

**CITY COUNCIL MEETING AND PUBLIC HEARINGS
CITY HALL COUNCIL CHAMBER
1001 3RD AVENUE
CONWAY, SOUTH CAROLINA
MONDAY – JANUARY 14, 2008 – 5:30 p.m.**

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, and Randle L. Alford.

ABSENT: Tom Anderson (family illness)

STAFF: Bill Graham, City Administrator, Barbara Blain-Olds, Assistant Administrator; Freddie DuBose, Public Utilities Director; Karen Scott, Director of Planning and Development; Ken Senn, Director of Parks and Recreation; Reginald Gosnell, Chief of Police; Greg Richardson, Special Projects Coordinator; Michael Hardee, Finance Director; Larry Schilling, Grants and Procurement; Linda K. Vereen, Interim City Clerk; and Vicky Lefler, City Clerk.

OTHERS IN ATTENDANCE: Sherry Joyner and three associates of Conway Housing Authority; Reverend Smart Smalls, Jr.; Ms. Dominique Vereen, Relay for Life; Gene Pharr, Santee-Cooper; Dickie Smith, Dick's Pawn Shop; and Jeff Woodward. Others in attendance: Kathy Ropp, Horry Independent; and Tonya Root, Sun News.

CALL TO ORDER:

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

INVOCATION/PLEDGE OF ALLEGIANCE:

Council member Vivian Chestnut gave the invocation. City Council and those in attendance recited the Pledge of Allegiance.

PRESENTATIONS:

Mayor Martin and Council recognized and honored Linda K. Vereen for her service to the City of Conway as Interim City Clerk. A token of the Council's appreciation was presented to Mrs. Vereen. The Mayor introduced and welcomed Vicky Lefler as the newly employed City Clerk.

A. Resolution for Conway Housing Authority

Council member Randle Alford presented a resolution commending the Conway Housing Authority for their receipt of the Award of Excellence for the category of Resident and **Client Services**. The resolution was adopted at the December 20, 2007, Council meeting. Ms. Sherry Joyner accepted the resolution on behalf of the Housing Authority.

B. Special Events Requests

1. Martin Luther King, Jr., March and Rally

Reverend Smart Smalls, Jr., presented this request for police assistance with traffic and crowd control at a march and rally in observance of Martin Luther King, Jr., Day, on January 21, 2008, beginning at 10:30 a.m. The Mayor was invited to give greetings during the program. **Motion:** Timbes made a motion, seconded by Koon, to approve

the Special Event Request for the march and rally as presented. **Vote:** Unanimous. Motion carried.

2. Relay for Life

Dominique Vereen presented her Special Event Request for the Relay for Life on April 18, 7:00 p.m. This request was necessitated by a change in location (from Riverfront to County Courthouse grounds). Motion: Lawson made a motion, seconded by Chestnut, to approve the Special Event Request for Relay for Life as presented. **Vote:** Unanimous. Motion carried.

C. Request for waiver of business license and reduction in fees, Habitat for Humanity

The City Administrator reviewed this request and reported that similar requests from Habitat for Humanity had been approved by Council in the past. Mr. Pete Reynolds is an employee of Habitat for Humanity and the organization uses his contractor's license for home construction. **Motion:** Koon made a motion, seconded by Lawson, to approve staff's recommendation that Habitat for Humanity be given a 50% reduction in tap and impact fees and permits and its business license fee be waived as had been done in the past for this agency. **Vote:** Unanimous. Motion carried.

