

**CITY COUNCIL MEETING AND PUBLIC HEARINGS
CITY HALL COUNCIL CHAMBER
1001 3RD AVENUE
CONWAY, SOUTH CAROLINA
MONDAY – JANUARY 28, 2008 – 5:30 p.m.**

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

ABSENT: Tom Anderson (death in family)

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; and Vicky Lefler, City Clerk.

OTHERS IN ATTENDANCE: Andy Hendrick, Dennis Mackey, Sharon Housk, Adam Cates, Eddie Tyler, Moses Johnson, Bob Fogner, Van Davenport, Helen Smith, Joseph Parker, Rev. Robbin J. King, Ron Ellison, Kathy Ropp of the *Horry Independent*, and Tonya Root of the *Sun News*.

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

INVOCATION/PLEDGE OF ALLEGIANCE: Rev. Robbin J. King gave the invocation. City Council and those in attendance recited the Pledge of Allegiance.

PRESENTATIONS: **Longevity bonus awards** were presented to four employees: Anthony Rabon, Planning Department, 5 years; Robert Robinson, Police Department, 5 years; Kim Payne, Public Utilities, 20 years; and Jane Mackey, City Court, 20 years. These employees were recognized and honored by City Council for their years of service to the City.

PUBLIC INPUT: Mr. Tony Bellardo had requested to address Council on the issue of disposal of building debris. Mr. Bellardo was not present at this meeting. There was no other public input offered.

RESOLUTION: Southern Asphalt, Inc., has received approval to create Newcastle Subdivision, Phase II. These newly created lots require infrastructure, roads and sidewalks meeting city specifications. Per the City of Conway Land Development Regulations, a financial guarantee in the amount equal to 125% of the value of work remaining must be approved by City Council. The estimate to complete the required infrastructure improvements provided by the developer's engineer and approved by the Public Works Director is \$180,793.44; 125% of this value is \$225,991.81. **Motion:** A motion was made by Alford, seconded by Timbes, to approve the resolution accepting the Letter of Credit from Southern Asphalt, Inc. **Vote:** Unanimous. Motion carried.

ORDINANCES FOR FINAL READING:

- A. **Ordinance #ZA2008-01-28 (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.** Scott informed Council that the applicant has requested this matter be tabled until the next Council meeting. **Motion:** Chestnut made a motion, seconded by Alford, to table this ordinance. **Discussion:** Koon asked about the density of the project. Scott responded that density in a Planned District is flexible; however, the project is a higher density than any other city development. The project meets the 15% open space requirement with a combination of open space/recreational amenities. **Vote:** Unanimous. Motion carried.
- B. **Ordinance #ZA2008-01-28 (B) – Request to amend Article 14, Section 14.1035, Duties and Powers of the Board of Zoning Appeals of the City of Conway Zoning Ordinance.** Scott advised that the Municipal Association has reviewed the proposed amendment and, in its opinion, the amendment is in compliance with state law as written. **Motion:** Alford made a motion, seconded by Lawson, to approve final reading of the ordinance. **Vote:** Unanimous. Motion carried.
- C. **Ordinance #ZA-2008-01-28 (C) – 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 ordinance affects temporary window signage. The only change made since First Reading has been the addition of Item (3) One (1) interior-mounted, non-flashing illuminated “Open” sign which does not exceed three (3) square feet is permitted without a permit and without approval by the Community Appearance Board. **Motion:** Koon made a motion, seconded by Chestnut, to approve final reading of the ordinance. **Vote:** Unanimous. Motion carried.
- D. **Ordinance #LDR2008-01-28 (D) – Request to amend Article 3, to add Section 3.1090, Subdivision Naming, to the City of Conway Land Development Regulations.** No changes have been made since First Reading. **Motion:** Chestnut made a motion, seconded by Timbes, to approve final reading of the ordinance. **Vote:** Unanimous. Motion carried.
- E. **Ordinance #ZA-2007-11-26 (H) – Request to amend the Current Bay Village Special Sign District located on Highway 501.** Scott reminded Council that the drawing provided with this amendment is of the sign to be installed now; if a significant change to the pylon is warranted in the future, the new design using the same height, square footage and tenant panels referenced in the ordinance will only be subject to approval by the Community Appearance Board. **Motion:** Koon made a motion, seconded by Lawson, to approve final reading of the ordinance. **Vote:** Unanimous. Motion carried.
- F. **Ordinance #ZA2006-12-11(A) - Request to rezone approximately 25 acres located on Church Street from Low Density Residential (R-1) to Planned District (PD).** This ordinance received first reading on November 27, 2006. At that time, it was tabled until

