

**MINUTES OF MEETING
CONWAY CITY COUNCIL
CITY HALL COUNCIL CHAMBERS
229 MAIN STREET
CONWAY, SOUTH CAROLINA
MONDAY – FEBRUARY 13, 2012 – 4:30 p.m.**

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

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

OTHERS IN ATTENDANCE: Kathy Ropp, Rev. Ryan Foulz, Jean and Hugh Schrowang, John Laudeman, Beth Stanley, Lisa Mockus, Tim DeBardelaben, Glenda Sweet, Mark Taylor, Grace Caravello, Richard Miller, Kathleen Winters, Joanne Loggins, Janice Cutts, Hillary Howard, Steve Jones, and others

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

INVOCATION/PLEDGE OF ALLEGIANCE: Mayor Lawson recognized Rev. Ryan Foulz of Newsong Church who gave the invocation. City Council and those in attendance recited the Pledge of Allegiance.

APPROVAL OF AGENDA: Mayor Lawson noted that a request had been made to add a Preservation Tax Incentive application to the agenda. **Motion:** Goldfinch made a motion, seconded by Koon, to amend the agenda by adding the Preservation Tax Incentive application. **Vote:** Unanimous. Motion carried. **Motion:** Goldfinch made a motion, seconded by Koon, to approve the agenda as amended. **Vote:** Unanimous. Motion carried.

APPROVAL OF CONSENT AGENDA:

- A. Resolution in recognition of Kenneth Earl Hemingway, Jr.**
- B. Resolution in support of the Municipal Association of South Carolina's 2012 Legislative Agenda**
- C. Municipal State Highway Project Agreement Resolution for the installation of 0.19 miles of concrete sidewalk in front of Conway High School**
- D. Final reading of Ordinance #ZA2012-02-13 (A) Accepting the petition of Jill B. Marshall to annex approximately one acre of property located at 4088 Hagwood Circle (TMS 111-00-01-022) and to zone the property Low Density Residential (R-1) upon annexation**

E. City Council minutes – January 23, 2012

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

PUBLIC INPUT: John Laudeman of The Sanctuary at Wild Wing Property Owners Association spoke in favor of the request for traffic control/speed calming devices on Sanctuary Boulevard, an issue to be considered by Council during this meeting.

There was no further public input.

SPECIAL PRESENTATIONS:

A. Garden Club of South Carolina’s “Follow the Blooms” garden tour. Mrs. Glenda Sweet, accompanied by Mrs. Janice Cutts, presented information on the tour which is scheduled to be in Conway on April 14th and asked for the City’s assistance in promoting this event. Mayor Lawson asked that staff place tour information on the Access Channel and to check on the possibility of including this information on water bills.

B. Special event application: Good Buy to Winter Festival. The Bay Village Shopping Center has requested a special event permit to host this event from March 7-18, 2012. Plans include an outdoor carnival and festival at the shopping center with approximately 18 rides, a tractor show, vendors, and possibly a petting zoo. The applicant agreed to set up hand washing stations if the petting zoo is included in the event. The festival portion of the event will be held only on Saturday and Sunday, March 10-11. The applicant has the option of hiring Conway Police Department personnel or using private security. Staff recommended approval of the special event application. **Motion:** Goldfinch made a motion, seconded by Koon, to approve the special event permit application for the Good Buy to Winter Festival as presented. **Vote:** Unanimous. Motion carried.

C. Employee Longevity Awards were presented to Ann Howell, Finance, and Dean Tipton, Public Utilities, 5 years; and Dwayne Singleton, Finance, 10 years. The presentation was made by Council Member Koon and the City Administrator.

PUBLIC HEARINGS AND ORDINANCES FOR FIRST READING:

A. Public hearing and first reading of Ordinance #ZA2012-02-27 (A) Accepting the petition of Dennis Corbett to annex approximately 3.0 acres of property located along US Highway 501 (TMS 151-00-03-039) and to rezone the property to the Coastal Estates PD (Planned Development District) upon annexation. This property is contiguous to the City limits. If the request is approved, this parcel will be combined with the adjacent parcel to the southeast which is the Coastal Estates PD. The Planning Commission has unanimously recommended approval of the annexation request and rezoning of the parcel to PD. Staff recommended first reading approval.

