

**CITY COUNCIL MEETING
CITY HALL COUNCIL CHAMBER
1001 3RD AVENUE
CONWAY, SOUTH CAROLINA
MONDAY – FEBRUARY 11, 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, Randle L. Alford, and Thomas J. Anderson II.

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; Billy Joe Sawyer, Building Official; and Vicky Lefler, City Clerk.

OTHERS IN ATTENDANCE: Moses Johnson, Van Davenport, Ed and Barbara Streeter, Tom Pegram, Rev. James H. Cokley, Greg and Donna Graham, Tyson Gerald, Russ Calhoun, Jeff and Cheryl Woodward, Wendy McKewen, Rev. Carl Hunsucker, Tonya Root of the *Sun News*, and other citizens.

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

INVOCATION/PLEDGE OF ALLEGIANCE: Rev. James H. Cokley gave the invocation. City Council and those in attendance recited the Pledge of Allegiance.

PRESENTATIONS:

- A. Resolution in honor of retirement – Ms. Thelma Brown, Conway Police Department.** Council Member Chestnut presented a framed resolution to Ms. Brown in recognition of her retirement after 28 years with the Conway Police Department. The resolution was adopted at the January 28, 2008, Council meeting. Ms. Brown was accompanied by one of her sons; her other son is on military duty in Kuwait.
- B. Conway City of Character Council Progress Report Highlights.** Ms. Wendy McKewen, a Board member of City of Character, made this presentation in the absence of Mr. Larry Biddle. Council heard a presentation on highlights from 1999 to 2007 and the direction City of Character intends to take for the new year. Ms. McKewen provided examples of how businesses could incorporate City of Character strategies in their workplaces. One goal this organization intends to work toward in 2008 is to become better known in the surrounding communities.
- C. Special Event Request – Rivertown Jazz and Art Festival, May 3, 2008.** Mr. Eddie Streeter presented this request for police assistance with traffic and crowd control at the Rivertown Jazz and Arts Festival planned for May 3, 2008, 10:00 a.m. to 10:00 p.m.

Motion: Koon made a motion, seconded by Anderson, to approve the Special Event request.
Vote: Unanimous. Motion carried.

D. Police Department Employee of the Quarter. Chief Gosnell recognized Police Officer Jeremy Brown as the Police Department's Employee of the Quarter for the 4th quarter of 2007. Council commended Officer Brown on this honor.

E. Request from Trinity United Methodist Church to Build on Leased City FEMA Property. Trinity Methodist Church would like to construct a picnic building and restroom facility on property it leases from the City under the National Flood Insurance Reform Act of 1994. The lease agreement between the City and the church allows for "a public facility that is open on all sides and functionally related to the open space use" and "a public restroom . . ." It also requires that any structures built on the property shall be flood-proofed or elevated to the Base Flood Elevation plus one foot of freeboard. The church is asking City Council for its concurrence that the picnic building and restroom facility planned for construction is allowed under its lease with the City before proceeding. **Motion:** Chestnut made a motion, seconded by Lawson, to approve this request. **Vote:** Unanimous. Motion carried.

PUBLIC INPUT: Rev. James Cokley informed those present that the Cherry Hill Apartments had been sold in January, 2008, and the complex is now the EME Apartments.

There was no further public comment.

RESOLUTION: Team Malphrus, LLC, has installed a roadway and drainage system linking Wild Wing Boulevard to the Fairways at Wild Wing as well as internal roadways to service the development. They are requesting approval to convey this roadway to the City. This roadway is approximately 4,250 linear feet for roadway. The right-of-way easement, drainage easement, certificate of non-litigation, and warranty agreement have all been signed and submitted. A warranty bond in the amount of \$42,500 has been submitted to guarantee the roadway for one year. The as-built documents have been signed by the City's construction inspector and recorded with the Register of Deeds. This warranty will be required to be renewed until construction in this development is complete. **Motion:** Chestnut made a motion, seconded by Alford, to approve the resolution accepting the right of way and drainage for roadways in the Fairways at Wild Wing Plantation. **Vote:** Unanimous. Motion carried.

