

MINUTES OF MEETING
CITY HALL COUNCIL CHAMBERS
CITY COUNCIL MEETING
229 MAIN STREET
CONWAY, SOUTH CAROLINA
MONDAY – OCTOBER 21, 2013 – 5:30 PM

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, Park, 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; Jerry Barnhill, Public Works Director and Kevin Chestnut, (new) Public Works Director, Barbara Tessier, Planning Assistant; and Linda Vereen, Interim City Clerk

OTHERS IN ATTENDANCE: Kathy Ropp, Myers Rollins, Ivory Wilson, Bernie Silverman, Ashley White, Jerry Jankowiak, Reverend David Espada and others

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

INVOCATION/PLEDGE OF ALLEGIANCE: Reverend David Espada, Conway Church of God, 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.

APPROVAL OF CONSENT AGENDA:

A. Final reading of Ordinance #ZA2013-10-21 (A) accepting the petition by Cohn & Cohn Investments LLC to annex one parcel, totaling approximately 3.0 acres, located between East Cox Ferry Road and Daytona Street (TMS# 151-00-04-045) and to rezone the property Heavy Industrial (HI) upon annexation

B. Final reading of Ordinance #ZA2013-10-21 (B) accepting the petition by Michael Loucro to annex one parcel, totaling approximately 0.28 acres, located at 5102 Presbyterian Drive (TMS# 151-18-06-002) and to rezone the property Low Density Residential (R-1) upon annexation

C. City Council minutes – October 7, 2013

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

PUBLIC INPUT: None

SPECIAL PRESENTATIONS:

A. Bus routes in Conway. Myers Rollins, General Manager of CRTA spoke about bus routes in Conway. He said the latest census shows that Conway grew faster than any other city in the area during the past ten years. Rollins said that residents call everyday for transportation alternatives. He explained that the company ran fixed routes for a number of years. In 2006, due to low ridership, they discontinued the fixed routes and implemented the “demand response service.” For budget reasons, the “demand response service” now has to be discontinued. However, while providing that service the company did learn the areas where the demand is and based on the information, new fixed routes have been established. At this point in the meeting, the new fixed routes were presented to City Council, along with the hours of operation and the rate schedule. Council did express concern about the wait time, due to the hourly schedule. Rollins said, with the funding available, it is not possible to provide an additional bus which would decrease the wait time. Bus stop shelters will be provided along the route as well as signage to identify same.

B. Employee of the Month for September. Barbara Tessier, Planning Assistant who works both for the Planning and Building Department, received the Employee of the month award for September. The presentation was made by the City Administrator, along with Billy Joe Sawyer and Michael Leinwand. Barbara was recognized for her outstanding work, presented with a certificate of appreciation, and given eight (8) hours of vacation time.

C. Introduction of Kevin Chestnut, Public Works Director. The new public works director was introduced and began working this date with Jerry Barnhill, current public works director. He will work with Jerry Barnhill until such time as Mr. Barnhill retires at year end. Mr. Chestnut resides in Conway and comes to the City with a strong background in road construction and also experience in budgeting for same.

ORDINANCE FOR FIRST READING: First reading of Ordinance #2013-11-04 (A) amending Title 5, Planning and Development, Chapter 2 – Flood Damage Prevention and Storm Drainage Standards; Article A – Flood Damage Prevention of the City of Conway Code of Ordinances. On March 19, 2013, the City of Conway had a community assistance visit by the South Carolina Department of Natural Resources (SCDNR). The purpose of the visit was to determine if the City was in compliance with FEMA’s required regulations. No violations were noted; however, it was suggested that the City Flood Ordinance be updated. The proposed DNR changes have been made to the ordinance and this information was submitted to SCDNR for their review and comments. The proposed ordinance is in conformity with FEMA’s required language and there were no significant changes. Staff recommends first reading approval of Ordinance #2013-11-04 (A) an ordinance to Amend Title 5, Planning and Development, Chapter 2 – Flood Damage Prevention and Storm Drainage Standards, Article A – Flood Damage Prevention of the City of Conway Code of Ordinances. **Motion:** Blain-Olds made a motion, seconded by White to accept the ordinance as presented. **Vote:** Unanimous. Motion carried.

