

**CITY COUNCIL MEETING AND PUBLIC HEARINGS
CITY HALL COUNCIL CHAMBER
1001 3RD AVENUE
CONWAY, SOUTH CAROLINA
MONDAY - DECEMBER 10 - 5:30 p.m.
MINUTES**

PRESENT: Gregory K. Martin, Mayor; Irby L. Koon, Mayor Pro-Tem and the following Council members: Vivian E. Chestnut, Alys C. Lawson, Jean M. Timbes, Randle L. Alford and Tom Anderson.

STAFF: Bill Graham, City Administrator; Barbara Blain-Olds, Assistant Administrator; Reggie Gosnell, Police Chief; Freddie DuBose, Public Utilities Director; James Hall, Fire Chief; Karen Scott, Director of Planning and Zoning; Ken Senn, Director of Parks and Recreation; Timmy Williams, Director of Beautification; Jerry Barnhill, Public Works Director; Greg Richardson, Special Projects Coordinator; Michael Hardee, Finance Director; Larry Schilling, Grants and Procurement and Linda K. Vereen, Interim City Clerk.

OTHERS IN ATTENDANCE: Ted L. Gragg, Lib Gragg, Holly Sasser, Shelly Sasser, Connie Gragg, Randy Anderson, Atlantic Properties; Randall Anderson, Atlantic Properties; Felix Pitts, Burroughs and Chapin; Gary Watson, Horry County; Evelyn MacIntyre, Sidney MacIntyre, Lynn Smith and Dirk Derrick and Kevin Childs, The Rock. Also attending: Ashley Davies, Main Street USA and Bob Calliham, City auditing firm.

CALL TO ORDER

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

INVOCATION/PLEDGE OF ALLEGIANCE

Councilman Tom Anderson gave the invocation. City Council and those in attendance recited the Pledge of Allegiance.

PRESENTATIONS

A. Introduction of IT Coordinator

Barbara Blain-Olds introduced the City's new IT Coordinator, Stephanie Carroll. Mayor Martin welcomed Ms. Carroll.

B. Recognize City Christmas Card Design Winner

Each year the Parks and Recreation Department holds a Christmas Card Contest. The winner of the contest is recognized at a City Council meeting and is given a \$100 savings bond. Mayor Martin recognized Shelly Sasser, 9 years old, the winner of this year's contest and presented her with the savings bond.

**C. Auditor's Report for FY 2006-2007 - Bob Calliham of Smith Sapp Bookhout
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Crumpler & Calliham, PA

Bob Calliham said his company and he have been working with the City of Conway some 25 plus years now. Calliham said that all is well with the City and the City's financial process. He said he would like to salute the Finance Director and his entire staff for all their work. Calliham said the audit report format is much the same as the previous year which he reviewed with Council. He noted that the past fiscal year was an outstanding year for the City. He said the City has experienced very positive growth over recent years.

Alford asked about long term debt, (specifically item 11 on Pg. 44 of the Comprehensive Annual Financial Report for Fiscal Year ended June 30, 2007). Alford asked if this would pay off by 2010. Calliham indicated that it would. Alford also asked about the Debt Ratio of 3.9%. Calliham said that the City has a very low debt ratio compared to other municipalities. Council received the report as information only and thanked Calliham and his staff.

D. Kevin Childs, Pastor of The Rock Community Church

Childs said he is in attendance to speak about the rezoning request of his church which will come up later in the meeting (Ordinance #ZA2007-12-10-07-A). He indicated that his church is requesting the 21 acres to be rezoned to HC which they believe would eliminate possible questions concerning any future activity the church would propose on the property. Childs said he is fearful that rezoning to Neighbor Commercial might leave the church with a piece of property that could not be built on for the purpose the ministry would want. He said he is trusting the City to help with the ministry of the church.

PUBLIC INPUT

A. Ashley Davies, Conway Main Street Director, appeared before City Council to express her appreciation to the City for making her feel a part of the community during her tenure as the Main Street Director. Davies said her last day as Conway Main Street's Director is December 19, 2007 and she will be moving out of state due to her husband's employment. Mayor Martin said that Davies' did an outstanding job and invited her back to Conway any time. Council members individually wished Davies best wishes.

