

**MINUTES OF MEETING
CONWAY CITY COUNCIL
CITY HALL COUNCIL CHAMBERS
229 MAIN STREET
CONWAY, SOUTH CAROLINA
MONDAY – NOVEMBER 5, 2012 – 5:30 p.m.**

PRESENT: Mayor Alys C. Lawson, Mayor Pro Tem Larry A. White, and Council Members Thomas J. Anderson II, Barbara Blain-Olds, Irby L. Koon, William M. Goldfinch IV, and Jean M. Timbes

STAFF: Bill Graham, City Administrator; Michael Hardee, Finance Director; Billy Joe Sawyer, Building Official; Jerry Barnhill, Public Works Director; Foster Hughes, Parks, Recreation and Tourism Director; Freddie DuBose, Public Utilities Director; Reggie Gosnell, Police Chief; Rick Baker, Fire Chief; Michael Leinwand, Planning Director; Joe Henderson, Zoning Administrator; and Vicky Lefler, City Clerk

OTHERS IN ATTENDANCE: Kathy Ropp, Steve Jones, Rev. Dr. Sandra Poirel, Rodney Cox, and others

CALL TO ORDER: Mayor Lawson called the meeting to order.

INVOCATION/PLEDGE OF ALLEGIANCE: Mayor Lawson recognized the Rev. Dr. Sandra S. Poirel of Trinity United Methodist Church 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 Blain-Olds, to approve the agenda contents. Vote: Unanimous. Motion carried.

APPROVAL OF CONSENT AGENDA: **City Council minutes – October 15, 2012.** Motion: Goldfinch made a motion, seconded by White, to approve the consent agenda. Vote: Unanimous. Motion carried.

PUBLIC INPUT: None.

SPECIAL PRESENTATIONS:

A. 2011 Quattlebaum Award Winners. Congratulations and commendations were extended by Council to recipients of the awards for 2011 as listed below. Winners were introduced by Henderson and awards were presented by Mayor Lawson on behalf of Council.

Outstanding Restoration of a Home: Home of Scott and Sherer Royce at 1401 Laurel Street, and home of David and Ginger Jordan at 601 Lakeside Drive

Outstanding New Construction of a Home: Home of Bruce and Barbara Eisenhardt at 1212 Wood Stork Drive, and home of David and June Walter at 3171 Long Avenue

Outstanding New Construction of a Non-Residential Building: Dollar General at 2609 Main, Jimmy P. Jordan (not present), and CCU Lackey Chapel at 105 University Drive, Edward Jackson III

Outstanding Restoration of a Non-Residential Building: Conway Christian Daycare at 1209 Main Street, Rodney Cox

Outstanding Design Effort: Bernie's 501 at 2246 Highway 501, Nate Palmer (not present)

Outstanding Landscape Project: Parts Automotive at 1900 Highway 378, Kenny and Sandy McDowell (not present)

Outstanding Contribution to Quality Development, Restoration, Landscape or Design by an Organization or Individual: Cherry Hill Baptist Church Charities Building at 421 Smith Street, Dr. James H. Cokley

- B. Special event request: Lights, Music, Christmas, December 16, 2012, 5:30-8:30 p.m.** Russell Fowler of North Conway Baptist Church has requested a special event permit for this event to be held on the church's property at 1608 Sessions Street and along Sessions Street between 16th and 17th Avenues. The applicant has requested the closure of that portion of Sessions Street during the event. No City services have been requested. Staff recommended approval of the request. **Motion:** Blain-Olds made a motion, seconded by Goldfinch, to approve the special event application for Lights, Music, Christmas as presented. **Vote:** Unanimous. Motion carried.
- C. Recognition of employees who have obtained higher education degrees.** The following employees were recognized and congratulated for having obtained their college degrees within the last year utilizing the City's Employee Educational Benefit Program: Shelley Hendrick, Fire Department, Associate's Degree in Fire Science from Columbia Southern University; Le Hendrick, Fire Department, Bachelor's Degree in Fire Science from Columbia Southern University; and Joe Henderson, Planning Department, graduate certificate in Urban Planning from the College of Charleston and Master's Degree in Public Administration from Clemson University.
- D. Employee Longevity Award** was presented to Jerry Johnson, Fire Department, 15 years. The presentation was made by Council Member Goldfinch and the City Administrator.

