

**MINUTES OF MEETING  
CONWAY CITY COUNCIL  
CITY HALL COUNCIL CHAMBERS  
229 MAIN STREET  
CONWAY, SOUTH CAROLINA  
MONDAY – JANUARY 24 – 5:30 p.m.**

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**PRESENT:** Mayor Alys C. Lawson, Mayor Pro Tem Jean M. Timbes, and the following Council Members: Thomas J. Anderson II, Vivian E. Chestnut, William M. Goldfinch IV, Irby L. Koon, and Larry A. White

**STAFF:** Bill Graham, City Administrator; Barbara Blain-Olds, Assistant City Administrator; Billy Joe Sawyer, Building Official; Michael Hardee, Finance Director; Allison Williams, Assistant Finance Director; Foster Hughes, Parks and Recreation Director; Freddie DuBose, Public Utilities Director; Jerry Barnhill, Public Works Director; Rick Baker, Fire Chief; Reggie Gosnell, Police Chief; Michael Leinwand, Planning Director; Larry Schilling, Procurement Coordinator; Greg Richardson, Special Projects Coordinator; Elaine Gaston, Grants Coordinator; and Vicky Lefler, City Clerk

**OTHERS IN ATTENDANCE:** See attached list. Mayor Lawson extended a special welcome to Ms. Celia Urquhart, Congressional staffer for Senator Lindsey Graham.

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

**INVOCATION/PLEDGE OF ALLEGIANCE:** Mayor Lawson welcomed Elder Gary Lee of Mason Temple Church of God in Christ who gave the invocation. City Council and those in attendance recited the Pledge of Allegiance.

**APPROVAL OF AGENDA:** **Motion:** Koon made a motion, seconded by White, to approve the agenda contents. **Vote:** Unanimous. Motion carried.

**CONSENT AGENDA:**

- A. Resolution in honor of employee retirement – Randal Graham, Police Department**
- B. City Council minutes – December 13, 2010**

**Motion:** Goldfinch made a motion, seconded by Chestnut, to approve the consent agenda. **Vote:** Unanimous among those present. Motion carried. See attachment.

**ELECTION OF MAYOR PRO TEM FOR 2011:** The Mayor noted that, historically, Council has adhered to a rotation policy to fill this office. In 2010, Anderson and Timbes were in line for the position. At that time, Timbes indicated she was willing to serve as mayor pro tem for 2010, and Anderson was willing to serve in 2011. **Motion:** White made a motion, seconded by Koon, to elect Anderson as Mayor Pro Tem for 2011. **Vote:** Unanimous. Motion carried. Mayor Lawson thanked Timbes for her service and congratulated Anderson on his election.

**PUBLIC INPUT:** **John Long** appeared before Council to present a petition requesting consideration of naming a ball field at the Recreation Complex in honor of Pete Wilks, Jr. No

action was taken. Mr. Long was invited to remain for the presentation later on the agenda concerning a proposed Hall of Fame for the Recreation Center. See attachment.

### **SPECIAL PRESENTATIONS:**

- A. 2010 City of Conway Audit Report.** Bob Calliham of Smith, Sapp, Bookout & Calliham presented results of the 2010 City of Conway audit which included a clean opinion report with no significant audit findings and no material weakness or noncompliance issues. Council was informed that net assets have declined slightly; however, the City continues to be in sound financial condition. See attachment.
- B. Special event request – Confederate Memorial Day Celebration, April 23, 2011.** Litchfield Camp 132 of the Sons of Confederate Veterans requested a special event permit for a Confederate Memorial Day Celebration, April 23, 2011, from 11:00 a.m. until noon at the Old Horry County Courthouse. Camp 132 Commander Terry Carter gave a review of the planned program and activities associated with this event which includes the firing of mortars and a 21 gun salute. No special City services have been requested. Staff recommended that Council approve the request and grant a waiver of the noise ordinance requirements for the event. **Motion:** Koon made a motion, seconded by Anderson to approve staff's recommendations. **Vote:** Unanimous. Motion carried.
- C. Employee Longevity Award** was presented to Allison Williams (5 years). This employee was recognized by City Council for her years of service to the City.

