

**CITY COUNCIL MEETING AND PUBLIC HEARING
CITY HALL COUNCIL CHAMBER
1001 3RD AVENUE
CONWAY, SOUTH CAROLINA
MONDAY - OCTOBER 8, 2007
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. (Anderson arrived later in the meeting)

STAFF: Bill Graham, City Administrator; Greg Richardson, Special Projects Coordinator, Karen Godin Scott, City Planner; Reggie Gosnell, Chief of Police; Billy Sawyer, Building Official; Freddie DuBose, Director of Public Utilities; James Hall, Fire Chief; Jerry Barnhill, Director of Public Works; Larry Schilling, Director of Grants/Procurement; and Ken Senn, Director of Parks and Recreation

OTHERS IN ATTENDANCE:

Lisa Sak, Spivey Hood, Horry Land Co., Inc.; Rein Mungo, Coastal Carolina University; Tripp Neely, IBD; Bo Ives, First United Methodist Church; Ricky Richardson, RAD and Donald Richardson & Son; Charles T. Richardson, Richardson and Richardson, Inc.; Brad Richardson, Richardson and Richardson, Inc.; Ashley Davies, Conway Main Street; Jeanne Sasser, Horry County Historical Society; Aynor High School Students, Edwardo Rivera, St. James Catholic Church; Conway High School Government Students, Adam Cates, George Bullock and Hugh Archer, Cypress Inn; Ken Sansbury, McAlpine; Bob Cody, Authentic Custom Builders.

CALL TO ORDER:

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

INVOCATION/PLEDGE OF ALLEGIANCE:

Major Wesley Short, Salvation Army, gave the invocation. City Council and others in attendance recited the Pledge of Allegiance.

PRESENTATIONS :

A. Accommodations Tax Committee Recommendations

Rein Mungo, Chairman of the Accommodations Tax Committee, introduced himself. He thanked Michael Hardee and Linda Vereen for their assistance to the committee. Mungo said the committee advertises in the Horry Independent and

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the Sun News to notify interested parties that funds are available for qualified agencies. When the application deadline has passed, the applications are reviewed by the committee to assure that they meet the state guidelines for funding consideration. At a later meeting of the committee, all qualified applicants are called in for a verbal presentation and an opportunity for the committee to ask any questions they might have. At the end of that A-Tax meeting, recommendations of the committee are prepared to be presented to Cit Council at a future Council meeting.

Mungo presented the following recommendations for funding as prepared by the A-Tax Committee:

Bluegrass on the Waccamaw	\$3700.00
Chamber of Commerce	5000.00
Conway Main Street	7900.00
Historic District Artists of Conway	5000.00
Theatre of the Republic	9900.00

Prior to City Council taking action on the recommendation, it was noted that last week, Jeanne Sasser, President of the Horry County Historical Society, spoke with the City Administrator about funding for the society. Because the A-Tax Committee had already met and developed their recommendations, it was suggested that Sasser appear before City Council to make the request. She said she is requesting \$5000 for the Bryan House to be used as follows: \$2500 for advertising and printing for the Market Place to be held at the Bryan House, November 3-10. The Historical Society will receive 10% of the proceeds from the sales at the Market Place. The additional \$2500 request, will be for photography and printing of a brochure, advertising the Bryan House and maintenance of the Bryan House. Alford suggested taking \$1000 from each of the agencies for which the A-Tax Committee had recommended funding and giving this amount (\$5000) to the Historical Society. Koon said he is concerned because the A-Tax Committee has done their job. Chestnut said she too feels Council should accept the A-Tax Committee's recommendation. Lawson asked about the possibility of using Hospitality Funds for the Historical Society's request. It was noted that there are funds generated by the Local A-Tax which Council has discretion over. Advertising is not required for the use of the Local A-Tax funds, although it is recommended that state guidelines for the use of the funds be followed.

Motion: Koon made a motion, seconded by Lawson to accept the recommendation of the A-Tax Committee and the \$5000 funding for the Historical Society request be taken from the Hospitality or Local A-Tax Funds, at the discretion of staff. **Vote:** Unanimous. Motion carried.

