

**MINUTES OF MEETING  
CONWAY CITY COUNCIL  
CITY HALL COUNCIL CHAMBERS  
229 MAIN STREET  
CONWAY, SOUTH CAROLINA  
TUESDAY – OCTOBER 1, 2012 – 5:30 p.m.**

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**PRESENT:** Mayor Alys C. Lawson, Mayor Pro Tem Larry A. White, and 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; Jerry Barnhill, Public Works Director; Foster Hughes, Parks, Recreation and Tourism Director; Freddie DuBose, Public Utilities Director; Reggie Gosnell, Police Chief; Rick Baker, Fire Chief; Michael Leinwand, Planning Director; and Lois Roberts, Administrative Assistant

**OTHERS IN ATTENDANCE:** Kathy Ropp, Steve Jones, Rev. Rhett Talbert, Walter Hill, Ted Gragg, Janet Jones, Avery Jones, Carl Schwartzkopf, Ben Burroughs, Steven Fitch, Sallie Goldfinch, Brad Lofton, and others

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

**INVOCATION/PLEDGE OF ALLEGIANCE:** Mayor Lawson recognized Rev. Rhett Talbert of Kingston Presbyterian Church who gave the invocation. City Council and those in attendance recited the Pledge of Allegiance.

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

**APPROVAL OF CONSENT AGENDA:**

- A. Final reading of Ordinance #ZA2012-10-1 (A) Accepting the petition of Joyce A. Gregg to annex approximately 0.55 acres of property located at 3312 Cates Bay Highway (TMS# 136-11-01-001) and to rezone the property Low Density Residential (R-1) upon annexation**
- B. Final reading of Ordinance #ZA2012-10-1 (B) Accepting the petition of Paul and Wendy Harmer to annex approximately 0.051 acres of a portion of property located at 3609 Long Avenue Extension (TMS# 111-00-01-052) and to rezone the property Low Density Residential (R-1) upon annexation**
- C. Ordinance# ZA-2012-1-23 (B) Accepting the petition by Susan Leva to annex approximately 0.20 acres of property located at 632 Lesia Lane (TMS# 150-17-02-015) and to rezone the property Low Density Residential (R-1) upon annexation**
- D. City Council minutes – September 17, 2012**

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

**PUBLIC INPUT:** Mrs. Nancy Cave of the Coastal Conservation League was present to address Council on litigation that has been filed against Santee Cooper's Grainger Steam Plant and presented her concerns regarding the pollution she stated is being discharged from the coal ash ponds at the Grainger Plant site. Mrs. Cave shared with Council a copy of the complaint that has been filed against Santee Cooper. Ms. Christine Ellis, Waccamaw RiverKeeper (one of the parties to the lawsuit against Santee Cooper), shared her concerns regarding existing pollution and the potential for future pollution from the power plant.

#### **SPECIAL PRESENTATIONS:**

- A. Presentation of Mayor C. P. Quattlebaum's coat to Horry County Museum.** The coat that belonged to Conway's first mayor, Mayor C. P. Quattlebaum, was officially presented to the Horry County Museum for safekeeping and historical display. Museum Executive Director Walter Hill accepted the coat on behalf of the Museum. Others in attendance for the presentation included Museum Board of Directors Chairman Ted Gragg, County Council Member Carl Schwartzkopf, Mr. Ben Burroughs, Mayor Quattlebaum's granddaughter Mrs. Janet Jones and her son, Avery Jones.
- B. Presentation of first map of Conway (drawn by William Hemmingway, 1802) to Horry County Museum.** The Hemmingway map has been preserved by the City for many years in City Hall. It was recently picked up by an archivist with South Carolina Department of Archives and History, scanned by that department and returned to the City. Archives and History will maintain a digital copy of the map and the City will receive two full size copies of the map and a disc from which copies can be made. The original map was officially presented at this meeting to the Horry County Museum for safekeeping and proper storage. Museum Executive Director Walter Hill accepted the map on behalf of the Museum.
- C. Presentation by Mr. Brad Lofton, Myrtle Beach Regional Economic Development Corporation.** Mr. Lofton expressed appreciation to Council for the City's membership in and support of the MBREDC and gave a progress report on the efforts of this organization.
- D. Presentation by Mr. Steven Fitch, Principal, Conway High School.** Mr. Fitch, accompanied by Mrs. Sallie Goldfinch, extended a personal invitation to Council to ride in the school's homecoming parade on October 12<sup>th</sup>.
- E. Special event request: Derrick Law Firm Run for the Children 5K, January 5, 2012.** Holly Littles with Derrick Law Firm has requested a special event permit for this event to be held in Downtown Conway and the Riverfront Park areas. The event will not prevent use of the park by the public. Plans call for set up to begin at 7:00 am and the event and clean up to be finished by noon. All proceeds will go to the Children's Mentoring Program of Horry County. Staff recommended approval of the request with the cost of City services provided to be absorbed by the City's operating budget. **Motion:** Anderson made a motion, seconded by Blain-Olds, to approve the special event application for the Derrick Law Firm Run for the Children as presented. **Vote:** Unanimous. Motion carried.

