

**MINUTES OF MEETING
CONWAY CITY COUNCIL
CITY HALL COUNCIL CHAMBERS
229 MAIN STREET
CONWAY, SOUTH CAROLINA
MONDAY – APRIL 23, 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, Irby L. Koon, William M. Goldfinch IV, and Jean M. Timbes

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

OTHERS IN ATTENDANCE: Kathy Ropp, Steve Jones, and others (see attached list).

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

INVOCATION/PLEDGE OF ALLEGIANCE: Mayor Lawson recognized Elder James L. Lee of Mason Temple Church of God who gave the invocation. City Council and those in attendance recited the Pledge of Allegiance.

BUSINESS SESSION

APPROVAL OF AGENDA: Motion: White made a motion, seconded by Koon, to approve the agenda contents. **Vote:** Unanimous. Motion carried.

APPROVAL OF CONSENT AGENDA:

- A. Adoption of resolution honoring employee retirement – Betty Gail Molnar**
- B. Adoption of resolution honoring employee retirement – Patricia Ann Breeze**
- C. City Council minutes – April 9, 2012**

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

SPECIAL PRESENTATIONS:

- A. Special presentation by James Frazier, Horry County Council Member.** County Councilman Frazier appeared before Council to deliver a check from Horry County Council. Mayor Lawson expressed appreciation on behalf of the City and Council. Councilman Frazier was accompanied by County Councilman Carl Schwartzkopf.

B. Police Department Employee of the Quarter was presented to CSI Don Wooten. Officer Wooten was commended by City Council for having been selected as the recipient of this award.

PUBLIC HEARING TO RECEIVE INPUT ON WHETHER OR NOT THE CITY SHOULD PROHIBIT SMOKING IN PLACES OPEN TO THE PUBLIC: The following persons addressed Council concerning this issue.

Tommy Moore – ordinance is not needed; government should not impose smoking regulations on business owners and business owners should have freedom of choice.

Dewon Huggins – basically supports a smoking ban in public places, especially parks and playgrounds, but believes business owners should have freedom of choice.

Herbert Brown, Jr. – should be a ban in any public place and any government place; smoke travels from a smoking area to a non-smoking area if it's in the same building; people from other states will leave a restaurant that is not smoke-free.

Peter Forlano – business owners should have the freedom of choice; against a ban that would take away personal freedom; a smoking ban could hurt business.

Roger Brown – total support for smoking ban; his wife lost her job because she complained of others smoking in the building where she worked.

Dr. Aaron Roberson – supports ban in public places such as government buildings and some types of professional offices, other businesses such as restaurants and bars should be at owner's discretion; should maintain freedom of choice.

Tim DeBardelaben – government should not dictate how a business is run; does not believe an ordinance can be written to cover all situations; a smoking ban will cost jobs.

Anita Harry – opposed to ordinance; noted other sources of air pollution; supports a smoking ban in government offices and to protect children but not for public restaurants and on sidewalks.

Rick Woodward – read from a prepared statement in opposition to more government regulations; business owners should have freedom of choice.

Wayne Jordan – supports ban in government offices; should be freedom of choice and government should not dictate to business owners; questioned the amount of federal and state government money given to Horry and Florence no smoking.com.

Gloria Martin Sawyer – reiterated Mr. Jordan's comments and noted that federal government does not help support local business owners who are trying to make an honest living; asked that Council not dictate to the business owners who put everything back into this community.

James Nichols – presented a petition signed by customers and other business owners requesting that Council not take away the freedom of choice; a ban would hurt businesses that owners have put money into and on which they and their children depend for their livelihood (see attachment).

Wayne Jordan – government regulations do not start big, they start small and grow, like cancer; those who support this ordinance need to remember this; in New York, there are places where it is illegal to smoke under a tree, carbon dioxide is what trees live on, so actually a smoker is good for a tree.

Roger Brown - he is not anti-business but employees have a right to breathe clean air; customers have a choice to go elsewhere but employees do not and not all employees smoke.

Roger Patrick – appears that most restaurants are already smoke-free but believes restaurant owners should have right to decide; rights of smokers and non-smokers should be respected; not sure of definition of open spaces.

