

**CITY COUNCIL MEETING AND PUBLIC HEARINGS
CITY HALL COUNCIL CHAMBER
1001 3RD AVENUE
CONWAY, SOUTH CAROLINA
MONDAY – MARCH 10, 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, Director of Public Utilities; Karen Scott, Director of Planning and Development; Ken Senn, Director of Parks and Recreation; Greg Richardson, Special Projects Coordinator; Michael Hardee, Finance Director; Larry Schilling, Grants and Procurement; Billy Joe Sawyer, Building Official; Jerry Barnhill, Director of Public Works; Timmy Williams, Director of Beautification; James Hall, Fire Chief; Reggie Gosnell, Police Chief; and Vicky Lefler, City Clerk.

OTHERS IN ATTENDANCE: Dr. Bob Guffey, Anthony W. Sheppard, Tyson Gerald, Jimmy Gerald, Frannie Heizer, Abdul H. Shahid, Tonya Root of the *Sun News*, Katie Powell of the *Horry Independent*, and other citizens.

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

INVOCATION/PLEDGE OF ALLEGIANCE: Dr. Bob Guffey gave the invocation. City Council and those in attendance recited the Pledge of Allegiance.

PRESENTATIONS:

A. **County Councilman Carl Schwartzkopf** appeared before Council to deliver a check in the amount of \$44,200.00 from Horry Council Council in support of city recreation programs. He was accompanied by County Councilman James Frazier and County Recreation Director Brent Taylor.

B. **Mr. John Radosin** did not attend.

C. **Mr. Tony Bellardo** did not attend.

PUBLIC INPUT:

Mr. Anthony Shepperd appeared before the Board to discuss the possibility of establishing a semi-pro football team in the Conway/Myrtle Beach area. Mayor Martin suggested that Mr. Shepperd work with the city's Recreation Director to prepare a written proposal on this matter for discussion at a future Council meeting.

Mr. Braxton Jones of HBJ Group, Inc., Real Estate, appeared before Council requesting input concerning property on Highway 501, specifically to delay annexation by the city until the development has been completed as it does not comply with the city's zoning ordinance.

Originally the site was not contiguous to the City of Conway. Upon applying for city water, the owners signed a restrictive covenant to annex should the property ever become contiguous. Since that time, the adjacent property was annexed which resulted in this property becoming contiguous to the City and annexation required. It will be zoned Highway Commercial. The site plan for the eight-acre property includes open storage which is not allowed in the city. Anderson asked if the property could be developed as a PUD. Scott responded that it could; however, outside bulk storage is not allowed in any zone and inside storage is allowed only in PSI. Staff had no recommendation as existing ordinances were being followed. Mr. Jones was advised by the Mayor that he had the options of requesting a zoning reclassification and discussing a PUD with Planning Department staff.

PUBLIC HEARINGS

A. Annexation Request - Request to annex approximately 1.79 acres of property located at the corner of Highway 501 and Mill Pond Road (TMS 123-00-01-018) and zone the property Highway Commercial (HC) at annexation (Scott). The Planning Commission has recommended approval of this request. Also as part of this request, the applicants are proposing to relocate a billboard under the provisions of the South Carolina landowner and Advertising Protection and property Valuation Act. Relocation will be required to meet setbacks. Mr. Tyson Gerald, applicant, and Mr. Jimmy Gerald presented for any questions. No comments were received from the public on this request.

B. Zoning Ordinance Text Amendments

- 1. Request to amend Article 2, Section 2.1005, Definitions, Article 4, Section 4.2115, Conditional uses permitted in the Production, Service and Industry Zone, and Article 8, Supplemental Regulations, of the Conway Zoning Ordinance to define and add Transmission Towers, Wireless, Cellular or Communication Towers as a conditional use.** Scott reviewed this proposed amendment to change cell towers from a permitted use to a conditional use in PSI zones. No comments were received from the public on this text amendment. **Motion:** Anderson made a motion, seconded by Koon to table this text amendment until the next meeting. **Vote:** Unanimous. Motion carried.
- 2. Request to amend Article 2, Section 2.1005, Definitions, and Article 4, Sections 4.1815 and 4.1915, Conditional uses permitted in the Highway Commercial and Core Commercial Districts, of the Conway Zoning Ordinance to define and allow sporting goods stores as conditional uses.** The zoning ordinance currently does not allow for sporting goods stores specifically in any zoning district. This request, if approved, would allow them as a conditional use in the Highway Commercial and Core Commercial zoning districts. The definition of “sporting goods store” would specifically exclude the sale or repair of motor boats, motor vehicles, and motors. Mr. Jimmy Gerald presented a request for permission to install LED lighting to advertise gas prices at this site. The Mayor advised Mr. Gerald that this issue was not included in the amendment proposal and would not be considered as a part of this public hearing. No other comments were received from the public on this text amendment.