ORDINANCES FOR FINAL READING:

A. Ordinance #ZA2008-01-28 (A) - 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. This proposed Planned District is across two separate parcels that must be combined prior to construction. It proposes 168 units of students housing and 19,200 square feet of commercial area. Seventeen percent of the site is set aside for recreational/open space. The future land use map of the Comprehensive Plan does not address this parcel. Since first reading, the conditions staff recommended approval

be contingent upon have been incorporated into the revised narrative and site plan. Also since first reading, the master plan has changed to incorporate an additional drive-thru on the western end of the commercial development, closed a curb cut onto Highway 501, and added a shuttle shelter to the parking area for student pick-up. The curb cut on Highway 501 aligns with an existing cross-over. The proposal also requests approval of the name "Coastal Estates" and the "Shops at Coastal Estates." **Motion:** Koon made a motion, seconded by Timbes, to approve final reading of Ordinance #ZA2008-01-28 (A). **Vote:** Unanimous. Motion carried.

- B. Ordinance #ZA2006-12-11 (A) - 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. On January 28, 2008, at second reading, the ordinance was tabled and a workshop for Council and the developer was scheduled to discuss the following concerns: A wider buffer at the rear of the property adjacent to the Tiger Grande development; additional green space in the parking area; confirmation from SCDOT that a variance for the deceleration lane at the second entrance would be possible; and fee in lieu of open space. Scott reviewed the revised site plan that was prepared as a result of this workshop. The buffer width was increased from 15' to 24' with a 6' tall berm; the fence has been omitted; landscaping on the berm is to include one Leyland cypress tree every 10 feet and seven tall shrubs every 10 feet. The increased width in the buffer created a net loss of about 80 parking spaces; to compensate for this loss, some parallel parking has been incorporated into the plan. No changes were made to the interior landscaping plans. The original fee in lieu of open space was \$125,000; with the addition of the widened buffer to the site plan, the total fee in lieu of open space is now \$103,320.00. This amount reflects a per acre value of \$42,000. Staff has two concerns based on these changes: the parallel parking and the treatment of the actual slopes of the berm (grass, pine straw, etc.) to reflect wishes of Council. Lawson asked how much of the water was counted toward open space. Scott responded that in a planned district, of the 15% required open space, 25% can be water. Alford stated that his original opposition was related to the ordinance that allows a fee to be paid in lieu of open space but it was obvious to him the developer had relied on that ordinance to draw his plan; he was now in favor of giving this ordinance second reading approval. **Motion:** Koon made a motion, seconded by Alford, to give second reading approval to Ordinance #ZA2006-12-11 (A). **Discussion:** Lawson stated her opposition to the loss of open space on this development and her belief that it was not good for the community. She agreed with Alford that perhaps the acceptance of fees in lieu of open spaces needs to be addressed. Timbes stated that Mr. Johnson had worked hard to accommodate Council's requests and he should not be penalized if ordinances were nonspecific and she supports approval of second reading. Chestnut agreed with approval of second reading. Mayor Martin agreed with approval of the request but also agreed that review of the acceptance of fees in lieu of open space for future planned developments may be in order. Alford suggested that buffers be counted in area to meet the open space requirements. **Vote:** Chestnut, Koon, Timbes, Alford, and Anderson voted in the affirmative; Lawson voted in the negative. Motion carried.

- C. 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. Approval of this ordinance would align Conway with every other municipality in the county with the exception of Loris. First reading approval was given at the January 28, 2008, Council meeting. **Motion:** Alford made a motion, seconded by Timbes, to give second reading approval to Ordinance #2008-02-11 (A). **Vote:** Unanimous. Motion carried.

- D. 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.** On January 28, 2008, Council gave first reading approval 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 second reading of Ordinance #2008-01-11 (B). **Vote:** Unanimous. Motion carried.

