CITY OF CONWAY
CITY COUNCIL WORKSHOP
229 MAIN STREET - CONFERENCE ROOM
TUESDAY, JANUARY 21, 2020– 4:00 P.M.

PRESENT: Mayor Barbara Blain-Bellamy, Shane Hubbard, Mayor Pro Tem, and Council Members: William Goldfinch, Alex Hyman, Justin Jordan, Jean Timbes, and Larry White

STAFF: Adam Emrick, City Administrator; Mary Catherine Hyman, Deputy Administrator/Planning & Development Director; John Rogers, Deputy Administrator/ Grants & Special Projects Director; Jessica Hucks, Planner; Vicki Stone, Zoning Officer; Wanda Lilly, Plans Design Landscaping/Arborist; Kimberly Wilkerson; Zoning Administrator; Allison Williams, Finance Director; Lynn Smith, Human Resource Director; Roseanne Dates, Grants Coordinator; Taylor Newell, Public Information Officer; and Barbara Tessier, City Clerk

OTHERS: Devin Parks, Kelly James, Barb Eisenhardt, Jim Tufts, Kathy Ropp, WMBF photographer

CALL TO ORDER: Mayor Blain-Bellamy called the workshop to order.

APPROVAL OF AGENDA: Motion: A. Hyman made a motion, seconded by Timbes, to approve the January 21, 2020 Workshop agenda. Vote: Unanimous. Motion carried.

ITEMS FOR DISCUSSION

A. City Hall architect update and discussion. Billy Connell of SMHa was present to give Council an update and to review cost estimates. The cost estimates are based upon a building fronting Main Street with parking along the Laurel Street side, overflow parking along Laurel Street, green space that would act as stormwater control, a fountain and park-like space in the rear with the front of the building more ceremonial. Whether or not the Chamber of Commerce conversation continues, the estimates will not be different.

There are two options to consider – Option 1: a two-story, 36,000 sf structure with an estimated cost of $15.8 million that would allow for 15-20 year’s growth factor, or Option 2: a three-story, 50,000 sf structure with an estimated cost of $20.5 million that would provide space to serve other entities. These estimates include hard and soft costs, including the building, furniture, fixtures and equipment as well as architectural costs, surveys, reports, inspections, etc.

The estimates were a bit higher than had been expected. Goldfinch asked if the costs would be lower if the building were constructed at another location. Connell indicated that these estimates were specific to the Main Street site, and additional studies would need to be
done to realize if there were any potential savings to use another site. Goldfinch suggested that City-owned properties on Fourth Avenue would allow ample parking, allow for uninterrupted use of current buildings during construction, and would be more user-friendly and functional.

Blain-Bellamy indicated to Connell that now Council would have to have conversations about how to proceed.

B. Discuss request from Jimmy Jordan to be exempt from the City's Tree Ordinance at his proposed Wild Wing Institutional Development. Emrick advised Council that Jordan has asked for consideration of a deferral of this discussion. M. Hyman informed Council that there had been several requests in the original amendment brought before them. The Planning Commission had deferred their recommendation to wait for a tree survey from the applicant. Council had also wanted more information, and since that time, the applicant has asked that the tree ordinance request be removed from consideration at this time. Blain-Bellamy indicated that the more Council reviewed and discussed the issue, the better decision they would be able to make. M. Hyman noted that uses and the density shift that had been requested was not on the Council agenda for final reading tonight without the Master Plan PD map, but would be on the February 3 agenda.

M. Hyman was asked to summarize the applicant's request. Hyman responded that the applicant was requesting exemption from the Tree Preservation Ordinance in its entirety for these five parcels. If protected trees are being removed, mitigation is required either by planting new trees or paying into the mitigation fund. Because the site has so many protected trees, the applicant requested the exemption. If this was not a Planned Development, this issue would be going before the Tree Board for review and not City Council. The applicant had asked that the PD be amended to remove the tree ordinance. When Wild Wing had been approved for development in 2000, it said then that they would have to meet any City ordinances. Tree ordinance was written after Wild Wing was approved, but prior to the purchase of this property by the applicant.