D. Erection of utility poles on 16th Avenue at Collins Park and Elm Street Triangle

Barbara Blain-Olds gave an overview of this matter with the assistance of Gene Pharr of Santee-Cooper. This work was necessitated by the widening of 16th Avenue by SCDOT to accommodate left turn lanes. Work includes the installation of two replacement poles on 16th Avenue and one new pole in the Elm Street Triangle, and would have lines crossing 16th Avenue twice. Mr. Pharr offered his opinion that, even though the replacement poles are 55' in height, five feet taller than the existing poles, the difference would not be noticeable from ground-level. In addition, a new 35' pole (replacement) near the Collins Park sign would be installed and have a street light. Timbes commented that the area would look more attractive if the wiring were underground; it was noted that previous estimates for this work, though for a larger area, were not feasible. Council decided to seek a new estimate for this smaller area, and Lawson asked that SCDOT be contacted to see if this agency would be willing to apply the cost of its overhead construction to underground construction. Blain-Olds indicated it would take approximately a week to ten days to obtain this information; City Council asked for a report at its January 28 meeting.

PUBLIC INPUT:

A. Dick's Pawn Shop

In the absence of Mr. Joe Henderson, Mr. Dickie Smith relayed information concerning use of property that he purchased to construct a business on Highway 701 North. Mr. Smith reported that the property was purchased in 2003 and that, prior to purchase, the realtor contacted Sabrina Morris, former Planning Director, and was told there was no issue with a pawn shop being in a Highway Commercial zone. After Mr. Smith's plan for construction of a metal building on the property was denied by the Community Appearance Board in 2003, work on the project stalled until 2006. In January, 2007, zoning ordinance ZA2007-01.07 was adopted limiting new pawn shops to Production Service and Industry areas. Mr.

Smith informed Council that, unaware of this ordinance, he proceeded with hiring an architect in February, 2006. He said he recently became aware that zoning prohibits a pawn shop on his property and asked for reconsideration by City Council.

Scott was asked to respond to this request. She informed Council that the original inquiry was received in September, 2006, concerning the zoning. After research revealed the zoning ordinance did not specifically list pawn shops as an allowed use in any zone, staff initiated a text amendment in October 2006. Second reading of the text amendment was on January 8, 2007. She noted that since the first inquiry, no further submissions have been received from Dick's Pawn Shop and no site-specific plan is on file for this business. Scott also noted that the only entities that can initiate a text amendment are City Council, the Planning Commission, and the Planning staff. No action was taken on this matter by Council.

B. Jeff Woodward – request for speed bumps in Elmhurst Subdivision

Mr. Woodward appeared before Council to request assistance with traffic/speeding problems in the Elmhurst Subdivision. He presented a petition with 50 signatures of Elmhurst Subdivision residents requesting speed bumps on the city streets in this neighborhood and addressed the need for additional stop signs. Issues with traffic and data from the Police Speed Trailer were reviewed along with an aerial map of the area. It was noted that the current speed limit in this area is 30 mph. Mr. Woodward related that even though there are stop signs on certain streets, cars are rolling through them and not stopping. Council asked Chief Gosnell or someone designated by the City Administrator to make an assessment of the most effective means of controlling this situation and report back at a future Council meeting. Mr. Woodward is to be notified when this item is to be revisited.

In a related issue, Council member Lawson asked about the efficiency of the **speed hump on Laurel Street**. Chief Gosnell reported a three mile per hour reduction in speed with the area of measurement being 9th to 4th Avenues. Council member Koon reported that he had received no complaints recently concerning this speed hump.

At this point in the meeting **Mr. Chris Sansbury** asked to speak before Council relative to the presentation concerning Dick's Pawn Shop. Mr. Sansbury was the real estate agent for Mr. Dickie Smith when he purchased the property for the pawn shop on Highway 701 North. Mr. Sansbury reiterated the points made earlier in the meeting by Mr. Dickie Smith and requested that City Council provide any assistance possible to Mr. Smith.

Mr. Tim Barfield presented to Council a petition he said contained 784 signatures of persons opposed to the speed humps on Laurel Street and all other city streets. Petitions were left at city business and Mr. Barfield said he made no personal contact to secure signatures. His concerns with speed bumps included wear on vehicles, decreased gas consumption and, in his opinion, shunts traffic to other, sometimes busier, streets. Council accepted the petition to be included with these minutes.

