

**MINUTES OF MEETING
CONWAY CITY COUNCIL
CONWAY HIGH SCHOOL AUDITORIUM
2301 CHURCH STREET
CONWAY, SOUTH CAROLINA
MONDAY – NOVEMBER 14, 2011 – 4:00 p.m.**

PRESENT: Mayor Alys C. Lawson, Mayor Pro Tem Thomas J. Anderson II, and the following Council Members: Vivian E. Chestnut, William M. Goldfinch IV, Jean M. Timbes, and Larry A. White

ABSENT: Council Member Irby L. Koon

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

OTHERS IN ATTENDANCE: Kathy Ropp, Steve Jones, Carole van Sickler, Chuck Rhome, Joe Saffran, Judy Saffran, Justin Roof, Rev. J. R. Riddle, Dennis J. DiSabato, Jr., Barbara Dickens, Alan and Connie Rogers, Ray Binis, Larry Biddle, Steve Robertson, and others

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

INVOCATION/PLEDGE OF ALLEGIANCE: Mayor Lawson recognized Rev. Randy Riddle of Westminster Presbyterian Church who 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 among those present. Motion carried.

CONSENT AGENDA: **City Council minutes – October 24, 2011.** **Motion:** Goldfinch made a motion, seconded by Anderson, to approve the consent agenda. **Vote:** Unanimous among those present. Motion carried.

PUBLIC INPUT: Dennis DiSabato, Jr., representing the Carolina Forest Civic Association, addressed Council regarding out-of-city water rates charged by the City of Conway. Mr. DiSabato requested consideration of a reduction in water rates being charged to Carolina Forest residents and that an opportunity be provided to further discuss this matter.

SPECIAL PRESENTATION: Special Event Request – St. Nicholas Winterfest, December 8-11, 2011. St. Paul's Episcopal Church has requested a special event permit for this event at which approximately 130 vendors and 10,000 participants are expected over the four-day period. The event will take place at the Jerry Cox Peanut Warehouse, Lower Warehouse, Tractor Shed, and Sidewheeler areas. Plans call for the sale of beer and wine during the event and a map of the proposed designated area for public consumption was included in the special event application. The event sponsor requested that pets not be allowed in the event area and, if the request is

approved, agreed to be responsible for enforcement. Proceeds from the event will go toward various charities in Conway. Staff recommended approval of the request with the cost of City services provided to be absorbed through the City's operating budget. **Motion:** Goldfinch made a motion, seconded by Anderson, to approve the special event application for the St. Nicholas Winterfest 2011 as presented. **Vote:** Unanimous among those present. Motion carried.

ORDINANCE FOR FINAL READING: Ordinance #2011-11-14 (A) Adopting an amended budget for Fiscal Year 2010-2011. First reading of this ordinance was approved at the October 24, 2011, Council meeting. Hardee advised Council that the amount of the adjustment for the Tax Increment Financing Fund had been increased since first reading to more accurately reflect the additional revenues from the TIF which are being utilized for the Indoor Recreation Facility. Staff recommended final reading approval. **Motion:** Goldfinch made a motion, seconded by Chestnut, to approve final reading of Ordinance #2011-11-14 (A). **Vote:** Unanimous among those present. Motion carried.

ORDINANCE FOR PUBLIC HEARING AND FIRST READING: Ordinance #ZA2011-12-12 (E) Accepting the petition of the City of Conway to rezone approximately 145 acres of property (Long Farm swamp property donated by Historic Ricefields Association/TMS 110-00-02-142) from Low Density Residential (R-1) and Medium Density Residential (R-2) to Conservation Preservation (CP). This property was donated to the City approximately two years ago as part of a wetlands mitigation settlement. The tract is currently split-zoned and has restrictive covenants which allow for conservation of the property with limited passive recreational usage. The Planning Commission and staff recommended that the property be rezoned to Conservation Preservation (CP). Staff recommended first reading approval of Ordinance #ZA2011-12-12 (E).

Public Hearing: There was no comment from the public.

Motion: Timbes made a motion, seconded by Anderson, to approve first reading of Ordinance #ZA2011-12-12 (E). **Vote:** Unanimous among those present. Motion carried.