**PUBLIC HEARING – Urban County Entitlement Grant through HUD, Year 4 (2011-2012).** Leinwand reviewed the proposed projects for these funds and gave an update on Year 3 projects. The Year 4 projects are a 10' wide sidewalk (including curb, gutter and drainage) on a portion of Grainger Road from Highway 378 to Dillon Street at an estimated cost of \$247,205; administrative costs projected at \$2,000; and, if funding allows, \$25,000 will be included for an emergency repair program. Based on the Year 3 allotment, the City anticipates funding of at least \$252,164 for Year 4. Leinwand advised Council that the City's proposal may be amended if it becomes apparent projects will cost less than estimated. Although \$36,014 is anticipated to be left in Year 3 funding, staff recommended that no new projects be added until true estimates for those projects are obtained. Leinwand reported that Horry County has indicated it would be permissible to use Year 3 funds to conduct environmental studies to expedite Year 4 projects. White asked about the possibility of extending the sidewalk project to include all of Whittemore Street (Year 3 project); Mayor Lawson asked staff to obtain estimates for expanding this project. In response to an inquiry from Chestnut regarding sidewalks/drainage needed in other areas, Leinwand noted that HUD funds must be spent in moderate-low income areas as defined by the US census. There was no comment from the public on this issue.

### **PUBLIC HEARINGS AND ORDINANCES FOR FIRST READING**

- A. Ordinance #ZA2011-01-24 (A) Accepting the petition of PBV Conway-Myrtle Beach, LLC, to annex approximately 9.05 acres of property located at 2380 Church Street and zone the property Production, Service and Industry (PSI) upon annexation (TMS 122-00-04-026).** The property owner desires to receive City water services and, as the property is contiguous to the city limits, annexation is required to receive these services. The use of this property, which is the Pepsi Cola bottling plant, is for storage and distribution; no

manufacturing is currently taking place on-site. Mr. George Suddath of Pepsi Bottling Ventures was present in support of the annexation/zoning request. Staff recommended first reading approval.

**Public Hearing:** There was no comment from the public.

**Motion:** Koon made a motion, seconded by White, to approve first reading of Ordinance #ZA2011-01-24 (A). **Discussion:** Timbes noted this property is adjacent to church-owned property and voiced concerns that, if the PBV property were sold in the future, PSI zoning might allow adult entertainment establishments. In regard to permitted uses, Leinwand reported that the warehouses on this property would not be a permitted use under Highway Commercial zoning but they are allowed in PSI; once the land use ordinances rewrite is complete, staff would recommend that this property be zoned Light Industrial. Anderson asked that buffer requirements for adult entertainment establishments be kept in mind during the land use ordinances rewrite. Timbes questioned if the buffer requirements applied to “church-owned” property and Leinwand responded the current buffer regulations for adult entertainment establishments referred to “religious institutions.” **Vote:** Unanimous. Motion carried.

- B. Ordinance #ZA2011-01-24 (B) Amending the City of Conway Zoning Ordinance to define mobile food and beverage units, mobile vending, and mobile food and beverage vendor in Article 2; add mobile vending as a conditional use in Rural Residential (RR) Zoning Districts in Article 4, Section 4.1015; and delete Article 8, Section 8.1105, Mobile Vending, and replace it in its entirety.** Council previously discussed these amendments at its meetings on October 11 and 25 and November 8, 2010. The draft approved by Council at its November 8 meeting was approved by the Planning Commission on November 30, 2010. Staff recommended first reading approval.

**Public Hearing:** There was no comment from the public.

**Motion:** White made a motion, seconded by Anderson, to approve first reading of Ordinance #ZA2011-01-24 (B). **Discussion:** Mayor Lawson asked for clarification on Section 8.1105. A. 4. Graham responded that a special event permit would not be issued solely for the purpose of mobile vending but, with the permission of a special event permit holder, mobile vendors would be allowed to operate in a special event area (with regular or special event business license). **Vote:** Unanimous. Motion carried.

