

CITY HALL COUNCIL CHAMBERS
229 MAIN STREET
CONWAY, SOUTH CAROLINA
MONDAY, OCTOBER 19, 2015 – 5:30 PM

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

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

OTHERS IN ATTENDANCE: Kathy Ropp, James Marshall Biddle, Jason Thompson, William Faulk, Keara Faulk, Dale Todd, and others

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

INVOCATION/PLEDGE OF ALLEGIANCE: Mayor Lawson recognized Rev. Charles Pee of Friendship Baptist Church who gave the invocation. City Council and those in attendance recited the Pledge of Allegiance.

APPROVAL OF AGENDA: **Motion:** Anderson made a motion, seconded by Timbes, to approve the agenda as presented. **Vote:** Unanimous. Motion carried. Mayor Lawson informed Council that Senator Luke Rankin had been delayed and may not be able to attend this meeting.

APPROVAL OF CONSENT AGENDA:

A. Final reading of Ordinance #ZA2015-10-5 (A) Accepting the petition by Beverly Homes LLC to rezone approximately 4.94 acres of property located on Community Drive in the former Carsens Ferry Planned District (TMS# 122-00-04-074 / PIN 33704030021) from existing Planned District (PD) to Medium Density Residential (R-2) for the purposes of adding to adjacent Rivertown Row Phase II subdivision and providing required road access

B. City Council Minutes – September 21, 2015, and October 4, 2015

Motion: Goldfinch made a motion, seconded by White, to approve the consent agenda. Blain-Bellamy asked that the minutes of the October 4th meeting (teleconference) reflect that the Council members who were absent were unavailable to participate by phone due to communication difficulties. **Amended Motion:** Goldfinch made a motion, seconded by White, to approve the consent agenda with the October 4th minutes amended as noted. **Vote:** Unanimous. Motion carried.

PUBLIC INPUT:

Lois Eargle expressed appreciation to the City for the public service it rendered in the recent flood event and thanked all City employees for their assistance, particularly Chief Gosnell. She also advised Council that tax notices will be mailed October 20th.

Dale Todd spoke of the water that accumulated in front of his business during the recent flood and inquired as to which entity was responsible for the maintenance of Crabtree Canal. He also complained of a lack of response to his service requests prior to the flood regarding a water leak that kept the sidewalk wet at his business, sewage leak during the flood, and inquired about preventative storm water measures.

Joe Cosetti, public relations officer for a local model railroad club, shared club members' excitement about the return of railroad service to Conway. He commented that R J Corman is an outstanding railroad company and model train enthusiasts across the country would be drawn to visit Conway because of the railroad.

SPECIAL PRESENTATIONS:

- A. Presentation on upcoming bridge projects.** Jason Thompson, SCDOT District Bridge Engineer, reported to Council on the upcoming bridge replacement projects planned for the bridges at Crabtree Swamp and Grier Swamp on Long Avenue and maintenance of the Main Street Bridge. The Main Street Bridge project is planned for the Spring of 2018; Thompson commented that City utilities must be removed from the bridge (at City's expense) and may be reinstalled after the painting is completed. This project is expected to take about a month to complete. The two bridge replacement projects on Long Avenue will be done consecutively and will take three to four months per bridge. The new bridge decks will be raised about 6" from their current elevation. The bridge replacement cost is approximately \$800,000 and the funding source will be Act 98 funds. Mayor Lawson commented that, in a flood event, water is on Long Avenue first and then on the bridges and that Council is concerned about the hazardous situation for people in that area who are isolated by flood waters. She inquired if there were any opportunities for SCDOT to work with the community. Thompson informed Council that raising Long Avenue would create a natural dam and will back up water on the upstream side of the road. He also reported that, although structurally sound, the two existing bridges are slated for replacement because they are not wide enough to meet new design standards and are functionally obsolete. In regard to postponement of the projects, he asked that Council notify SCDOT of any concerns about the bridge replacement by October 23rd.
- B. Presentation on the re-establishment of railroad services.** Bill Henderson, Assistant Vice President of Sales/Marketing with R J Corman Railroad Group, conveyed his company's appreciation for the opportunity to bring rail service back to Conway. Numerous repairs are being made to the railroad, and as a result of damage sustained during the recent flooding event, the start date has been pushed back to February 2016. Henderson noted that, although not optimal, the train will operate at 10 mph to start. Anderson and Goldfinch inquired about the installation of drop arms/flashing lights at high volume crossings within the City. Henderson reported that the State will determine what crossing signals are needed and, once the state provides the funding for those signals, the railroad company will install the signals.