the applicant could submit a more detailed master plan as a Planned District. The concept given at first reading has not changed; however, since that time, the applicant has submitted a complete site plan; a proposed drainage and water/sewer layouts; landscape plan, parking, average daily traffic and land use breakdowns, an approximate 8-10 year build-out period; and a narrative providing further details regarding the development. The total commercial area is capped at 287,000 square feet. Scott noted that the common open space requirement is short by approximately 2.84 acres and a \$125,000 fee in lieu of open space to meet this requirement has been negotiated. Scott reviewed staff's recommendation for conditions of approval of the ordinance. The final buffer design would be subject to the discretion of the Planning Commission and City Council. Scott recommended that if a berm is to be required, the requirements should be very specific. Another area of concern was the shortened deceleration lane; a DOT variance may be required due to its shortened length. Lawson stated she was concerned about accepting the fee in lieu of the open space requirement and, should the fee in lieu be accepted, the value should be based on highway commercial. **Motion:** Lawson made a motion, seconded by Koon, to table the ordinance until issues are resolved between Council and the developer. **Discussion:** Council commended Mr. Johnson for the additional information provided. Lawson asked if there were more parking spaces planned than required. Scott stated that the requirement was exceeded by about 43 parking spaces. Alford suggested that the developer could use the extra parking spaces and increase the buffer to help meet open space requirements. **Mr. Van Davenport** spoke on these issues and stated their willingness to work with Council to resolve concerns. A workshop for such purpose was scheduled for Monday, February 5, at 5:00 p.m. in the City Hall conference room. In an answer to the Mayor on procedure, Scott stated that, if changes are agreed to by Council and the developer, they could be incorporated into the ordinance pending final reading and it would not be necessary to begin the process anew. **Vote:** Unanimous. Motion carried.

ORDINANCES FOR FIRST READING:

- A. Ordinance #2008-02-11 (A) Amending the Code of Ordinances, City of Conway, SC, 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.** Council approved on November 12, 2007, an ordinance that changed the city's time of elections to Tuesday following the first Monday in the month of November in odd-numbered years. Ordinance #2008-02-11 (A) provides an effective date which is required prior to final approval by the Department of Justice. **Motion:** Koon made a motion, seconded by Chestnut, to give first reading approval to Ordinance #2008-02-11 (A). **Vote:** Unanimous. Motion carried.
- B. Ordinance #2008-02-11(B) Authorizing the City of Conway, South Carolina, to Enter into a Lease Purchase Transaction Relating to the Financing of Solid Waste Equipment; Authorizing the Execution and Delivery of an Equipment Lease Purchase Agreement in an Amount Not to Exceed \$840,000; Delegating Certain Authority to the City Administrator; and Other Matters Relating thereto.** In August, 2007, Council approved the lease purchase of a front end loader, one roll-off truck, and three side loaders.

The total purchase price for the five pieces of equipment will be \$829,483.38. The FY 2007-2008 budget allows for \$134,000.00 of payments for this lease purchase. Staff recommended Council give first reading to an ordinance authorizing a lease purchase financing transaction for the acquisition of solid waste equipment, the provisions of which include authorizing the City to enter into an Equipment Lease Purchase Agreement of 2008, authorizing the City Administrator send requests for proposals to prospective banks, and authorizing the City Administrator to accept the bid in the best interests of the City. **Motion:** Chestnut made a motion, seconded by Timbes, to approve first reading of Ordinance #2008-01-11 (B). **Vote:** Unanimous. Motion carried.

