

**MINUTES OF MEETING
CONWAY CITY COUNCIL
CITY HALL COUNCIL CHAMBERS
229 MAIN STREET
CONWAY, SOUTH CAROLINA
MONDAY – SEPTEMBER 16, 2013 – 5:30 p.m.**

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

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

OTHERS IN ATTENDANCE: Kathy Ropp, Edward Smith, Nancy Charlton, Billie Carter Williams, Dathan Chestnut, Rein Mungo, Nancy Carle, Donna Lewis, Dee Nesbit, Harold Phillips, Raven Grant, and others

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

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

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

APPROVAL OF CONSENT AGENDA:

A. Final reading of Ordinance #ZA2013-09-16 (A) Accepting the petition by Guynn R. and Thomas A. O'Dare to annex approximately 2.0 acres of property located at 2843 Long Avenue Extension (TMS 123-00-02-026) and to rezone the property Low Density Residential (R-1) upon annexation

B. Final reading of Ordinance #2013-09-16 (B) Authorizing the City of Conway to enter into an equipment 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 \$860,000; delegating certain authority to the City Administrator; and other matters relating thereto

C. City Council minutes – August 19, 2013

Motion: Timbes made a motion, seconded by Goldfinch, to approve the consent agenda. **Vote:** Unanimous. Motion carried.

PUBLIC INPUT: None.

SPECIAL PRESENTATIONS:

- A. Introduction of Cindi Howard.** The City Administrator introduced Ms. Howard who was recently employed as Human Resources Director for the City of Conway. Ms. Howard was welcomed by the Mayor and Council.
- B. Accommodations Tax Committee FY 2014 Funding Recommendations.** The total Accommodations Tax funds available from the fiscal year ending June 30, 2013, is \$21,057.64. This amount includes a carryover of \$12.21 and interest earned in the amount of \$36.62. Rein Mungo, Accommodations Tax Advisory Committee Chairman, presented the committee's recommendations for disbursement of these funds as follows: Conway Area Chamber of Commerce, \$5,000; Theatre of the Republic, \$9,400; Conway Downtown Alive, \$4,075; Horry County Historical Society, \$1,500; and the Conway Farmers Market Association, \$1,000; leaving \$82.64 to be carried over to FY 2014. **Motion:** Anderson made a motion, seconded by Blain-Olds, to approve the allocation of the Accommodation Tax funds as recommended. **Vote:** Unanimous. Motion carried.
- C. Special event request: Conway Christmas Parade, December 14, 2013** – Dee Nesbit of the Chamber of Commerce requested a special event permit for the parade which is planned to be held from 10:00 am to noon on December 14th. A map of the proposed parade route was included with the special event application. Staff recommended approval with the cost of City services provided to be absorbed through the City's operating budget. **Motion:** Blain-Olds made a motion, seconded by Timbes, to approve the special event request. **Vote:** Unanimous. Motion carried.
- D. Employee Longevity Award** was presented to Marvin G. Adams, Public Utilities Department, 10 years. The presentation was made by Council Member Koon and the City Administrator.
- E. Employee of the Month Award for July** was presented to Sgt. Darren Alston, Police Department. The presentation was made by the City Administrator, accompanied by the Police Chief. Alston was commended by City Council for having been selected as the recipient of this award.

PUBLIC HEARINGS AND ORDINANCES FOR FIRST READING:

- A. Public hearing and first reading of Ordinance #ZA2013-10-07 (A) Accepting the petition by Cohn & Cohn Investments LLC to annex two parcels, totaling approximately 2.39 acres, located at 770 Century Circle (TMS 151-00-04-194 and TMS 151-00-04-195) and to rezone the property Light Industrial (LI) upon annexation.** Leinwand advised Council that a Sherwin Williams facility is under construction at this location (on TMS 151-00-04-194) and because the City will provide water service to this property, annexation will be required. Under the City's new requirements, annexation of the adjacent parcel (TMS 151-00-04-195) is also required as this parcel has the same ownership. The Planning Commission has recommended approving the annexation and rezoning request. Staff recommended first reading approval. **Public Hearing:** There was no comment from the public. **Motion:** Anderson made a motion, seconded by Blain-Olds, to approve first reading of Ordinance #ZA2013-10-07 (A). **Vote:** Unanimous. Motion carried.