**F. Presentation of Accommodations Tax Committee funding recommendations – Rein Mungo, Committee Chairman.** The amount of Accommodations Tax funds available for tourism-related expenditures for the fiscal year ending June 30, 2012, is \$11,612.21. This amount includes a carryover of \$8.74 and interest earned in the amount of \$39.70. Mr. Rein Mungo, Committee Chairman, advised Council the committee recommends a disbursement of funds to five separate agencies as follows: Conway Area Chamber of Commerce (\$3,700), Theatre of the Republic (\$3,800), Conway Downtown Alive (\$2,500), Horry County Historical Society (\$1,100), and the Conway Farmers Market Association (\$500), with \$12.21 to be carried over to FY 2013. Mungo and Hardee also gave a review of the procedure the committee follows in determining its recommendations. **Motion:** Blain-Olds made a motion, seconded by Koon, to approve the allocation of the Accommodation Tax funds as recommended. **Vote:** Unanimous. Motion carried.

**G. Presentation of United Way Pacesetter Award received by the City of Conway – Capt. Jeremy Carter.** Capt. Carter reported that the City recently received this award for helping United Way of Horry County reach its campaign goal for 2012-13. The City's employee drive totaled \$8,898.34. Capt. Carter presented the United Way Pacesetter Award to Mayor Lawson who accepted it on behalf of the City.

**H. Employee of the Month Award** was presented to Anthony Rabon, GIS Coordinator, Planning Department. Rabon was commended by City Council for having been selected as the recipient of this award.

**I. Employee Longevity Awards** were presented to Chris Johnson, Police Department; Edward Saldana, Fire Department; and Stephen Williams, Planning Department (GIS), 5 years; and Jeromy Herndon, Fire Department, and Gene Paul, Jr., Beautification Department, 10 years. The presentation was made by Council Member Anderson and the City Administrator.

**PUBLIC HEARING AND ORDINANCE FOR FIRST READING: Ordinance #ZA2012-11-05 (A) Amendment to Section 11.4.9 of the City of Conway Unified Development Ordinance (UDO) relating to Electronic Message Centers.** Staff has conducted in-depth research and Council has held several workshop discussions on this topic. In addition, at the most recent Council workshop, an outdoor demonstration was given on the illumination levels of electronic message centers (EMCs). Leinwand reviewed the provisions of the proposed amendment which was developed by staff and City Council. Staff recommended that Council approve first reading. **Public Hearing:** Mr. Brent Groome of HTC noted that the company's location on Highway 501 is not on the main highway but sits back off an access road and a monument sign as required by the proposed amendment at that site would get "lost." Groome stated that, when HTC bought the property, a large post sign was put in and, because they were hopeful the City would look at allowing electronic message signs, space was left in the sign for a digital display. He requested that Council consider amending the portion of the ordinance relative to "monument only" for those businesses such as HTC that are so far off the main road that a monument sign would get "lost." Groome stated he understood the desire of Council for uniformity and that HTC signs at all other locations were monument style signs because they were beside the main roads but again asked for consideration of an amendment of that one issue. Mr. Ebbie Phillips of Tyson Sign Company asked Council to consider increasing the maximum size of electronic message centers to 50 square feet and suggested that Council consider requiring a minimum square footage as well. Noting that monochrome color on a dark background limits the ability to have photographs or images, Mr. Phillips also requested Council