ORDINANCES FOR FIRST READING:

A. Ordinance #ZA-2011-12-12 (F) Accepting the petition of John Heaton to annex approximately 1.24 acres of property located at 4147 Hagwood Circle (TMS 111-00-01-026) and zone the property Low Density Residential (R-1) upon annexation. This property, which is contiguous to the city limits, is currently served by City of Conway water; however, the property owner is requesting City sewer service which will require annexation. Council was informed that the property owner is aware of the cost for this sewer connection. Staff recommended first reading approval. **Motion:** Anderson made a motion, seconded by Goldfinch, to approve first reading of Ordinance #ZA2011-12-12 (F). **Vote:** Unanimous among those present. Motion carried.

B. Ordinance# ZA-2011-12-12 (G) Accepting the petition of Shane Floyd to annex approximately 0.25 acres of property located at 251 El Paso Road (TMS 137-16-02-002) and zone the property Low Density Residential (R-1) upon annexation. This property is contiguous to the City limits and is served by City of Conway water. Ownership of the

property has recently changed, and annexation will be required in order to provide City water service to the single family dwelling currently under construction on this property. Staff recommended first reading approval. **Motion:** Timbes made a motion, seconded by Goldfinch, to approve first reading of Ordinance #ZA2011-12-12 (G). **Vote:** Unanimous among those present. Motion carried.

ITEMS FOR CONSIDERATION

- A. Request for temporary sidewalk closure – Amanda’s Collection, 328 Main Street.** Following certification of this property for the Preservation Tax Incentive Program by City Council, the Community Appearance Board and the Horry County Board of Architecture Review approved the tax incentive application request and the property owner is now ready to begin construction of building improvements. For pedestrian safety, the project contractor has requested that the sidewalk in front of the store be covered with a pedestrian tunnel; the parking spaces in front of the business will not be affected. The construction is expected to be completed in approximately six weeks. Staff recommended approval of the request. **Motion:** Anderson made a motion, seconded by White, to approve the request as submitted. **Discussion:** Timbes inquired if the pedestrian tunnel would still be in place during the Christmas parade. The property owner and his contractor were present and the contractor explained that the original request was to temporarily detour pedestrians through three parking spaces by erecting a 4' wall along the outside of the sidewalk in front of the building. The contractor advised Council that the entire project would take an estimated six weeks to complete; however, he expects the overhead work to be completed in approximately five working days and after it is completed, he could remove the wall and reopen the sidewalk. He further stated that, for the remainder of the project, the use of the sidewalk would still be needed, but he could accommodate pedestrians by partitioning off the outside half of the sidewalk. The contractor asked Council to consider this request for complete sidewalk closure for at least five days and partial sidewalk closure for the remainder of the construction project. **Amended Motion:** Anderson amended his motion, and White his second, to approve complete sidewalk closure for a maximum of ten days and the contractor is to ensure that the sidewalk is made safely accessible to pedestrian traffic as soon as possible for the remainder of the project. **Vote:** Unanimous among those present. Motion carried.
- B. Approval of Palmetto Pride Community Pride Grant application.** Approximately \$4,000 is available for each grant recipient for this funding cycle. If awarded, staff proposes to use the grant funds to improve the overall appearance of City-owned property at the corner of 4th Avenue and Main Street by adding landscaping, a bench, and picnic tables. There is no matching required; however, participation in the Great American Cleanup of South Carolina will be required if the City is selected to receive funds. Staff recommended approval of the grant application. **Motion:** Chestnut made a motion, seconded by White, to authorize the submission of the Palmetto Pride Community Pride grant application as reviewed. **Vote:** Unanimous among those present. Motion carried.
- C. Request from Horry County IT/GIS Department to reconfigure parking space on Elm Street.** The County has requested that one of the handicapped parking spaces in front of the building be converted to a reserved delivery/unloading space. Because the County IT/GIS

Department no longer shares the building at 103 Elm Street with the Horry County Voter Registration and Election Office, the public rarely enters this building; therefore, it should be acceptable to reduce the number of handicapped parking spaces by one. Staff recommends approval of the request. **Motion:** Anderson made a motion, seconded by Goldfinch, to approve the request as presented. **Vote:** Unanimous among those present. Motion carried.

