CITY COUNCIL MEETING
CITY HALL COUNCIL CHAMBERS
229 MAIN STREET
CONWAY, SOUTH CAROLINA
MONDAY, APRIL 1, 2019 – 5:30 PM

PRESENT: Mayor Barbara Jo Blain-Bellamy, Mayor Pro Tem William Goldfinch IV, and Council members Thomas J. Anderson II, Shane Hubbard, Ashley Smith, Jean M. Timbes and Larry A. White

STAFF: Adam Emrick, City Administrator; Kevin Chestnut, Public Works Director; Braxton Fleming, Construction Inspector/Stormwater Assistant; Mary Catherine Hyman, Planning Director; Robert Cooper, Building Official; Alex Cook, Plan Reviewer; James Friday, Public Utilities Director; Kent Bitting, Public Utilities Superintendent, Addison Jarrell, Parks, Recreation and Tourism Director; June Wood, Aquatic Coordinator, Reggie Jenrette; Solid Waste Director; Dale Long, Police Chief; Timmy Williams, Grounds and Maintenance Director; Taylor Newell, Public Information Officer; Le Hendrick, Fire Chief; Allison Williams, Finance Director; Barbara Tessier, City Clerk

OTHERS: Kathy Ropp, Sabrina Shutters, Patrick Lloyd, Dan Fanning and others

The requirements for posting notice of this meeting under South Carolina’s Freedom of Information Act (FOIA) were met.

CALL TO ORDER: Mayor Blain-Bellamy called the meeting to order. She introduced Reverend Jamey Collins, Jamestown Baptist Church, who gave the invocation. City Council and those in attendance recited the Pledge of Allegiance.

APPROVAL OF AGENDA: Motion: William Goldfinch made a motion, seconded by Anderson, to approve the agenda with the exception of moving VIII.1 to be the first item heard under Public Hearing and First Reading, and to have public input for all other items in Section VIII heard all at the same time. Vote: Unanimous. Motion carried.

CONSENT AGENDA:

A. Final reading of Ordinance #ZA2019-04-01 (B) An Ordinance to annex approximately 2.21 acres of property located on Cates Bay Highway and Johnson Street (TMS 136-11-04-001 | PIN 36912020036) and request to rezone from Horry County Single Family SF20 to City of Conway Low/Medium Density Residential District (R-1) (Hyman)

B. Final reading of Ordinance #ZA2019-04-01 (E) to amend Article 4 – Use Tables, of the Unified Development Ordinance (UDO), regarding vocational schools as an accessory use to permitted uses in the Core Commercial (CC) zoning district.
C. Final reading of Ordinance #ZA2019-04-01(D) Article 2 – Definitions, Article 4 – Use Tables and Article 5 – Specific Use Regulations, of the Unified Development Ordinance (UDO), regarding Community Support Services (and other permitted and conditional uses) in the LI and HI zoning districts.

D. Minutes of City Council meeting –March 7-9, 2019 & March 18, 2019

Motion: White made a motion, seconded by Timbes, to approve the Consent Agenda as presented. Vote: Unanimous. Motion carried.

PUBLIC INPUT:

Renee Elvis – requested that Council consider permitting her to use her property, located at 1001 Elm Street, as an event location for parties and showers although it is not zoned appropriately for that use.

Philip Heisler – advised Council that he was not in favor of wetlands being permitted to count toward lot size requirements.

Anita Moran – expressed to Council that she was not in favor of the annexation of 117 and 126 Quail Run. Her concerns were City enforcement of traffic, adequate police protection, the number of unrelated person permitted to live in one home, and trash removal.

SPECIAL PRESENTATIONS:

A. Presentation of a Proclamation honoring the Salvation Army’s Conway Angels. Mayor Blain-Bellamy asked the Conway Angels to come forward and then read aloud and presented the proclamation to them.

B. Presentation of a Proclamation honoring Kenya Keith, Jr. Mayor Blain-Bellamy asked Kenya, his parents, and his fellow wrestlers to come forward. The Proclamation was read aloud and then presented to Kenya. Mayor Blain-Bellamy declared Tuesday, April 2, 2019 as Kenya Keith, Jr. Day in the City of Conway.