B. Public hearing and first reading of Ordinance #ZA2013-10-07 (B) Accepting the petition by Wendell L. Cooper to rezone approximately 1.3 acres of property located at 418 Wright Boulevard (TMS 137-05-15-044) from Medium Density Residential (R-2) to Highway Commercial (HC). Leinwand explained that this property is split into two parcels by Whitts Alley: a 0.6-acre portion on the western side of the alley that has frontage on Wright Boulevard and a 0.07-acre portion on the eastern side of the alley that has frontage on Smith Street. Leinwand further advised that all of the parcels along that particular part of Wright Boulevard are zoned HC and are in the Gateway Corridor Overlay District. The parcels along Whitts Alley and Smith Street in this area are zoned either R-2 or PD. The Planning Commission recommended rezoning only the 0.06-acre portion of the property that has frontage along Wright Boulevard to HC. Staff recommended that Council approve first reading of Ordinance #ZA2013-10-07 (B) to rezone the 0.60-acre portion of the property owned by Wendell L. Cooper, located at 418 Wright Boulevard (TMS 137-05-15-044) from Medium Density Residential (R-2) to Highway Commercial (HC), and that the remainder of the property remain zoned R-2. **Public Hearing:** Leinwand read, for the record, an email from Dr. James Cokley, Pastor of **Cherry Hill Missionary Baptist Church**, opposing the rezoning. **Harold Phillips** expressed concerns about the property having two parcels under one TMS number but with different zoning districts and stated his opposition to rezoning both parcels under those conditions. In response to an inquiry from Mayor Lawson regarding these concerns, Graham advised that, before second reading, the City could request that a separate TMS number be assigned to the property to be rezoned; he noted, however, that such assignment would be at the discretion of the County Tax Assessor and the property owner. He further remarked on his confidence in the City's zoning recordkeeping abilities regardless of whether the parcels had separate TMS numbers. Others speaking in opposition to rezoning both parcels were: **Edward Smith, Stanford Chestnut, Curtis Dukes, Billie Williams**, and a **Ms. Rogers**. There was no further public comment and the Public Hearing was closed. **Motion:** Koon made a motion, seconded by White, to table this matter to allow time for staff to obtain additional information and to consult with the property owner. **Discussion:** In response to inquiries, Leinwand clarified there had been no plans approved by the City for a street through this property from Smith Street and that the recommendation of the Planning Commission, if approved, would not allow access from Smith Street to the parcel requested to be rezoned Highway Commercial. He clarified for Council that the parcel fronting Wright Boulevard could presently be accessed at the rear by Whitts Alley which is a 30' public right-of-way. Council also discussed concerns regarding the allowed uses under Highway Commercial zoning and the close proximity of the Cherry Hill Church properties. Leinwand reported the property owner submitted the rezoning request in an effort to clean up property lines; his existing car lot is partly on the subject R-2 property and partly on another adjoining parcel (zoned HC). **Vote:** Unanimous. Motion carried. Mayor Lawson informed those present that this issue may be discussed at the October 7th Council meeting provided all information is available at that time; however, notice will be provided to the community and Cherry Hill Missionary Baptist Church.

ITEMS FOR CONSIDERATION:

A. Recommendation from the Evaluation Committee to approve final construction plans and a guaranteed maximum price for construction of new Public Safety Building. Graham announced that the Staff Evaluation Committee and Chancel Builders Design/Build team have finished construction plans and established a guaranteed maximum price of \$4,703,965 for construction of the City's new Public Safety Building. This price leaves a

construction contingency of \$44,735 for the building. The project construction schedule has been adjusted to nine months from notice to proceed. Council received a rendering of the final design of the exterior of the building. It was noted that no significant changes have been made to the floor plan previously approved by Council. Staff recommended that Council approve the final design and the guaranteed maximum price. **Motion:** Koon made a motion, seconded by Goldfinch, to approve the final design and the guaranteed maximum price of \$4,703,965 for construction of the new Public Safety Building. **Vote:** Unanimous. Motion carried.