Public Hearing: There was no comment from the public.

Motion: White made a motion, seconded by Koon, to approve first reading of Ordinance #ZA2012-02-27 (A). **Vote:** Unanimous. Motion carried.

B. Public hearing and first reading of Ordinance #ZA2012-02-27 (B) To amend the Coastal Estates PD (Planned Development District) located along US Highway 501 (TMS 151-00-03-074 and 151-00-03-039). Leinwand noted the anticipated annexation of the three acre parcel by the above Ordinance #ZA2012-02-27 (A) has triggered this request by Reliable Investments, Inc. Major changes noted by Leinwand in the proposed amendment included three additional housing buildings, a shift of the swimming pool and volleyball court closer to Highway 501, construction of a larger commons building and a 14,265 square foot indoor gymnasium as well as some retail area. He also noted the Planning Commission has unanimously approved the amended plan as presented at its meeting on February 2nd. Staff recommended approval of the amended plan as presented with the condition that a cashier's check or irrevocable letter of credit covering the amenities' total cost is to be submitted to the Planning Department if all proposed amenities have not received a certificate of occupancy when the request has been made for permitting the eleventh student housing building. Leinwand noted, however, that the applicant has requested reconsideration of this condition. In response to inquiries from the Mayor, Leinwand advised that the Planning Commission did not discuss this request for reconsideration at its meeting.

Public Hearing: Hugh Schrowang, resident of The Sanctuary at Wild Wing, asked the location of the property, the number of expected residents, and expressed concerns about the volume of traffic that would be entering Highway 501 from the property. There was no further public comment.

Motion: Koon made a motion, seconded by White, to approve first reading of Ordinance #ZA2012-02-27 (B) with the condition as recommended by staff. **Discussion:** Goldfinch expressed concerns about requiring a letter of credit. Leinwand explained that the condition for approval Council approved in 2010 required a letter of credit to be submitted if the amenity center had not received a certificate of occupancy before permitting the seventh student housing building. However, at the last Council meeting, at the request of the developer, Council amended that condition to increase the number of student housing buildings that could be permitted from six to ten before a letter of credit would be required before permitting the next building if the amenity center was not complete. Graham explained that the condition being recommended now is only a reiteration of the condition approved by Council at its meeting on January 23rd. Mr. Alvin Shuman, developer, addressed Council and predicted a completion time of 5-6 months for the amenity center. He stated he plans to pull the permit 24 hours after approval and will construct the amenity center while constructing the other buildings. He advised Council that it was his plan to try to have 14 buildings open to satisfy the problem the college has with not being able to house its sophomore class. Shuman stated that he cannot guarantee the amenity center will be finished by August 1 but all lease agreements would guarantee the amenity center would be open by October 1 or rents would be waived. Mayor Lawson asked if the letter of credit was discussed at the Planning Commission meeting and Leinwand responded that it was not but after Council's vote at its last meeting that condition is the current stipulation. Shuman stated the funding for this project is being done by private individuals and they would not put up a letter of credit when they already have a huge investment in the project and the leases would guarantee the amenity center. He further stated that if Council still requires a letter of credit, the plan would have to be reduced. Mayor Lawson commented that no indication of this was given at the last Council meeting but that the indication at that time was a need to put in all the pads for the buildings at one time. Shuman responded that when he went back and asked