B. Special Event Request by Edwardo Rivera Vazquez

Mr. Vasquez appeared before Council stating the event he is proposing is being held to raise funds for the Catholic Church. He said he proposes to sell wine or beer at the event which will be for couples only. Chief Gosnell said his department has not been able to get a good grasp of

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exactly what the event will entail. He questions if the facility is adequate to accommodate the number of people to attend. He said if alcohol is to be sold, then Mr. Vasquez must go through the State to obtain a permit to sell alcoholic beverages.

Mr. Vasquez said there is no cover charge, donations only. He said he proposes to hire two off duty police officers to assure an orderly event. To date he said they only have commitments from 60-70 people. Vazquez plans to have a DJ for entertainment, no band. It was noted, by the police chief, that there would need to be a maximum number set, as the Peanut Warehouse can only accommodate a certain number of people, due to fire codes. Vazquez said the Knights of Columbus are not sponsoring the event; however he is a part of the Knights of Columbus. The event is scheduled for November 10, 2007. To date, no application has been submitted to the state for permission to sell alcohol. The police department has not been able to get any Federal ID or Social Security number from the applicant. Koon said he will ask Jose Guidera to contact Chief Gosnell about possibly scheduling a meeting if language is a barrier in this request. It was asked that staff bring this back before City Council at the next Council meeting.

PUBLIC HEARINGS

A. Request to Annex Approximately 3.6 Acres Located at 2600 Highway 378 and Zone the Property Highway Commercial (HC) at Annexation

The applicant has requested the annexation and rezoning of approximately 3.5 acres of land located at 2600 Highway 378. The property is identified in the Horry County Tax records as TMS#122-00-05-109. They would like the property zoned Highway Commercial (HC) at annexation. The Future Land Use map of the Comprehensive Plan designates this parcel as single family residential. At the September 6, 2007 meeting of the Planning Commission, it was recommended that approval of the request be given. No public input voiced.

B. Request to Annex Approximately 1.01 Acres Located at 1200 Hemingway Chapel Road and Zone the Property Medium Density Residential R-2 at Annexation

The applicant has requested the annexation and rezoning of approximately 1.01 acres of land located at 1200 Hemingway Chapel Road. The property is identified in the Horry County Tax records as TMS#136-11-01-008. They would like the property zoned Medium Density Residential R-2 at annexation. The Future Land Use map of the Comprehensive Plan designates this parcel as single family residential. The Planning Commission has recommended approval of the request. No public input voiced.

C. Request to Amend the Conway Zoning Ordinance Regarding Religious Institution Signage Permitted in the Downtown Historic Design Review District

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Graham advised that this item has been deferred. No public hearing held on this item.

V. PUBLIC INPUT

Marshall Biddle, representing Jerry Cox and Burroughs Co. and unofficially many other residents and businesses (he said), said he believed a lot of thought went in to the original planning of the Riverfront District. He believes changing the zoning to allow residential would limit public access. Biddle said to change a portion of the Riverfront District zoning would be setting a precedent and the other portion could then request rezoning. He asked that Council not split the zoning in the riverfront district. He went on to said that without an official request, he feels splitting the district is spot zoning.

Russell Fowler said he is speaking on behalf of Black Water Market, the Haberdashery and Herdashery. Fowler requested Council to allow the Riverfront zoning to remain as it is presently. He feels additional residential units would only bring a few resident to Conway, while mixed use, requiring some commercial could bring many people to the area. He noted that mixed use developments in Beaufort and Georgetown have proven to be great developments. Residential units along the riverfront will cut off the waterfront from public access and limit the view of the public and visitors. Fowler requested Council to deny the rezoning and leave zoning and requirements as they presently exist.

Tripp Nealy spoke in support of the rezoning.

Timbes said she is concerned about limiting public access. It was noted that there is a 25 foot building setback requirement along the riverfront, therefore access should not be an issue.

Councilman Anderson arrived at this time (6:20 p.m.)

Chestnut said she has received many calls, even from Shriners, who are opposed to residential units being allowed in the riverfront.

Jimmy Dew, Shrine Club representative, said there are four to five older members in the Shrine Club who are opposed to the club selling and relocating; however he said the Shrine Club voted to move forward with the sale. He did indicate that the club will not sell unless they can get what they want, which is enough money from the riverfront property to build a larger building elsewhere. He said without the rezoning, the 25% commercial requirement is hindering the value of the Shrine property. He said he feels the property needs to be all commercial or all residential.

