

**CITY COUNCIL MEETING AND PUBLIC HEARINGS
CITY HALL COUNCIL CHAMBER
1001 3RD AVENUE
CONWAY, SOUTH CAROLINA
MONDAY – MARCH 24, 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; Karen Scott, Director of Planning and Development; David Williams, Assistant Director of Parks and Recreation; Greg Richardson, Special Projects Coordinator; Michael Hardee, Finance Director; Billy Joe Sawyer, Building Official; Jerry Barnhill, Director of Public Works; Timmy Williams, Director of Beautification; James Hall, Fire Chief; Reggie Gosnell, Police Chief; Steve Harrington, Solid Waste Department; Martin Workman, Police Department; and Vicky Lefler, City Clerk.

OTHERS IN ATTENDANCE: Jimmy Gerald, Buck Cutts, Jim Edwards, Kathy Ropp of the *Horry Independent*, 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: Council Member Irby Koon gave the invocation. City Council and those in attendance recited the Pledge of Allegiance.

PRESENTATIONS:

- A. Longevity bonus awards** were presented to two employees: Lane Steven Harrington, Solid Waste Department, 5 years; and William M. Workman, Police Department, 5 years. These employees were recognized and honored by City Council for their years of service to the City.

- B. Waccamaw River Clean-Up Day – Saturday, March 29, 2008** – Mr. Buck Cutts reminded Council and those present of activities associated with this event which begin at 9:00 am at the Conway City Marina. Cleaning this year will be in the Smith Lake/Crabtree Canal areas as well as the Downtown river area.

Mayor Martin presented a proposed resolution in honor of the fiftieth anniversary of **Trinity United Methodist Church**. **By consensus** the resolution was unanimously approved as presented. See attachment.

PUBLIC INPUT:

Mr. Jimmy Gerald appeared before the Board to discuss setbacks on corner lots, specifically lot #31 in the Elmhurst Subdivision. Mr. Gerald advised Council that the property owner has placed an outside storage building in an area of the lot that he says is in violation of city ordinance and

the subdivision's restrictive covenants in that it is inside a 20' setback. Scott explained, with the aid of drawings, the ordinance as it currently exists for front, rear, and side yards. She also advised Council, that according to the interpretation of the Planning Department, the structure meets city requirements at its present site. The Mayor advised Mr. Gerald that Council would respond to this matter after securing more information.

Mr. Jim Edwards appeared requesting consideration for his pending application to construct a cell tower in view of the fact that a zoning ordinance text amendment dealing with cellular towers is slated for first reading on this meeting's agenda.

ORDINANCES FOR FINAL 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.** **Motion:** Koon made a motion, seconded by Anderson, to approve final reading of Ordinance #2008-03-24 (A). **Discussion:** Alford asked the City Administrator and Finance Director to make certain there would not be a penalty if the City would like to pay additional funds against the principal. Lawson asked if the original motion could be amended to make it contingent upon this being allowed with penalty. **Substitute Motion:** Koon made a motion, seconded by Anderson, to approve final reading of Ordinance #2008-03-24 (A) contingent upon the City being allowed to pay additional funds against the principal without penalty. **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:** Koon made a motion, seconded by Anderson, to approve final reading of this ordinance contingent upon the City being allowed to pay additional funds against the principal without penalty. **Discussion:** Anderson asked for a copy of the contract to build, a copy of the list of subcontractors who bid on the job, and a copy of the list of the subcontractors who got the contracts for the facility. He also requested Council to consider an audit process of some type for the project. **Vote:** Alford, Anderson, Koon and Lawson voted in the affirmative; the Mayor, Chestnut, and Timbes voted in the negative. Motion carried.
- 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:** Anderson made a motion, seconded by Alford, to approve final reading of this ordinance. **Vote:** Unanimous. Motion carried. Scott also reported to Council on the use of electronic gas price signs as a part of this issue: Of eight communities surveyed in the region, five did not permit them, two permitted them only in areas that already permitted electronic message board signs and one

based it on how many times the message was changed in the course of a day.

- D. 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: Timbes made a motion, seconded by Koon, to approve final reading of this ordinance. Vote: Unanimous. Motion carried.**
- E. 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: Chestnut made a motion, seconded by Anderson, to approve final reading of this ordinance. Vote: Unanimous. Motion carried.**
- F. 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: Lawson made a motion, seconded by Chestnut, to approve final reading of this ordinance. Vote: Unanimous. Motion carried.**
- G. 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 final reading of this ordinance. Vote: Alford made the lone negative vote; all others voted in the affirmative. Motion carried.**

ORDINANCES FOR FIRST READING:

- A. 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. This ordinance was tabled at the March 10, 2008, meeting and is being presented again for first reading approval. No changes have been made to the original proposal. Motion: Koon made a motion, seconded by Alford to approve first reading of Ordinance 2008-03-24 (D). Discussion: Lawson asked if persons who had submitted plans prior to first reading could be allowed to proceed. The Mayor and City Administrator agreed that pending applications would be treated differently from new applications received after first reading. Amended Motion: Lawson made a motion, seconded by Anderson, to add the following condition to the original motion: Pending applications received prior to first reading and in compliance with the existing ordinance will be allowed to proceed provided that the construction permit is issued within six months. Vote: Unanimous. Motion carried.**
- B. Ordinance #2008-04-14 (A) Amending the Code of Ordinances of the City of Conway,**