RESOLUTIONS:

- A. Recognizing November 10-18, 2012, as National Hunger and Homeless Awareness Week.** Leinwand presented this proposed resolution which aims to promote awareness of the serious problems of hunger and homelessness. He also gave a brief update on the status of Conway's homeless population and reviewed plans by the City to assist with serving a meal for the homeless at the Shepherd's Table on November 15th. There was discussion by Council on the possibility of providing financial aid to local organizations that assist the homeless. **Motion:** Anderson made a motion, seconded by Blain-Olds, to adopt the resolution and allocate financial aid to be used for the homeless in the amount of \$500 to Churches Assisting People (CAP) and \$500 to the Cherry Hill Baptist Church. **Vote:** Unanimous. Motion carried. See attachment.
- B. Accepting the deed from New Castle Development of Conway, LLC, for three parcels of property to be dedicated as open space in the New Castle Phase II Subdivision.** Randy Beverly of New Castle Development of Conway LLC has requested the dedication of the common/open space at the New Castle Phase II Subdivision. The final plat for this subdivision, recorded in 2008, reflects three open space parcels which includes one storm

water retention pond. According to the recorded plat, the open space and pond are to be owned and maintained by the City of Conway. The parcels are TMS # 136-20-01-030, 136-20-01-001 and 136-10-01-108 and total 12.37 acres. Staff recommended that Council adopt the resolution accepting the deed for these three parcels of property to be dedicated for public common/open space. **Motion:** Goldfinch made a motion, seconded by Timbes, to adopt the resolution accepting the deed for the three parcels of property as recommended by staff. **Vote:** Unanimous. Motion carried. See attachment.

ORDINANCE FOR FINAL READING: Ordinance #ZA2012-11-05 (A) Amendment to Section 11.4.9 of the City of Conway Unified Development Ordinance (UDO) relating to Electronic Message Centers (EMCs). First reading of this ordinance was approved at the October 1, 2012, Council meeting. At that meeting, Council asked staff to consider the elimination of the following provisions in the proposed ordinance: (1) The intensity or brightness of the EMC shall not impair the vision of a motor vehicle driver with average eyesight or to otherwise interfere with the driver's operation of a motor vehicle, or to interfere with the effectiveness of an official traffic sign, device, or signal; (2) the EMC shall not create a hazardous glare for pedestrians; and (3) the EMC shall not simulate emergency vehicle or service vehicle lights. Based on other provisions that are included in the proposed ordinance, staff agreed that these sections are not needed and they were removed prior to final reading. Staff recommended final reading approval. **Motion:** White made a motion, seconded by Blain-Olds, to approval final reading of Ordinance #ZA2012-11-05 (A). **Vote:** White, Blain-Olds, Koon and Mayor Lawson voted in the affirmative; Anderson, Goldfinch and Timbes voted in the negative. Motion carried.

PUBLIC HEARINGS AND ORDINANCES FOR FIRST READING:

A. Public hearing and first reading on Ordinance #ZA2012-12-03 (A) Amendment to Section 5.1.30.A of the City of Conway Unified Development Ordinance (UDO) relating to Nurseries/Garden Centers. Section 5.1.30 A. includes a provision that nurseries and garden centers in NC, HC, IN, LI, and FA zoning districts are to be no larger than 20,000 square feet. Leinwand advised Council that staff believes other requirements in the UDO such as setbacks, landscaping and buffering, and storm water requirements, provide sufficient restrictions and, therefore, has recommended deletion of this section. The Planning Commission has recommended approval of the text amendment. 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 #ZA2012-12-03 (A). **Vote:** Unanimous. Motion carried.

B. Public hearing and first reading on Ordinance #ZA2012-12-03 (B) Amendment to Table 6.2 of the City of Conway Unified Development Ordinance (UDO) relating to non-residential building and site requirements. Leinwand reported that, similar to the above issue, staff believes other requirements in the UDO such as setbacks, landscaping and buffering, and storm water requirements, provide sufficient restrictions to limit building size and, therefore, staff recommended the amendment of this table to remove the section on Building and Site Requirements, building coverage, maximum percentage. The Planning Commission has recommended approval of the text amendment. Staff recommended first reading approval. **Public Hearing:** There was no comment from the public. **Motion:** Koon made a motion, seconded by Timbes, to approve first reading of Ordinance #ZA2012-12-03 (B). **Vote:** Unanimous. Motion carried.