C. Presentation of a Proclamation honoring Ethan Garris – Ethan was unable to attend, but will be present at the April 15, 2019 meeting.

D. Update on Main Street Bridge Repair. Kyle Berry with SCDOT could not be present. Travis Patrick also with SCDOT was present and gave Council an update on the status of the Main Street Bridge repairs. The steel repairs have added to the scope of the project. The deck rehabilitation should be done by Memorial Day, but that there will continue to be repairs made to the bridge. Patrick gave no set date for the full reopening of the bridge. Custom pieces have to be built to fit into the areas that need repair. There will be no welding to the existing steel, rather new steel will be installed over the existing steel. Patrick was asked how the bridge had gotten to be in such bad condition and why the bridge had gone
so long without maintenance. Patrick responded that he did not know when the last inspection of the bridge had taken place. Patrick was asked if before and after photographs of the areas of repair could be given to Council.

Patrick was asked about boats being able to safely travel under the bridge during the repairs. He replied that there were safety rails in place so that nothing could fall into the river. Mayor Blain-Bellamy informed Patrick that in 2004 a structural engineer reported there were cracks in the bridge and asked if SCDOT was aware of those cracks. Patrick said he was not aware of any cracks and that cracks did not necessarily indicate a structural issue.

Mayor Blain-Bellamy asked for a very detailed report at the next meeting on all repairs so that the public could be assured of its safety.

E. Update on Horry-Georgetown Technical School. Dr. Marilyn Murphy Fore, President of HGTC, thanked Council for their support of the college. HGTC has 600 employees, has 65 programs with 90% of the students coming from Horry and Georgetown Counties. 87% of those students stay in Horry and Georgetown Counties after graduation. The college offers several unique programs at the Conway campus. These include Golf & Sports Turf Management, a Cyber Security program, and an Electric Lineman program. The Diesel Engine program is the only one in South Carolina. The college has a 94% job placement rate.

F. Special Event Request – Indie Market, May 11, 2019. Deloris Brauer, of CREATE Conway, asked Council to approve their request to hold the Indie Market on Saturday, May 11, 2019 at Laurel Street and Second Avenue. Motion: Anderson made a motion, seconded by Goldfinch, to approve the Indie Market special event request. Vote: Unanimous. Motion carried.

G. Employee Longevity Awards – Gloria Wilson, Victims Advocate – Police Department – 5 yrs. Emrick and Council Member Timbes presented Wilson the award.

ORDINANCE FOR FINAL READING:

Final reading of Ordinance #ZA2019-04-01 (C) An Ordinance to rezone a portion of the property located at 2809 4th Avenue (TMS 136-00-06-020 | PIN 36808030002) from Low/Medium Density Residential (R-1) to Highway Commercial (HC). Hyman informed Council that the property was owned by Bucksport Water and a portion of the property had been rezoned in the 1990’s without their knowledge. In order to sell the property, Bucksport Water wants to rezone that portion of the property back to its original Highway Commercial zoning. Staff recommends approval of this request. Motion: Goldfinch made a motion, seconded by White, to approve final reading of Ordinance #ZA2019-04-01 (C.) Vote: Unanimous. Motion carried.
PUBLIC HEARING AND FIRST READING:

Council conducted public hearings and Ordinances for First Reading and took action on these agenda items in the following order:

I. Public hearing and first reading of Ordinance #ZA2019-04-15 (I) An Ordinance to annex approximately 62.42 acres of property, formerly the Conway Country Club Golf Course located on Country Club Drive (TMS 123-00-02-079 | PIN 324-00-00-0017), and request to rezone from Horry County Single-Family SF20 to City of Conway Low/Medium-Density Residential (R-1).

Public Input:

Rein Mungo has concerns about traffic and stormwater issues and would like the zoning of the property to be R and not R-1.

Sudie Thomas has concerns about traffic and stormwater issues, would like the zoning of the property to be R and not R-1, a border of vegetation around the development and would like sidewalks on Graham Road and Long Avenue.

Connie Smith has concerns about overburdening Crabtree Swamp and more impervious pavement being installed.

