

CITY HALL COUNCIL CHAMBERS
229 MAIN STREET
CONWAY, SOUTH CAROLINA
MONDAY, FEBRUARY 16, 2015 – 5:30 PM

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

STAFF: Bill Graham, City Administrator; Vicky Lefler, Deputy City Administrator; Michael Hardee, Finance Director; Foster Hughes, Parks, Recreation, and Tourism Director; Kevin Chestnut, Public Works Director; James Friday, Public Utilities Director; Adam Emrick, Planning Director; Billy Joe Sawyer, Building Official; Reggie Gosnell, Police Chief; Le Hendrick, Fire Chief; and Debbie F. Smith, City Clerk

OTHERS IN ATTENDANCE: Kathy Ropp, Pastor James Lee, Kristi Falk, John R. Dowmont, Heather Slattery, David Nye, Holly Littles, Marilyn Patton, Lynne Delph, Sherer Royce and others

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

INVOCATION/PLEDGE OF ALLEGIANCE: Mayor Lawson recognized Rev. James 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: Goldfinch made a motion, seconded by White, to approve the agenda contents. Vote: Unanimous. Motion carried.

APPROVAL OF CONSENT AGENDA:

A. Final reading of Ordinance #2015-02-16 (A) Amending the Salary Pay Grades and Positions Schedule of the City of Conway

B. City Council Minutes – February 2, 2015

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

PUBLIC INPUT: The following persons addressed Council in regard to the proposed smoke-free ordinance which focuses on the workplace.

Sherer Royce – implored Council to vote for the smoke-free workplace ordinance. Royce reported on the results of a survey conducted a couple of years ago that showed an overwhelming majority of the respondents supported the adoption of an ordinance that would prohibit smoking in all enclosed work places. She also asked Council to consider making City-sponsored events smoke-free. She was accompanied by **Heather Slattery, Kelcie Rotella and Andi Whittle**, Coastal Carolina University students. **Slattery** reported on a recent survey of business that she, Rotella and Whittle had conducted that showed 88% of the 234 businesses that responded believed workers should be protected from second-hand smoke in the workplace and that 10-13% of the respondents still allowed smoking in their establishments.

Kristi Falk – commented that her main concern is the danger of second-hand smoke in relation to the health and lives of children and adults, and not if people choose to smoke. After conveying some details of the impact her personal lung-related illness has had on her life, she urged Council to consider adoption of the proposed smoke-free ordinance in its original form.

Dr. Daniel Falk – commented that the focus of the ordinance--to protect the health of the citizens of Conway--seemed to have shifted for many on Council to protecting rights of private businesses and that the opinions of a few have outweighed the desire of the majority of citizens. Falk also commented on the success of CCU going smoke-free, the 900+ petitions previously presented to Council asking for a smoke-free ordinance, and he read aloud a letter to Council asking for support of the smoke-free ordinance from an employee in a Downtown Conway business where smoking is allowed. He asked Council to represent the majority of the people by voting for a smoke-free ordinance.

Gloria Bromell Tinubu – spoke, from her position as a former Council member, on the responsibility of caring for the health and well-being of the public. She asked Council to adopt this ordinance as it was in the best interest of the citizens and she also noted the unfairness of protecting the rights of smokers over the rights of non-smokers.

The following persons addressed Council in regard to a proposed pathway/walkway in the Rivertown Row Subdivision:

Marilyn Patton – requested that a concrete sidewalk be installed in the Rivertown Row subdivision before the new HOA takes over and she rebutted arguments presented at the last Council meeting that the walkway around the retention ponds in the Rivertown Row subdivision should be mulched instead of surfaced with concrete. In response to the Mayor, Graham advised that staff is working on this issue and offered to inform Ms. Patton when staff is prepared to meet with the HOA and other interested persons to present findings.

Jennifer Worrell – stated she lives next to the retention pond in Rivertown Row, she was not told there was to be a sidewalk in that neighborhood and it was a privacy issue; however, if a sidewalk had to be installed it should be cement.

Lynne Delph – reiterated her comments made at the last Council meeting. She presented a petition requesting the installation of a cement sidewalk with 45 signatures of residents in Rivertown Row.

SPECIAL PRESENTATIONS:

Special event request – Derrick Law Firm’s Run for the Children 5K – March 21, 2015. Holly Littles of Derrick Law Firm submitted this special event request. Emrick reviewed the plans for the event and a map of the route, which is the same as that of the December Reindeer Run. Event set-up begins at 7:00 am and cleanup is to be completed by noon on March 21st. Emrick clarified that road closures along the route will not be continuous; police will monitor runners and open/close streets according to need. He confirmed hangers will be placed on roll out carts along the route and the interior streets of the route. Staff recommended approval of the special event application with the cost of any support services provided to be absorbed by the City’s operating funds. **Motion:** Blain-Olds made a motion, seconded by Goldfinch, to approve the special event application for Derrick Law Firm’s Run for the Children 5K. **Vote:** Unanimous. Motion carried.