South Carolina, Title 5, Article C, Unsafe Buildings, Section 5-1-62, Determination and Order by the Building Official, Service of Order, to add Section 5-1-62, (d); and Title 6, Chapter 1, Section 6-1-4, Premises Not to Be a Nuisance, to add Section 6-1-4 (d). The Rebuild Conway Committee has identified several lots in the Taylor Square and Mayfair neighborhoods that are overgrown and need to be cleared. These lots are breeding grounds for mosquitoes and rodents and some of the lots are a haven for vagrants and criminal activity. The removal of undergrowth from these lots would help improve the general health, well-being, and appearance of these communities. Sawyer reported the committee is asking Council to consider allowing the City to clean these lots at the City's expense. Once the lots are cleaned, future maintenance would be required of the property owners. The proposed ordinance would codify the City's authority to clean lots and remove dilapidated buildings upon such terms as may be agreed upon by the City Council and property owners. A list of lots to be cleared was also presented. Sawyer noted that cost of clearing is estimated to be approximately \$500 per acre; most of the lots on the list are a fraction of an acre. There is approximately \$90,000 in the Rebuild Conway budget. **Motion:** Alford made a motion, seconded by Timbes, to approve first reading of Ordinance #2008-04-14 (A). **Discussion:** Lawson asked if property owners would be contacted to see if they would be willing to pay the City for clearing the lots. Sawyer said owners would be contacted to get permission to clean the lots but based on his experience most, if not all, would not pay. **Vote:** Anderson abstained; all others voted in the affirmative. Motion carried.

ITEMS FOR CONSIDERATION:

- A. Approval to apply for the 2008 Bullet Proof Vest Partnership Grant.** This is a 50/50 matching grant and aids in the purchase of bullet-proof vests for the Police Department. **Motion:** Koon made a motion, seconded by Anderson, to approve this application. **Vote:** Unanimous. Motion carried.
- B. Preserve America Community Application.** State grants are 50/50 matching grants (\$2,500 minimum/\$20,000 maximum) and Federal grants are 50/50 matching grants (\$20,000 minimum/\$150,000 maximum) with in-kind donated services being allowed for part of the match. There is no cost to apply. In order to become a Preserve America community, the City has to submit an application for consideration to Preserve America and pass a resolution **Motion:** Chestnut made a motion, seconded by Lawson, to authorize the application **Vote:** Unanimous. Motion carried.
- C. Bids on material testing and special inspections for City Shop Complex.** Bids were received from RPM Engineers of Myrtle Beach, Qore of Florence, S&ME of Conway, GS2 of Myrtle Beach, and WPC of Myrtle Beach for independent testing on materials and special inspections for the new city shop complex. Staff recommends that City Council accept the low bid of \$27,329.75 submitted by RPM Engineers and authorize the City Administrator to sign the contract for these services. **Motion:** Koon made a motion, seconded by Anderson, to approve staff's recommendation. **Discussion:** Timbes asked if this item was included in the budget previously presented for the city shop complex; Graham acknowledged that it was. **Vote:** Unanimous. Motion carried. See attachment.
- D. Prioritizing overhead to underground utility projects and authorization of contracts**

with DDC. Blain-Olds reviewed with Council upcoming underground wiring projects in their current order. She also reviewed costs associated with each project and savings that could be realized by combining projects. **Motion:** Alford made a motion, seconded by Lawson, to have projects #1 and #2 completed simultaneously (Laurel Street from 2nd Avenue to 5th Avenue and 2nd Avenue from Beaty Street to Kingston Street including Scarborough Alley). **Vote:** Anderson abstained; all others voted in the affirmative. Motion carried. See attachment.

E. Van Accessible Handicapped Parking Proposal. Recommended locations are at Elm Street and 3rd Avenue, Beaty Street and 3rd Avenue, and the City-owned parking lot directly across from City Hall on Main Street. It is also recommended that signage indicating “Van Accessible” be erected at each designated location. Only six diagonal parking spaces would be removed to create these van accessible spaces. Two of the locations will require a curb cut, ramp, or both. No action was taken.

CONSENT AGENDA:

- A. City Council Minutes, March 10, 2008
- B. Departmental Monthly Reports

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

ADMINISTRATOR’S REPORT:

- The city has been notified by the US Justice Department that it had no objection to the city’s change in election dates to odd-numbered years. The next election for the city will be held in 2009. The Mayor asked Council and staff to give thought on how best to educate the public on this change.
- Pictures of Conway in bloom have been added to the Access Channel.
- Groundbreaking ceremonies for the new Public Work Complex have been set for April 7, 2008 at 11:00 a.m. (on-site).
- Transportation Planning Meeting is scheduled for April 1 at 12:00 noon in the Chamber of Commerce Board Room with a public input meeting to follow at 6:00 p.m. in City Council Chambers.

COUNCIL INPUT:

Council agreed to hold a City Council budget workshop on April 17 at 5:30 p.m. in the conference room at City Hall. It also acknowledged that the Recreation Department Baseball/Softball Jamboree Kickoff is Saturday, March 29, at 9:00 a.m.

Chestnut relayed very positive comments she had received concerning the appearance of the City. She also inquired how many of the City’s customers had their water cut off for non-payment each month and if they were charged a fee. Hardee responded that they numbered approximately 150 and they were charged a fee.

Timbes reported the new lights were being installed at Collins Park and paving should be completed soon. She also complimented Richardson for the attractive pictures on the Access Channel.

Alford advised that he still would like to look into the fee in lieu of open space requirement and would like to discuss ideas for a Municipal Improvement District.

Mayor Martin stated he had requested that the Municipal Improvement District idea also be explored for the Highway 501 corridor. He informed Council that the City Administrator has been asked to schedule a meeting with the Landscape Architect for the Riverfront Project to discuss concerns.

Koon thanked Williams and others in the Beautification Department for their efforts downtown. He also suggested that anyone who could to come to City Hall on Wednesday morning to witness the problems that exist with city court.

Lawson thanked City staff for their hard work and promptness in responding to requests.

Anderson also expressed appreciation to staff for their hard work.

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