for the letter of credit, they would not issue it. Timbes asked if work would start on the amenity center once the pads are poured for the ten student housing buildings. Shuman responded that work would start as soon as DHEC approval is received, which is expected to be around March 27th. McKenzie Jordan of Chancel Builders stated that he was present two weeks ago when the letter of credit was discussed for the PD and that this was a revised PD with the letter of credit intentionally left out because of not being able to get it. He said they had all intentions two weeks ago, for typical financing, to get the letter of credit; but this financing, they will not allow it. He further stated that the college has a need for all 14 buildings this year and the only way to make that happen is not to have a letter of credit dependent upon the completion of the amenity center. Graham then gave background information on this issue for Council on behalf of staff. **Amended Motion:** Goldfinch made an amended motion, seconded by Blain-Olds, to approve first reading of Ordinance #ZA2012-02-27 (B) without the requirement of a letter of credit. **Discussion:** Timbes asked at what point construction would begin on the remaining student housing buildings and Mayor Lawson asked if construction on those buildings would begin prior to construction on the amenity center. Jordan responded that three of the buildings have to go back through the Technical Review Committee and, after TRC approval, one of the three can begin but the other two cannot begin until the same time as the amenity center because DHEC has the controlling interest in the permitting. Jordan also stated that the other Chancel would come in and build the amenity center while the other company continues with the student housing buildings at the same time. Mayor Lawson called for a vote on the amended motion. **Vote:** Mayor Lawson and Koon voted in the negative; all others voted in the affirmative. Motion carried.

- C. **Public hearing and first reading of Ordinance #ZA2012-02-27 (C) Accepting the petition of 2011 KT, LLC, to annex approximately 0.30 acres of property located at the corner of Carolyn and Camelot Streets (TMS 122-12-05-005, -006, -007, -008, -009, -010, and -011) and to rezone the property High Density (R-3) upon annexation.** These parcels of property are contiguous to the municipal city limits. Six of the parcels have townhouses; the other has a parking lot. City water and sewer services are available to these parcels. Ownership of the property has recently changed and the City can require annexation in order to make a change in the water service account. The City's Comprehensive Plan identifies the parcel as High Density Residential. 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 White, to approve first reading of Ordinance #ZA2012-02-27 (C). **Vote:** Unanimous. Motion carried.

ITEMS FOR CONSIDERATION:

- A. **Installation of traffic control/speed calming devices on Sanctuary Boulevard.** In response to citizen complaints, the Police Department's traffic speed trailer was deployed to the Sanctuary Subdivision on five (5) different occasions from August 2007 through June 2010 to record traffic volume and speed data. The aggregate data gained from the traffic study is sufficient to suggest that some type of traffic control/speed calming measures should be considered. In addition, in December 2011 the president of the Property Owners

Association forwarded a petition signed by 34 residents of the Sanctuary requesting that speed humps be installed. Based on the traffic study data and in response to citizen complaints, the Police and Public Works Departments recommended that four speed humps be installed and that two additional speed signs be erected facing drivers traveling west out of the subdivision. The Sanctuary P.O.A. has agreed to bear the cost of all materials required for the speed mitigation/traffic control devices, which is estimated at \$1,460, and the City will be responsible for coordinating the installation. Staff recommended that Council authorize the Public Works Director to order the needed materials and coordinate the installation of the traffic mitigation and traffic control devices as soon as the work can be scheduled. **Motion:** Goldfinch made a motion, seconded by Timbes, to approve staff's recommendation. **Vote:** Unanimous. Motion carried.

B. Acceptance of bid for repair and upgrade of approximately 2,000 linear feet of 8 inch gravity sewer on the east side of 4th Avenue from Maulden Street to Live Oak Street.

Ongoing repair and maintenance issues are being experienced with this section of gravity sewer line that is adjacent to the wetlands area that feeds into the rear of Lake Busbee and eventually into the Waccamaw River. The frequency of repairs is now at a point that action is needed and, due to how and where this line is installed, the method of replacement will be a resin liner that conforms to the inside of the pipe. This type of construction causes less disruption for existing homeowners and landscaping. Specifications were developed and request for bids were advertised per the City's procurement requirements. Specifications and bid packets were mailed directly to three vendors who perform this type of work. Bids were received from two vendors: Insituform (\$66,033) and Reynolds Inliner, Inc. (\$74,000). The amount of \$430,000 was included in the FY 2011-12 budget for upgrades and improvements. Approximately \$390,000 remains. This repair was scheduled for FY 2012-13; however, due to the need to move forward on this issue, the other work designated for FY 2011-12 can be reprioritized and moved to FY 2012-13 as the budget allows. Other scheduled work for FY 2011-12 will be forthcoming based on remaining budget balances. Staff recommended that Council accept the low bid which was submitted by Insituform in the amount of \$66,033 for the repair and upgrade of approximately 2,000 linear feet of 8 inch gravity sewer on the east side on 4th Avenue from Maulden Street to Live Oak Street and authorize that company to proceed with the work. **Motion:** Timbes made a motion, seconded by Koon, to approve staff's recommendation. **Vote:** Unanimous. Motion carried.