ITEMS FOR CONSIDERATION:

- A. Contract for Disaster Debris Removal.** Per FEMA requirements, the City is required to contract our services for debris removal, in the event of damage caused during a natural catastrophe. FEMA is mandated to pay 75% of all debris removal costs. FEMA has the option, at the time of a disaster, to pay a larger percentage, but it's not guaranteed. The other 25% is usually split between the State and local government (12.5% each). If FEMA decided to pick up a larger portion of the cost (80%, 90%, 95%, etc.), then the State and local cost share decrease, or are eliminated fully. If FEMA and the State are going to be responsible for 87.5% of the cost of debris removal (for example), then they would also be responsible for 87.5% of the monitoring costs. If FEMA declares a 100% reimbursement, then the City would be compensated for 100% of all eligible costs. The Debris Removal contract the City now has is with D&J Enterprises, Inc. and is now up for renewal. In September 2011, Horry County Solid Waste Authority Request for Proposal for Hurricane Disaster Debris Removal was advertised in the Sun News and sent out to various vendors. Horry County Solid Waste Authority signed a removal contract with two companies one of which is Phillips & Jordan. The City can sign a cooperative purchase agreement, commonly referred to as "Piggy Back", with Phillips & Jordan. The actual agreement would be between the City and Phillips & Jordan, so the City's agreements would be separate from the contract with the HCSWA. Staff recommends approval of the agreement with Phillips & Jordan for the debris removal with authorization by the City Administrator to execute said agreement on behalf of the City. Blain states she would have preferred the City had done its own study and RFP. **Motion:** Goldfinch made a motion, seconded by Anderson, to approve the agreement as presented. **Voting in favor of the motion:** White, Koon, Lawson, Timbes, Anderson and Goldfinch. **Opposed:** Blain-Olds. Motion carried.
- B. Citywide Software Upgrade.** In the FY 2013-2014 Budget, City Council approved funds for the purchase of new software for the City's computer data center and client computers. This purchase is necessary because the existing software has reached End of Life and is no longer supported by the manufacturer. The software will be purchased on an Enterprise Agreement (EA) from Microsoft using South Carolina State Contract pricing. The EA is the most cost effective way to purchase this software. The EA has many benefits in addition to cost effectiveness. The EA allows the City to spread the cost of the Software licenses over multiple budget cycles with no interest charges. The EA gives the City rights to use new versions of software as they become available without repurchasing the software. Other benefits of the EA include training for IT staff and online training for all City employees, Microsoft Home Use Program, as well as license and patch management. Once the new software is installed on the client computers, all users will use Office 2013 and Windows 7. The servers will use Windows Server 2012. The cost of the EA includes the cost of the software and the cost of the license subscription to use the software spread over the first three (3) years. After year 3, the software is paid for and the only remaining cost is the cost of the subscription to use the software. This will lead to a cost decrease of approximately 45% for all remaining years. The cost of the software EA is \$44,445.40 for Year 1 through Year 3, and an estimated cost of \$24,445 for all additional years. The funds for Year 1 software would be taken from the FY 2013-2014 budget account for Citywide Data Center and Client upgrades, with additional year costs included in future budgets. Microsoft will be having a

28% cost increase on November 1, 2013; therefore, staff recommended the software be purchased prior to November 1, 2013. **Motion:** Timbes made a motion, seconded by Koon to approve the purchase of the software EA for a purchase price of \$44,445.40 for Year 1 through Year 3, with additional year cost estimated at \$24,445 a year which will be included in future budgets. **Vote:** Unanimous. Motion carried.

ITEM FOR INFORMATION: Fiscal Year 2013 – 2014 Budget Update was distributed to Council in their council packets. Council members had no questions concerning the updated information. No action taken, received as information only.

WORKSHOP ITEMS:

A. Parking restrictions Conway Housing Authority. Police Chief, Reggie Gosnell, spoke to Council about restricted on-street parking around Huckabee Heights. As part of ongoing efforts between the police department and the Housing Authority of Conway (HAC) officials to create and more safe and secure environment for the HAC residents and surrounding communities, the following recommendation were made regarding on-street parking restrictions:

- Restrict on-street parking to a specifically designated location along Leonard Avenue, near the HAC Office, for all guest/visitor vehicles. This action will assist in distinguishing legal residents' vehicles from those of guests/visitors, and compliment the HAC recent actions to re-establish a vehicle registration program.
- Additional designated overflow/guest/visitor parking is provided at the HAC Office and the Community Center.
- Assist in enforcement of the current Loitering and Littering Ordinances (particularly on Dillon Street and Bayside Avenue).
- Improve pedestrian safety by mitigating the risk/possibility of children darting from between parked vehicles into traffic.