to consider allowing full colored lights and he noted that, with colored lights, a greater level of brightness in daylight would be needed to distinguish the shades of color. **Motion:** Koon made a motion, seconded by White, to approve first reading. **Discussion:** Blain-Olds shared concerns regarding the redundancy/enforceability of Items C. 4-6. Graham responded that these subsections were safeguard in nature but staff could review them and make a recommendation at second reading. In response to concerns expressed by Koon, Graham advised that, if Council desired, changes could be made to the proposed amendment at second reading. Goldfinch expressed concerns with regard to signs on access roads as mentioned by Mr. Groome. He also advised Council of his concerns that the proposed ordinance was too restrictive, specifically with regard to images and the color and brightness of lights. Anderson also shared concerns regarding signs on access roads and spoke in opposition to the restriction on colored lights. He suggested Council hold another workshop session on the proposed ordinance. Timbes asked for and received clarification from Mr. Phillips about amber and clear LED lighting. Mayor Lawson commented that Council had worked diligently on this issue and had come a long way to arrive at a sign style more progressive than what was previously allowed but that still adheres to the community's historical look. Noting that she had traveled various areas of the county looking at EMC signs while deliberating the proposed amendment, Mayor Lawson commented that she had noticed HTC's sign in Garden City is a monument sign and it is on an access road. After thanking Council for its hard work and time spent to work through the issues, Mayor Lawson called for roll call vote. **Vote:** Anderson, Goldfinch and Timbes voted in the negative; Mayor Lawson, White, Blain-Olds, and Koon voted in the affirmative. Motion carried.

#### **ITEMS FOR CONSIDERATION:**

**A. Request from Steve Powell of Venture Engineering for waiver of UDO sidewalk requirement for proposed Waffle House at 1690 US Highway 501.** The Unified Development Ordinance (UDO) requires sidewalks to be constructed along the street right-of-way of new developments; however, the UDO also provides the property owner or developer the option to request a waiver of this requirement. With the recommendation given by the Technical Review Committee, City Council can grant the waiver; however, if the waiver is granted, the property owner or developer shall contribute, in lieu of construction, an amount equal to the cost of construction of the sidewalk including any infrastructure improvements necessary for the sidewalk's construction. Mr. Steve Powell with Venture Engineering has requested that the sidewalk requirement be waived for the referenced project. Mr. Powell also requested the payment in lieu of sidewalk construction be waived. Graham reported on recent developments regarding this matter that have occurred since the information for this meeting was sent to Council. Council was advised that SCDOT does not recommend a sidewalk at the project location at the present time. There is an existing open ditch adjacent to this property and, Graham noted, if a sidewalk were to be installed along this property, it would lead directly to this ditch. In regard to infrastructure improvements that would be needed if/when a sidewalk is constructed at this location, Graham pointed out there is sufficient room for the sidewalk to be constructed within the right-of-way and he has been advised by SCDOT that tiling of the ditch would not be necessary in order for the sidewalk to meet SCDOT requirements. Graham informed Council that the property owner, working with Waffle House, has agreed to give the City an easement should the City desire to install the sidewalk at some future date. Staff recommended that Council grant the waiver as requested by Mr. Powell and that \$1,844.50 be accepted as payment in lieu of the sidewalk (the amount agreed upon by the property owner, the property owner's engineer, and the City to be the estimated cost of the sidewalk). **Motion:** Anderson

made a motion, seconded by Koon, to approve staff's recommendation. **Discussion:** Blain-Olds inquired about the provisions of the ordinance with regard to use of the fee in lieu and responsibility for future construction of the sidewalk. Graham clarified that these funds could be used for more timely projects at other locations in the City; however, once the property owner/developer had paid the fee in lieu, he had no further obligation for the construction of this sidewalk. **Vote:** Unanimous. Motion carried.

**B. Purchase of five replacement APX 6000 digital walkie talkie radios.** Public safety agencies currently utilizing the 800 MHz band radios are being required to convert from analog to digital capability. The five analog units staff proposes to be replaced are approximately 18 years old and have reached the end of their operational life and replacement parts are no longer available from Motorola. Horry County has arranged to purchase a quantity of the APX6000 700/800 Model II 5 digital radios directly from Motorola at below state contract pricing, and has extended this special pricing to local law enforcement agencies. Based on the special pricing from Horry County, the per unit cost would be \$3,247.87 for a total expenditure of \$16,239.35 for 5 replacement digital units. Funds to support this request are contained in the Police Department's 2012-2013 FY Budget. Staff recommended that Council approve the expenditure of the budgeted funds toward this purchase. **Motion:** Blain-Olds made a motion, seconded by White, to approve the purchase of these radios as recommended by staff. **Vote:** Unanimous. Motion carried.