B. Sidney and Evelyn MacIntyre and Lynn Smith all Laurel Street residents appeared before City Council to talk about issues of noise and lights from the Horry County Library. MacIntyre said that in May of 06 they appeared before City Council about the issue of noise. There is a large AC unit on Laurel Street at the new library which creates a lot of noise per MacIntyre. He said that research indicates that the height of the library and the fact that the wall is brick rebounds the noise. He indicated that the noise is a droning, pulsating sound which can be heard in any part of their home. He indicated that the entire neighborhood is concerned about the noise, predominantly in the summer. He is asking that the City help residents by urging the County to reduce the noise from the chiller unit.

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A second issue concerns the appearance of the back of the building. MacIntyre said several issues were to be addressed which have not been. MacIntyre said that the Laurel Street parking lot was to be paved (it is not) for employees only (public using parking lot), existing curb cut onto Laurel was to be closed (not closed), landscaping in the parking lot (landscaping very small, hardly noticeable). Again, Council was asked to consider these issues. Councilman Alford asked if the parking lot on Laurel is marked for "employees only". Watson said no, that the entrance is as approved by the CAB. This parking lot is to accommodate overflow parking of the public.

Lynn Smith said that there is a glare from the windows of the library. She said she was told in August of 06 that something would be done and nothing has been done.

The Administrator said that a representative from the County, Gary Watson, is here tonight and he has been working on some of the areas of concern which were brought up this evening. Watson said that he has been talking with the Administrator regarding light from the library windows and the noise issue. Watson said that the Council did a sound measurement of the noise from the chiller, in August, and the noise from other items was greater than that from the chiller, discounting the road noise. Watson went on to say that a sound blanket was installed some six weeks ago and sound measurements were taken both before and after the installation and the blanket did its job and decreased the noise. The noise is within the requirement of the City's Noise Ordinance. Chief Gosnell said his office did a sound measurement at 705 Laurel Street and without traffic the reading was 48.9 decibels which is below the allowable noise level and the reading is 70 decibels at chiller. The reading directly across the street from the chiller is 54.3 decibels. The Ordinance requirement is 55 or less during the day and 50 or less at night.

Watson said the County has investigated the option of installing an acoustical panel to reduce noise another 10 decibels. The cost would be \$8,000 - \$10,000. It was stated that the City did not have a noise ordinance, as it is now, at the time the library was built. Watson said the building designer was asked to move the chiller away from the street and against the building, trying to keep the noise at a minimum for the neighborhood. Watson said that the chiller had been coming on too early and the time has been corrected and it now comes on at 7:00 a.m and goes off at 8:30 p.m. Watson said the County is in compliance with the City's noise ordinance; however the County could spend more money and install the panels; but feels if this is done, that financial help from the City is warranted.

In regard to the landscaping and paving of the parking lot, Watson said the County had asked to wait on the paving and landscaping until the museum work is done in order that the paving will not be damaged by the construction vehicles. Watson said the museum is scheduled to go out for bid within the first two months of 2008. Watson said the landscaping behind the library will

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be done when the museum construction is finished.

Lawson said the request for the City to assist the County financially in the installation of the sound panels seems like a justifiable expense. Watson said he would need to talk with the City about the costs of the panels. Councilman Anderson thanked Mr. Watson for his assistance. Anderson said he doesn't feel it is entirely the County's responsibility to bear the expense of adding panels. Lawson again said she feels the City needs to help the County financially in this regard.

Watson said in regard to the light issue he had been advised to be careful about tinting the windows which might jeopardize the warranty on the windows. Cords on shades/blinds are a safety issue, so that rules out shades. The building lighting was designed to utilize outside lighting. Watson said the County will start placing a film on the windows December 11, 2007. Anderson asked if blocking off the Laurel Street parking lot after the last employee left would help. The Laurel Street representatives said this is not a problem in the evenings.