The Police Department staff has met with representatives of the Housing Authority and both are in agreement with the above recommendations. Proposed signage was included for Council's review. Surveillance cameras were recently installed at all HA properties. Huckabee Heights currently has three cameras which are strategically located at historical "hot spots" within the complex. One camera is located near the Grainger Road entrance at the Administrative Building/Community Center. Another is located near the Leonard Avenue and Live Oak Street intersection, and the third camera is located at the cul-d-sac on Bayside Avenue. Since the installation of the cameras, the number and seriousness of calls for service within the complex has decreased significantly. **Outcome:** Council was agreeable for the Police Department to go ahead with the implementation of the recommendations as presented to Council.

B. Update on decommissioning of the Grainger Generating Station property. Graham updated City Council on the decommissioning of the Grainger Generating Station property. Graham said that DHEC is still evaluating the cap and vault proposal submitted by Santee Cooper. Running concurrently with DHEC's evaluation, there is some litigation calling for the coal ash to be removed so that could very well impact the time frame on a final determination for the coal ash. Santee Cooper has the City's Resolution which recommends removal of the coal ash pond. Graham said there is a large amount of coal on the site. Santee Cooper has a contract to have the coal removed and the hauling is to begin in January of 2014. The coal will be transported by truck and the removal is to take two years. Santee Cooper is using a two year time frame to remove the coal to lesson the impact of the coal hauling through the City. The route for trucking will be coordinated with the City in order to have as little impact as possible. In regard to the generating station, the plant will be removed from the site. Asbestos removal will start in November of 2013 and dismantling and demolition of the building will start as early as January 2014. Total removal of the building is anticipated to take two years. At the end of that time frame, a "brown field" site of 20 to 25 acres would be available for reuse. Santee Cooper would like to see the reuse of the property to result in economic development (commercial or industrial) with an emphasis on creating jobs. Santee Cooper hired an engineering firm to conduct a Lake Busbee Decommissioning Evaluation. That study has been completed, and it identified a number of alternatives for the Lake Busbee property. From early on in the City's discussions with Santee Cooper, the City has stated that it strongly desires to see the lake, or at least a large portion of the lake, remain as a lake. At this point, Santee Cooper said that they will support that effort. When the generating plant station building is removed, Santee Cooper will have cost involved with maintaining water in the lake, but they have advised the City they are willing to bear that expense to maintain the lake at least for an interim period. Santee Cooper's stated goal is to find an entity to eventually take title and assume operations and maintenance of the lake property. Santee Cooper has assured the City that it will keep the City well informed and involved in the decommissioning and reuse of all the Grainger Generating Plant property. Council asked if the ditch could be filled, in order for trucks to go directly out on Highway 501 rather than going through the city. The City Administrator said this would be checked into. Blain-Olds asked how long the "interim" period might be that Santee Cooper would maintain the lake. This is unknown at this time, but also will be checked into. **Outcome:** Santee Cooper will proceed as explained, and the City Administrator will check on the possibility of routing trucks directly onto Highway 501 and report back to Council on this and any other updates he receives.

C. Assistance of U.S. Attorney, Bill Nettles, in law enforcement efforts. On September 23, 2013, Police Chief Gosnell and the City Administrator met with the 15th District Solicitor, Jimmy Richardson; U.S. Attorney, Bill Nettles; U.S. Assistant Attorney, Lance Crick. Graham said that Nettles is very enthused and committed to helping Conway with its crime efforts. Nettles assisted in implementing a very successful program in North Charleston and discussed his concerns for Conway. Nettles made a firm commitment to assist Conway in developing an effective program for fighting crime. An important part is through Nettles, the City has access to the US Attorney's Office and the Federal Court System in dealing with local crime. November 12, 2013 is a tentative date for a Crime Watch meeting which Nettles will attend. City Council will be invited to this Crime Watch meeting when the date is

confirmed. The Administrator then explained to Council and showed a video of the successful program implemented in North Charleston. Nettles will customize a program especially for Conway. This is a new initiative, which Graham said could help Conway in its law enforcement efforts. **Outcome:** Council was receptive to receiving assistance of US Attorney Bill Nettles and will await the scheduled date of the initial Crime Watch meeting which he plans to attend.