April O'Leary was representing Winyah Rivers Alliance, and has concerns about Crabtree and Grier Swamps water quality and flooding issues.

Jane Freeman agrees with all the other comments and in order not the keep repeating the same concerns, she asked for a count to be made of the number of people in attendance regarding this annexation with the same concerns.

Mayor Blain-Bellamy asked for a show of hands and 33 were counted.

Forrest Beverly, developer of proposed development, informed Council that he had some of the same concerns and that he also lived in the neighborhood. The development would have to go through the stormwater process and have an engineer involved and he has already contacted Wall Engineering. The way the development is currently laid out, there is 16% pond space, which is 6% more than usual. Given this fact, stormwater should be less of a concern than it is presently, and he will work with the City to ensure they meet the City’s stormwater requirements.

Beverly commented further that lot sizes in the development average 9,900 sq. ft. on which he has the vision of building a nice, top of the market product.
Council asked Beverly several questions, including whether he would consider having discussions with the residents in the area, whether he would consider doing more than the minimum requirements for stormwater, if there would be a deceleration lane installed. Beverly told Council that he had already had discussions with several residents and would be happy to talk to anyone. He noted that the development was currently designed to have 6% more pond area than required, and that a traffic study would have to be done to determine whether a deceleration lane would be required. Beverly was asked if the traffic study could be done before annexation to see what impact an additional 198 homes would have. Emrick explained that the expense of the traffic study would be the developers and it was a significant amount to expend prior to the property being annexed.

Sally Walbourn, a resident from Country Club Drive, addressed Beverly noting that 400 cars would be a lot of additional traffic, and asked if the number of homes could be decreased to lessen the traffic issues. Beverly reiterated that a traffic study would be done to determine the impact on the neighborhood.

**Motion:** Goldfinch made a motion, seconded by White, to close public input. **Vote:** Unanimous. Motion carried.

Goldfinch asked Emrick to talk about the stormwater issue. Emrick informed Council that a golf course was not built to retain water, but to stay dry. Stormwater requirements for a subdivision would have to meet DHEC as well as City requirements and it was likely that the property would be more sensitive to runoff than it currently stands. Goldfinch commented that he had spoken with Beverly last fall about making the lot sizes larger and the lots were now designed to be over the R-1 minimum of 7,500 sq. ft., with most of the lots being 8,000-10,000 sq. ft. With these sized lots, they were almost meeting the 10,000 sq. ft. required by the R zoning anyway. Further if the property stayed in the County, there would be fewer restrictions to be met. Smith asked for clarification that if the property was zoned R that all lots would have to be a minimum of 10,000 sq. ft. Mayor Blain-Bellamy responded that was correct. Hyman made note that there was also a difference in the lot widths between R and R-1. R-1 has a 75 ft. lot width and R has a 100 sq. ft. lot width. A question was asked regarding whether or not the zoning could be changed at the second reading and Emrick replied that it could be changed.

**Motion:** Timbes made a motion, seconded by Smith, to approve first reading of Ordinance #ZA2019-04-15 (I), but to be zoned R rather than the requested R-1. **Vote:** Timbes, Smith, Anderson, and Blain-Bellamy voted in the affirmative. Goldfinch, Hubbard, and White voted in the negative. Motion carried.

As already noted, Council elected to hear public input on items A, B, C, D, E, F, G, and H all together.

**Public Input Agenda Item VIII.D:** Ralph Cook, HOA president, was in support of the annexation; however, has concerns regarding security, access, and retaining the environment they had moved into.
There was no further public input. **Motion:** Goldfinch made a motion, seconded by White, to close public input. **Vote:** Unanimous. Motion carried.