3. **Request to amend Article 9, Section 9.1000, Creation of the Community Appearance Board, of the Conway Zoning Ordinance to remove sign professional as a designated professional seat on the Community Appearance Board.** This proposed amendment would remove the sign professional as a designated professional seat on the Community Appearance Board. No comments were received from the public on this text amendment.

C. Land Development Regulations Text Amendments

1. **Request to amend Article 5, Section 5.1020, Warranty Against Defects and the Road and Street Dedication Requirements of the Conway Land Development Regulations to increase the amount of length of required roadway warranties.** This proposal would increase the length of required roadway warranties from one year to three years and increase the amount of the surety from \$10 to \$15 per linear foot of roadway. It would also align the city's requirements with those of the county. No comments were received from the public on this text amendment.
2. **Request to amend Article 5, Section 5.1000, Financial Guarantee in Lieu of Immediate Installation for Approval, of the Conway Land Development Regulations to clarify acceptable forms of financial guarantees.** The acceptance of surety and performance bonds as a form of financial guarantees would be discontinued under this proposal. Alford expressed his opinion that this amendment would give financial institutions undue power over the building industry. No comments were received from the public on this text amendment.

Mayor Martin asked the Planning Director for clarification on Mr. Gerald's request concerning an LED sign. Scott reported that LED signs are not permitted in the city, only time and temperature signs associated with banks and message boards associated with educational institution and to permit such would require a zoning text amendment to the city's sign regulations. Koon asked Scott to work on determining which municipalities in the state allow LED signs (for gas prices only) by the next Council meeting.

ORDINANCES FOR FIRST READING

- A. **Ordinance #2008-03-24 (A) Authorizing and providing for the issuance of Waterworks and Sewer System Improvement Revenue Bonds of the City of Conway, South Carolina, Prescribing the Form of Bonds, Limiting the Payment of the Bonds Solely to the Net Revenues Derived from the Operation of the System and Pledging the Revenues to Such Payment; Creating Certain Funds and Providing for Payments into Such Funds; and Making Other Covenants and Agreements in Connection with the Foregoing.** Hardee reported this is the master ordinance which sets overall general terms and conditions for future water and sewer bond issuances. It was prepared by the city's bond counsel, Ms. Frannie Heizer of the McNair Law Firm. Ms. Heizer reported on the bids received for the bonds: RBC, 3.89%, BB&T 3.81%, and Bank of America, 4.162%. Ms.

Heizer stated the low bid was an excellent bid and the interest rate used for planning purposes was substantially higher and the fact that the bond was in the category of Issues \$10 million or less gave the city a special interest rate advantage. Hardee reported that the savings realized over the 20-year life of the bond would be approximately \$151,000 below what had been projected. **Motion:** Koon made a motion, seconded by Anderson, to approve first reading of Ordinance #2008-03-24 (A). **Discussion:** Chestnut asked what would happen should the city be unable to make a bond payment and need to use monies from the general fund to meet this obligation. Ms. Heizer stated the payment on this debt is planned to come only from the city's water and sewer revenue account and does not pledge the general fund. She stated it would be very unlikely that the water and sewer system would not have sufficient resources to make this payment. Payments are structured to be less in the early years and payments are based on actual current revenues, not on predicted growth. Chestnut asked what the city would do if water/sewer customers did not pay their bills. Ms. Heizer responded that this ordinance set the rules for the future and one of the commitments made is that the city would not give free service. Another advantage the city would have is that the low bid was submitted by a local bank which would have an interest in working with the city. Timbes and the Mayor expressed their opposition to the ordinance based on their opinion that, even though they support construction of a new Public Works/Public Utilities Complex, the project should be constructed in phases in light of the current financial climate. Koon stated that the city has a sound financial plan to construct the complex and the employees were entitled to have a safe, clean working environment. **Vote:** Alford, Anderson, Koon and Lawson voted in the affirmative; the Mayor, Chestnut, and Timbes voted in the negative. Motion carried.