PUBLIC HEARINGS:

A. Request to annex approximately 12.24 acres of property located on Highway 501 (TMS 151-00-03-047 and TMS 151-00-03-022) and zone the property Planned District (PD) at annexation - Diamond Real Properties, LLC, applicant

Scott noted this property is the former Shoreline Mazda site. The development proposal includes 168 unites of student housing and 19,200 square feet of commercial area with one drive-in window. The future land use map of the Comprehensive Plan does not address this parcel. Scott also noted that, if approved, this would be the most dense plan ever presented in the City. The Planning Commission voted to recommend approval of the request with the recommendations that were incorporated into the Planned District. Staff recommended approval of the project with conditions noted.

No comments were received from the public on this request.

B. Zoning Text Amendments

1. Request to amend Article 14, Section 14.1035, Duties and Powers of the Board of Zoning Appeals of the City of Conway Zoning Ordinance

Council had asked that use variances as permitted by state law be added to the City's regulations. This proposed amendment would be unique to the City of Conway. Planning Commission recommended approval.

No comments were received from the public on this text amendment.

2. Request to amend Article 12, Section 12.1060, Signs Permitted in the Highway Commercial, Core Commercial, Neighborhood Commercial, Central Business District, Institutional, and Production Service and Industry Districts of the City of Conway Zoning Ordinance

The text amendment is part of a zoning enforcement strategy for illegal signage in the city limits. In response to questions from Council Member Alford, Scott discussed plans for implementing enforcement that include reminder letters informing business owners of the ordinance and allowing time for compliance, on-site visits to offer assistance toward compliance and/or other issues. The Planning Commission recommended approval of the text amendment.

No comments were received from the public on this text amendment.

C. Request to amend Article 3, to add Section 3.1090, Subdivision Naming, to the City of Conway Land Development Regulations

Council had asked staff to add a requirement for approval of subdivision names by City Council. Scott was asked to prepare a list for approval should there be more than one request at a time.

No comments were received from the public.

RESOLUTIONS:

Consideration of Resolution for Thelma Brown who retired with twenty-eight (28) years of service with the City of Conway

Ms. Brown started her retirement on December 31, 2007, after 28 years with the Policy Department. Staff prepared a resolution honoring Ms. Brown for Council's consideration.

Motion: Koon made a motion, seconded by Chestnut, to adopt the resolution as drafted. **Vote:** Unanimous. Motion carried.

ORDINANCES FOR FIRST READING:

A. Ordinance #ZA2008-01-28 Accepting the Petition from Alvin Shuman and Bradford McLean of Diamond Real Properties, LLC, to Annex Approximately 12.24 Acres of Property Located at 2515 Highway 501 and Further Declaring Zoning Applicable Thereto

Council discussed this matter during the public hearing portion of the meeting. **Motion:** Alford made a motion, seconded by Timbes, to give first reading approval to Ordinance #ZA2008-01-28 with staff recommendations. **Vote:** Unanimous. Motion carried.

B. Zoning Ordinance Text Amendments

1. Ordinance #ZA2008-1-18 Amending Article 14, Section 14.1035 of the City of Conway Zoning Ordinance to Allow Use Variances under Certain Conditions

2. Ordinance #ZA-2008-1-28 Amending Article 12, Section 12.1060 of the City of Conway Zoning Ordinance to Allow Temporary

Council discussed these matters during the public hearing portion of the meeting. **Motion:** Chestnut made a motion, seconded by Koon, to give first reading approvals to Ordinance #ZA2008-1-18 and Ordinance #ZA2008-1-18. **Vote:** Unanimous. Motion carried.

3. Ordinance #ZA-2007-11-26 Amending Article 12, Section 12.2000 Bay Village Special Sign District of the City of Conway Zoning Ordinance

At the December 10, 2007, meeting, Council asked the applicants to reduce the overall height of the sign to at least 25' and remove the tenant panels from the base of the sign. In response, the height has been reduced to 25' overall and the tenant panels have been reconfigured to 13 panels. The proposed amendment was recommended for approval by the Community Appearance Board, the Planning Commission, and staff. **Motion:** Lawson made a motion, seconded by Timbes, to give first reading approval to Ordinance #ZA-2007-11-26.