City Council asked the City Administrator to report back to Council on this matter at the January 14th City Council meeting.

Council member Chestnut left the meeting at approximately 6:30 p.m.

ORDINANCES FOR FINAL READING

A. Ordinance #ZA2007-12-10-07(A) - Rezoning Approximately 21 Acres of Property Located at the Corner of Millpond Road and Oak Street (TMS#123-00-02-086) from Production Service and Industry (PSI) to Highway Commercial (HC)

Godin Scott said that churches are expanding services to provide many more activities. She said that Planned District has been recommended by staff for this property. A Planned District is labor intensive, Scott said, and time is short for the purchase of this property; therefore the applicant has been advised to request NC zoning at this time and come back with the Planned District request as time permits. **Motion:** Anderson made a motion, seconded by Lawson to approve final reading of Ordinance #ZA2007-12-10-07(A) with the change of rezoning to NC rather than HC. **Vote:** Unanimous. Motion carried.

B. Ordinance #ZA2007-12-10(B) - Rezoning Approximately 0.72 Acres of Property Located at 501 Church Street (TMS#137-05-14-010) from Low Density Residential, R-1 to Highway Commercial (HC)

Motion: Alford made a motion, seconded by Lawson to approve final reading of Ordinance **City Council Minutes**

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#ZA2007-12-10(B). **Vote:** Unanimous. Motion carried.

C. **Ordinance #ZA2007-12-10 (C) - Requesting Annexation of Approximately 337.62 Acres of Property Adjacent to Gary Lake Boulevard, Jackson Bluff Road and the Waccamaw River (TMS#150-00-06-153, 150-00-06-044, 150-00-06-046, 150-00-06-151) and Zone the Property Conservation Preservation (CP) at Annexation**

Motion: Timbes made a motion, seconded by Lawson to approve final reading of Ordinance #ZA2007-12-10 C. **Vote:** Unanimous. Motion carried.

ORDINANCES FOR FIRST READING

A. **Ordinance #ZA2007-11-26(H) Amending the Current Bay Village Special Sign District Located on Highway 501**

Godin Scott noted that the applicant, at the last City Council meeting, was asked to reduce the overall sign request to 25' and remove all tenant panels. The applicant did not respond to Council's request. Godin Scott said that the sign is within a Special Sign District and this gives some leeway, but applicant has been asked to at least meet the City's existing sign ordinance requirements.

Councilman Koon said that the bottom panels cannot be read from the street; therefore they are not of any great value so he does not see the need for so many panels. Mayor Martin said he could not support the sign as presented. Council member Lawson said the proposed sign is greatly over what any new business could put up. She feels the applicant could be more creative and still use the existing sign frame. **Motion:** Timbes made a motion, seconded by Koon to decline first reading of Ordinance #ZA2007-11-26(H). Lawson offered a substitute motion, seconded by Anderson to table the ordinance and ask applicant to come back with a different proposal. **Vote:** Unanimous. Motion carried.

ITEMS FOR CONSIDERATION

A. **State Historic Preservation Grants**

(1) Conwayborough Historic District

(2) Downtown Historic District Expansion

Godin Scott said any Certified Local Government may apply for funds for survey and planning grant funding. In 2005, the City of Conway hired New South Associates to complete a historical and architectural survey of the City of Conway. This study illustrated the many opportunities for historic preservation available to the City. Staff proposes that the City apply for grant funding to complete National Register nominations for two areas of the City:

1. An expansion of the existing Conway Downtown Historic District, which is already a National Register District; and

2. The creation of a new National Register District, the Conwayborough Residential

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Historic District.

An estimated total cost for the project is \$8,500. This grant requires a 50% cash match; therefore it is proposed that the City apply for \$4,250 in grant funds and proposed to match with \$4,250 in budget funds. It is likely that the grants will not be awarded until late spring. The \$4,250 in matching funds can be included in the FY 08-09 budget. **Motion:** Koon made a motion, seconded by Timbes to approve staff to submit an application for the 2008 State Historic Preservation Grants. **Vote:** Unanimous. Motion carried.