He advised that, in his opinion, it would be most beneficial for the City to convey the desire for the drop arms to the State and to request the study and the railroad company would reinforce that request. Anderson also asked that school schedules/school traffic be kept in mind with regard to train schedules. In regard to inquiries from Blain-Bellamy, Henderson responded that his company is not opposed to the possibility of passenger service but an enormous investment of time, money and effort would be required to consider offering such service.

C. Appeal of denial of special event application. On October 7th, Kaleb Dees requested an appeal of the denial of his special event application to have his wedding and a reception at 701 Lakeside Drive. The City Planner reviewed for Council the events and timeline leading up to the denial of the special event application for the wedding which was to be held on October 17th. He advised Council that this property, owned by the Biddle Family, had been the location of a “wedding showcase” earlier this year to which 250+ people had been invited. At that event, the home was named “Magnolia at Lakeside,” a special event wedding facility. The Biddles were not living in the residence at the time. Following the “wedding showcase,” City staff meet with the Biddles and informed them that their property is zoned R-1 as is all of the surrounding properties, and a special event facility is not allowed in the R-1 Zoning District. Emrick stated that several meetings had been held with the Biddles and they were informed on several occasions, verbally and in writing, that they could not have special events as a commercial activity at 701 Lakeside Drive as zoning did not permit it. On the day Mr. Dees’ special event application was received, it was denied on the basis of the zoning noncompliance issue and the negative impact on the neighborhood and notice of the denial was sent to the applicant. Emrick informed Council that, since the event was to have taken place on October 17th, he was unsure of any relief Council could give Mr. Dees at this point, that Mr. Dees had not specified what he was relief he was requesting, and that Mr. Dees had told the Deputy City Administrator that he only appealed because he was asked to by the Biddle Family. In the absence of Mr. Dees, the appeal was presented by Mr. Marshall Biddle (power of attorney). Biddle concurred with the accounting presented by Emrick and stated that they originally considered the idea of using the home as a wedding facility but later decided against it. He remarked that the appeal issue is that it took seven days for the notice of the denial to be sent to Mr. Dees and that that the application was wrongly denied by the City Administrator without it having been presented to Council as required. Mayor Lawson remarked that the denial letter indicated it was a violation of the City’s zoning ordinance and the special event permit was secondary to the fact that a commercial event could not take place in an R-1 zoning. Biddle denied that it was a commercial venture and stated that it was a special event. Mayor Lawson noted that a special event denial based on zoning was a zoning issue, and Council could not change the zoning without following the required process. Mayor Lawson also noted that Mr. Dees had indicated to staff that he was not requesting anything; however, Biddle commented that he had the power of attorney to make this appeal and his request was to approve special events at 701 Lakeside Drive. Timbes noted that to approve this appeal would be asking Council to violate its zoning ordinance. **Motion:** Timbes made a motion, seconded by Goldfinch, to uphold the decision of staff to deny the special event application. **Vote:** Unanimous. Motion carried.

D. Employee Longevity Award was presented to Adam Carl, Public Utilities Department, 5 years. The presentation was made by the Deputy City Administrator and Council Member Timbes.

RESOLUTION: Accepting Elmhurst Phase IV-A roadways and drainage system dedication (Danby Lane, Shandwick Drive, Slade Drive and Rockwood Drive). Gerald Land Holdings LLC has requested permission to dedicate the right-of-way and drainage system located within Danby Lane, Shandwick Drive, Slade Drive and Rockwood Drive in the Elmhurst IV-A Subdivision. The roadways, which total approximately 2,548.65 linear feet, have been inspected by the Public Works Department and have been found to be in suitable condition for dedication. By agreement, the required warranty will be for one year from the date of acceptance in the amount of \$25,486.50 (\$10/linear foot of roadway). **Motion:** Blain-Bellamy made a motion, seconded by White, to adopt the resolution accepting the right-of-way and drainage for the above referenced roadways in Elmhurst Phase IV-A as recommended by staff. **Vote:** Anderson abstained; all others voted in the affirmative. Motion carried.