Howard James – as a veteran, he has earned the right to eat and smoke in restaurant if he chooses.

Larry Biddle – private business owners should have freedom of choice; business owners are

already struggling with the burden of too many regulations.

There was no further comment; the public hearing was closed.

ORDINANCE FOR FIRST READING: First reading on Ordinance #2012-05-14 (A) An Ordinance to Raise Revenues and Adopt Budgets for the General Fund, Enterprise/Public Utility Fund, Street/Drainage Fund, Storm Water Fund, Tax Increment (TIF) Fund, Accommodations Tax Fund, Community Development Fund and Hospitality Fee Fund, City of Conway, South Carolina, for the Fiscal Year Beginning July 1, 2012, and Ending June 30, 2013. Hardee reviewed the changes made in the budget proposal since Council's Budget Retreat in March. It was noted that no tax millage increase is reflected in the budget proposal which totals \$33,042,525, an increase of \$5,002,000 over the current year's budget. Staff recommended first reading approval; the public hearing and second reading would then be scheduled for the May 14th Council meeting. **Motion:** Goldfinch made a motion, seconded by Anderson, to approve first reading of Ordinance #2012-05-14 (A). **Vote:** Unanimous. Motion carried.

ITEMS FOR CONSIDERATION:

- A. Request to locate shower trailer at St. Paul's Episcopal Church for period of six weeks during the summer of 2012 to accommodate a church youth group.** This summer, the church will be hosting Team Effort, a youth missionary group that completes projects such as repairing and renovating homes for families in need, building ministry facilities, etc. Among many other local projects, this group plans to begin work on a new building for the Waccamaw Youth Center. To accommodate the group, permission is being requested to temporarily locate a mobile shower trailer (with four men's showers and four ladies' showers) on the church property. The proposed site plan for the location of the shower trailer was presented to Council and Steve Powell with Venture Engineering was present to answer questions. Powell reported that the group also welcomes referrals of homes needing repair and such referrals may be made through him. Timbes suggested that neighbors adjacent to the parking lot at St. Paul's Episcopal Church be notified before the shower trailer is moved in. Plans call for the shower trailer to use metered water from the church and to connect to the church's sewer service and staff believes this plan is acceptable. Leinwand advised that the City's Building, Planning, and Public Utilities Departments will work with the Church throughout the process of installing the trailer. Staff recommended that the request be approved. **Motion:** Goldfinch made a motion, seconded by Koon, to approve staff's recommendation. **Vote:** Unanimous. Motion carried.
- B. Bid for rehabilitation and epoxy lining of existing sewer manholes – City of Conway Sewer Distribution System.** DuBose advised Council that the Public Utilities Department has inspected its inventory of manholes and prioritized those in need of rehabilitation. Fifty-eight of the system's worst manholes were selected for this bid. These upgrades would eliminate the problems of inflow and infiltrations of rain and ground water into the sewer system currently being encountered at those locations. Specifications and bid packets were forwarded to six contractors and advertised through standard outlets. Three bids were received as follows: Dun-Right Services of Florence (\$86,274.24), Mechanical Jobbers of Lithonia, GA (\$108,375), and Pro-Rehab Construction, Inc., of Kernersville, NC (\$107,912). Staff recommended that Council accept the low bid. An amount of \$430,000 was budgeted in Account 30-8120-500 for upgrades, extensions, and improvements; including this bid,

approximately \$267,000 has been committed thus far in FY 2011-2012. **Motion:** Blain-Olds made a motion, seconded by Timbes, to accept the low bid of \$86,274.24 which was submitted by Dun-Right Services of Florence, SC., for the rehabilitation of the selected sewer manholes. **Vote:** Unanimous. Motion carried.

C. Reserved parking for County magistrates. Gosnell reported that, in response to a request from the City Administrator to determine if additional reserved parking spaces were needed for County magistrates at the old County Courthouse, staff had determined that two reserved parking spaces were lost as a result of the 2nd Avenue underground wiring project and the construction of the new four-way stop at the intersection of Elm Street and 2nd Avenue. Based on the findings of this research, staff recommended that two parking spaces at the corner of Elm Street and 2nd Avenue be designated as reserved for the use of County magistrates. **Motion:** Koon made a motion, seconded by White, to approve staff's recommendation. **Vote:** Unanimous. Motion carried.