M. Hyman informed Council that staff had received a tree survey for one of the five parcels, but it is not entirely accurate. Hyman noted that the tree survey was done by an independent contractor. In addition, staff has offered several times to walk the site to check for dead or dying trees that would not have to be mitigated, but they have not been asked to do so.

Goldfinch commented that the tree ordinance needed to be rewritten. For this property to be developed, the trees needed to be removed, and the developer would be penalized for having to do so. Discussion followed that the developer had time before purchase of the property to do due diligence, and that this was not the time to change the tree ordinance. Rewriting the tree ordinance would take staff and Council time before it could be changed.
Emrick informed Council that the Tree Board had the ability to consider what trees needed to be removed for development purposes. Council could, if they did not wish to grant an exemption could send this issue to the Tree Board for consideration. Blain-Bellamy indicated that the issue should go where it would normally go and not be treated differently.

A. Hyman, who had been on the Planning Commission when this issue came before them, indicated that it seemed to be two separate requests. One being the rezoning and another being the tree issues. The Planning Commission had recommended approval of the rezoning, but had deferred the tree exemption request.

Blain-Bellamy noted there was nothing further to discuss at this time.

C. Discussion of Ordinance #ZA2019-12-16 (A) to amend Article 2 – Definitions, Article 4 – Use Tables and Article 5 – Specific Use Regulations, of the Unified Development Ordinance (UDO), regarding Short Term Rentals (STR’s). Hucks informed Council this item had come before them at their September 16, and October 21, 2019 Planning and Development Committee meetings. At their December 2, 2019 Council meeting, recommended the item be deferred until the new year. Originally two types of short term rentals were proposed. One that would be allowed in certain commercial districts downtown where people could rent out their entire house, the owner would not have to be present, and they would be subjected to certain conditions. The second proposal was for “homestay” which would require the homeowner to be present in the home during any rentals.

White mentioned the letter that had been made available to Council from the Tufts on Ninth Avenue concerning a rental in their neighborhood. Hucks commented that in a residential district, the owner would be able to rent rooms. Emrick responded that in this case on Ninth Avenue, the entire house was being rented, and that the owner lived in Canada. Emrick noted this is what Council had to decide - prohibit Airbnb’s in single-family residential districts or to regulate them. Hucks explained what the South Carolina Department of Revenue required regarding accommodation taxes.

Hucks was asked who was ultimately responsible for the behavior of tenants, to which Hucks replied it would be the owner of the property, unless there was an immediate need due to public safety issues.

The question was asked if this Ninth Street location had major issues involving crime and or parties. Emrick responded that there had been, and it had been different tenants each time. Emrick was asked if a particular location became a nuisance, could it be kept from renting
for such uses. Emrick commented that nuisance was hard to prove and would have to be taken to court and ruled on.

Hucks was asked if there were already people renting their homes or rooms in the City. Hucks replied there were some in the Macala Acres subdivision from time to time and in Wild Wing Plantation. Hucks informed Council that the City of Myrtle Beach did not allow short term rentals in single family districts that were under 90 day’s duration.

Council asked Hucks to prepare a limited study of 4-5 similarly sized municipalities in the state to show how long they have permitted these types of rentals and what has worked and what hasn’t.

Emrick informed Council that the City had a bed and breakfast ordinance that was stricter than the proposed regulations for Airbnb’s, and inquired if that should be the case.

**ADJOURNMENT:** **Motion:** Hubbard made a motion, seconded by Hyman, to adjourn the meeting. **Vote:** Unanimous. Motion carried.

**APPROVAL OF MINUTES:** Minutes approved by City Council this ___rd day of February, 2020.

Barbara A. Tessier, City Clerk