C. Ordinance #LDR2008-01-28 Amending Article 2 of the Land Development Regulations, Design Standards to Require City Council Approval of Subdivision Names

Council discussed this matter during the public hearing portion of the meeting. **Motion:** Chestnut made a motion, seconded by Alford, to give first reading approval to Ordinance #LDR2008-01-28(C). **Vote:** Unanimous. Motion carried. Council asked for a list of all

subdivision names. Scott informed council she could provide a list of approved subdivision names; the Mayor suggested that Council members might be able assist in this endeavor.

ITEMS FOR DISCUSSION

A. Comprehensive Plan – Natural Resources Element

Steve Tanner reviewed the Natural Resources Element of the Comprehensive Plan. Item was presented as information only; no action was needed.

B. Update on nitrogen in tires on police vehicles

Gosnell reported that it was difficult to make any assessments at this time; however, a 1.5 mpg increase was noted and drivers reported test vehicles drove better and had an increase in car response. One unanticipated obstacle in the test was the fact that replacement tires had to be refilled in Myrtle Beach (a number of flat tires occurred during the test period on the test vehicles). This item was for information only; no action was taken.

C. Council workshop on proposed fee structure for public utilities

Michael Hardee reported that the Capital Improvement Committee, in its meeting on January 8, 2008, recommended that Council schedule a workshop to consider the rate study and proposed fee structure for public utilities. By consensus, Council agreed to schedule this workshop on Monday, February 4, 2008, at 5:00 p.m. in the conference room of City Hall.

ITEMS FOR CONSIDERATION:

A. Presentation by B. P. Barber on proposed exterior design/appearance of upgrades at Lakeside pump Station on Kingston Lake Drive

Plans for the exterior design of upgrades at this site were reviewed by Mr. Ed Hart of B. P. Barber and Mr. Mark Timbes of Garvin Design Group. Representatives informed Council the first step is approval of the concept; with this approval, construction could begin toward the end of summer with completion by next spring. It was noted that the existing light pole will need to be moved and this might present difficulties. Problems were noted with the pole such as hindrance with moving equipment at this site and problems encountered during flooding. Mr. Hart informed Council that, in his opinion, an above-ground station would be more expensive than submersible. It was also noted that work will not cross wetland boundaries. No action was taken. Council Member Timbes abstained from all discussion on this item.

B. Water Line Extension on Highway 548 (Four Mile Road) beginning on Highway 501 through the City's Service Area for the purpose of serving Windsor Farm Subdivision located in the Bucksport Water System Service Area

Bucksport Water System, Inc., and Windsor Farm, LLC, have requested the City to allow an eight inch water line extension of approximately 4,000 linear feet through the City's service area. Bucksport would then purchase water from the City of Conway to serve the Windsor Farm Subdivision, located in their service area. The proposed line would be

metered at the boundary of the two entities' service areas. Dubose reviewed the recommendation of staff which was to approve this request. Council expressed its concerns regarding the extension of service lines to property outside of the Conway service area. **Motion:** Lawson made a motion, seconded by Koon, to defer action on this request. **Vote:** Unanimous. Motion carried.

C. Proposed exterior renovations to Law Enforcement Center

Staff recommended Council approve exterior renovations to the Law Enforcement Center and grant permission to present the request to the Community Appearance Board. Renovations included removal of glass panels at rear entrance and blocking, stuccoing and painting the opening to match the brick veneer exterior; and removing glass panels in the squad room/sergeant's office and blocking, stuccoing, painting and installing a 21"x92" glass panel in the opening to match the façade on 2nd Avenue side. **Motion:** Koon made a motion, seconded by Chestnut, to approve staff's recommendation. **Vote:** Unanimous. Motion carried.

