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; Kent Bitting; Dale Long, Police; Addison Jarrell, Recreation Director; Taylor Newell, Information Officer; and Barbara Tessier, City Clerk

OTHERS: Amber Wall, Brian Bates, Tom Garigen, Kathy Ropp, Patrick Floyd, Sabrina Shutters, Nick Papantonis, 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.

The Mayor commented to the public that she had answered as many emails and calls as she could on the subject, but that now staff and the three engineers present would answer Council’s questions and those of the public. She asked for all questions to be written down and given to her to read aloud as time permitted.

APPROVAL OF AGENDA: Motion: Timbes made a motion, seconded by Smith, to approve the May 6, 2019 Special Workshop agenda as presented. Vote: Unanimous. Motion carried.

Final 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). Hyman commented that Council deferred the request at the April 15th meeting until the applicant’s engineer could be present. The City also has their consulting engineer, Brian Bates with Woolpert, Inc. present to answer questions.

Emrick commented that this proposed annexation of the former Country Club property was not a City-initiated annexation. This request is a function of every property owner’s right to ask for the City to annex and assign a zoning and to then be able to develop their property. The property owner has asked the City to allow for the development of the property under a certain set of guidelines and rules set forth under both City Code and State law. Were the City not ever to allow this property to be developed, the City would have to purchase it because it would be
considered a “taking.” The question for Council today is whether it will be annexed and assign it a zoning within the City.

Hyman informed Council that if the property was annexed, staff would review all plans to be sure they met all City, State and Federal guidelines. Hyman advised Council the Low/Medium Density Residential (R-1) requested by the developer, requires 7,500 sq. ft. lot size minimum, 75’ in width, and 100’ in depth. The Low Density Residential (R) requires 10,000 sq. ft. lot size minimum, 100’ in width and depth.

Amber Wall of Wall Engineering, the engineer for the developer, informed Council that the stormwater management plan will be designed to be a functional drainage system to address runoff flowrate, volume, and water quality. The stormwater permit will be issued by SCDHEC in adherence to their stormwater and water quality requirements. The City of Conway also requires compliance with the Horry County stormwater requirements and Horry County’s requirements are more stringent than DHEC’s. The stormwater management facilities will be designed to reduce the 25-year post development discharge rate by 20% of the existing pre-development discharge rate. The design of the outfall structures for the ponds will include flash board risers that will allow the level of the ponds to be lowered an additional 12 inches prior to a major storm event allowing for more storage. A 10% downstream analysis will be performed to ensure no adverse impact on the downstream structures or property. The existing conditions of the site have 3 acres of ponds while the latest sketch of the single-family development proposes 12 acres of ponds. This additional volume of storage will provide a significant amount of volume control for the project site, reduce the rate of stormwater runoff, and provide water quality for the site post-development.

The existing soil conditions for the site are hydrologic soil group D. Group D soils have a very slow infiltration rate and a high runoff potential. This soil type in combination with the short grass land use of a golf course results in a short time that takes the runoff to slope across the site into the outfall. The proposed subdivision will incorporate several management methods such as perimeter swales, rip rap, and wet ponds to slow and retain the stormwater runoff.

A third-party engineering firm will conduct a traffic study and to provide recommendations. The report will be provided to SCDOT, Horry County, and the City of Conway. The development will reflect their requirements, such as turn lanes.

The intent is to design and build a neighborhood that will demonstrate best management practices in stormwater, and an improvement in infrastructure with regard to traffic.

Chestnut advised Council that whenever the engineer submits the calculations for stormwater retention of the site, those plans will be reviewed in-house and by the City’s consulting engineers. The consultant, Brian Bates with Woolpert, Inc. was present to answer any questions. Bates informed Council that his firm would be taking into consideration events like Hurricane Florence and localized sudden thunderstorms, and would be looking at water quality concerns as well.
Tom Garigen, Horry County Stormwater Director, was also present along with County Council Member Orton Bellamy. Garigen informed Council that whether this property was annexed into the City or was developed in the County, the same set of stormwater regulations would have to be adhered to. This area did not flood during Hurricane Florence because it is situated high enough. Crabtree will always be an issue if there is another storm like Matthew or Florence because the flood levels of Crabtree are governed by the Waccamaw River levels.

Garigen commented that the County has recently signed an agreement with the Army Corps of Engineers to start another phase of the continuing floodplain restoration work.

