's recommendation to use Option 1 to update the

Census Bureau's Address List. **Vote:** Unanimous. Motion carried.

Disposal of City Property Through GovDeals

Staff has been doing research into disposing of City property through the on-line auction company called GovDeals.com. Seventy-eight cities and counties are utilizing this service throughout the country. By exposing property for disposal to more people, governments are finding that they're receiving more money for their property. Local bidders will be able to go on the City website with a link directly to the City of Conway's page that has any property we have for auction. Staff recommends that City Council approve the selling of surplus City property on Gov/Deals.com. The City can set a reserve and it is not an absolute auction should circumstances change. **Motion:**

Koon made a motion, seconded by Anderson to approve the City to use GovDeals.com for disposal of City surplus property and for the City Administrator to sign the contract with GovDeals.com. **Vote:** Unanimous. Motion carried.

Installation of Traffic/Speed Calming Devices on Laurel Street

Data is sufficient to suggest that some type of traffic/speed calming measure be considered on Laurel Street. The Police Department recommends that a pilot program be conducted, for a period of 90-120 days to measure and gage the effectiveness of the calming device. In order to maximize the impact of the traffic calming measures, the Police Department will implement an educational and enforcement component, in advance of and during the proposed pilot program. Based upon the results, staff will recommend to Council that the program be considered and/or expanded to other neighborhoods. Staff recommends the purchase and installation of four (4) sets of speed humps at an estimated cost of \$500.00. Staff further recommends that the funding be drawn from the Neighborhood Improvement Fund. **Motion:** Alford made a motion, seconded by Chestnut to approve the purchase of the speed humps as recommended and that the Department report back to Council at the end of a three (3) month trial period. **Vote:** Unanimous. Motion carried.

Progress Report on Underground Utility Projects

Barbara Blain-Olds gave an update on the underground utility conversion projects. No action by Council required. Provided for information only.

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Demolition of Buildings

The Building Department Official provided a list of seven (7) buildings which he is requesting approval to demolish with City crews. The owners will be responsible for payment of the tipping fees. Failure to pay the tipping fees could result in a lien being placed on the property. **Motion:** Anderson made a motion, seconded by Koon to approve the demolition of the seven buildings as recommended by City staff. **Vote:** Unanimous. Motion carried.

Status of Proposed Riverfront Activities

Senn provided Council with an update of the status of proposed riverfront activities. At this time he is awaiting an estimate from an insurance carrier. This information will be presented to City Council when it is received.

CONSENT AGENDA

**City Council Minutes, July 23, 2007
June 2007, Financial Summaries**

**For Approval
For Information**

Motion: Koon made a motion, seconded by Anderson to approve the Consent Agenda as presented. **Vote:** Unanimous. Motion carried.

ADMINISTRATOR'S REPORT

Graham said the deadline for received Fire Chief resumes has past. He has received a total of 45. No recommendation is available at this time.

Sixteen applications have been received for the Storm Water Manager position. Again, no recommendation at this time.

COUNCIL INPUT

Alford suggested that staff pursue establishing Urban Growth Boundaries as discussed on page 58 of the study prepared by the Strom Thurmond Institute, dated June 2007. He would also like for the Planning Department to prepare an ordinance for Council's consideration regarding impervious surfaces.

Timbes asked if the City has received any report on the Main Street Bridge, i.e. evaluation of the bridge by the State Highway Department. She also noted that the lot on the corner of Ninth and Robert Laney needed mowing.

Chestnut said the City needs to look at the street lights behind Trinity Church near the swamp and determine if more are needed.

Koon said there is a dead tree in the power lines at 10th and Laurel. Williams said his department is working on getting this tree removed. Koon also advised the Beautification Department that he

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has many Cast Iron Plants which he is willing to donate to the City if the Department can use them.

Lawson had no input.

Anderson is concerned about the over abundance of pigeons in the City. Asked that staff explore ways of thinning the pigeon population.

EXECUTIVE SESSION

Legal Issues

- 1. Legal advice on request to relocate a billboard sign**
- 2. Legal advice regarding a parcel of City owned property**

Motion: Alford made a motion, seconded by Chestnut to enter into executive session. **Vote:** Unanimous. Motion carried.

Motion: Koon made a motion, seconded by Anderson, to come out of executive session. **Vote:** Unanimous. Motion carried. No action by Council.

ADJOURNMENT

Motion: Koon made a motion, seconded by Timbes to adjourn. **Vote:** Motion carried.

Minutes approved by City Council this _____ day of _____, 2007.

Linda K. Vereen, Interim Clerk