Biddle said it seems to him that there are only two pieces of property involved. He believes Council is spot zoning for two individuals. He said he feels if the public could look at a specific

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project, if they knew what the proposed project was, they might feel better about a zoning

change. He said the consideration warrants further study.

Graham said that Kingston Pointe LLC group has said they would donate to the City the undeveloped property at the end of the condominiums if this zoning is approved. This will provide further public access to the river. Any future development on the existing Shrine Club property would require public access along the river. No concern has been expressed by the present condominium owners. Lawson feels the current owners will be better protected if the property is rezoned. Alford said he would suggest a variance and not change the zoning. Koon said the four findings of fact required for granting a variance may preclude allowing a variance in this instance. Koon said he had been in contact with seven people about the rezoning. One (1) didn't care, and six (6) were in favor of the change. Koon said the City could send a letter to all involved and hold a public meeting and get the feeling of the residents. He said he is not opposed to the change. The only opposition he has heard is at this meeting from two people.

Timbes again stated that she wants to see the mixed use continue.

Anderson said to leave the zoning as is, makes development very challenging in order to meet the requirements.

Public input portion of the meeting closed.

ORDINANCE FOR FINAL READING

- A. **Ordinance #ZA2007-10-08(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)**

Motion: Anderson made a motion, seconded by Koon to pass final reading of Ordinance #ZA 2007-10-08(A). Voting in favor of the motion, Martin, Koon, Anderson and Lawson. Opposed: Timbes, Chestnut and Alford. Motion carried.

ORDINANCES FOR FIRST READING

- A. **Ordinance #ZA2007-10-22(A), Request to Annex Approximately 3.6 Acres Located at 2600 Highway 378 and Zone the Property Highway Commercial (HC) at Annexation**

Motion: Koon made a motion, seconded by Anderson to approve first reading of Ordinance ZA2007-10-22(A). **Vote:** Unanimous. Motion carried.

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- B. **Ordinance #ZA2007-10-22(B), Request to Annex Approximately 1.01 Acres Located at 1200 Hemingway Chapel Road and Zone the Property Medium**

Density Residential R-2 at Annexation

Motion: Lawson made a motion, seconded by Anderson to approved first reading of Ordinance #ZA2007-10-22(B). **Vote:** Unanimous. Motion carried.

- C. **Ordinance #ZA2007-10-22 C, Request to Amend the Conway Zoning Ordinance Regarding Religious Institution Signage Permitted in the Downtown Historic Design Review District**

This item deferred, no action by Council

- D. **Ordinance #ZA2007-10-22(D), Request to Annex Approximately 21,065 Square Feet of Property Located at 679 Highway 905 and Zone the Property Low Density Residential R-1 at Annexation**

Motion: Chestnut made a motion, seconded by Anderson to approve first reading of Ordinance ZA2007-10-22(D). **Vote:** Unanimous. Motion carried.

- E. **Ordinance 2007-10-22(E), Amending the Code of Ordinances, City of Conway, S.C., by Deleting (a) and (b) of Section 1-8-4, Time of Elections, in Their Entirety and Placing in Their Stead a Revised (a) and (b), to Change Election Dates to Odd-Numbered Years**

Motion: Koon made a motion, seconded by Timbes to approve first reading of Ordinance #2007-10-22(E). Graham noted that a public hearing is not required for this ordinance; however, he asked Council if they would like to hold a public hearing before final reading. Council would like for staff to advertise for a public hearing and hold final reading the same date as the public hearing. **Vote:** Unanimous. Motion carried.

- F. **Ordinance 2007-10-22(F), Amending Ordinance #2004-11-22(E) Grades and Positions, To Add Three New Positions To The Grades and Positions Ordinance**

Motion: Anderson made a motion, seconded by Lawson to approve first reading of Ordinance #2007-10-22(F). **Vote:** Unanimous. Motion carried.

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RESOLUTIONS

- A. **Resolution Recognizing Darrell McDowell's Retirement**

Chief McDowell will soon be leaving the Conway Fire Department, no longer serving as its Chief. Darrell continued on as Fire Chief following his retirement and therefore his retirement was never officially recognized by the City. A new chief has now been hired and Darrell's retirement from the Fire Department is in effect. A resolution recognizing his years of service to the City of Conway has been prepared for Council's consideration. **Motion:** Chestnut made a motion, seconded by Lawson to approve the resolution as prepared. **Vote:** Unanimous. Motion carried.