D. Bid on Truck and Combination Sewer Cleaner. Funds in the amount of \$350,000 were included in the FY2011-12 budget for the replacement of a 1995 truck and combination sewer cleaner for the Public Utilities Department. Specifications were developed for the equipment and a request for bids was advertised. Three bids were received that met the specifications: Environmental Products of Apopka, FL - \$374,292; Sansom Equipment of Birmingham, AL - \$368,367; and Public Works Equipment of Monroe, NC - \$349,138. Staff recommended that Council accept the low bid of \$349,138 which was submitted by Public Works Equipment of Monroe, NC, for the new unit and to authorize the sale of the 1995 unit on govdeals.com after the new equipment has been received and is operational. **Motion:** Chestnut made a motion, seconded by Timbes, to approve staff's recommendation as presented. **Vote:** Unanimous among those present. Motion carried.

E. Bid for replacement of HVAC units at Fire Station #1. Bids were requested for replacement of the HVAC units for Fire Station #1. The work includes removal and replacement of the existing units; the existing ductwork in the building will be retained. Three bids were received: Conway Cooling and Heating, \$8,932; Conway Heating and Air Conditioning, \$10,882; and Marvin Cooper Heating & Cooling, \$13,866. Staff recommended that Council accept the low bid of \$8,932 which was submitted by Conway Cooling and Heating with the cost of the project to be paid by funds remaining from the projected fire ladder truck replacement funding. **Motion:** Anderson made a motion, seconded by White, to approve staff's recommendation. **Discussion:** Timbes inquired about warranties. Baker advised that the warranty included a five-year replacement warranty on all parts and a one-year labor warranty. **Vote:** Unanimous among those present. Motion carried.

F. Replacement of fire engine. The amount of \$225,000 was included in the FY 2011-12 budget for the replacement of the Fire Department's 1998 Saulsbury fire engine. The Myrtle Beach Fire Department has offered to sell the City a 2005 custom built Ferrara fire engine with less than 23,000 miles at a proposed purchase price of \$225,000. Baker advised that the only warranty provided on the fire engine would be any that remains on the manufacturer's warranty. Staff recommended that Council approve the purchase. **Motion:** Anderson made a motion, seconded by White, to approve the purchase of the 2005 custom built Ferrara fire engine from the City of Myrtle Beach at a purchase price of \$225,000. **Vote:** Unanimous among those present. Motion carried.

The proposed Unified Development Ordinance and related ordinances had been advertised for public hearings and first readings at this meeting beginning at 5:30 pm. In the interest of time and by consensus of Council, the agenda was amended to the following order.

ADMINISTRATOR'S REPORT: Graham presented to Council the finalists in the Christmas card contest and the winning card was selected.

COUNCIL INPUT:

Chestnut explained for the record that she was unable to respond to a candidate questionnaire during the election from The Sun News in a timely manner due to a family illness.

White expressed appreciation for support in the recent election.

Goldfinch asked for prayer for the continuing recovery of Council Member Irby Koon.

Mayor Lawson

- thanked staff for assistance in preparations for this meeting.
- thanked Conway High School for hosting this meeting.
- reminded those present of the runoff election to be held November 22nd. Voters may vote regardless of whether or not they voted on November 8th.
- thanked the Municipal Election Commission and staff for their hard work.

The meeting briefly recessed and then reconvened at 5:30 pm for the public hearings and first readings on the following ordinances.

A. Public Hearing and First Reading of Ordinance #2011-12-12 (A) to adopt the City of Conway Unified Development Ordinance in accordance with Title 6, Chapter 29, of the Code of Laws of South Carolina 1976, as amended, known as the “South Carolina Government Comprehensive Planning Enabling Act of 1994” and for repeal of all ordinances in conflict herewith. For the past two years, the Planning Department has been working with various stakeholders to craft a unified development ordinance (UDO) to take the place of the current City of Conway Zoning Ordinance and Land Development Regulations. The City Council, Planning Commission, Community Appearance Board, and citizens were involved throughout the process. Public meetings were held in April and May, 2011, to collect additional input on the UDO. A Task Force of local citizens and business leaders, along with City Council, met on two separate occasions to discuss the final components of the UDO and the Planning Commission and Community Appearance Board provided their final reviews. A drop in meeting was held to answer any final concerns from the public before this public hearing. Leinwand advised Council that, as requested, staff will conduct additional research on electronic message centers and on vinyl siding on non-residential buildings and will have a recommendation on these issues in the first quarter of 2012. (The current ordinances pertaining to these regulations are retained in the proposed UDO.) In addition, staff recommends that Section 9.6 be excluded from approval until staff can conduct further research on this issue (Buffer Ordinance for Wetlands and Riparian Corridors). Staff recommends first reading approval as noted.