Garigen noted that there are two types of flooding issues. Flash floods are from thunderstorms and spring rains, but the waters recede in a few hours. There is no engineering solution for heavy rainfall from hurricanes that cause flooding.

Discussion about the designing the Perimeter Road that will go from Walmart to 701 with a culvert to take water away from Crabtree Canal in that direction. Garigen commented that he was not sure in terms of the elevations but the County could conduct a review. Another suggestion was to install box culverts at Busbee Lake or elevate the road. Garigen noted that SCDOT needed to look at the solutions to the road elevation at the lake. There was about a foot and a half of water surface elevation difference on the upstream side of 501 and Busbee.

Wall was asked where the water from the development would go. Wall cited four existing outfalls – 2 on Country Club at Sherwood, 1 on Long Avenue, and one on Graham. Wall noted that Graham Road was the most sensitive and less water would be routed in that direction.

The question was raised on how Crabtree could be fixed. Garigen responded it would be expensive to do. The channel could be widened, but there was only so much land to be able to do that. The canal was initially to drain water for agricultural purposes prior to the development of Conway, and it does not have the capacity needed for the amount of development the City has now. Bates added that there were several small upgrades that could be done at some of the choke points. There is a floodplain associated with Crabtree Swamp and issue is not where the floodplain is or how big it is, but that through the course of time things have been built in the floodplain. It was generally agreed upon that because of the water table, dredging the canal would not provide any relief and that widening the canal would only help for storms in between flash floods and a hurricane.

Garigen was asked if the development of this property would make the situation worse or if engineering would help. Garigen responded that, if designed properly, development would not make the stormwater/flooding issue worse. Bates commented that developed property could be made to respond like pre-developed property for points that the City considers important. Bates noted that roads and roofs without proper stormwater management could cause more runoff, but that with the proper design certain situations could be made better.

Mayor Blain-Bellamy noted that the most recent hurricanes flooded parts of the City that had never flooded before and asked what information was available about what the City might expect going forward. Bates informed Council that engineers design computer model situations
based on historical events, primarily based on statistically relevant 75-100 years of rainfall to predict a percentage of the likelihood of a storm. The issue with Conway is the elevation of the river matters, how much water is in Crabtree, how much water is already in the floodplain, and how saturated the soil are all things that can be modeled, but to attempt to model all scenarios become untenable. It is not practical to design for every scenario.

At this time, Mayor Blain-Bellamy began to read written questions from the public.

1) There are downed trees in Crabtree and Grier Swamps and who would remove them. Garigen responded that there was a large problem with downed trees due to the hurricanes. It will be a tremendous undertaking and a regulatory nightmare to try to clean them up. Beverly said that he hired Bill Fedder to take care of some of the choke areas in the canal about 18 months ago. Beverly commented that all he could control was what occurred on the former golf course property.

2) Mayor Blain-Bellamy noted that a concern had arisen about relationships between Council and Beverly. The Mayor responded that state ethics laws did not speak to friendly terms, one person working on a project at another person’s home, being co-members of an organization, going to the same church or having dinner together. The law speaks to personal gain that can come from a business relationship. There is nothing unethical about any member of council voting on the issues relevant to the Beverly’s and this particular proposed development.

3) What is percentage of pervious surface in the Kingston Lake Watershed? Garigen responded that it was about 90% pervious.

4) What storage capacity is within the network to mitigate flooding? Garigen responded that without notes from a previous meeting, he did not have that information, but that anyone could contact the Horry County Stormwater Department and get a copy of the report.

5) Why is the proposal for 200 homes when Beverly paid the price for 160 homes? Mayor Blain-Bellamy said this question was beyond the scope of the workshop.

6) Who paid for the services of Amber Wall and Woolpert? Mayor Blain-Bellamy answered that Ms. Wall was representing the developer, Forrest Beverly and the City was paying for the services from Woolpert.

Discussion took place on the traffic issues regarding this parcel. Hyman advised Council that a traffic study would be required as part of the approval process; however, traffic study would not be done prior to the annexation. Emrick commented that SCDOT would likely require some improvement on Country Club. Hyman agreed and informed Council that SCDOT had already spoken about a left-turn lane on Country Club. County Club Drive is a state road, Graham Road is a City road, and Long Avenue is a County Road and encroachment permits would be needed from all three entities and have to meet the requirements for each of them. Emrick noted that the City could not require a traffic study prior to annexation.
7) Conway Country Club did flood during the last two storms. The comment was leading to what would be different going forward. Wall commented that it did not flood on the Country Club site, but across the street. Wall informed Council that she was aware of tensions that an annexation or rezoning could cause, but she was hopeful that if the request moved forward, residents would work with her and show her what their concerns were.