ITEMS FOR CONSIDERATION:

- A. Updated information on moving overhead wiring underground on Sixteenth Avenue.** At its January 14, 2008, meeting, Council discussed plans presented by a representative from Santee Cooper to erect utility poles on 16th Avenue at Collins Park and the Elm Street Triangle. Council asked for a report on the cost of moving the utility wires from overhead to underground in this area. Blain-Olds reported Santee-Cooper estimated a cost of \$500,000 to move wires underground from about 800 feet from Park View Road at the corner of Collins Park to the curve behind Coastal Mall at the end of the current SCDOT project. In addition, Santee Cooper's engineers believe that down-guying the dead end pole where the underground wiring would end would be even more unattractive than the overhead wiring scheme proposed at the January 14th meeting. Blain-Olds reported that DOT is ready to begin construction and a change in plans at this time would delay the project as the new underground design would have to be established, additional easements would be required and additional clearing of right-of-ways would be required. Blain-Olds stated another consideration would be that should this project be undertaken, it could mean a delay in downtown underground wiring priorities already established by Council due to funding. **Motion:** Koon made a motion, seconded by Alford, to accept the above-ground wiring project, as is, for 16th Avenue at Collins Park and the Elm Street Triangle. **Discussion:** Timbes expressed her opinion that she believes there is a better option, that the proposal for the above-ground wiring by Santee Cooper was presented to Council at its January 14, 2008, meeting, and she did not favor having to make a decision in such a short time frame. Mayor Martin noted that, according to information provided, current projections are the End-of-Year Franchise Fund Balance will have a deficit of \$548,904 at the end of FY 2011. He also asked Blain-Olds if any significant savings would be realized if the 16th Avenue project were completed in two-part stages. Blain-Olds agreed that proceeding with this project would delay other projects and, in her opinion, no significant savings would materialize. **Vote:** Koon, Alford, and Lawson voted in the affirmative; Chestnut and Timbes voted in the negative. Motion carried.
- B. Invitation to meet with Water Quality and Storm Water Drainage Commission.** Blain-Olds conveyed an invitation from this commission for Council to participate in an information-sharing session designed to make the Council aware of its current work, opportunities, and recommendations. It was agreed that as many council members as possible would meet with the commission on Wednesday, February 20, at 5:00 p.m. Blain-

Olds was asked to poll Council members before the meeting date to determine the number attending. Koon asked that any written materials be provided to him prior to the meeting.

- C. Memorandum of Understanding between the Conway City Council, Horry County Council, Crabtree Swamp Watershed Conservation District, Horry County Storm Water Advisory Board, and Horry Soil and Water Conservation District relative to the restoration of Crabtree Swamp and Kingston Lake.** This Memorandum of Understanding regarding the restoration and protection of water quality in Crabtree Swamp is meant to be a non-binding, non-regulatory statement of the intention of each referenced entity to find ways to work together for the common good of their citizens and their natural environment. Staff recommended its approval. Chestnut asked Blain-Olds to check on a previous fund balance she believed existed for the Crabtree Swamp Watershed District/Soil Conservation District from a tax paid through the Horry County Treasurer's Office. **Motion:** Lawson made a motion, seconded by Chestnut, to approve the Memorandum of Understanding. **Vote:** Unanimous. Motion carried.
- D. Acceptance of the 2008 Palmetto Pride Grant.** On November 26, 2007, Council approved the submission of a Palmetto Pride grant application. The City has received notice that a maximum of \$4,000 has been awarded. Part of these funds will be used to beautify the median on Mill Pond Road from Highway 501 to Highway 701 by the beautification department. The second part of the grant will be used to conduct a community clean-up week starting May 19 and culminating on May 24 with a volunteer clean-up day and luncheon. Palmetto Pride will also donate to the city safety gloves, safety vests, and trash bags. The city's match is \$350 for awards and the luncheon. **Motion:** Chestnut made a motion, seconded by Timbes, to accept the Palmetto Pride grant. **Vote:** Unanimous. Motion carried.
- E. Consulting contract with the Municipal Association of South Carolina to rewrite the City of Conway's business license ordinance.** Hardee reported that the City is in the process of converting from the Standard Industrial Code to the 2007 North American Industrial Classification System. The new system's rating method is the most current and is more indicative of the current types of business that the City staff encounters daily. The Municipal Association of South Carolina proposes to develop seven rate classifications for the City. Class Eight will require assistance from City staff and will be treated separately. The contract would be effective for FY 2008-2009. All procedures used would be subject to approval by the City Administrator. The compensation for this contract will be \$8,000; staff projects that savings from the external audit fees will be sufficient to keep the cost within budget (Professional Services in the Finance Department). **Motion:** Chestnut made a motion, seconded by Koon, to approve the contract as presented. **Discussion:** Alford asked if the Municipal Association will import the City's data; Hardee responded it would which would expedite the process. It was also noted that the proposed rate structure will be developed to produce a projected revenue within 2% of the amount set by the City based upon the last full license year's experience. **Vote:** Unanimous. Motion carried.
- F. Bids for youth baseball and softball equipment and supplies.** Bids were requested in