**ORDINANCE FOR FIRST READING – Ordinance #2011-02-14 (A) Amending Title 3, Chapter 2, Article A, Section 3-2-5, Recreation Fees, of the Code of Ordinances by establishing membership fees for the Conway Recreation Center.** Hughes reviewed the recommended fees but emphasized that the general public will be welcome to participate in any organized athletic activities or other events sponsored by the Recreation Department without being a member. Only annual memberships will be offered and will include individual use of the cardio room, gyms, pool, walking track and weight room. An enrollment fee will also be charged but may be waived during special membership promotions. Plans call for a public hearing to be held on this issue at the next Council meeting. Staff recommended first reading approval. **Motion:** Koon made a motion, seconded by Anderson, to approve first reading of Ordinance #2011-02-14 (A). **Discussion:** Anderson suggested that consideration be given to not

waiving enrollment fees for individual memberships for non-residents. Hughes responded that issue would be addressed in policies and procedures. Timbes and Koon noted the importance of the center being self-supporting and the need for all citizens to be encouraged to participate in the center. **Vote:** Unanimous. Motion carried.

**RESOLUTION – In support of the Municipal Association’s 2011-2012 legislative agenda.**

The MASC 2011-2012 legislative agenda sets four priorities for changes in state law: enclave annexation, municipal capital projects sales tax, millage issue, and enhanced codes enforcement tools. Municipals councils throughout the state have been asked to adopt resolutions in support of this agenda. **Motion:** Anderson made a motion, seconded by Koon, to adopt the resolution as presented. **Vote:** Unanimous. Motion carried. See attachment.

**ITEMS FOR CONSIDERATION**

**A. Acceptance of Palmetto Pride Community Pride Grant.** This grant, in the amount of \$3,500, will be used to enable the City to complete a beautification project along a portion of Mill Pond Road between Highways 378 and 501 near the new recreation center. Staff recommended acceptance of the grant. **Motion:** White made a motion, seconded by Anderson, to accept the Palmetto Pride Community Pride Grant. **Discussion:** Goldfinch asked how the project for this grant had been determined. Graham noted the project was previously recommended by the Thoroughfare Beautification Committee and approved by Council. He also noted that the committee considered three locations but the first two of those locations were private property and, without an appropriate lease agreement, did not meet grant eligibility requirements. **Vote:** Unanimous. Motion carried.

**B. Additions to Medium Drainage Projects list.** Barnhill informed Council that all projects on this list have been completed with the exception of project #4, Pine Street. Project #3 (Pittman Street and Woodward Drive) was funded with HUD funds during the Pittman Street sidewalk and drainage project. There is currently a balance of \$34,195 in this account and the Pine Street project is estimated at \$11,400, leaving a balance of \$22,795. The next project on the Small Drainage Projects List was the intersection of 12<sup>th</sup> Avenue and Lakeland; however, because of its size and estimated cost (\$7,500), staff recommended that this project be moved to the Medium Drainage Projects List. In addition, Barnhill reported an open ditch that runs behind two houses near the intersection of Temple Street and 4<sup>th</sup> Avenue has serious erosion and access problems and is in need of attention. The owners have agreed to provide easements if the City would fund the cost of the project, estimated at \$9,000. Staff recommended the addition of these two projects to the Medium Drainage Projects List as the next two projects to be constructed at a total estimated cost of \$16,500. **Motion:** Koon made a motion, seconded by Anderson, to approve staff’s recommendation for the additions to the Medium Drainage Projects List. **Vote:** Unanimous. Motion carried.

**C. Water line extension on Acie Avenue.** Mr. Billy Jordan has submitted plans to develop a 28-lot subdivision on Acie Avenue and West Road to be named Jordan Estates. To serve the subdivision, water will be extended from an existing six-inch line located at the rear of Watson Funeral Home and a sewer pump station and gravity lines will be installed within the subdivision and will pump to the City’s existing force main located across Crabtree Canal on the rear of the property. Mr. Jordan’s estimated total infrastructure cost, including water, sewer, drainage, roads, asphalt, etc., is \$650,000. Although the proposed subdivision will