B. Use Variance Update

At the last City Council meeting, a presentation was made by Abdul Shahid regarding the reopening of Singleton's Grocery in a Low Density Residential zone. The only process allowable by state law available for permitting this request is a use variance. The City Planner indicated that she had researched the implementation of the process and shared the following results with City Council:

1. Initiate a text amendment to allow a use variance.
2. Obtain a recommendation from the Planning Commission on the use variance (12/6/07)
3. Hold a public hearing and two readings of the text amendment (1/14/08 & 1/28/08)
4. The applicant must apply to the Zoning Board of Appeals for the use variance (2/28/08)
5. The resulting decision from the ZBA is either upheld or overturned at a City Council meeting (3/10/08).

Godin Scott said there is only one other municipality in South Carolina which has added this process to their Zoning Ordinance and that is Charleston. Godin Scot said unlike a dimensional variance, there is no criteria established for use variances.

Godin Scott said she has shared the time frame with the applicant and he is ok with the time required for the process. **Motion:** Koon made a motion, seconded by Anderson that Godin Scott draft a text amendment to allow for a use variance which City Council will consider. Mayor Martin said he is concerned about opening the door for too many requests. Godin Scott said the text amendment can state that the requests will be limited to a previous use consideration.

Vote: Unanimous. Motion carried.

C. Street Lights, Snowhill and New Castle Subdivisions

At the November 12 City Council meeting, staff was asked to report back on whether Santee Cooper could offer the Acorn style fixture and if the two subdivisions, Snowhill and New Castle, would accept the Kingston fixture into their HOA. Santee Cooper does not wish to offer the Acorn fixture. Snowhill Subdivision has asked if the City could pay for three of the Kingston fixtures and they would let their HOA pay for the other four. The three would cost the City \$75.03 monthly. If they were changed to the traditional style fixture, the City would be paying a

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monthly bill of \$65.10 for the seven fixture and an up front cost of \$5,318 to exchange the fixture out to the traditional fixture. Therefore, it would take the City over 44 years to recoup the expense of replacing the lights.

Staff has been advised that New Castle does not have an HOA and the subdivision owner has asked if the City could change the fixtures out. To change the fixtures out in New Castle would be \$26,679. Santee Cooper has agreed to do the change out, if approved by Council, and keep the cost down by charging only for actual hours worked.

Staff's recommendation is to pay for three of the Kingston fixtures in Snowhill Subdivision at a cost to the City of \$75.03 monthly and to allow Santee Cooper to exchange the fixtures in New Castle Sub-division to the traditional ones at a cost of \$26,679. **Motion:** Koon made a motion, seconded by Alford, to approve the staff's recommendation regarding street lights in Snowhill Subdivision and New Castle Subdivision. **Vote:** Unanimous. Motion carried.

D. Discussion of Coast RTA Funding Request

The Administrator had asked staff to identify potential funding sources for Coast RTA from the City. Staff looked at the funding given to them in this year's budget. The City gave Coast RTA \$5,000 in Hospitality funds and \$8,000 from the HUD Entitlement grant during this fiscal year. The City currently has no extra funds that are available in this year's budget to give to Coast RTA according to the City's Finance Director. In the next budget year, the City will become a member of the Urban Entitlement County (HUD Entitlement Grant) and may be able to give more funds to Coast RTA than we did this year, under our Public Services Section of the grant. Under the grant, funding from the City will depend upon how much money the Urban County receives next year, and how much is allowable by the City for Public Services, since we have other requirements of funding under the grant. This report provided to Council as information only, no action required.

E. Implementation of Operation Paint Brush

City staff has been working with the Neighborhood Crime and Clean up Committee on the implementation of Operation Paint Brush in targeted neighborhoods of the City. \$10,000 has been allocated from the monies budgeted for the Neighbor Crime and Clean up program in this year's fiscal budget. Staff is recommending \$500 per home be allowed for applicants requesting to participate in the Operation Paint Brush program. At this time, only homes within the targeted neighborhoods in Taylor Square and Mayfair S/D will be eligible to participate. HUD money up to \$2500 is available to qualified home owners. **Motion:** Anderson made a motion, seconded by Alford to approve the \$500 limit per home on Operation Paint Brush. **Vote:** Unanimous. Motion carried.