ITEMS FOR CONSIDERATION:

- A. Speed calming devices update/revision.** Council approved a pilot program in August, 2007, for speed calming devices on Laurel Street. Four devices received approval from Council as part of the pilot program; however, to date, only one device has been installed. Data gathered from a study conducted during the week of December 19-29, 2007, indicated that the average speed for all vehicles on Laurel Street had been reduced from 30 mph to 25 mph; the posted maximum speed limit for Laurel Street is 25 mph. Staff recommends that the original pilot program be reduced to two speed calming devices, the additional device to be installed in the vicinity of 11th Avenue at Conway Middle School. Each device costs approximately \$1600, not including labor for installation. There is no dedicated funding source. Since the initial pilot program, three additional requests have been received. **Motion:** Koon made a motion, seconded by Lawson, to reduce the number of speed humps to be installed on Laurel Street as called for in the original pilot program from four to two, the second to be installed in the vicinity of 11th Avenue at Conway Middle School. **Discussion:** Alford stated he favored creating a line item account for speed calming devices. Chestnut wanted to know if there had been any complaints concerning Graham Road as a couple of citizens had requested speed humps for that area. Gosnell replied that he could put the speed trailer in that area to gather data to determine need. Koon asked if data could be collected on New Road as well. Alford asked if there were any liability to the City associated with the speed humps and if caution signs needed to be posted. Gosnell

said he was not aware of any liability issues but signs could be installed if recommended. He also suggested it would be beneficial if information on the devices could be aired on the Access Channel. **Vote:** Unanimous. Motion carried.

- B. Installation of traffic/speed calming devices on Lockwood Lane (Elmhurst Subdivision).** At the January 14, 2008, meeting, Council was presented a petition from the residents of Elmhurst by Mr. Jeff Woodward requesting the installation of speed humps in that subdivision. The Police Department's speed trailer was deployed for a traffic study January 13-21. A review of the data gathered indicated that some type of traffic/speed calming measures needed to be considered. It was staff's recommendation that two sets of speed humps be installed on Lockwood Lane and stop lines be painted on Monti and Elkford Drives where they intersect with Lockwood Lane, the cost to be paid from the Neighborhood Improvement Fund. **Motion:** Chestnut made a motion, seconded by Koon, to approve the recommendation as presented. **Discussion:** Koon asked Mr. Woodward, who was present, if he believed this action was in keeping with the original petition. Mr. Woodward replied that it was, his only concern being that, should it not be effective if the devices could be moved or additional devices installed perhaps with neighborhood residents assisting with the cost. Mayor Martin advised Mr. Woodward that a follow-up study would be conducted to determine effectiveness and Woodward could have input then. Lawson stated that the City should follow-up with the recommendation to work with subdivision planners to incorporate speed/traffic calming devices on long stretches of streets where speed/traffic problems might occur. She also suggested that some of these measures such as center medians could be landscaped and be a part of the open space requirement. **Vote:** Unanimous. Motion carried.
- C. Collins Park Improvements, Phase II.** Phase II consists of the Retreat Garden that will be placed near the gazebo. Improvements in this phase consist of lighting, irrigation, sculpture, park benches, and the walking trail. Senn reviewed recommendations from the Parks Improvement Committee. Council Members Lawson, Koon, and Anderson expressed concerns with the proposed mulch for the walking trail and asked if there were other materials that could be used. Mayor Martin and Council Member Timbes reported the committee had considered other materials but the cost was not within the present budget. Staff then recommended that Council approve the lighting, irrigation, and six benches as a part of Phase II improvements; further information on possible options for the walking trail will be presented at the next Council meeting. More information on sculptures will also be presented at a future Council meeting. **Motion:** Anderson made a motion, seconded by Koon, to approve this recommendation. **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. Approval of new sign and handrails at 2nd Avenue entrance to City Hall Annex.** Staff recommends a new sign, using the existing sign as a template. The sign will be made by Richard Johnson at a cost of \$1670.00. Staff also recommends that two hand rails be installed on the brick steps entering City Hall Annex from the 2nd Avenue entrance. Only one bid was received to install the handrails. That bid was from Pat R. Edwards & Sons Construction Company in the amount of \$730. **Motion:** Koon made a motion, seconded by Lawson, to approve the sign and hand rails for City Hall Annex. **Vote:** Unanimous. Motion carried.
- F. Approval to donate excess property.** The Loris Police Department has asked for the donation of old police car cages, old light bars, and bullet-proof vests. The police department no longer needs these items which have little or no value. The Lake View Fire Department has asked for the donation of three air packs and six air bottles. The fire department has air packs and air bottles that are no longer used by the department and do not meet NFPA standards that are ready for disposal. Schilling informed Council that receiving agencies must sign waivers of liability prior to receiving items. **Motion:** Koon made a motion, seconded by Anderson, to approve the requests for donation of excess property. **Vote:** Unanimous. Motion carried.
- G. Small Drainage Projects.** An uncommitted amount of \$19,940 remains in the 2007-08 budget for small drainage projects under \$5,000. Barnhill informed Council that the following projects have some safety issues associates with the ditches and street edges and recommended that these projects be completed using the remainder of these funds: Project #1, Temple Street & 4th Avenue, \$3,815; Project #2, Pine Street – Forest View to 13th Avenue, \$4,925; Project #7, Bayside Avenue – Pearl Street to Temple Street, \$5,000; Project #8, Dewitt Street – Suggs Street to Dead End, \$4,425; and Project #9, Lakewood Avenue & 10th Avenue, \$2,000. Project numbers correspond to the project's position on the Small Drainage Projects Priority List. **Motion:** Chestnut made a motion, seconded by Timbes, to approve use of the funds to complete the drainage projects as presented. **Vote:** Unanimous. Motion carried.
- H. Resurfacing contract.** Palmetto Paving Corporation is willing to accept an extension of its existing contract with the City at the same unit prices until June 30, 2008. Staff reviewed with council the list of projects and the list of Palmetto Paving's present unit prices. **Motion:** Koon made a motion, seconded by Timbes, to approve the extension of Palmetto Paving Corporation's current contract at the same unit prices until June 30, 2008. **Vote:** Unanimous. Motion carried.