D. Proposed US Immigration and Customs Enforcement Memorandum of Understanding (MOU) (Gosnell)

In November, 2007, the Police Department sent an officer to training on Customs Officer (excepted) cross designation in compliance with Immigration and Customs Enforcement (ICE) Directive, "Personnel Designed to Act as Customs Officers (Excepted) for Investigative Purposes." The Memorandum of Understanding stipulates the agreement between Conway Police Department and ICE to maintain the Customs Officer (Excepted) designation. **Motion:** Alford made a motion, seconded by Koon, to approve the Memorandum of Understanding and authorize the Chief of Police to execute it. **Vote:** Unanimous. Motion carried.

E. Update on parking concerns at dentist's office, corner of 7th Avenue and Main Street

Gosnell presented staff's recommendation to resolve the parking concerns in this area. Phase I of the recommended plan is to request Public Works to paint curbing yellow from the intersection of Main Street and 7th Avenue, continuing to the private drive accessing Conway Dental Specialists. He also reviewed recommended additional steps that could be taken if needed after a monitoring period of 30 days. **Motion:** Lawson made a motion, seconded by Alford, to approve Phase I, on one side of 7th Avenue, at this time; the need further action shall be evaluated after 30 days. **Vote:** Unanimous. Motion carried.

F. Proposed replacement of carpet at Conway Community Senior Center (Senn)

The Council on Aging has requested Council's approval to replace the carpet at the Conway Community Senior Center with new new carpeting made by Shaw, "New Attitude" style, "Optimistic" color. **Motion:** Koon made a motion, seconded by Alford, to approve the carpet selection by the Council of Aging. **Vote:** Unanimous. Motion carried.

G. Proposal from the City's external auditor for an extension of Audit Services for an additional three years (Hardee)

Staff recommends Council authorize the City Administrator to sign an engagement letter with Smith, Sapp, Bookout, Crumpler & Calliham for an extension of audit services for

Fiscal Years ending June 30, 2008, 2009, and 2010. Motion: Koon made a motion, seconded by Chestnut, to approve staff's recommendation. **Vote:** Unanimous. Motion carried.

H. Appointment to Economic Task Force (Vereen)

At its December, 2007, meeting Council heard a presentation from Blake Lanford from Clemson Extension, regarding a task force to guide the development of a strategic plan for economic development in Horry County asked City Council to name a representative to serve on this task force. **Motion:** Koon made a motion, seconded by Alford, to appoint Mr. Greg Richardson, Special Projects Coordinator, as its representative. **Vote:** Unanimous. Motion carried.

I. Election of Mayor Pro-tem for 2008

Mayor Martin reviewed the list of Mayors Pro-Tem and informed Council that, due to a gap in service for Tom Anderson, Alys Lawson would be next in line for this office should council adhere to its rotation policy. **Motion:** Koon made a motion, seconded by Alford, to elect Lawson as Mayor Pro-Tem for 2008. **Vote:** Unanimous. Motion carried. Mayor Martin offered congratulations to Lawson and expressed appreciation to Koon for his service as Mayor Pro-Tem during 2007.

GRANTS

Staff requested permission to apply for a 2008 PARD Grant in the amount of \$30,900. The amount represents 80% in state funds (\$25,750) with a 20% local match (\$5,150). The Parks Committee would like to use these funds to purchase new playground equipment for Sherwood Drive Park. **Motion:** Koon made a motion, seconded by Alford, authorizing submission of the 2008 PARD Grant application. **Vote:** Unanimous. Motion carried.