- B. Ordinance #2008-03-24 (B) providing for the Issuance and Sale of a City of Conway, South Carolina, Waterworks and Sewer System Improvement Revenue Bond, Series 2008, in the Principal Amount of \$3,300,000. Motion:** Alford made a motion, seconded by Lawson, to approve first reading of this ordinance. **Vote:** Alford, Anderson, Koon and Lawson voted in the affirmative; the Mayor, Chestnut, and Timbes voted in the negative. Motion carried. Ms. Heizer informed Council that final reading of these ordinances would be on the agenda for its next meeting and closing documents would be available by that time.
- C. Ordinance #2008-03-24 (C) Request to annex approximately 1.79 acres of property located at the corner of Highway 501 and Mill Pond Road (TMS 123-00-01-018) and zone the property Highway Commercial (HC) at annexation. Motion:** Lawson made a motion, seconded by Anderson, to approve first reading of this ordinance. This motion includes the relocation of the billboard as discussed during public hearing. **Vote:** Unanimous. Motion carried.
- D. Ordinance #2008-03-24 (D) Request to amend Article 2, Section 2.1005, Definitions,**

Article 4, Section 4.2115, Conditional uses permitted in the Production, Service and Industry Zone, and Article 8, Supplemental Regulations, of the Conway Zoning Ordinance to define and add Transmission Towers, Wireless, Cellular or Communication Towers as a conditional use. Scott reiterated that this amendment would not change the zoning where towers are allowed, it only would make them a conditional use in PSI. **Motion:** Anderson made a motion, seconded by Koon, to table first reading of this ordinance. **Vote:** Unanimous. Motion carried.

- E. Ordinance #2008-03-24 (E) Request to amend Article 2, Section 2.1005, Definitions, and Article 4, Sections 4.1815 and 4.1915, Conditional uses permitted in the Highway Commercial and Core Commercial Districts of the Conway Zoning Ordinance to define and allow sporting goods stores as conditional uses.** **Motion:** Alford made a motion, seconded by Timbes, to approve first reading of this ordinance. **Vote:** Unanimous. Motion carried.
- F. Ordinance #2008-03-24 (F) Request to amend Article 9, Section 9.1000, Creation of the Community Appearance Board, of the Conway Zoning Ordinance to remove sign professional as a designated professional seat on the Community Appearance Board.** **Motion:** Koon made a motion, seconded by Chestnut, to approve first reading of this ordinance. **Vote:** Unanimous. Motion carried.
- G. Ordinance #2008-03-24 (G) Request to amend Article 5, Section 5.1020, Warranty Against Defects and the Road and Street Dedication Requirements of the Conway Land Development Regulations to increase the amount of length of required roadway warranties.** **Motion:** Koon made a motion, seconded by Chestnut, to approve first reading of this ordinance. **Discussion:** In response to a question from Alford, Scott informed Council that the city currently does not accept bonds for roadway warranties and the passage of this ordinance would have no effect on the of types of warranties accepted. **Vote:** Unanimous. Motion carried.
- H. Ordinance #2008-03-24 (H) Request to amend Article 5, Section 5.1000, Financial Guarantee in Lieu of Immediate Installation for Approval of the Conway Land Development Regulations to clarify acceptable forms of financial guarantees.** **Motion:** Chestnut made a motion, seconded by Lawson, to approve first reading of this ordinance. **Vote:** Alford made the lone negative vote; all others voted in the affirmative. Motion carried.

ITEM FOR DISCUSSION:

Proposed recognition of businesses in operation within the City at least 25 years – “Cities Mean Business.” Richardson reviewed an updated list of identified businesses with Council and asked for input on their recognition. Mayor Martin suggested a separate occasion at City Hall but a date was not determined.