A. **Public hearing and first reading of Ordinance #ZA2019-04-15 (A) An Ordinance to annex approximately 0.14 of an acre of property located at 117 Quail Run (TMS 151-25-01-008 | PIN 383-09-04-0072) and request to rezone from Horry County Residential (SF10) to City of Conway Low/Medium Density Residential District (R-1).** Hyman advised Council that the request was being made to allow an existing home that had recently changed ownership to tie into City water service. Discussion followed about having already annexed other properties in the neighborhood and if it would set a precedent to deny the request. Emrick informed Council that restrictive covenants would be placed on the property and could be later annexed if Council determined it to be practicable. Another concern was City police coverage to individual house in the neighborhood. Staff recommends approval of first reading. **Motion:** Goldfinch made a motion, seconded by Hubbard, to deny the request to annex 117 Quail Run. **Vote:** All voted in favor, except White who voted in the negative. Motion carried.

B. **Public hearing and first reading of Ordinance #ZA2019-04-15 (B) An Ordinance to annex approximately 0.15 of an acre of property located at 126 Quail Run (TMS 151-25-01-058 | PIN 383-09-04-0057) and request to rezone from Horry County Residential (SF10) to City of Conway Low/Medium Density Residential District (R-1).** Hyman informed Council that this request was for the house across the street from the previous request, and it also had changed ownership and requested to annex to receive City water service. Staff recommended approval of first reading. **Motion:** Goldfinch made a motion, seconded by Hubbard, to deny the request to annex 117 Quail Run. **Vote:** All voted in favor, except White who voted in the negative. Motion carried.

C. **Public hearing and first reading of Ordinance #ZA2019-04-15 (C) An Ordinance to annex approximately 0.49 of an acre of property located at 606 Johnson Street (TMS 136-12-10-033 | PIN 369-12-03-0009) and request to rezone from Horry County Residential (SF20) to City of Conway Low/Medium Density Residential District (R-1).** Hyman informed Council that this request was to permit an existing home to receive City water services. Smith noted that the owner did not wish to come into the City, but Hyman had spoken to Mrs. Weis and she now understood that lower rates on water and getting trash pick-up would be negating the increase in taxes. Staff recommends approval of first reading. **Motion:** Goldfinch made a motion, seconded by White, to approve first reading of Ordinance #ZA2019-04-15 (C). **Vote:** Unanimous. Motion carried.

D. **Public hearing and first reading of Ordinance #ZA2019-04-15 (D) An Ordinance to annex 4 parcels, approximately 2.49 acres of property located at Burning Ridge Medical Park, Lots 2, 3, 4 and 6 on 8002-8016 Myrtle Trace Drive (TMS 151-26-01-002 | PIN 383-15-01-0009, TMS 151-26-01-003 | PIN 383-15-01-0006, TMS 151-26-01-004 | PIN 383-15-01-0010, TMS 151-26-01-006 | PIN 383-15-04-0007) and request to rezone from Horry County Highway Commercial (HC) to City of Conway Institutional (IN).** Hyman advised Council that the request was to annex four parcels...
owned by Conway Hospital Community Services for consistency since these parcels would be part of the CMC campus. The intention is to remove the existing buildings on the parcels and build a resident intern facility. The parcels are not within the City’s utility service area, and annexation is not required; however, the applicant is requesting to voluntarily annex into the City. Staff recommends approval of first reading. **Motion:** Anderson made a motion, seconded by Timbes, to approve first reading of Ordinance #ZA2019-04-15 (D). **Vote:** Unanimous. Motion carried.

E. **Public hearing and first reading of Ordinance #ZA2019-04-15-(E) An Ordinance to amend the Conway Comprehensive Plan by replacing the Community Facilities Element in its entirety.** Hyman advised Council this element considered water supply, treatment and distribution, solid waste collection and disposal, fire protection, emergency medical services, and general government facilities, education facilities and libraries and other cultural facilities. Hyman said the Planning Commission had reviewed the element and a public hearing had also been held. Staff recommends approval of first reading. **Motion:** Anderson made a motion, seconded by Smith, to approve first reading of Ordinance #ZA2019-04-15-(E). **Vote:** Unanimous. Motion carried.

F. **Public hearing and first reading of Ordinance #ZA2019-04-15 (F) An Ordinance to amend the Conway Comprehensive Plan by replacing the Cultural Resources Element in its entirety.** Hyman informed Council this element considered historic buildings and structures, commercial districts, residential districts, unique, natural, or scenic resources, archaeological, and other cultural resources. Staff recommends approval of first reading. **Motion:** Blain-Bellamy made a motion, seconded by Anderson, to approve first reading of Ordinance #ZA2019-04-15 (F). **Vote:** Unanimous. Motion carried.