**C. Main Street Bridge pedestrian access.** Graham reported that, at Council's request, staff had obtained a cost estimate from the South Carolina Department of Transportation (SCDOT) for improving pedestrian access to the Main Street Bridge. Discussions focused on northbound approach to the southern end of the bridge and SCDOT has concluded that relocation of the existing guardrail and erecting new guardrail will be required before the curb and sidewalk can be constructed to better accommodate pedestrian access to the existing bridge sidewalk. Since the work would have to be done at night, traffic control would be an expensive portion of the project. Graham advised Council that SCDOT noted that this work would be for walkers to exit the bridge since pedestrians should walk facing traffic. The estimated cost for these modifications is approximately \$64,000. Since this is not a SCDOT initiated project, if the City decides to implement this plan, the City would be required to pay for it. Graham reported that, after evaluating this project, staff recommends that City Council take into consideration that the shoulder of Highway 501 Business between the bridge and Red Hill is very narrow and there is high speed traffic on the roadway. The shoulder area along Highway 501 Business is not wide enough to meet SCDOT standards for sidewalks and, therefore, it is not a pedestrian corridor. Graham noted staff's concerns that this is not really a very safe area for pedestrians and that, although there is some pedestrian traffic along the roadway at this time, implementing this plan might encourage additional pedestrian traffic. Following a discussion by Council of the modifications as proposed by SCDOT, there was a consensus of Council that these modifications did not appear to be a prudent remedy to the situation. No action was taken by Council on this matter.

**ITEM FOR INFORMATION: Report on formation of Interstate Railroad Committee.** Graham reported that there was a Columbus, Horry and Marion Counties joint meeting on September 24<sup>th</sup> at the City of Loris Public Safety Building regarding the current status of the Carolina Southern Railroad. Chief elected officials and the chief administrative officers from the three counties and the municipalities through which the Carolina Southern Railroad operated were invited to participate in the meeting. Others in attendance included the chief executive

officers and board chairmen of the three counties' economic development corporations and representatives from the North and South Carolina Departments of Transportation. At the meeting, the group decided to form an Interstate Railroad Committee to work on expeditiously reestablishing railroad services and developing long-range plans to sustain and enhance those services. Doug Wendel, Chairman of the Board for the MBREDC, was appointed chairman of the new committee, and Dennis Worley, a Tabor City, North Carolina, attorney, was elected Vice-Chairman. The group also decided that the membership of the committee would be composed of the following: Two officials from each of the three counties (appointed by the chairmen of county councils) and the mayors of the cities through which the railroad passes. The first meeting of the Interstate Railroad Committee will be held on Monday, October 8<sup>th</sup>, in the City of Loris Public Safety Building, at 4:00 pm.

**EXECUTIVE SESSION: Motion:** Goldfinch made a motion, seconded by Koon, to enter into executive session for consideration of committee appointments, discussion regarding employment and the release of an employee, and the annual performance evaluation of the City Administrator. **Vote:** Unanimous. Motion carried.

**Motion:** Blain-Olds made a motion, seconded by Anderson, to come out of executive session. **Vote:** Unanimous. Motion carried. Council Member Goldfinch had excused himself from the meeting during executive session and was not present for the remainder of the meeting.

**Consideration of appointments. Motion:** Blain-Olds made a motion, seconded by White, to make the appointments as listed below. **Vote:** Unanimous among those present. Motion carried.

Rose Hill Memorial Gardens Committee: Appointed Minnie Sandidge to fill an unexpired term ending December 31, 2014.

Water Quality and Drainage Commission: Appointed Vivian McCullough to fill an unexpired term ending December 31, 2013.

**City Administrator's annual performance evaluation: Motion:** Koon made a motion, seconded by White, to approve the City Administrator's annual performance evaluation as discussed in executive session and to extend the employment contract with City Administrator Bill Graham for a period of three years from October 17, 2012, to October 17, 2015, and on a year-to-year basis thereafter. By this motion, the Mayor was authorized to review the evaluation document and execute the contract of employment with the City Administrator. **Vote:** Unanimous among those present. Motion carried.

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

**APPROVAL OF MINUTES:** Minutes approved by City Council this 15<sup>th</sup> day of October, 2012.

  
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Vicky Lefler, City Clerk