ORDINANCE FOR FIRST READING: First reading of Ordinance #2015-10-19 (A) Establishing a student membership fee for the Riverfront Tennis Center. As a result of several requests to offer a student rate at the Tennis Center, staff proposed this ordinance which would establish an annual student membership fee of \$150 (city-resident) and \$200 (non-resident). Student memberships would be available to students attending a public or private school in Horry County and full-time college students up to age 24. Anderson and Blain-Bellamy inquired about the possibility of the student membership being available to all full-time college students, regardless of age. Staff was asked to research this suggestion and return with any concerns at final reading. **Motion:** Anderson made a motion, seconded by Blain-Bellamy, to approve first reading of Ordinance #2015-10-19 (A) in title only with recommendations for revisions, if any, to be presented at final reading. **Vote:** Unanimous. Motion carried.

ITEMS FOR CONSIDERATION:

A. Request to install speed bumps, 25 mph speed limit signs, and “Watch for Children” signs in Smith-Jones Park. The Smith-Jones Joint Venture Committee, at its meeting in August 2015, voted to install three speed bumps and to request that 25 mph speed limit signs and “Watch for Children” signs be installed in the park. A map showing the proposed locations for the speed bumps and signs was provided to Council. Funds designated in the FY 2015-16 budget for Smith-Jones Park will be used to purchase the speed bumps. Staff recommended approval of the requests from the Smith-Jones Joint Venture Committee. **Motion:** White made a motion, seconded by Timbes, to approve staff’s recommendation. **Vote:** Unanimous. Motion carried.

B. Acceptance of bids:

- 1. New dump bed vehicle for the Beautification Department.** Hughes reported that funds were included in the FY 2015-16 budget for a new dump bed vehicle to replace a 1990 GMC flat bed. Bids, which include sales tax, received for a 2016 dump bed vehicle are as follows: Conway Ford - \$39,250 and State Contract - \$40,648. Staff recommended acceptance of the low bid. **Motion:** Goldfinch made a motion, seconded by Timbes, to accept the low bid of \$39,250 submitted by Conway Ford for the new dump bed vehicle. **Vote:** Unanimous. Motion carried.
- 2. New service vehicle for the Beautification Department.** Hughes reported that funds were included in the FY 2015-16 budget for a new service vehicle to replace a 1996 Ford

pick-up truck with work body. Bids, which include sales tax, received for a 2016 half-ton regular cab pick-up truck with an 8' bed are as follows: Conway Ford - \$22,140.00 and Palmetto Chevrolet - \$21,147.79. Staff recommended acceptance of the low bid. **Motion:** Anderson made a motion, seconded by Blain-Bellamy, to accept the low bid of \$21,147.79 submitted by Palmetto Chevrolet. **Vote:** Unanimous. Motion carried.

- 3. Design of storm water master plan for Chicora Subdivision.** Chestnut reported that \$70,000 was included in the FY 2015-16 budget for the design of a storm water master plan for the Chicora Subdivision. On September 17, 2015, staff received bids for the design of a storm water master plan for Chicora Subdivision as follows: MBD Consulting Engineers - \$106,740; DN Engineering, Inc. - \$60,000; DDC Engineering, Inc. - \$85,000; Robert Bellamy & Associates, Inc. - \$53,930; and Wall Engineering, LLC - \$32,000. Staff recommended acceptance of the low bid. **Motion:** Anderson made a motion, seconded by White, to accept the low bid in the amount of \$32,000 submitted by Wall Engineering, LLC. **Vote:** Blain-Bellamy abstained; all others voted in the affirmative. Motion carried.
- 4. Storm water management consultant engineer services.** Chestnut reported that the City budgeted \$17,000 for storm water consultant engineer services. The storm water consultant will provide an expert evaluation of the City of Conway's storm water program with recommendations and training for compliance as well as the following services: (1) Storm Water Management Program assessment; (2) Storm Water Plan review training and assistance; (3) SCDHEC coordination; (4) Project Management. Staff received one bid, which was submitted by Joe Fersner, PE, with Bowman Consulting Group, Ltd, in the amount of \$20,096. Staff recommended acceptance of the bid. **Motion:** Anderson made a motion, seconded by White, to accept the bid in the amount of \$20,096 submitted by Bowman Consulting Group to provide storm water management consultant engineer services. **Vote:** Unanimous. Motion carried.
- 5. 4th Avenue E/C/T overhead to underground conversion project.** Lefler reported that the City's next priority for the conversion of overhead utility lines to underground is 4th Avenue from Kingston Lake Bridge to Wright Boulevard. This project has been divided into two phases. Phase I is from Kingston Lake Bridge to Beaty Street; Phase II is from Beaty Street to Wright Boulevard. The City issued written requests for proposals to eleven engineering firms in Horry County. In response to that solicitation, two bids were received as follows for Phase I and Phase II: DDC Engineers, Inc. - \$189,500, and Venture Engineering - \$104,860. Bids include engineering services for surveying and base mapping, design, easement assistance, contract specifications, documents, and bidding; permitting, and construction administration. Staff recommended acceptance of the low bid. Lefler informed Council that, after a review of the bids, the City Administrator had talked with Steve Powell of Venture Engineering who confirmed that he would do everything needed to fulfill the contract for the amount of his bid. **Motion:** Goldfinch made a motion, seconded by Blain-Bellamy, to accept the low bid submitted by Venture Engineering in the amount of \$104,860. **Vote:** Unanimous. Motion carried.