8) Who was advising Council that any delay in voting would be a taking. Emrick commented that an indefinite delay would be a taking? There is an application pending before Council to consider the annexation and rezoning of the property. If it is indefinitely tabled, preventing a property owner with the right to develop the property from being able to develop the property. It must continue to move to at least be in public review without an indefinite suspension or it would be a taking. Although there is not a definite timing, Council needs to tread lightly before it comes an issue. A moratorium cannot be undertaken in the middle of this process to try to impose new guidelines or new rules upon a developer that aren’t already in place. That may also be considered a taking.

9) What is the status of the lots along Long Avenue where houses have been removed since Florence? If the lots are not going to be developed, why not? Emrick noted that those properties are in a flood zone. The property being developed is not in a flood zone. There is a delineated area that is done by FEMA that the City has expanded to include properties that flooded during Hurricane Matthew. The more severe the damage to the home makes it more likely the City would have bought the home or be buying the home. The homes near the County Club did not experience the damage that these homes had during Matthew, Joaquin or Florence. The extent of the flooding in this area was two homes in Windmeadows.

Anderson asked Bates if it were possible to get the property to make Crabtree wider, could the dirt be It would be best to take the dirt out of the floodplain area.

Timbes commented that Crabtree Canal was owned by the federal government and questioned whether or not the City could do anything to it. Garigen responded that the it was originally an Army Corps of project, but then a watershed district /special tax district was created. Horry County collects millage from the properties in the tax district. Those funds can only be used for maintenance and projects within that Crabtree Watershed / Crabtree Canal. The County holds the easements and the County has taken the responsibility for the maintenance throughout the years, including the portions within the City. The County does have a good joint maintenance working relationship with the City particularly in the area by the walking path.

White asked Garigen about a meeting at HGTC where there had been mention of creating an opening farther north to let some of the water head toward the ocean before it got to Conway. Garigen referred to this as the diversion canal. Studies have been done since about 1940, and at this point in time, cost would be several hundred million dollars. Garigen noted this would only bring the water down about 1 ½ feet.

Goldfinch commented that at this time, it was just a matter of which zoning Council would approve. The new R zoning is a defective product and needs to be fixed. The Mayor asked
Goldfinch to bring these comments to the final reading during the Council meeting. Goldfinch agreed.

10) What restoration and remediation projects are planned to improve water quality? Wall restated that there were requirements that would have to be met, and while it was a golf course there would have been pesticides and fertilizers used on the property that would have been a water quality issue. What would be designed for the development would improve the water quality. Emrick noted that Horry County and the Army Corps of Engineers have entered into an agreement to work on further restoration of Crabtree Swamp. Bates added that state requirements require any development of this size that have any downstream water quality issues to do an anti-degradation demonstration to show that the development will not increase pollutants of concern greater than what the sites are producing.

11) Will the added impervious surface add pollutants to Crabtree Swamp? Bates replied that they would have to demonstrate it would not.

12) Is there a guarantee all stormwater will be held on property during peak storm events. Bates noted that it would not be, and it was not required to be.

13) Would large tiles at Sherwood Drive, Graham Road and Country Club improve runoff? Bates noted that tiles is a term for storm drainage pipes. This is something that would have to be looked at. Larger pipes would move water more rapidly, but not necessarily do away with a flooding issue.

14) What responsibility is the City willing to undertake if they allow the rezone to pass without proper studies post Florence. Emrick commented that once constructed, the stormwater system will be dedicated to the City. They City will own the stormwater system to the extent that it is drains public spaces. The City will be required to maintain the system as it was designed. If there flooding, and it's designed properly, then it is an Act of God.

15) Do the soils now absorb and hold water? Bates said it did some because the soil had turf grass with root systems. Wall said the type of soil has one of the lower infiltration rates.

16) Are on-site and off-site drainage engineering based on post Florence data? Bates responded it would be impractical to design based on a storm the size of Florence.

**ADJOURNMENT:** **Motion:** Hubbard made a motion, seconded by Goldfinch, to adjourn the meeting. **Vote:** Unanimous. Motion carried.
APPROVAL OF MINUTES: Minutes approved by City Council this 20th day of May, 2019.

Barbara A. Tessier, City Clerk