C. Bids for scoreboards at Recreation Complex. Bids were obtained for four scoreboards to replace the worn out units on the four fields at the Conway Recreation Complex. The old scoreboards were installed 27 years ago and are in need of replacement. Bids were obtained from the following companies: Nevco (\$15,074.20), Electro-Mech (\$17,949.60), and Dak-Tronics (\$18,540). Funds to purchase the scoreboards will come from the 2012 PARD grant that was recently awarded to the City in the amount of \$15,545.99. This grant was designated for scoreboard replacement. The City will install the scoreboards. The total project cost is expected to be \$19,432.49. The majority of the 20% grant match (\$3,886.50) will come from in-kind services, while the remainder will come from the FY 2012 Parks and Recreation budget. Staff recommended that Council accept the low bid. **Motion:** Blain-Olds made a motion, seconded by Koon, to accept the low bid of \$15,074.20 which was submitted by Nevco for the installation of four scoreboards at the Recreation Complex. **Vote:** Unanimous. Motion carried.

- D. Recommendation from Rose Hill Memorial Gardens Committee.** At its last meeting, the Rose Hill Memorial Gardens Committee voted unanimously to recommend that Council approve the purchase of the 3rd and final entrance gate for the cemetery. In 2011, two gates were installed at the entrances on Grainger Road. The third gate would be installed on Rose Hill Drive. Jones Metal Crafts, LLC, of Conway was the low bidder for the original order of two gates in 2011 at \$8,415.90. To match the existing design, this would be a sole source purchase. The price to purchase the single gate is \$3,959.45. The committee requests that the funding come from the Rose Hill Maintenance Account. Hughes advised Council that, at the present time, this account has a balance of approximately \$4,800. **Motion:** Koon made motion, seconded by White, to approve the recommendation from the Rose Hill Memorial Gardens Committee for the purchase of the gate from Jones Metal Crafts, LLC, in the amount of \$3,959.45 as presented. **Discussion:** Blain-Olds asked if there were plans for improving how the gates are held open and if the gates will be locked. Hughes responded that, at present, there are no plans to lock the gates and the committee has not made any request on that issue; he will check on a locking device for the existing gates and the gate to be ordered. **Vote:** Unanimous. Motion carried.
- E. Renaming of Conway Crawl to “Alive after Five.”** In August 2011, a special events application for the Conway Crawl was approved for 2011-2012 and, as a part of that application, the scheduling for the event was changed to the first Thursday of each month with musical entertainment featured at each event. The public is invited to visit downtown Conway after 5 pm, have dinner and shop. This event is a joint promotion of the City of Conway, the Chamber of Commerce and Conway Downtown Alive. For a stronger emphasis on the after-hours aspect of the event, a change in name from the Conway Crawl to “Alive after Five” is being requested. Hillary Howard of Conway Downtown Alive was present in support of this request. Staff recommended approval of the request. **Motion:** Timbes made a motion, seconded by Blain-Olds, to approve the request to rename the Conway Crawl to “Alive after Five.” **Vote:** Unanimous. Motion carried.
- F. Update on Recreation Complex construction and the rebudgeting of Street and Drainage funds for the project.** Hughes gave a progress report on the construction to date at the Recreation Complex. Pointing out the projects in the next phase of construction (by power point presentation), Hughes informed Council that staff has identified the following projects and funding: Paving of parking lot for the new multi-purpose fields, \$37,000, and repair and resurfacing of existing parking lot behind Senior Center, \$50,763, for a total of \$87,763. The available balance in this year’s budget from Street and Drainage funds is \$87,763. This amount takes into account that all approved projects identified for funding with Street and Drainage funds in the FY 2011-12 budget have been completed or the allocations for those projects have been reserved. These available funds are eligible to be used for the proposed Recreation Complex improvements listed above. Staff recommended that Council approve the proposed Recreation Complex improvements and proposed funding as presented. **Motion:** Blain-Olds made a motion, seconded by Koon, to approve the proposed Recreation Complex improvements and proposed funding as presented. Council Member Timbes left at this time in order to attend a Waccamaw Regional Council of Governments meeting in Georgetown. **Vote:** Unanimous among those present. Motion carried.
- G. Request from Thomas J. Anderson II for property at 406-408 Main Street (TMS 137-02-06-023) to be certified in order to qualify for the City’s Historic Preservation Tax**