- B. Authorization to apply for State Farm Public Safety Grant.** Gosnell reported there is no matching required for these grants which range from \$100 to \$10,000. If awarded, the funds would be used to support the purchase of eligible traffic safety equipment and mobile data equipment. Staff recommended that Council authorize the application for a State Farm Public Safety Grant. **Motion:** Blain-Olds made a motion, seconded by Anderson, to approve staff's recommendation. **Discussion:** Goldfinch questioned the need for staff to ask for authorization to apply for grants. After discussion, Council was in agreement that, in the future, the City Administrator would approve applications for 100% grants that are in keeping with the City's goals and objectives. **Vote:** Unanimous. Motion carried.

ITEM FOR INFORMATION: Fiscal year 2012-2013 budget update was presented as information by Hardee.

The Council meeting recessed after this item of business and reconvened in the Conference Room for the remainder of the meeting.

WORKSHOP ITEMS:

- A. Discussion on proposal by American Rivers for installation of Waccamaw Interpretive Project and proposed improvements to kayak launch.** Leinwand advised that an SCDOT encroachment permit has been obtained for this project. The total project cost is approximately \$7,000 and the project includes the installation of an interpretive sign panel, concrete picnic table, Carolina fence garden, and improvements to the kayak launch area. All materials and labor would be at no cost to the City. Staci Williams with American Rivers reviewed tentative plans for the signs and fence garden. She reported she is working with a sign company for final plans on the interpretive sign (brown post sign, single panel with a map and information). Timbes inquired about CAB approvals and Leinwand reviewed the process. Mayor Lawson suggested that this workshop discussion serve as Council's meeting on the proposal and that, from this meeting, it go to CAB for review. Williams reported that project volunteers are expected to be here to assist with installation the week of November 4th. Leinwand reminded Council and Williams that CAB's review of the project will include the actual plant list, landscape plan, fence, and sign. Mayor Lawson suggested that the City Arborist might be of assistance with the garden design/plant selection and Leinwand could help with preparation of a sign sketch for submission to CAB. **Outcome:** Council was in agreement that the concept should go for CAB review and then the project, with any final recommendations by CAB, could be presented at a future City Council meeting for consideration.
- B. Discussion on recommendations from Rose Hill Memorial Gardens Committee.** Hughes advised Council that the committee has recommended that the fee for a certificate of

interment rights for an individual grave site be increased from \$225 to \$500. He noted that, if the increase is approved, staff would recommend that the amount withheld from the fee and deposited into the restricted account be increased to \$100. Funds in that account are used for special beautification projects with Council approval. The second recommendation was to designate an area as "Baby Memorial Garden" with smaller plots for babies only. If they prefer, families would still have the option to bury their child in a family plot, at the regular rate, outside the "Baby Memorial Garden." A map showing the proposed location of the "Baby Memorial Garden" was provided. The following issues were discussed in regard to the committee's recommendations: There was discussion on defining the age limit of babies for burial in the "Baby Memorial Garden" and concerns that cremains should not be allowed in that section of the cemetery. Staff was asked to survey nearby cemeteries in regard to defining age limits for interment in their baby sections. Council also discussed several possible scenarios for implementing the increase in the cost of plots in increments and the need to make sure impending increases are well publicized (water bills, Access Channel, etc.). There was an inquiry regarding the proposed name of the baby section and Hughes informed Council that the committee unanimously voted for "Baby Garden" and "Memorial" was added by staff. There was also an inquiry regarding the number of remaining available plots in the cemetery. **Outcome:** There was no opposition voiced to the recommendations of the committee; however, staff will gather and provide additional information as requested in regard to the age limit for the baby section and proposed timing for implementation of increase in price for plots. Graham reminded Council that any price increases would require an ordinance by Council.

EXECUTIVE SESSION: Motion: Koon made a motion, seconded by Blain-Olds, to enter into executive session to discuss the employment of an applicant for the position of Public Works Director. **Vote:** Unanimous. Motion carried.

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

Employment of Public Works Director: Motion: Anderson made a motion, seconded by Goldfinch, to approve the employment of Kevin Chestnut as the new Public Works Director as recommended by the City Administrator. **Vote:** Unanimous. Motion carried.

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

APPROVAL OF MINUTES: Minutes approved by City Council this 7th day of October, 2013.

Vicky Lefler (li)
Vicky Lefler, City Clerk