- C. **Public hearing and first reading on Ordinance #ZA2012-12-03 (C) Amendment to Section 6.3.1.C of the *City of Conway Unified Development Ordinance (UDO)* relating to non-residential architectural design standards.** Council discussed this issue at its August 20th meeting. Leinwand reported that, if approved, this text amendment would allow aluminum composite material for Highway Commercial properties located in the Gateway Corridor Overlay District. It would also provide opportunity for additional flexibility with regard to alternative materials and/or design in development proposals for such properties. The Planning Commission has recommended approval of the text amendment. Staff recommended first reading approval. **Public Hearing:** There was no comment from the public. **Motion:** Blain-Olds made a motion, seconded by Anderson, to approve first reading of Ordinance #ZA2012-12-03 (C). **Vote:** Unanimous. Motion carried.
- D. **Public hearing and first reading on Ordinance #ZA2012-12-03 (D) Amendment to Section 6.3.2.A of the *City of Conway Unified Development Ordinance (UDO)* relating to the Professional (P) Zoning District dimensional requirements.** When the UDO was adopted, regulations were included in the Professional Zoning District to restrict total floor area for new construction to 10,000 square feet and to limit the footprint for new construction to 30% of the total lot size. Leinwand advised Council that staff now believes these regulations need to be corrected to allow for schools, public safety facilities and other public uses within the Professional Zoning District; in regard to the maximum building footprint, as with proposed ordinances discussed earlier, other requirements for parking, landscaping and buffering would provide sufficient restrictions. Leinwand also noted that the previous Zoning Ordinance which was replaced by the UDO did not contain these restrictions. The Planning Commission has recommended approval of the text amendment. 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 #ZA2012-12-03 (D). **Vote:** Unanimous. Motion carried.
- E. **Public hearing and first reading on Ordinance #ZA2012-12-03 (E) Amendment to Section 6.3.4.A of the *City of Conway Unified Development Ordinance (UDO)* relating to the Neighborhood Commercial (NC) Zoning District dimensional requirements.** Leinwand advised that this proposed ordinance would remove similar restrictions in the Neighborhood Commercial Zoning District as referenced in proposed Ordinance #ZA2012-12-03 (D). The current regulations restrict the total floor area for new construction to 6,000 square feet and the footprint for new construction to 30% of the total lot size. **Public Hearing:** There was no comment from the public. The Planning Commission has recommended approval of the text amendment. Staff recommended first reading approval. **Motion:** Goldfinch made a motion, seconded by Koon, to approve first reading of Ordinance #ZA2012-12-03 (E). **Vote:** Unanimous. Motion carried.

ORDINANCES FOR FIRST READING:

- A. **Ordinance #ZA2012-12-03 (F) An Ordinance to extend the moratorium on the enforcement of regulations regarding the re-establishment of nonconforming uses and landscaping requirements for certain renovations and expansions of existing buildings (Subsections 9.1.3.B.2, 9.1.3.B.3 and 12.1.2.D of the *Unified Development Ordinance*).** In an effort to help stimulate economic development within the City, Council approved a moratorium on various sections of the former Zoning Ordinance in June 2011 and continued

the moratorium on applicable sections of the UDO when it was adopted in December 2011. The moratorium is set to expire on December 31st; the proposed ordinance would extend it through December 31, 2013. Leinwand gave a report on the 24 businesses that took advantage of the moratorium during 2012. If first reading is approved, a public hearing on the proposed ordinance will be held at the next Council meeting. Staff recommended first reading approval. **Motion:** Timbes made a motion, seconded by Anderson, to approve first reading of Ordinance #ZA2012-12-03 (F). **Vote:** Unanimous. Motion carried.