Public Hearing: Steve Robertson, President of Waccamaw Publishers, spoke in support of the Unified Development Ordinance and commended Council for its spirit of cooperation in working with the business community. **Ray Binis, President of the Conway Chamber of Commerce,** expressed appreciation to Council for its consideration of Task Force input. **Larry Biddle, Chairman of Burroughs Company,** commended Council for its support of

the business community by instituting the moratorium and incorporating it into the UDO. There were no other comments from the public.

Motion: Anderson made a motion, seconded by White, to approve first reading to adopt the Unified Development Ordinance with the exception of Section 9.6, Buffer Ordinance for Wetlands and Riparian Corridors, in its entirety. **Vote:** Unanimous among those present. Motion carried.

- B. Public Hearing and First Reading of Ordinance #2011-12-12 (B) to adopt “Historic Design Review Districts: Community Appearance Guidelines.”** Leinwand advised that these guidelines create a standalone document that will provide flexibility and encourage the review of projects on a case-by-case basis. The document will be consistent with the requirements of the SC Department of Archives and History and the Department of the Interior. Staff recommends first reading approval.

Public Hearing: There was no comment from the public.

Motion: Timbes made a motion, seconded by White, to approve first reading of Ordinance #2011-12-12 (B). **Vote:** Unanimous among those present. Motion carried.

- C. Public Hearing and First Reading of Ordinance #2011-12-12 (C) for the incorporation of a previously adopted moratorium, through December 31, 2012, which relates to Sections 9.1.3.B.2, 9.1.3.B.3, and 12.1.2.D of the City of Conway Unified Development Ordinance.** In June of 2011, Council adopted an ordinance to place a moratorium through December 2012 on enforcement of certain sections of the Zoning Ordinance relating to the re-establishment of use or characteristic of use and certain landscaping requirements in an effort to help stimulate economic development within the City. As the City is considering the repeal of its current Zoning Ordinance and adoption of a Unified Development Ordinance, this ordinance was prepared by staff to incorporate the moratorium into the proposed Unified Development Ordinance through December 31, 2012. Staff recommended first reading approval.

Public Hearing: There was no comment from the public.

Motion: Anderson made a motion, seconded by White, to approve first reading of Ordinance #2011-12-12 (C). **Vote:** Unanimous among those present. Motion carried.

- D. Public Hearing and First Reading of Ordinance #2011-12-12 (D) to rezone several parcels throughout the City of Conway pursuant to the City of Conway Unified Development Ordinance.** The Production, Service and Industry (PSI) Zoning District in the current Zoning Ordinance is not included in the proposed Unified Development Ordinance (UDO) but will be replaced by Light Industrial (LI) and Heavy Industrial (HI). Several parcels in the City of Conway are currently zoned PSI, and rezonings will be necessary in order to comply with the UDO. A list of the parcels and the rezoning recommendations were presented for Council’s consideration. Additionally, several parcels throughout the City of Conway will be included in one of three overlay districts as proposed in the UDO as follows:

- Upper Main Street Overlay (MSO) District: Properties along Main Street between Fifth Avenue and Sixteenth Avenue.
- Gateway Corridor Overlay (GCO) District: Extends 500 feet from the right-of way line

on properties along Highways 90, 378, 501, 501 Business, 544, 701, and 905.

- Village Corridor Overlay (VCO) District: Extends 250 feet from the right-of way line on properties along El Bethel Road, Cultra Road, Millpond Road, and Sixteenth Avenue between Main Street and Church Street (Highway 501).

Staff recommended the first reading approval.

Public Hearing: There was no comment from the public.

Motion: White made a motion, seconded by Goldfinch, to approve first reading of Ordinance #2011-12-12 (D). **Vote:** Unanimous among those present. Motion carried.

ADJOURNMENT: Motion: Goldfinch made a motion, seconded by Chestnut, to adjourn the meeting. **Vote:** Unanimous among those present. Motion carried.

APPROVAL OF MINUTES: Minutes approved by City Council this _____ day of _____, 2011.

Vicky Lefler, City Clerk