B. Resolution Recognizing Cyndi Gore's Retirement

Cyndi is retiring from the City of Conway, after serving as Deputy Clerk and then City Clerk to Council. Cyndi has worked with the City for ten years. A resolution recognizing Cyndi's years of service has been prepared for Council's consideration. **Motion:** Koon made a motion, seconded by Anderson to approve the resolution as prepared. **Vote:** Unanimous. Motion carried.

ITEMS FOR CONSIDERATION/DISCUSSION

A. City Indoor Recreation Facility Expansion Committee Report

Senn shared with City Council a video and power point presentation prepared to show the vision of the Committee for an indoor recreation facility. Chestnut asked if the City would be competing with Conway Hospital's Wellness Center. During the presentation, Mayor Martin said he was sensing something different than what had been previously talked about. He asked if the proposed facility would be built adjacent to the existing community center. He said one of the issues before was lack of funding, so it was suggested that the City might look at adding on to the existing community center which would eliminate a good bit of the cost. Mayor Martin said he was sensing what was being proposed was a much more elaborate facility than what Council had previously said they couldn't afford. Chestnut also said she was concerned about funding such a project. Timbes questioned the conceptual drawing. Alford asked about the size and number of gyms proposed. Mayor Martin again said he had serious concerns about what he was hearing, because it was not what had been talked about in the past and he wanted to make that clear so there was no confusion later. He said there had been discussion about utilizing the adjacent property and because of the extra cost to clear and build the infrastructure and to do the parking, it was decided the project wasn't going to be feasible, so then they looked at utilizing the existing community center and adding onto that, even if the football field had to be relocated to the adjacent property. Martin said it was his understanding that hundreds of thousands of dollars

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would be saved by doing that. Anderson said the City can't afford to lose a field. Lawson feels planning on a piece of land that is already too small would not be wise. She said we need to be

thinking outside the box. Lawson said the City would not be doing the community justice to put the proposed center on a piece of property too small.

Mayor Martin asked the committee to pursue the option of expanding the existing community center which he feels is a much more realistic option. He said he feels the City needs to look at both options. He also asked staff to look at what other facilities are underway or being planned in Conway. Alford asked if the committee could look at the two different proposals. Koon said we could look at a smaller recreational facility; however after seeing what Dillon had done (Dillon being a small town), the committee felt inspired to look at something that will be useable for years to come. Koon said he feels there is no greater need, after the shop, than recreational facility expansion. No action required by Council. Provided for information only.

B. Neighborhood Crime and Clean-up Committee Report

Chief Gosnell reported on the progress of the Neighborhood Crime and Clean-up Committee. Gosnell said the committee has shortened their title and will now be referring to their committee as the “Rebuild Conway Program”. He shared with Council the members on the committee, the strategies of the committee and the current targeted neighborhoods, Taylor Square and Mayfair. Funding was outlined and the plan to address crime issues was discussed with Council. If targeted areas include commercially zoned property, Enterprise Zones might be established where incentives could be given to aid in establishing businesses.

Chief Gosnell said the top ten homes for demolition have been identified and to date, all homes have been approved by Council for removal.

Gosnell said this committee’s work will be ongoing, from year to year, and the committee will be asking for funding approval in future budgets in the amount of ½ of 1% of the General Fund.

The Committee is proposing that the City plan an annual “City Day of Caring” and that the date be in conjunction with Martin Luther King Day. The Committee is also suggesting “Adopt a Street” campaigns within the City.

Based on the budget information presented, the following motion was made: **Motion:** Anderson made a motion, seconded by Chestnut to approve the committee expenditures as presented. Fifteenth Avenue - \$27,300.00, Hemingway Street - \$23,300.00, Project Paint Brush - \$10,000.00, Levi Brown Building - \$11,000.00 for a total of \$71,600.00. The funds for the Levi Brown building will be refunded to the City at the time the property is sold. **Vote:** Unanimous.

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Motion carried.

C. Fiscal Year 2007 Local Accommodations Tax Recommendation

Michael Hardee, Finance Director, discussed with Council the .05% Local Accommodations Tax which was passed on September 11, 2006. The tax went into effect on November 01, 2006. As of June 30, 2007 the City had received \$11,196.24 in Local Accommodations tax revenue. The funds are currently being held in a restricted, interest bearing account and are to be allocated at City Council's discretion. These funds are to be used to promote tourism in the City of Conway.