F

. Consideration of Resolution Commending the Conway Housing Authority
Conway Housing Authority recently received a National Award, the Award of Excellence. This
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was one of only seventeen national awards given. The awards were juried based on outstanding innovations and achievements in housing and community development programs. Staff prepared a resolution for Council's consideration, honoring the Housing Authority of Conway for its accomplishments. **Motion:** Anderson made a motion, seconded by Koon to approve the

resolution as drafted for the Housing Authority of Conway. **Vote:** Unanimous. Motion carried.

G. Horry County Strategic Plan for Economic Development Appointee

Staff recently received a call from Blake Lanford, the Community Development Agent for Clemson Extension who said that Clemson University and Coastal Carolina University have partnered to facilitate a *strategic plan for economic development* in Horry County. Over the course of the next year, university staff and researchers intend to identify major issues relative to the county's economic development, develop strategies to address such issues and align public-private resources to oversee the implementation of such strategies. In that regard, Lanford has been assigned the duty of putting together a task force to guide the development of the plan and would like to have the City represented. Lanford attended the Council meeting and said that further information will be forthcoming and the appointment can be either from Council or City staff. At this time, he is simply making Council aware of the pending appointment. Lanford said the task force will be made up of 35-40 people and the work should be completed within one year. He indicated that the task force will hold six meetings and two charrettes. No action by Council at this time. Council asked that this item go back on the Council meeting agenda for January 14 when additional information is received after the first of the year.

H. Waccamaw National Wildlife Refuge Memorandum of Understanding

With the annexation of approximately 337.62 acres of property under the jurisdiction of the United States Fish and Wildlife Service and part of the Waccamaw National Wildlife Refuge into the City, there is a need to establish an agreement to provide for specified law enforcement services, aid, and assistance across jurisdictional lines to preserve the safety and welfare of law enforcement personnel, refuge visitors, and the general public. Chief Gosnell provided a Memorandum of Understanding between Waccamaw National Wildlife Refuge and the City of Conway Police Department for Council's consideration. **Motion:** Koon made a motion, seconded by Lawson to approve Chief Gosnell to sign the Memorandum of Agreement with Waccamaw National Wildlife Refuge. **Vote:** Unanimous. Motion carried.

I. Recommendation by City Thoroughfare Committee

Blain-Olds said that the Beautification/Thoroughfare Committee has met monthly beginning in August of this year. Many committee members, council members and staff attended a presentation by Randy L. Wilson, the state Main Street Architect. Randy provides community design and planning services, with great attention to detail. He incorporates a community's unique assets and challenges to provide creative design solutions for streetscapes, abandoned buildings, busy intersections, and the like. The City is collaborating with the local Chamber of Commerce and **City Council Minutes**

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Main Street Conway to have many of our shared needs provided by Randy, while sharing the expense. Randy offer to bring a team to Conway, invite public input, and develop a package of services that include *branding, market analysis, design component, and implementation plans*.

The cost for these services is \$34,750.00 to be divided between the City, the Chamber, and

Conway Main Street. The Beautification/Thoroughfare Committee seeks Council's approval to share the cost of hiring Randy L. Wilson for the study. **Motion:** Alford made a motion, seconded by Anderson to approve the City to share expenses of the study equally between Conway Main Street, Chamber and City in the amount of \$11,583.35 per entity. **Vote:** Unanimous. Motion carried.

J. Resolutions Authorizing R-O-W's

A Santee Cooper representative approached City staff with a request for an easement across a section of the City's Collins Park property for the installation of electric lines. The movement of light poles planned by Santee Cooper is related to SCDOT's improvements on 16th Avenue to accommodate the widened street. The movement of the poles is expected to be completed no later than the end of February 2008.