D. Discussion of possible extension of the moratorium on certain sections of the City's Unified Development Ordinance (UDO) beyond current end date of December 31, 2013.

On June 26, 2011, Conway City Council approved a moratorium on various sections of the former *City of Conway Zoning Ordinance*. The moratorium was approved to last through December 31, 2012. The purpose of the moratorium was to help stimulate economic development within the City of Conway. On December 12, 2011, the *City of Conway Unified Development Ordinance (UDO)* was adopted, and the moratorium was continued. Additionally, on December 3, 2012, the moratorium was extended for an additional year through December 31, 2013. Since the moratorium was approved over two years ago, approximately 42 businesses in Conway have taken advantage of it. Without the moratorium, all of these businesses would have been required to be brought into zoning compliance, which could have meant making landscape, parking, or other improvements to the property. **Outcome:** Staff will prepare a proposed ordinance extending the moratorium for nine (9) months to be considered for first reading at the next City Council meeting on November 4, 2013.

E. Proposed in-house salary survey. Graham is proposing an in-house salary survey be done. He stated that none has been done since 2006. At that time, the City surveyed nine other cities or businesses of either similar size or located in our area. During the past five fiscal years, only fiscal year 2012-2013 and fiscal year 2013-2014 included cost of living increases. Fiscal year 2012-2013 included a 3% cost of living and fiscal year 2013-2014 included a 1% cost of living increase. Graham said the in-house survey will be a comprehensive salary study. Without objection of Council, he will have the survey completed by the end of December. The findings will be presented to Council at the budget retreat in March of 2014. **Outcome:** Staff to proceed with comprehensive in-house salary survey as proposed by the City Administrator.

F. Employee Safety Incentive. Graham shared with Council information on our workers compensation claims. Although the number of claims remains a concern, the dollar amount of the claims is low for this year. Departments will work with employees on reducing the number of claims. If there are no significant injuries for the remainder of this quarter, which ends December 31, 2013, it will reduce our premium for the coming year, which is based on claim amounts for the past three years. Staff has discussed the idea of implementing an employee safety incentive program to encourage safety for all employees. This would be a trial or pilot program for this year and the results will be evaluated to determine the feasibility of developing future Employee Safety Incentive Programs for City Employees. Staff is proposing a certificate be given to each employee that has not had a workers compensation claim for the year 2013. The employees receiving certificates would be divided into three groups as follows: Public safety employees, public works employees, and

clerical/office employees. The eligible employees will then be entered into a pool drawing for a monetary award. There will be three pools, one pool for each group. **Outcome:** Proceed with implementing the employee safety-incentive pilot program for the year 2013, as proposed, and evaluate to determine the feasibility of developing future Employee Safety Incentive Programs.

EXECUTIVE SESSION: Motion: Koon made a motion, seconded by Anderson, to enter into executive session to discuss a grievance committee's recommendation and to discuss the annual performance evaluation of the City Administrator. **Vote:** Unanimous. **Motion:** Blain-Olds made a motion, seconded by Timbes, to come out of executive session. **Vote:** Unanimous. Motion carried.

A. Consideration of Grievance Committee recommendation on an employee grievance. Motion: Blain-Olds made a motion, seconded by Anderson, to accept the Grievance Committee's October 7, 2013 recommendation to uphold the decision of the Department Head as it relates to the employee's grievance. **Vote:** Unanimous. Motion carried.

B. Annual performance evaluation of City Administrator. Motion: White made a motion, seconded by Anderson, to approve the City Administrator's annual performance evaluation and a 1% cost of living salary increase retroactive to July 1, 2013, as discussed in executive session and to authorize the Mayor to review the document with the City Administrator. **Vote:** Unanimous. Motion carried.

Motion: Timbes made a motion, seconded by Blain-Olds, to accept the City Administrator's resignation, effective January 1, 2014, and to rehire and enter into a new two year Employment Agreement with the City Administrator which shall be effective January 2, 2014. **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 _____ day of _____, 2013.

Vicky Lefler, City Clerk