meet minimum requirements, the Conway Fire Department and Public Utilities Department have requested that a second water line connection be made at Highway 378 and Acie Avenue and extend approximately 1,000 feet to connect to the Jordan Estates water extension at the rear of Watson's Funeral Home on Acie Avenue. DuBose reviewed the benefits this second connection would provide. Mr. Jordan has asked the City to bear half of the cost for the second connection. If approved, the City would share the cost of this project by paying the contractor the amount of low bid on labor and materials to complete a 100' "jack and bore" as required by SCDOT to the existing 10-inch water line located on the opposite side of Highway 378, which, at current construction costs, is estimated not to exceed \$17,500. Staff recommended that Council authorize the sharing of cost for the second water line connection as reviewed with funds from account # 30-8120-500 (water and sewer extensions). **Motion:** Anderson made a motion, seconded by Goldfinch, to approve staff's recommendation as presented. **Discussion:** In response to inquiries from Koon and Mayor Lawson, Leinwand reported that the property has been annexed into the city but the subdivision plans have not yet been approved by staff or the Planning Commission. Leinwand advised that the public can give input at the Planning Commission meeting but if the subdivision meets all regulations, there would be no basis for denial. Mayor Lawson noted the community had concerns in the past that additional construction could contribute to flooding and asked if the subdivision plans addressed that issue. Leinwand responded that most of the property was in the flood plain and the developer would have to deal with that issue and abide by the city's storm water calculations. Leinwand was asked to notify residents of the date/time of the Planning Commission meeting when the plans for this subdivision would be discussed. Dubose advised Council that the bore would not take place until the developer has the appropriate permits, roads and lots are being developed, and a substantial investment by the developer is evident. **Vote:** Unanimous. Motion carried.

**D. Implementation of Workers on Watch Program.** Gosnell reported this program would consist of training for City sanitation workers by the Crime Prevention Officer on how to be alert to suspicious and dangerous activities that they may encounter during the normal workday and how to discreetly convey such information to public safety officials for investigation. He further stated this program would not put the sanitation workers in harm's way nor would it interfere with their work. Staff recommended approval of the implementation of this program. **Motion:** Goldfinch made a motion, seconded by Timbes, to authorize the implementation of the Workers on Watch Program. **Vote:** Unanimous. Motion carried.

#### **E. Recommendations from committees**

**1. Indoor Recreation Committee.** The committee recommended adjustments in naming rights opportunities for the Conway Recreation Center as follows: Swimming pool, \$125,000; gym, \$125,000; administrative offices, \$50,000; track, \$75,000; and the addition of the kitchen, \$25,000. **Motion:** Koon made a motion, seconded by White, to approve the adjustments to naming opportunities for the recreation center as reviewed. **Vote:** Unanimous. Motion carried. See attachment.

The Indoor Recreation Committee also recommended that Council consider the establishment of a Sports Hall of Fame to honor individuals, teams, companies, organizations, and sponsors for accomplishments through sports in Conway. Induction

will be by nomination (at no cost); candidates must receive a majority vote by City Council to be elected. The proposed guidelines for the Hall of Fame were reviewed by Hughes. **Motion:** Anderson made a motion, seconded by Goldfinch, to approve the establishment of the Sports Hall of Fame, to operate under the guidelines as proposed. **Vote:** Unanimous. Motion carried. See attachment. Mayor Lawson inquired if Mr. Long would like to comment. He responded that, although the petition requesting the naming of the ball field had numerous signatures, he believed this would be an appropriate way to recognize Mr. Wilks and others.

2. **Thoroughfare Beautification Committee.** This committee presented the following recommendations for Council's consideration: (a) Relocation of five palmetto trees from the grounds of the City Police Department to be replanted at the new recreation complex; (b) proposed projects for CDBG/HUD year 4 as reviewed in the public hearing held earlier in this meeting; (c) purchase of Christmas lights for the Wade Hampton Oak Tree and timers for outdoor Christmas decorations at a cost of \$100 and \$6 each, respectively, to be absorbed by the City's normal operating budget; and (d) the installation of Christmas decorations (relocated from other areas) on Mill Pond Road. **Motion:** Anderson made a motion, seconded by Timbes, to approve the recommendations of the Thoroughfare Beautification Committee as presented. **Vote:** Unanimous. Motion carried.