D. Acceptance of Justice Assistance Grant (JAG) from the Bureau of Justice Assistance. Gosnell reported that the City is eligible to receive a direct award of \$13,437 through a Justice Assistance Grant from the Bureau of Justice Assistance. The grant has specific requirements as to how the funds may be used. Staff recommended that Council authorize the Police Department to accept this award with the understanding that the Police Department will return at a later date with a recommendation for the specific use of these funds. **Motion:** Goldfinch made a motion, seconded by Anderson, to approve staff's recommendation as presented. **Vote:** Unanimous. Motion carried.

E. Application for Bureau of Justice Local Justice Assistance Grant (JAG) Competitive Solicitation. These applications are now being accepted; the deadline to apply is May 14, 2012. Gosnell reported that if this grant should be awarded, the funds would be used to acquire additional mobile data terminals, supporting software, and wireless air cards for frontline patrol vehicles. Staff recommended that authorization be given to apply for this grant. **Motion:** White made a motion, seconded by Koon, to authorize the Police Department to submit a JAG Competitive Solicitation Award application. **Vote:** Unanimous. Motion carried.

EXECUTIVE SESSION: Motion: Koon made a motion, seconded by Timbes, to enter into executive session to consider appointments to boards, commissions and committees and to discuss a contractual matter. **Vote:** Unanimous. Motion carried.

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

Acceptance of the nomination by the League of Cities' North Grand Strand Area for the Horry County Solid Waste Authority Board of Directors. Motion: White made a motion, seconded by Anderson, to accept the nomination of J. Mike Campbell by the North Grand Strand Area of the League of Cities for a seat on the Horry County Solid Waste Authority Board of Directors. **Vote:** Unanimous. Motion carried.

Appointments to Boards, Commissions and Committees. Motion: Goldfinch made a motion, seconded by Timbes, to make the appointments as listed below. **Vote:** Unanimous. Motion carried.

Construction Board of Appeals: Reappointed George Martin to a three-year term.
Rose Hill Memorial Gardens Committee: Reappointed Linda Benliza and Patricia Gaither-King for three-year terms.
Water Quality and Drainage Commission: Reappointed Jim Feldman to a three-year term.

Contractual matter. Motion: Koon made a motion, seconded by Blain-Olds, to allow the City Administrator to continue negotiations regarding promotional and marketing activities with Conway Downtown Alive and the Conway Chamber of Commerce. **Vote:** Unanimous. Motion carried.

WORKSHOP SESSION

UNIFIED DEVELOPMENT ORDINANCE (UDO) ITEMS: At the Council workshop session on March 26th, staff was asked to conduct additional research on regulations pertaining to vinyl siding on non-residential buildings and electronic message centers.

A. Vinyl siding on commercial buildings. Leinwand provided information regarding current ordinances and design guidelines for non-residential building materials, evaluation information of various types of vinyl siding materials and potential language if a text amendment is initiated. Council was reminded that many ordinances from jurisdictions across the state and all of the places surveyed, with the exception of two, completely prohibit vinyl siding within their historic districts. **Outcome:** Staff was requested to return with recommendations for text amendments so that vinyl materials for trim, accents (such as vinyl shakes) and windows may be considered appropriate, on a case-by-case basis, in the historic districts and such use of vinyl material is allowed elsewhere citywide. This item will be rescheduled for a future workshop.

B. Electronic Message Centers. Leinwand provided information regarding current regulations on electronic message centers, time and temperature signs, and gasoline pricing signs with digital display. Staff recommended not to amend the UDO to permit electronic message centers in additional areas of the City; however, Leinwand presented additional conditions for discussion and consideration should Council wish to expand the permitted area for this type of sign. **Outcome:** Staff was requested to conduct additional research and return with recommendations as to the length of time a message should remain static, specific standards for intensity or brightness, the color of lights, and in which additional districts electronic message centers should be allowed. This item will be rescheduled for a future workshop.

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

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

Vicky Lefler, City Clerk