CITY OF CONWAY
PLANNING COMMISSION MEETING
THURSDAY, MARCH 7, 2013
CITY HALL CONFERENCE ROOM – 5:30 P.M.

Present: Bill Gobbel, Gerald Wallace, Brantley Green, Hank Grabarz, David Jordan
Absent: Larry Foye, Fran Humphries, Chris Guidera
Staff: Michael Leinwand, Planning Director; Barbara Tessier, Secretary
Others: Richard Carroll and Rivers Anderson, Anderson Brothers Bank

I. CALL TO ORDER

Chairman Wallace called the meeting to order at 5:30 p.m.

II. APPROVAL OF MINUTES

Green made a motion, seconded by Grabarz, to approve the February 7, 2013 minutes as presented. The vote in favor was unanimous. The motion carried.

III. LETTERS OF CREDIT

A. Carsens Ferry (2)

Leinwand said these letters of credit were discussed at the February 7, 2013 meeting. He said he had tried to reach a representative of Anderson Brothers Bank, but he had not heard back from anyone.

Leinwand said there were two letters of credit. He said they were in the amount of $121,000 and $7,375. He said they were due to expire on May 25, 2013. He said the Public Works Director, Jerry Barnhill, had analyzed the cost estimate, and thought the amounts were adequate to cover the work that needed to be completed. Leinwand said the city preferred for the bank to renew the letter of credit, but if need be, it would be drawn down on.

Jordan asked Leinwand if anyone had asked the city to renew the letters of credit. Leinwand said no one had asked for the renewal. Jordan said he didn’t think they should renew it if no one had asked for a renewal.

At this time, two representatives from Anderson Brothers Bank, Richard Carroll and Rivers Anderson, joined the meeting.
Wallace asked if anyone had plans for the project. Anderson said the property was in foreclosure. He said there had been interest in purchasing the property. Wallace asked if the city did not renew the letter of credit, would it interfere with future development.

Jordan asked Anderson what the bank wanted to do. Anderson said the bank wanted to extend the letter of credit. Grabarz asked if they meant the entire parcel would be sold or just portions of it. Anderson showed Grabarz which parcels were in foreclosure. Leinwand said the letters of credit covered the roads and sidewalks for all of the development. Grabarz asked what happened if the letters of credit cover the entire site and potential buyers were just interested in a portion of the site. Anderson said the bank would be responsible for whatever the letters of credit covered.

Anderson said there had been some talks about doing something different at Carsens Ferry other than multi-family.

Green asked how long before the bank had ownership of the property. Anderson said he thought about four or five months. Green asked if the letters of credit needed to be in the bank's name as the applicant. Leinwand said the city would want the letters of credit in the bank’s name if they were taking ownership of the property. Leinwand said the dollar amounts would have to be the same as well.

Jordan made a motion, seconded by Grabarz, to allow Anderson Brothers Bank to extend the two letters of credit at the current amounts. The vote in favor was unanimous. The motion carried.

VI. ANNEXATION/REZONING

A. Request by Charles Peter Busse to annex approximately 0.91 acres located at 702 SC Highway 544 (TMS # 150-00-06-092) and to rezone the property Highway Commercial (HC) upon annexation.

Leinwand said the property recently changed ownership. He said this was next to KC Garage on Highway 544. He said it used to be Choc’s and now was the Wrecking Ball. He said in order to get the water account into their name, they had to annex into the city. He said it would be zoned Highway Commercial (HC).

Jordan asked what the property was adjacent to. Leinwand said there was a parcel across the street in the city. He showed the map. He said there was no true survey. Jordan said he assumed the new owners did not want to come into the city. Leinwand said they were not going to voluntarily annex. Wallace said they probably weren’t even aware they were supposed to annex. Leinwand agreed.
Green said he thought there was a church next door to the property, and there was a possible issue with the change or ownership. Jordan said it was a liquor license issue.

Jordan said he was not sure the property was adjacent to the city. Wallace asked if the city had the right to annex anything it provided services to. Leinwand said the property would have to be contiguous to the city, whether it was across the street or adjacent.

Jordan asked if the city continued to provide water to the property. Leinwand said the city was providing water for now since they signed the annexation petition. Green asked if they would be going on city sewer. Leinwand said this property would be on Grand Strand sewer. Wallace said it would help with closing up the many holes in the city.

Green asked if they were doing any renovations or additions. Leinwand said staff had received a phone call earlier in the week they were doing an addition or a renovation. Staff referred the call to Horry County because the city cannot issue any permits until the property is annexed. He said he did not know their plans.

Grabarz said since it would eventually need to be annexed, he suggested the city go ahead now and annex it. Jordan said if the property wasn’t adjacent, they did not have to annex. He said the city did not want to illegally annex a property. Green said the property did not look like it was straight across from the city parcel across the street.

Grabarz said it was part of the overlay. Leinwand said it would be part of the city’s Gateway Overlay.

Gobbel said he thought the property could be annexed by virtue of the two corners. Leinwand said that was Staff’s assumption. Gobbel said he thought it should be annexed. Grabarz said he thought the corridor overlay would weigh in on it as well.

Grabarz made a motion, seconded by Gobbel to approve the request for annexation. Jordan and Green voted nay. Wallace voted aye, giving the motion enough votes to pass. The motion carried.

Leinwand asked Jordan why he voted nay. Jordan said because he did not think it was adjacent to the city.

V. PUBLIC INPUT

There was none.

After the last agenda item, the Board had a discussion about an Obama permit issue that Green had mentioned during the meeting. Green said he got a building permit that was issued in 2010 and nothing was ever done with it. He said it was something that fell
under the housing laws. He said they could be charged to reprint the permit card, but would not charge for the fees again. He said this was to help encourage the completion of what had already been started.

There was a discussion concerning letters of credit and the pros and cons of letters of credit versus surety bonds. Staff was asked to consider asking for an updated cost estimate from the developer every time a letter of credit was renewed. It was noted that the Board liked the fact the letters of credit were being brought to them earlier now. Leinwand was asked to do research as to what other communities did and discuss the issue with the city's attorney. Leinwand said he thought the cost estimates should be updated, but if the cost estimate was more than the original letter of credit, he thought City Council would have to approve any increase. He said City Council approves letters of credit when they are first requested.

Leinwand reminded the Board of the upcoming training on March 15 at CCU.

VI. ADJOURN

There being no further business to come before the Board, the meeting adjourned at 6:00 p.m.

Approved and signed this 4th day of April, 2013.

[Signature]

Gerald C. Wallace, III, Chairman