ITEMS FOR CONSIDERATION:

A. Collins Park Improvements, Phase II – walking trail material As requested at the last Council meeting, Senn provided samples and cost estimates for additional surface materials for the walking trail in the Retreat Garden at Collins Park. An additional item not on the list presented was asphalt at a cost of \$4,410 for a 4' wide trail and approximately \$6,700 for a 6' wide trail. He informed council that the committee's recommendation was for an aggregate sidewalk with broom brushed walk with stain as an alternative. Koon discussed the advantages of the slag materials and noted that any fixed base material would crack and have to be repaired. Timbes noted that, after further committee deliberations, there was no support for either slag or mulch. Graham noted that any costs over budget could be paid from hospitality funds. **Motion:** Anderson made a motion, seconded by Lawson, to approve a concrete broom brush walk with a rock salt finish as an alternative. **Vote:** Unanimous. Motion carried.

Senn distributed copies of the donor/sponsor information packet to Council for their review. He also relayed the committee's recommendation that the name of Sherwood Park to Sherwood Forest Park. **Motion:** Anderson made a motion, seconded by Alford, to allow the Parks Committee to decide the naming of this park. **Vote:** Unanimous. Motion carried.

B. Bids for resurfacing of pool at Smith Jones Recreation Center. **Motion:** Timbes made a motion, seconded by Alford, to accept the low bid submitted by Quality Pools & Spa in the amount of \$20,400 for the resurfacing of the pool. **Vote:** Unanimous. Motion carried.

C. Update from Indoor Recreation Facility Committee. Phase I of this project is the gymnasium, multipurpose room with kitchen, restrooms, lobby and office space. Senn reported the committee's recommendation that Phase I of the construction be sited on the existing football field and five football/soccer fields be constructed on the 16 acres. The request before Council was to approve this recommendation and approve the use of funds from the budgeted \$250,000 to employ an architect with experience in this type of construction to prepare the drawings and master plan and begin site work. After discussion, Senn was requested to check for other municipal recreation centers that Council could visit for ideas. Anderson asked that this project be an example of pervious parking and good use of green space. By consensus, the city administrator was authorized to proceed with RFP's for architectural firms.

D. Purchase of imaging system. AIG Technologies has quoted a price of \$30,170.51 for the software portion of the project; Dell has quoted \$11,751 for the server. The cost would be structured over two fiscal years: \$15,000 is included in the FY 2007-08 budget, and \$26,000 is to be included in the FY 2008-09 budget, leaving an overage of \$751. This system would accommodate all city departments in the future. Staff recommended the purchase of the

imaging software and server. **Motion:** Anderson made a motion, seconded by Koon, to approve this recommendation. **Vote:** Unanimous. Motion carried. See attachment.

E. Seasonal four-day work week, Public Works and Public Utilities Departments. Barnhill reviewed a proposal for Public Works and Public Utilities Departments to operate on a four-day work week (10 hour days) beginning April 7, 2008, and ending September 20, 2008. This schedule would not affect the Solid Waste Department. Work crews will be staggered. **Motion:** Koon made a motion, seconded by Chestnut, to approve the four-day work week and schedule as presented. **Vote:** Unanimous. Motion carried.

F. Proposed sidewalk projects. Barnhill provided previously requested information on cost for sidewalk projects. Estimates were based on sidewalk and drainage on one side only of the streets listed. After discussion, Council asked that large projects on the suggested priority list be broken down into components and that the list be forwarded to the Thoroughfare Committee for recommendations on priority.

G. 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. Council considered and tabled this matter at its January 14, 2008, meeting. Further negotiations have resulted in staff making the recommendation that Windsor Farm LLC be allowed to connect to the City's existing water main at Highway 501 and Highway 548 and extend approximately 4,000 linear feet through the City's service area to serve the proposed Windsor Farm Subdivision located in the Bucksport water service area. Once construction and permitting is completed, the water line and metering vault in the City's service area would be deeded to the City for operation and maintenance. The contribution to the city would be approximately \$123,000; the city would contribute an estimated \$13,000 for five fire hydrant assemblies. Bucksport would become a "bulk" customer of the City of Conway. Windsor Farms has also agreed to sign a restrictive covenant. When Bucksport usage reached the point where Conway's capacity in Bull Creek becomes an issue, Bucksport would agree to enter into discussions with Conway and GSWSA concerning the purchase of additional capacity. **Motion:** Anderson made a motion, seconded by Koon, to approve staff's recommendation. **Vote:** Unanimous. Motion carried.