- B. Ordinance #2012-12-03 (G) An Ordinance amending the Business and Professional License Ordinance for the City of Conway to change provisions for insurance companies.** As a result of recent state legislation, the Municipal Association of South Carolina is requesting cities statewide to amend their business license ordinances for insurance companies and non-admitted insurance brokers and to renew their agreements with MASC to collect these taxes on their behalf. In addition to amending the City's business and professional license ordinance, the proposed ordinance would approve the collections agreement with MASC and authorize the Mayor to execute it. The proposed collection agreement provides for MASC to retain 4% of all funds it collects on behalf of the City of Conway and the remainder of the funds (96%) to be sent to the City; however, Graham advised that it has been the practice of MASC for the past several years to retain 4% of the first \$1 million of collections and 1% of collections over \$1 million, up to a cap of \$125,000. The MASC Executive Director has advised staff that she plans to seek approval from the MASC Board at its next meeting on December 18th to provide a letter of understanding that this practice will not change without a two-year notice. Staff recommended first reading approval of the ordinance and that the collection agreement be executed after receipt of the letter of understanding from the Municipal Association. **Motion:** Anderson made a motion, seconded by Blain-Olds, to move forward with staff's recommendation and approve first reading of Ordinance #2012-12-03 (G). **Vote:** Unanimous. Motion carried.

ITEMS FOR CONSIDERATION:

- A. Acceptance of bid for sidewalk repairs and improvements.** The contract for sidewalk repairs and improvements will expire on December 31, 2012. The City advertised for sealed bids for this work and the bid opening was held on October 29th. Bids were received from Benton Concrete and Palmetto Paving. Because of the unknown value of future work, Barnhill reviewed the procedure used to calculate what the cost would have been for the last 24 months' work using the bid unit prices submitted. Based on these comparisons, Benton Concrete was the low bidder. Staff recommended that Council accept the low bid that was submitted by Benton Concrete for the contract period of January 1, 2013, through December 31, 2014, for sidewalk repairs and improvements. **Motion:** Anderson made a motion, seconded by Timbes, to approve staff's recommendation. **Vote:** Unanimous. Motion carried.
- B. Authorization to apply for Palmetto Pride Community Pride Grant.** Approximately \$4,000 is available for each grant recipient for this funding cycle. If awarded, Hughes advised that the grant funds would be used to improve the following areas by adding a variety of landscaping: Collins Park brick sign at the corner of Parkview and 16th Avenue, Sherwood Forest Park at the corner of Sherwood Drive and 16th Avenue, the triangle at 3rd Avenue and Wright Boulevard, the proposed location of the new Welcome Sign on Highway 544, and the Highway 501/701 Bridge. If selected, a condition for receiving the funds is

participation in the Great American Cleanup. This event is tentatively scheduled for May 18th. Staff recommended that the City apply for this grant. **Motion:** Goldfinch made a motion, seconded by Blain-Olds, to authorize the application for the Palmetto Pride Community Pride Grant. **Vote:** Unanimous. Motion carried.

C. Selection of Christmas Card contest winner. This contest, for children ages 5-12, ended Friday, November 2nd. Over 122 entries were received. Hughes advised that staff had narrowed the entries down to five finalists. Council decided to review the cards over dinner and select a winner at that time.

ITEMS FOR INFORMATION:

A. Report on Fall Festival. Hughes gave a brief PowerPoint presentation on the City's 3rd Annual Fall Festival that was held on October 6th.

B. Fiscal Year 2012 - 2013 Budget Update. Hardee provided Council with an update, by fund, on the City's financial status as of August 31, 2012. The financial update was presented as information only.

C. Report on cyber attack at the South Carolina Department of Revenue. The City Administrator gave a report on this event that has exposed the personal information of millions of people in the State. He also reviewed steps that have been and will be taken to keep employees, residents and business owners informed.

EXECUTIVE SESSION: Motion: Goldfinch made a motion, seconded by Anderson, to enter into executive session for discussion regarding the re-employment of an employee. **Vote:** Unanimous. Motion carried.

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

Motion: Blain-Olds made a motion, seconded by Goldfinch, to re-employ Freddie DuBose in the position of Director of Public Utilities for the City of Conway, effective December 17, 2012. Mr. DuBose is leaving employment with the City of Conway, effective November 30, 2012, for the purpose of retiring from the South Carolina Retirement System. **Vote:** Unanimous. Motion carried.

Council reviewed the cards of the five finalists in the Christmas Card contest and chose a winning card. The artist of the winning card will be recognized at the December Council meeting.

ADJOURNMENT: Motion: Anderson made a motion, seconded by Blain-Olds, to adjourn the meeting. **Vote:** Unanimous. Motion carried.

APPROVAL OF MINUTES: Minutes approved by City Council this 3rd day of December, 2012.

Vicky Lefler
Vicky Lefler, City Clerk