Finance is projecting \$18,000 will be remitted for Fiscal Year 2008, creating an available balance of \$29,000 to be allocated during the budget process for FY 2008-2009.

Note - The Local Accommodations Tax funds are separate from the State Accommodations Tax funds. The State Accommodations Tax requires an appointed committee recommendation for Council to consider whereas the Local Accommodation Tax can be allocated at Council's discretion (within the guidelines) with no committee requirement.

Council felt they would like to leave this money for Council's discretion (contingency) rather than earmarking it during the next year's budget preparation for specific agencies.

D. CTC Request

Barnhill presented a request which he would like to take before the Horry County Transportation Committee (CTC) at their November 13, 2007 meeting. The proposal includes \$270,000.00 of City money which will be used as a match for the request of \$270,000.00 from CTC. An attached list of the streets and sidewalks to be repaired is attached to these minutes, which totals \$540,000.

Motion: Chestnut made a motion, seconded by Alford to authorize staff to make the request from CTC as presented to City Council. **Vote:** Unanimous. Motion carried.

E. City Christmas Party Committee

Council was advised that city staff is preparing for the 2007 Christmas party. Committee members have been identified by staff and the Committee is asking if any member of Council would like to serve on the committee this year. Koon and Alford will serve on the 2007 Christmas Party Committee, representing Council.

X. GRANT

A. Conway's Speed and Accident Reduction Program Grant Announcement

On March 26, 2007, Conway City Council approved for the Police Department to submit an application to the South Carolina Department of Public Safety to apply for funding for two Police Officers and associated traffic enforcement equipment through the 2007 Highway Safety Grant.

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The purpose of this grant is to reduce the number of vehicle and pedestrian accidents, reduce the number of motorcycle accidents, reduce aggressive driving, reduce the number of traffic fatalities, and provide educational traffic enforcement. This grant is a 80% Federal and 20%

City match the first year. The total cost of this grant is \$111,434 with the Federal match being \$89,148 and the Cities match is \$22,287. This grant is a multi-year grant but the City must apply each year for funding up to three years. After the third year, the grantee is required to take over 100% of the cost of the program. Like all grants that add personnel, the City must agree to retain the grant funded positions after grant funding is through. City Council approved the funding for the City match in the FY 2007/2008 budget for the two police officer positions from this grant. **Motion:** Koon made a motion, seconded by Alford to approve the acceptance of this grant. **Vote:** Unanimous. Motion carried.

BIDS

A. Safety Systems to Outfit Four (4) New Patrol Vehicles

Gosnell said this bid is for the purchase and installation of safety systems to outfit four (4) new patrol vehicles recently approved by Council. Staff recommend the low bid from Charleston Light and Siren, LLC at a price of \$9,736.96. **Motion:** Timbes made a motion, seconded by Anderson to approve the low bid from Charleston Light & Siren, LLC. **Vote:** Unanimous. Motion carried.

CONSENT AGENDA

A. City Council Meeting Minutes, Sept. 24, 2007 For Approval

B. August Financial Summary For Approval

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

COUNCIL INPUT

Anderson asked about the status of hiring the IT position approved in this year's budget. He also asked if the City allowed smoking on public property. Council indicated they would like to see smoking prohibited on City owned property. Anderson also asked the Planning Director about a sign designer who wants to open his business on Main Street. Anderson said he would talk with Godin Scott on 10/09/07 about the issue. He asked about the special street lights which developers are installing in some of their subdivisions. Is the City paying more for those lights? Anderson also said he feels the track at 12th Avenue School needs to have better lighting.

Chestnut asked the whereabouts of the plaques given to the city for Excellence in Financial Reporting. Hardee will check into this.

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Timbes asked if staff would write a letter to Olivia Garren who recently received the Order of the Silver Crescent Award. Timbes thanked the Planning Director for the colored maps used during the Director's presentation.

Alford asked staff if water is furnished for the sports participants at the Recreation Complex.

Senn said water is available at the concession stand. It was recommended that water coolers be placed on the benches for the players.

ADJOURNMENT

Motion: Koon made a motion, seconded by Anderson to adjourn. **Vote:** Unanimous. Meeting adjourned.

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

Linda K. Vereen, Interim City Clerk

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