Employee of the Month Award. Jarrett Wallace, Fire Department, was given recognition as the recipient of this award for the month of January. Wallace was unable to attend the meeting. The presentation was made by the City Administrator, accompanied by the Fire Chief.

ORDINANCE FOR FINAL READING: Ordinance #2015-01-20 (B) An Ordinance amending the City of Conway Code of Ordinances by adding Chapter 5, Article A, Regulations and Requirements Relating to Smoking in the City, to Title 6 of the Code. Graham advised this ordinance was tabled at first reading until Council could discuss proposed revisions in a workshop setting. He further reported that this is the original ordinance prohibiting smoking in the workplace and that a revised ordinance is listed later on the agenda for this meeting. White elaborated on his support for this ordinance and commented that the ordinance was important in protecting the public's health as well as an opportunity for the City to be a progressive community. He asked that Council pass the smoke-free ordinance in its original form. Mayor Lawson also spoke on the importance of this ordinance and the positive results in other communities where such an ordinance has been adopted. **Motion:** White made a motion to accept the ordinance prohibiting smoking in enclosed workplaces. The motion failed for lack of a second.

PUBLIC HEARING/ORDINANCE FOR FIRST READING: Ordinance #ZA2015-03-02 (A) An Ordinance accepting the request by Will F. Brown, acting as representative of the Estate of Juanita Gentry Brown, to rezone approximately 0.5 acres of property located at 901 Main Street (TMS# 123-14-06-003 / PIN 33813010035) from Low Density Residential (R-1) to Professional (P). Emrick advised Council the house at 901 Main Street has been vacant for over a year. The property is currently located in the Upper Main Street Overlay District (MSO) and the Conway Residential National Historic District. He noted that surrounding properties are currently zoned as Professional and, if this property were rezoned as requested, it would fit in with the neighborhood. The Planning Commission has recommended approval of the rezoning request. Staff recommended first reading approval. **Motion:** Goldfinch made a motion, seconded by Anderson, to approve first reading of Ordinance #ZA2015-03-02 (A). **Vote:** Unanimous. Motion carried.

ORDINANCE FOR FIRST READING: Ordinance #2015-03-02 (B) An Ordinance amending the City of Conway Code of Ordinances by adding Title 6, Chapter 5, Article A, Regulations and Requirements Relating to Smoking and the Use of Tobacco Products in certain public places owned by the City of Conway and in City vehicles. In the workshop session at its last meeting, Council discussed revisions to the proposed smoke-free ordinance that would eliminate regulations pertaining to the prohibition of smoking in enclosed workplaces in the City. Based on discussions and input from Council at that workshop session, this new proposed ordinance was drafted with regulations only for smoking and the use of smokeless tobacco products in certain public places owned by the City of Conway and in City vehicles. Second reading of the previous smoke-free ordinance failed earlier in this meeting and this revised ordinance was presented for consideration of first reading. **Motion:** Goldfinch made a motion, seconded by Alford, to approve first reading of Ordinance #2015-03-02 (B). **Discussion:** White clarified that his opposition to this Ordinance was due only to his belief that it is insufficient to protect the health of the public. Other Council members also spoke to their positions regarding the ordinance. Anderson, in his comments, asked Council to consider the removal of regulations pertaining to smokeless tobacco in the Ordinance. **Amended Motion:** Goldfinch made a motion, seconded by Alford, to approve first reading of Ordinance #2015-03-02 (B) with the omission of smokeless tobacco. **Discussion:** White asked that Council consider prohibiting smoking at City sponsored events on public property. Alford asked that such regulations, if included, apply to all future special events, including those that have already been issued a special event permit. **Second amended motion:** Goldfinch made a motion, seconded by Alford, to approve first reading of Ordinance #2015-03-02 (B) with the omission of smokeless tobacco products and the inclusion of regulations prohibiting

smoking at special events on public property to be added for second reading. **Vote:** White voted in the negative; all others voted in the positive. Motion carried.

EXECUTIVE SESSION: Motion: Anderson made a motion, seconded by Blain-Olds, to enter into executive session to consider appointments to boards, commissions and committees. **Vote:** Unanimous. Motion carried.

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

Appointments to City Boards and Commissions: Motion: Alford made a motion, seconded by Blain-Olds, to approve the appointments as listed below. **Vote:** Unanimous. Motion carried.

Accommodations Tax Advisory Committee: Reappointed George Bullock to a three-year term ending December 31, 2017.

Recreation Advisory Commission: Appointed Daniel Hunnicutt to a three-year term ending December 31, 2017.

Rose Hill Memorial Gardens Committee: Reappointed Patricia Gaither-King to a three-year term ending December 31, 2017.

Employee Grievance Committee: Appointed Le Hendrick to fill an unexpired term ending March 24, 2016, and appointed Anthony Rabon to replace Chief Gosnell as alternate.

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

APPROVAL OF MINUTES: Minutes approved by City Council this 2nd day of March, 2015.


Debbie F. Smith, City Clerk