BIDS

A. Three (3) service trucks, two (2) for Public Utilities and one (1) for Vehicle Maintenance

Low bids were reviewed for three service trucks (two for Public Utilities and one for Vehicle Maintenance). Staff recommended acceptance of the low bid for these vehicles. **Motion:** Chestnut made a motion, seconded by Alford, to accept the low bids for these vehicles. Lawson asked that the bids be considered separately (one for the two Chevrolets, one for the Ford) as she would need to abstain on the vote for the acceptance of the bid on the Ford service truck. **First Substitute Motion:** Lawson made a motion, seconded by Koon, to accept the low bid from Dick Smith Ford, Inc., for the Ford service truck (maintenance) in the amount of \$44,196.50. **Vote:** Unanimous. Motion carried. **Second Substitute Motion:** Chestnut made a motion, seconded by Koon, to accept the bid submitted by Conway Ford in the amount of \$49,100.00 for the Chevrolet truck (2 trucks/Public Utilities). **Vote:** Alford, Chestnut, Koon and Timbes voted in the affirmative; Lawson abstained. Motion carried.

B. Safety systems and decals to outfit three (3) new patrol vehicles (Gosnell)

Staff recommended Council accept the low bid submitted by Light-N-Up, LLC, in the amount of \$11,940.00 to purchase and install three complete safety systems to outfit three

new patrol vehicles. Each system includes: LED light bar w/sirens and speakers, VPI seat dividers w/2 window bars (cages), push bumpers, 920-06 headlight flashers w/power supply, and decal set. **Motion:** Koon made a motion, seconded by Timbes, to accept the low bid. **Vote:** Unanimous. Motion carried.

C. Fencing at Recreation Complex (along Mill Pond Road and at entrance from Mill Pond to back parking lot)

Bids have been received for fencing for the above referenced project which is a budgeted item. Staff recommended the acceptance of the low bid submitted by Conway Fence in the amount of \$12,149.00. **Motion:** Koon made a motion, seconded by Chestnut, to accept the low bid from Conway Fence. In discussion, it was noted that bids were on galvanized fencing and there are sufficient funds to allow for colored fencing. Senn estimated the cost to be approximately \$1.50 more per foot. **Substitute Motion:** Lawson made a motion, seconded by Koon, to approve the purchase of colored fencing (dark green) for this project from Conway Fence provided the total cost is within the amount budgeted. **Vote:** Unanimous. Motion carried.

CONSENT AGENDA:

A. City Council Minutes, December 10, 2007

For Approval

B. November Financial Statement

For Information

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

ADMINISTRATOR'S REPORT:

None

COUNCIL INPUT:

Council Member Koon - asked when the house on Smith Street will be torn down. Mr. Sawyer reported the paperwork is being processed with the owner who lives out-of-town.

Council Member Chestnut – the problem with the afternoon school pick-up on Snow Hill Drive has reoccurred. Staff will check into this concern. She also commended the City Administrator and Reggie Jenrette on trash pick-up and recycling efforts.

Council Member Alford – Asked staff to investigate possible incentives for rehab of former “big box” stores. He also expressed appreciation to Mr. Barnhill for the improvements on Hemingway Street.

EXECUTIVE SESSION:

Motion: Alford made a motion, seconded by Timbes, to enter into executive session for the purpose of considering appointments to fill vacancies on City Boards and Commissions. **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 Timbes, to approve the following appointments to fill vacancies on City Boards and Commissions:

Accommodations Tax Advisory Committee: Johnny S. Creel, Janet Mayers, and James Anderson.

Construction Board of Appeals: Ronnie Causey and Bill Hedgepath

Zoning Board of Appeals: Jim Young, Phillip D. Maney, and Eric Rabon

Lakeside Cemetery Committee: Sims Gasque and Frances J. Williams

Planning Commission: Mark Wilson, Betty Woodward, and Adam Emrick

Recreation Advisory Commission: Alan Case, Dale Long, Ron Phillips, and Hillary Howard

Rose Hill Cemetery Committee: Gloria Ragin, Queen Ester Rogers, and Martha Onley

Tennis Advisory Committee: Lauren Hunter

By this action, the Board also selected Council Member Timbes to be its representative on Conway Main Street USA Board of Directors. **Vote:** Unanimous. Motion carried.

ADJOURNMENT

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

APPROVAL OF MINUTES

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

Vicky Lefler, City Clerk