Mayor Martin said he would like to look at the height of the existing pole and staff was asked to mark where the new pole will be placed. Staff was asked to get a cost estimate to underground lines from 16th and Main to Parkview Road and bring this information back to City Council. Council will not sign R-O-Ws at this time. Staff indicated that there was no urgency in signing the R-O-Ws.

The R-O-W for Time Warner Cable is the same as Santee Cooper's request for R-O-W as Time Warner will run its lines on the Santee Cooper's poles.

K. Third Avenue Underground Wiring

At the November 12th meeting of City Council, Council discussed unsightly poles and overhead wiring remaining on Beaty Street and Third Avenue despite the completion of the underground conversion in that area. Staff was instructed to initiate plans to pull remaining wire underground, and to remove remaining poles. Staff has re-confirmed the total cost to place Verizon wires underground by their selected vendor, MasTec. The cost quoted is \$36,166.90. The City would use the vendor that regularly provides these services for Verizon to minimize any liability to the City.

W.M. Roebuck, Inc. holds the state contract for such projects with the S.C. Department of Transportation. This company would take SCDOT lines from overhead to underground on Beaty Street and Third Avenue for a total of \$22,000.00.

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Staff is reasonably certain that of the City's \$100,000.00 budgeted for underground utility projects this fiscal year, there will be sufficient money available to support this project. Staff said this project, with the approval of Council, will start at the same time the Kingston and Norman Alley work is scheduled. **Motion:** Koon made a motion, seconded by Lawson to move ahead with the completion of undergrounding the wires at Beaty Street and Third Avenue at the cost presented. **Vote:** Unanimous. Motion carried.

CONSENT AGENDA

- | | |
|---|------------------------|
| A. City Council Minutes, 11-26-2007 | For Approval |
| Special City Council Meeting, 11-27-2007 | For Approval |
| B. October Financial Summary | For Information |
| C. November Departmental Monthly Reports | For Information |

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

ADMINISTRATOR'S REPORT

None

COUNCIL INPUT

Councilman Koon - There is a tall, dead palmetto tree near the old Conway Hospital property. He is not certain if it is on public or private property; however he feels it is a safety issue and needs to be removed. Staff to check and determine who is responsible for the tree and follow up on getting it removed.

Koon said that the dentist office at the corner of Main Street and 7th Avenue has a terrible parking problem. He said there doesn't appear to be any way to increase the size of the parking lot, and patrons are parking along 7th Avenue and Laurel Street, creating congestion especially on Laurel Street. Staff will check into this concern.

Council member Lawson - None

Councilman Anderson - Said he enjoyed the City Employee Christmas party. Expressed thanks to Reverend Pee for allowing City staff to use Friendship Baptist Church's gymnasium for the party. Wished everyone Merry Christmas.

Council member Timbes - Thanked the Parks and Recreation Director for improvements at Collins Park. Wished everyone Merry Christmas.

Councilman Alford - Thanked Chief Gosnell for his work on the Rebuild Conway Program and asked that staff include information on the City's website about the Rebuild Conway Program.

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Asked about a report on the Police Department's use of nitrogen in the police vehicle tires, i.e. if there is a difference in the mileage.

Mayor Martin - Said the tree lighting ceremony was very nice and also that the City Employees Christmas Party was very well done.

EXECUTIVE SESSION

A. Personnel Matter - Consideration of Candidates for City Clerk's Position

Motion: Anderson made a motion, seconded by Lawson to enter into executive session for the purpose of considering candidates for the City Clerk's position. **Vote:** Unanimous. Motion carried. **Motion:** Koon made a motion, seconded by Timbes to come out of executive session. **Vote:** Unanimous. Motion carried. **Motion:** Koon made a motion, seconded by Lawson to hire Vicky Lefler as City Clerk. **Vote:** Unanimous. Motion carried.

ADJOURNMENT

Motion: Timbes made a motion, seconded by Alford to adjourn the meeting. **Vote:** Unanimous. Motion carried.

APPROVAL OF MINUTES

Minutes approved by City Council this _____ day of _____, 2008.

Linda K. Vereen, Interim Clerk

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