H. Approval to apply for the 2008 Assistance to Firefighters Grant. The fire department requests permission to apply for the 2008 Assistance to Firefighters in the amount of \$86,000. If awarded, matching by the city would be 10%. The funds would be used for a ventilation/extraction system for removing harmful diesel exhaust created when fire trucks enter/exit the fire station bay area. **Motion:** Chestnut made a motion, seconded by Timbes, to approve this request. **Vote:** Unanimous. Motion carried.

I. Use variance – Singleton's Grocery, 2015 Sixth Avenue. Mr. Abdul Shahid, applicant, has

requested permission to reopen a commercial business in a residential zone. Scott reviewed The Zoning Board of Appeals' conditional approval of the use variance as given at its meeting in February, 2008. A lighted, neon "Open" sign will not be allowed at this business. Council was asked to approve the decision of the Zoning Board of Appeals. **Motion:** Anderson made a motion, seconded by Koon to approve the decision of the Zoning Board of Appeals. **Vote:** Unanimous. Motion carried.

J. Contracts with DDC for underground wiring. Blain-Olds updated Council on underground wiring projects. Two contracts with DDC, the contractor for these projects, were proposed: one for the contract administration and construction observation services for the Kingston Street/Norman Alley Project and the other for the civil engineering, surveying, utility coordination services and bidding for phase 2, Laurel Street from 2nd Avenue to 5th Avenue. **Motion:** Koon made a motion, seconded by Anderson, to approve these contracts. **Discussion:** Lawson asked for clarification on the #10 project and stated that consideration should be given to completing that project before starting other cross town street projects. **Substitute Motion:** Lawson made a motion, seconded by Anderson, that 2nd Avenue from Elm to Kingston Street be the next project to be bid. **Discussion:** There was discussion on the accuracy of the priority list presented Council; the City Administrator advised Council that a revised priority list had been developed. Upon receiving this information, Lawson withdrew her substitute motion and Anderson withdrew his second. **Second Substitute Motion:** Lawson made a motion, seconded by Anderson, to approve the contract with DDC for construction observation services for the Kinston Street/Norman Alley Project only. No action was taken on the proposed contract for the civil engineering, surveying, utility coordination services and bidding for phase 2, Laurel Street from 2nd Avenue to 5th Avenue pending receipt of the revised priority list of projects. **Vote:** Unanimous. Motion carried. See attachment.

CONSENT AGENDA:

- A. City Council Minutes, February 25, 2008
- B. January Financial Statement

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

ADMINISTRATOR'S REPORT:

Graham reported that the city had been awarded a grant from the South Carolina Local Government Assurance Group in the amount of \$2,000 to assist with employee wellness endeavors. There is no matching fund requirement. He recommended the acceptance of this grant. **Motion:** Anderson made a motion, seconded by Koon, to accept this grant. **Vote:** Unanimous. Motion carried.

COUNCIL INPUT:

Council expressed appreciation to staff for their efforts in preparing for the recent Budget and Planning Retreat, stating that it was a productive and worthwhile event.

Lawson reported on the many positive community comments she had heard on the branding charette.

Anderson stated that he felt the current speed limit in the Backwater I and II areas on Highway 501 approaching the city limits was adequate and he was withdrawing his support for a reduction to 45 mph in that area. His concerns remain with speeding across the bridge through town.

Chestnut commented on a recent article in the *Sun News* regarding the Police Chief being recommended for a position in Columbia and expressed her hopes that he did not plan to leave Conway.

Timbes asked that streetscape pictures of Conway in bloom be put on the Access Channel. She also asked that the debris be picked up on both sides of the road beyond the Main Street Bridge.

Mayor Martin expressed appreciation to Jerry Barnhill and the Public Works Department for the improvements at Collins Park and concurred with Chestnut on the Police Chief.

ADJOURNMENT:

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

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

Vicky Lefler, City Clerk