G. **Public hearing and first reading of Ordinance #ZA2019-04-15 (G) An Ordinance to amend the Conway Comprehensive Plan by replacing the Economic Development Element in its entirety.** Hyman advised Council that this element considers labor force and labor force characteristics, employment by place of work and residence, and analysis of the economic base Staff recommends approval of first reading. **Motion:** Anderson made a motion, seconded by Hubbard, to approve first reading of Ordinance #ZA2019-04-15 (G). **Vote:** Unanimous. Motion carried.

H. **Public hearing and first reading of Ordinance #ZA2019-04-15 (H) An Ordinance to amend the Conway Comprehensive Plan by replacing the Priority Investment Element in its entirety.** Hyman informed Council that this element analyzes the funds that may be available for public infrastructure and facilities during the next ten years, and recommends the projects for expenditure. Another recommendation and requirement is to reach out to adjacent and relevant jurisdictions and agencies to allow them to comment on the plan, which staff has already done. Staff recommends approval of first reading. **Motion:** Blain-Bellamy made a motion, seconded by Anderson to approve first reading of Ordinance #ZA2019-04-15 (H). **Vote:** Unanimous. Motion carried.
ORDINANCE FOR FIRST READING:

A. First Reading of Ordinance #ZA2019-04-15 (J) amending Section 1.5.D.40 - 49 of the City of Conway General Code, the Hospitality Fee, to establish instead a Hospitality Tax as permitted under State Code. Graves informed Council that proposed ordinance is very similar to what Myrtle Beach, North Myrtle Beach, and Surfside have passed. Horry County is currently collecting 2.5% within the municipalities and the greater county under a hospitality fee. The City of Myrtle Beach has initiated a Class Action Suit against the County attempting to, not only move forward with the municipality collecting their own monies, but to recover funds collected since January 1, 2017.

Conway currently collects approximately $830,000 under the current 1% rate. If the City’s rate is doubled to 2%, the City could generate funds approximating $1.6M beginning July 1, 2019. All this is statutorily regulated under State code and the City would be doing what state law permits us to do. Graves said the City was addressed as being a member of the Class Action Suit Myrtle Beach has filed. Motion: Goldfinch made a motion, seconded by Anderson to approve first reading of Ordinance #ZA2019-04-15 (J). Vote: Unanimous. Motion carried.

B. First Reading of Ordinance #ZA2019-04-15 (K) creating Section 1.5.D.57 et seq of the City of Conway General Code establishing an Accommodations Tax as permitted under State Code. Graves advised Council that proposed ordinance addresses transient accommodations. The rate currently collected by the City is 0.5%. This ordinance proposes to increase the tax to 3%. Current collection on accommodations related services generate approximately $15,000 for the City. The collection of the additional 2.5% is projected to increase the City’s collection by approximately $75,000 or $90,000 annually. If approved, this ordinance would take effect on July 1, 2019.

A question was raised about raising the tax to more than 3%, but Emrick noted that the City was statutorily limited to 3%. Motion: White made a motion, seconded by Anderson to approve first reading of Ordinance #ZA2019-04-15 (K). Vote: Unanimous. Motion carried.
ITEMS FOR CONSIDERATION:

Motion: Mayor Blain-Bellamy made a motion, seconded by Goldfinch, to defer items A, B, F and G under Items of Consideration until the April 15, 2019 Council meeting. Vote: All voted in favor except Smith who voted in the negative. Motion carried.

A. Emergency Operations Plan – deferred

B. Creation of a new softball backstop on the existing multi-purpose field - deferred

C. Consideration of issuing an RFP to retain an organization to design/build an inclusive playground. Jarrell advised Council that $200,000 had been set aside for this project. A special committee that included several Council Members, has selected the Recreation Center for the location the playground and request that they be able to send out the RFP immediately. Staff recommends approval to issue an RFP to retain an organization to design/build an inclusive playground. Motion: Smith made a motion, seconded by Anderson, to approve staff’s recommendation to approve the issuance of and RFP to retain an organization to design/build an inclusive playground. Vote: Unanimous. Motion carried.