- F. **SCDOT Rural Enhancement Grant application.** Leinwand reported that the City could apply for a SCDOT Rural Enhancement Grant if proposed projects are outside the GSATS boundary. The majority of the Long Avenue Extension area, which is not inside the GSATS boundary, makes up the largest concentration of people; therefore, the project being proposed for the Rural Enhancement Grant is an 8' wide multi-use trail, with a 5' grassed separation from the roadway, along portions of Long Avenue Extension and Highway 813 which will connect the subdivisions of Maple Ridge, Dudley Farms, Maple Run, and Dogwood Glen. The overall cost of the project is estimated at \$500,000. The grant would provide \$400,000 with the City providing \$100,000 as the match. These budgeted matching funds were previously designated as the match for a SCDOT Enhancement Grant that did not materialize. Staff recommended approval of the SCDOT Rural Enhancement Grant application and project. **Motion:** Anderson made a motion, seconded by Koon, to approve the submission of the grant application and project as presented by staff. **Vote:** Unanimous. Motion carried.

Graham reported the Bike, Hike and Paddle Committee had discussed notifying residents in the aforementioned subdivisions if the project was approved by Council to ascertain support for the project and he requested Council's guidance on this issue. Koon asked that, if notices are sent, residents be informed of what the project will and will not encompass. There was discussion on involvement of the entire Council in the development of projects, and Mayor Lawson asked Graham to look into the possibility of Council workshops to discuss projects in lieu of Council committees. After further discussion on sending notices of the sidewalk project, Mayor Lawson inquired if there was any opposition to not sending notices to the neighborhoods. Goldfinch asked to be on record as supporting notice of the proposed construction of the 8' wide multi-use trail to residents of the affected subdivisions; no other opposition was voiced. Mayor Lawson expressed reservations with regard to giving notice

on some infrastructure projects but not others. **Motion:** Koon made a motion to leave in place the City's current practice regarding advertisement of sidewalk projects. Goldfinch expressed his opinion that there is a difference between regular sidewalks and a sidewalk of this type. **Amended Motion:** Timbes offered an amended motion that mass notification to the neighborhoods be made on each sidewalk project in some manner. In response to comments from Graham, Mayor Lawson clarified that the purpose of notices would not be a request for input but rather to advise of project construction. The motion and amended motion were not seconded and, therefore, were not considered. The Mayor advised Council that a determination was needed on how to proceed with regard to notifications. **Motion:** Chestnut offered a motion, seconded by Goldfinch, to table this issue. **Vote:** Unanimous. Motion carried.

**G. Conceptual design of GSATS project - Main Street, Oak Street, and Parkview Road intersection improvements.** Leinwand reported an amount of \$85,000 has been allocated for this project, the scope of which, as proposed by SCDOT, includes provision of a triangular median, installation of landscaping, and improvement in visibility and appearance of the asphalt island with stop sign that was placed on Oak Street. The City's Technical Review Committee made recommendations for several additional improvements as follows: new pavement markings and signage; make Parkview Road one-way; add a right turn only lane onto Main Street from Oak Street with left turns being prohibited; add a left turn only lane on Main Street for turns onto Oak Street or Parkview Road; addition of irrigation to landscaped island; and incorporation of enhancements recommended by the charrette. Staff recommended approval of the project design with the addition of improvements recommended by the Technical Review Committee as funding allows. **Motion:** Koon made a motion, seconded by Timbes, to approve staff's recommendation. **Discussion:** In response to an inquiry from Timbes, Graham responded that staff had determined Parkview was of sufficient width to provide safe bus parking/passenger drop-off as a one-way street. **Vote:** Unanimous. Motion carried.