CONSENT AGENDA:

A. City Council Minutes, January 28, 2008

For Approval

B. December Financial Summary

For Information

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

ADMINISTRATOR'S REPORT: None.

COUNCIL INPUT:

Anderson expressed his appreciation for expressions of sympathy upon the recent loss of his father.

Lawson expressed her appreciation for support during the fire loss of The Rivertown Bistro.

Koon asked if it might be time to consider a study on council/mayor pay due to increased meeting and research time/costs. The Mayor responded that he thought it was done about every 10 years and the last one was done in 2000.

Chestnut commended Trinity United Methodist Church for advising Council of its plans for the FEMA property.

Timbes thanked Barnhill for the start of upgrading the parking lot at Collins Park.

Alford suggested that Council honor city businesses that have been under the same ownership for 25 years. The Mayor suggested that information for identifying such businesses could be requested over the Access Channel; Koon suggested the Chamber of Commerce as a resource. The City Clerk was asked to prepare a resolution for "Cities Mean Business" for Council's consideration at its next meeting.

EXECUTIVE SESSION:

Motion: Alford made a motion, seconded by Anderson, to enter into executive session for the purpose of considering appointments to City boards and commissions. **Vote:** Unanimous. Motion carried.

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

Motion: Koon made a motion, seconded by Anderson, to approve the following appointments to fill vacancies on City Boards and Commissions:

Community Appearance Board: Jesse Olds (three-year term)

Water Quality & Storm Water Drainage Committee: Arthur "Rick" Rickenbaker, Mike Saville,

and Tim Kirby (three-year terms); Robert Turner (one year unexpired term)

Vote: Unanimous. Motion carried.

ADJOURNMENT:

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

APPROVAL OF MINUTES: Minutes approved by City Council this _____ day of _____, 2008.

Vicky Lefler, City Clerk