Council Member White introduced Cheryl Cochran and her daughters, who would be patrons of the inclusive playground.

D. Recommendation on selections of firm to provide Wayfinding signage for the City of Conway. Hyman informed Council that in February 2019, the City advertised publicly with an RFQ and received four submissions. Firms were ranked based on the firm’s professional qualifications and project team (30 pts. max), project approach, and professional qualifications (40 pts max), experience and references (30 pts. Max). Scores ranged from 79 points to 92.6 points. Signs Etc. scored 92.6 pts. Should Council approve the hiring of Signs Etc., the City would enter into negotiations for a contract for services immediately. Staff recommends selection of hiring Signs Etc. to provide Wayfinding Signage for the City. Motion: Anderson made a motion, seconded by White, to approve staff’s recommendation to hire Sign Etc. to provide Wayfinding Signage for the City. Vote: Unanimous. Motion carried.

E. Conway High School Band request for funding of band uniforms. Emrick informed Council that Conway High School had requested grant funding from the City, in the amount of $3,000, to help them purchase new band uniforms. There is $7,500 remaining in the grant fund, and staff’s recommendation is to contribute the requested $3,000. Staff recommends consideration of the request. Motion: Timbes made a motion, seconded by White, to provide Conway High School with $3,000 from the City’s grant fund. Vote: Unanimous. Motion carried.

F. Consideration of medallions to recognize former Council members - deferred
G. Consideration of Committee Appointments for Council Members — deferred

CITY ADMINISTRATOR’S REPORT:

- Employees have organized several events to raise funds for Maurice Butler, who fell ill in January and was hospitalized for 6 weeks. He is now at home, but it will be a while before he can return to work. On April 27, 2019, there will be a kickball tournament for employees and their families. There will be concessions sold at the tournament. A raffle of a 75 qt. Yeti cooler at $5.00 per ticket can be purchased. All proceeds will benefit the Butler family. Anyone wishing to play should contact him.

COUNCIL INPUT:

Anderson commented that he appreciates what Council Member Smith does for Conway Elementary School and asked if staff had any meetings with the County regarding Crabtree Canal.

Emrick responded that staff had met with the Army Corp of Engineers and the County in December. There are more funds for ecology issues than for capacity and a study would have to be done. The process takes a while and he will report when he has any further information.

Goldfinch thanked the Conway Fire Department for their quick response to First Baptist Church. He would also like to see staff issue an RFP for the tennis court facility to allow someone else to take it over and run it.

Mayor Blain-Bellamy commented that there was a new exhibit at the Horry County Museum that has some new information that leads us to believe that Blackbeard has his origins in Conway and also told Smith that she was proud of his efforts on behalf of the school.

EXECUTIVE SESSION: Motion: Anderson made a motion, seconded by White, to enter into executive session to consider employment of an employee, a pending legal claim and purchase of property. Vote: Unanimous. Motion carried.

RECONVENE FROM EXECUTIVE SESSION: Motion: Smith made a motion, seconded by White, to come out of executive session. Vote: Unanimous. Motion carried.

ACTION ON MATTERS DISCUSSED IN EXECUTIVE SESSION:

Pending legal claim [pursuant to SC Code §30-4-70(a)(2)]. Motion: Anderson made a motion, seconded by Timbes to authorize the City Administrator to sign an agreement with other municipalities regarding the hospitality tax litigation. Vote: Unanimous. Motion carried.

Purchase of property [pursuant to SC Code §30-4-70(a)(2)]. Motion: Goldfinch made a motion, seconded by Hubbard, to authorize the City Administrator to enter into negotiations to purchase property. Vote: Unanimous. Motion carried.
ADJOURNMENT: **Motion:** Hubbard made a motion, seconded by Timbes, to adjourn the meeting. **Vote:** Unanimous. Motion carried.

**APPROVAL OF MINUTES:** Minutes approved by City Council this 15th day of April, 2019.

[Signature]
Barbara A. Tessier, City Clerk