January, 2008, from Harris Sporting Goods, T & T Sports, Sportsman Shop, Todd-Moore, Rogers Screen Printing, The Batter's Box, and Allied Sales. Bids were received from Todd-Moore, T & T Sports, Rogers Screen Printing, The Batter's Box and Allied Sales. Council was presented a bid tabulation sheet with low bids per item identified. The total purchases based on low bids submitted by vendor will be as follows: Todd-Moore, \$13,217.55; Rogers Screen Printing, \$962.63; The Batter's Box, \$1,374.24; and Allied Sales, \$332.27. These are budgeted items. **Motion:** Koon made a motion, seconded by Lawson, to accept low bids as submitted. **Vote:** Unanimous. Motion carried.

G. Progress Report from the Parks Committee. The Parks Committee did not meet on Friday, January 25 as planned; therefore, no report was given.

CONSENT AGENDA:

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|--------------------------------------------------|------------------------|
| A. City Council Minutes, January 14, 2008 | For Approval |
| B. Departmental Monthly Reports | For Information |
- Motion:** A motion was made by Koon, seconded by Chestnut to approve the Consent Agenda as presented. **Vote:** Unanimous. Motion carried.

ADMINISTRATOR'S REPORT: None.

COUNCIL INPUT:

Alford asked staff if figures had been provided on daily Conway ridership for Lymo. Schilling replied it had. Alford also asked the Planning Director if she had information on how student population is counted in the population base. Scott responded that she had the information and would forward it to him. Alford also thanked Steve Tanner for providing him with square footage information for the city.

Timbes asked staff about the removal of Christmas lights from the bridge. Staff plans to remove these lights Tuesday morning, January 29.

Chestnut asked staff to find out why the lights were not on at the school on 12th Avenue; she expressed her opinion that there was a need for these lights to be on, especially on the weekend.

Lawson (1) asked staff to look around the downtown area to identify any areas where van-accessible handicapped parking spaces could be located, maybe 1-2 each street; (2) mentioned that she had been told by a citizen that downtown Main Street had a lot of trash on it and that person thought the City should send letters to the merchants asking them to pick up around their doorways and on the curbing; (3) informed Council that progress is becoming evident at the Elm Street entrance at the marina; and (4) wanted a thank-you letter written to the Myrtle Beach Chamber of Commerce for the invitations to the two Presidential Debates.

Mayor Martin asked the City Clerk to prepare the thank-you letter and have it available for Council members' signatures at the workshop on February 4.

EXECUTIVE SESSION: Motion: Alford made a motion, seconded by Koon, to enter into executive session for the purpose of considering the Grievance Committee's recommendation on an employee grievance. **Vote:** Unanimous. Motion carried.

Motion: Timbes made a motion, seconded by Chestnut, to come out of executive session. **Vote:** Unanimous. Motion carried.

Motion: Lawson made a motion, seconded by Chestnut, to approve the recommendation of the Grievance Committee on the employee grievance. **Vote:** Unanimous. Motion carried.

ADJOURNMENT:

Motion: Lawson 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