Incentive Program. Council Member Anderson abstained from discussion and voting on this agenda item. Leinwand reviewed for Council the requirements properties must meet to be eligible for the Preservation Tax Incentive Program. Council was advised that this property could be considered under Section 1-5-52 (b) (2) of the ordinance as the building is over 50 years old; however, to be certified, it must also meet, as appropriate, one or more of criteria listed in Section 1-5-52 (c) of the ordinance. **Motion:** Goldfinch made a motion, seconded by Blain-Olds, to approve the request as submitted based on Criteria #8, that it is part of or related to a square or other distinctive element of community planning, and Criteria #9, that it represents an established and familiar visual feature of the neighborhood or community. **Vote:** Anderson abstained; all others present voted in the affirmative. Motion carried.

ITEM FOR INFORMATION: Fiscal year 2011-2012 budget update. Hardee provided Council with an update, by fund, on the City's financial status as of December 31, 2011. The financial update was presented as information only.

ADMINISTRATOR'S REPORT:

- Graham reported on two proposed bills being considered by the legislature relating to flow control. He advised Council that the effect of this legislation, if passed, would put Horry County's flow control ordinance in jeopardy. For Council's consideration, Graham presented a draft resolution opposing House Bill 4721 and Senate Bill 514. **Motion:** Blain-Olds made a motion, seconded by Goldfinch, to adopt this resolution which expresses opposition to House Bill 4721 and Senate bill 514 relating to flow control and requests that both bills be pulled from further consideration by the South Carolina Legislature. **Vote:** Unanimous among those present. Motion carried. See attachment.
- Graham distributed a list of the City's boards, committees, and commissions that currently have vacancies. Council members were asked to make contacts and encourage interest where possible. Graham emphasized that media coverage of these opportunities would also be welcome.
- Hughes reported on the recent Father-Daughter Valentine Ball. It was estimated that over 350 persons attended this event.

COUNCIL INPUT:

Blain-Olds asked if consideration might be given to a reduced Recreation Center membership rate for long-term City volunteers.

White

- asked if consideration might be given to a reduced Recreation Center membership rate for disabled veterans.
- asked about lighting at the pedestrian bridge to be constructed at the Recreation Center.
- conveyed citizens' complaints of occasional sewer odor at the corner of 5th Avenue and Smith Street.
- asked if repairs could be made to the pool and pool area at the Smith Jones Park before the season opens.

Goldfinch

- commented that he is looking forward to the Ethnic Buffet at Conway High School to be held March 16th.
- commented that he is pleased that Council was able to resolve the issue regarding Coastal Housing.
- announced that the Waccamaw Sertoma Club had made about 1,200 crosses for the Shepherd's Table to sell at its fundraiser.

Mayor Lawson congratulated Conway Downtown Alive and Hillary Howard for the recent Chocolate Walk as well as other groups who are trying to bring visitors to this community. She also thanked Hughes and the PRT staff for the very successful Valentine Ball.

EXECUTIVE SESSION: Motion: Koon made a motion, seconded by White, to go into executive session for the purpose of considering an Employee Grievance Committee recommendation. **Vote:** Unanimous among those present. Motion carried.

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

Motion: White made a motion, seconded by Goldfinch, to approve the recommendation of the Grievance Committee as discussed in Executive Session. **Vote:** Unanimous among those present. Motion carried.

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

APPROVAL OF MINUTES: Minutes approved by City Council this _____ day of _____, 2012.

Vicky Lefler, City Clerk