**H. Extension of contract for audit services.** Hardee presented an offer from Smith, Sapp, Bookout, Crumpler & Calliham to extend the City's contract for auditing services. The proposal estimates that audit fees should not exceed \$37,000, \$38,110, and \$39,250 for the fiscal years ending June 30, 2011, 2012, and 2013, respectively. Staff recommended that Council authorize the City Administrator to sign the engagement letter with Smith, Sapp, Bookout, Crumpler & Calliham as reviewed. **Motion:** Anderson made a motion, seconded by Koon, to rebid the contract for external auditing services for fiscal years ending June 30, 2011, 2012, and 2013. **Discussion:** Goldfinch inquired as to the methods staff would use for comparing bids for professional services, such as auditing. Graham responded that selection of auditors would be at Council's discretion; however, the City had a long history and excellent working relationship with this firm. Hardee advised that the City's auditing firm would need to have extensive experience in governmental auditing and the ability to produce a comprehensive annual financial report which is required to qualify the City for the Excellence in Financial Reporting Award given by the Government Finance Officers Association. Koon stated he had no criticism of the work performed by the City's present auditing firm but, noting the proposed increases in cost, he believed it would be appropriate to solicit bids for this work. Timbes and Chestnut spoke of the benefits of the long-term working relationship the City has had with the present auditors and the excellent service they provide. Hardee recommended that no change in auditors be made at this time and suggested

that staff be allowed to negotiate with Smith, Sapp, Bookout, Crumpler & Calliham. **Withdrawal of motion:** Anderson asked to withdraw his motion, and Koon his second, regarding the solicitation of bids for auditing services. There were no objections and the motion was withdrawn. This item will be revisited at the conclusion of staff negotiations with representatives of Smith, Sapp, Bookout, Crumpler & Calliham.

**ADMINISTRATOR'S REPORT:** Graham reported on the Reader's Digest "We Hear You America" visit and check presentation (\$1,000) on Saturday, January 22<sup>nd</sup>, and thanked Hughes for bringing this contest to the City's attention. He also reminded Council of the workshop on the land use ordinances rewrite on January 31<sup>st</sup>, 5:00-7:00 p.m.

#### **COUNCIL INPUT:**

**Timbes** reported progress is being made toward providing services to homeless persons.

**Anderson** thanked City staff for their work to provide a wonderful Christmas atmosphere in the City and various holiday activities.

**Chestnut** commended Hughes for his work on the Indoor Recreation Center.

**Goldfinch** reiterated Anderson's comments on the holiday season and stated he would like to see Christmas lights year-round on trees in different areas of town.

**Mayor Lawson** thanked personnel who worked during the recent snow/icy weather. She also commented that the "We Hear You America" contest was a good event, at very little to no cost, for promoting the City.

**EXECUTIVE SESSION: Motion:** Koon made a motion, seconded by Anderson, to enter into executive session to consider appointments to committees, boards and commissions and the annual performance evaluation of the City Administrator. **Vote:** Unanimous. Motion carried.

**Motion:** Goldfinch made a motion, seconded by White, to come out of executive session. Council Member Timbes had excused herself from the meeting and was not present for the vote. **Vote:** Unanimous among those present. Motion carried.

**APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS: Motion:** Chestnut made a motion, seconded by White, to approve the appointments as listed below to fill vacancies on City boards, committees and commissions. **Vote:** Unanimous among those present. Motion carried.

*Accommodations Tax Advisory Committee:* Reappointed Johnny S. Creel, Janet Mayers and James Anderson to three-year terms

*Bike, Hike and Paddle Committee:* Acknowledged resignation of Mary A. Williams; reappointed Darren Smith and Raymond Herndon and appointed Staci Williams to three-year terms; appointed Marshall Brown to fill an unexpired term ending 12/31/2012 (Mrs. Williams' seat)

*Community Appearance Board:* Acknowledged resignation of Kimberley Myers

*Construction Board of Appeals:* Reappointed Ronnie Causey and Bill Hedgepath to three-year terms

*Lakeside Cemetery Committee:* Reappointed Doris Hedgepath and Emma Lou Johnson to three-year terms

*Recreation Advisory Commission:* Reappointed Ron Phillips and appointed Jan Bitting to three-year terms.

*Smith Jones Joint Venture Committee:* Reappointed Jeremy Hyman to a three-year term.

*Water Quality & Drainage Commission:* Acknowledged resignations of Robert Thigpen and J. William Gobbell; reappointed Tim Kirby to a three-year term

*Zoning Board of Appeals:* Reappointed Jim Young to a three-year term

**ADJOURNMENT: Motion:** Anderson made a motion, seconded by White, to adjourn the meeting. **Vote:** Unanimous among those present. Motion carried.

**APPROVAL OF MINUTES:** Minutes approved by City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

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Vicky Lefler, City Clerk