INFORMATION ITEMS:

- A. Report on Police Department activities.** Gosnell presented to Council a detailed report on recent police department efforts and initiatives. He elaborated on the Real Time Initiative, which is a new initiative underway that focuses on gun violence perpetrated by career criminals

and/or gang members, the recently-established Gang Task Force in Horry County, and the status of the body-worn camera program expected to be implemented in mid-December.

B. Update on request for CTC funding. Chestnut reported on action by the County Transportation Committee (CTC) on the City's request for matching funds. The CTC approved \$302,950 in matching funds for the City's List #1 which includes resurfacing, patching, sidewalk improvement and repair, and small and medium drainage projects. The CTC also approved \$200,000 for List #2, the State Road Resurfacing List, to relocate water and sewer lines as required by the SCDOT bridge replacement projects on Long Avenue at Crabtree Swamp and Grier Swamp. These funds will come from the additional non-recurring funds the CTC received this year. Chestnut reported that no action was taken on funding the remaining items on List #2, and the City was requested to return to the next CTC meeting with List #2 separated into four phases.

COUNCIL INPUT:

Mayor Lawson and all Council members expressed appreciation to City employees for their extra time and effort during the recent flood event.

Blain-Bellamy:

- Requested that the City take a look at long-term mitigation of the issues that ensued after the flood event.
- Requested the City to assist, as possible, other municipalities that also suffered loss from the flood event.
- Requested Council keep in mind the need for metal detectors to ensure safety in Council Chambers.

Goldfinch:

- Commented on the positive comments received from the public in reference to staff's hard work during the flood event.
- Suggested that staff and Council communicate to the public which roads are state roads and which roads are City roads particularly to those persons who are frustrated with the lingering road closures due to flooding issues.

Anderson:

- Requested staff to research past records for information on the watershed district along Crabtree Swamp.
- Recommended that any trees that are causing damage to the Main Street Bridge be removed as soon as possible in advance of the refurbishment project.
- Commented on his embarrassment and upset and offered an apology over the manner in which Mayor Lawson was verbally attacked at Council's Special Meeting on October 7th by a citizen in attendance at that meeting.

Timbes:

- Commented that Crabtree Swamp is a big issue that will require careful deliberation in planning for the future.
- Noted that there is still water from the flood in a lot of places and special attention should be given to children as they trick or treat on Halloween.

White thanked the City Administrator for his efforts and wished him a speedy recovery.

Lawson:

- Requested staff to send a potted plant to the City Administrator, on behalf of council, with best wishes for a quick recovery from his eye surgery.
- Suggested the issues with the two bridges be addressed sooner rather than later and, in regard to the time bridges are expected to remain closed, inquired about patrols in those areas.
- Recommended that minutes from the Flood Committee meetings held after Hurricane Floyd be located and perhaps re-establish such a committee to search for any available funding to address the flooding of Crabtree Canal.
- Expressed her appreciation to staff for being proactive during the flood event and the members of the community for their understanding and patience.

WORKSHOP:

A. Discussion on proposed amendments to revise the Unified Development Ordinance

- 1. Park and open space dedication requirements.** Current residential open space standards and the possibility of amending those standards have been discussed by Council at a previous workshop. At that time, staff was directed to present this issue to the Planning Commission for its input and to bring back more specific recommendations. In this workshop session, Emrick presented a power point illustrating the effects on certain developments of the current open space regulations compared to what it would have been under the former Zoning Ordinance. The presentation also demonstrated how current open space requirements can be very difficult to meet and sometimes result in less than quality open space dedications. Emrick reviewed with Council the recommendations of staff, which have been unanimously endorsed by the Planning Commission: (1) consider returning to the former method of calculation used in the previous Zoning Ordinance instead of the gross 15% required in the UDO. The trade-off, according to Emrick, is that all open space would have to be installed prior to the final plat approval (before any lots are sold). Other recommendations were a waiver process that would allow payment of a fee in lieu of open space if the required open space is less than one acre and to allow water surfaces to count up to 25% if fountains are installed and maintained in perpetuity or if water surfaces are used in active open space amenities. After discussion, Council suggested having a set fee payment option in lieu of the open space. Anderson expressed concerns that requiring all open space to be installed up front may deter some developers and suggested that consideration be given to accepting letters of credit for large-ticket items. **OUTCOME:** Based Council's input and discussion, staff will prepare a draft ordinance for consideration of first reading and any changes in staff's recommendations can be reviewed at that time.
- 2. Parking limitations on commercial vehicles in residential neighborhoods.** Following discussion at the August 3rd Council meeting, staff was directed to present this issue to the Planning Commission for input and recommendations. The Planning Commission recommended approval of staff's recommendations to include prohibitions in the UDO against parking of commercial vehicles that exceed 20 feet in length and 10,000 pounds in residential neighborhoods. Existing home-businesses that are permitted at the time the UDO amendment is adopted would be legally nonconforming as long as their business

licenses do not lapse. During discussion there were concerns expressed by Council on the impacts the proposed regulations could have on some residents given the lack of options available for parking commercial vehicles elsewhere (such as long-distance truckers, landscapers, etc.). Staff was asked to consider the current UDO regulations prohibiting the parking of motorized vehicles in storage unit areas in conjunction with a proposed ordinance on commercial vehicle parking regulations. **OUTCOME:** Council agreed that staff should further research this matter and return at a future workshop with additional information for consideration and discussion.

B. Discussion on recreational trails in the City of Conway and potential funding sources.

Emrick reported that in 2005 the City adopted the Greenway Master Plan which detailed future bicycle/pedestrian facilities and the existing multi-use pathway along Crabtree Creek Swamp as well as connection between downtown Conway and Coastal Carolina University. Two grants opportunities have been identified at this time. The first grant is from the Recreational Trails Program, under the State PRT Department, that is only for projects on currently-owned easements in the City or County (\$100,000/20% match required). Emrick reviewed the possibility of how a recreational trail could be constructed on the easements of Crabtree Canal and asked Council to consider authorizing a letter of intent to apply for that grant. He assured Council that such a trail should not contribute to flooding of the canal. The second grant opportunity is the Knight City Challenge, through which a pool of \$5 million is available. Emrick advised that this might be a funding opportunity for the CCU-City connection. In addition, Emrick recommended that the Bike Hike and Paddle Committee be re-established in order to act upon grant opportunities and to implement the improvements should funding be awarded to the City and he reviewed potential appointments to that committee. As an update, Emrick informed Council that the multi-use pathway on Long Avenue has been approved by SCDOT, with a contract being awarded to Palmetto Corporation of Conway. **OUTCOME:** There was a consensus for staff to pursue the two grants reviewed and to consider appointments to the Bike Hike and Paddle Committee.

C. Discussion on Mixed Use Zoning District and potential amendments. Emrick explained that, in the Comprehensive Plan, some parcels of property have been designated as Mixed Use areas on the Future Land Use map that staff believes are not appropriate for the Mixed Use type of development. He commented that there are two options: rewrite the Comprehensive Plan or redefine the Mixed Use zoning district to make it more compatible. The existing Mixed Use district requires a vertical mix of uses and is designed to recreate a downtown area; Emrick commented that a second, horizontal mixed use development would allow for a mix of uses as intended by the Mixed Use district without requiring the vertical development. He clarified, however, that horizontal mixed use does not allow residential. The current Use Table, with uses identified that staff believes are incompatible with Mixed Use, was shared with Council. Lawson recommended identifying the Mixed Use parcels to possibly rezone for a better suited use. **OUTCOME:** Staff was asked to identify the current properties zoned Mixed Use for future Council discussion on this topic.

D. Discussion on additional signage for Riverwalk. There has been some recent discussion on additional signage promoting the Riverwalk. Council was provided a map of possible locations staff had identified as possible sites for additional signage as well as renderings of the proposed signage. **OUTCOME:** Council agreed with the proposed locations of additional Riverfront signage; however, there was a consensus that adding more signs would increase clutter and

staff was requested to work on a design for a single sign incorporating the brown Historical signage with the blue Riverfront signage.

ADJOURNMENT: Motion: Goldfinch 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 November, 2015.



Debbie F. Smith, City Clerk