

December 5, 2022

CITY OF CONWAY
CITY COUNCIL MEETING
BUILDING & PLANNING DEPARTMENT
196 LAUREL STREET, CONWAY
MONDAY, DECEMBER 5, 2022 - 4:00 P.M.

PRESENT: Mayor Barbara Blain-Bellamy, Alex Hyman, Mayor Pro Tem, Amanda Butler, William Goldfinch, Beth Helms, Justin Jordan, Larry White

STAFF: Adam Emrick, City Administrator; John Rogers, Deputy City Administrator; Mary Catherine Hyman, Deputy City Administrator; June Wood, Public Information Officer; Le Hendrick, Fire Chief; Jessica Hucks, Planning & Development Director; Rock Rabon, Fleet Maintenance Director; Ashley Smith, Parks and Recreation Director; Dale Long, Chief of Police; Wayne Calhoun, Community Service Officer; James Friday, Public Utilities Director; Jeff Leveille, Technology Services Director; Rosanne Dates, Grants Supervisor; Allison Williams, Finance Director; Timmy Williams, Hospitality & Beautification Director; Kayla Fleming, Associate Judge; Bess Harry, Building Administrative Assistant; Lynn Smith, Human Resource Director; Katie Dennis, Planning Concierge; Braxton Fleming, Public Works Superintendent; Mike Prosser, Senior Master Police Officer; Merritt Bury, Utility Billing Manager; Anthony Montgomery, Public Utilities Pump Mechanic; and Alicia Shelley, City Clerk

OTHERS: Clay Finklea, Hillary Howard, Priscilla Fuller, William Wright, Cheryl Moore-Adamson, Maria Felomena Solomita, Sha-Ron Jones, Jo Ella McQueen, Edna Dewitt, Yvette Ernest, Ava Starnes, Marvin Greer, Michael Allen, Caroline Williamson and approximately 50 others in attendance.

CALL TO ORDER: Mayor Blain-Bellamy called the meeting to order. Clay Finklea of The Rock Church gave the invocation and led the Pledge of Allegiance.

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

APPROVAL OF AGENDA: **Motion:** White made a motion, seconded by Hyman, to approve the December 5, 2022 meeting agenda. **Vote:** Unanimous. Motion carried.

CONSENT AGENDA:

Approval of November 21, 2022 City Council Minutes

APPROVAL OF CONSENT AGENDA: **Motion:** Butler made a motion, seconded by Helms to approve the December 5, 2022 consent agenda. **Vote:** Unanimous. Motion carried.

PUBLIC INPUT:

Liliana Tschanett, Public Affairs Specialist with the Small Business Administration gave a brief overview of their services.

There was no further public input. **Motion:** Goldfinch made a motion, seconded by Hyman, to close public input. **Vote:** Unanimous. Motion carried.

SPECIAL PRESENTATION:

- A. Recognition of 2022 Artist of the City of Conway Christmas Card Contest** – Mayor Blain-Bellamy recognized Zoie Hucks, as the 2022 winner of the City of Conway Christmas Card Contest.
- B. Recognition of 2021 C.P. Quattlebaum Design Award Recipients** – Mayor Blain-Bellamy presented the following 2021 CP Quattlebaum Awards:

Outstanding restoration of a non-residential building:

Carolina Cheese & Provisions – 902 Third Ave

Outstanding NEW construction of a non-residential building:

United Community Bank – 1505 Church Street

Outstanding design effort:

The Trestle Mural – 308 Main Street

Outstanding Signage Project:

Lawson Law – 904 Third Ave (not present)

Outstanding contribution to quality development, restoration, landscape or design by an organization or individual:

Teal Alley – 1022 Third Ave

Outstanding NEW construction of a residential building:

208 Jessamine Street – April and Tom Anderson (not present)

- C. Presentation of Longevity Awards – November 2022 – 5 Years: Kelly Chestnut, Solid Waste; 5 Years: Anthony Montgomery, Public Utilities; 5 Years: Merritt Bury, Finance; 10 Years: Michael Prosser, Police** – Emrick and Hyman presented the longevity awards to Anthony Montgomery and Merritt Bury for 5 years; and Mike Prosser for 10 years of employment with the City of Conway. Kelly Chestnut was not present.
- D. Employee of the Month for December 2022 – Public Safety** – Chief Long presented Allan Huggins with the Public Safety Employee of the month for December 2022.
- E. Recognition of Education Achievement – Fire Department** – Chief Hendrick and Assistant Chief Perzan recognized the following City of Conway Fire Department

employees for receiving their EMT Certifications: Captain Antwan Nesmith, Captain Jimmy Davis, Lieutenant Matt Melvin, Sergeant Chris Price, Firefighter Jacob Kirkley, Engineer Hayden Witt, and Sergeant Brian Cummings. He then thanked Captain Tim Smith of the Horry County Fire Rescue as the lead instructor.

F. Discussion of a proposal to rezone approximately 1.6 acres of property located on Westridge Blvd from City of Conway Highway Commercial (HC) and Conservation Preservation (CP) to Medium Density Residential (R-2) (PIN 337-13-03-0056).

Hucks stated that this property is currently zoned HC and CP, and has frontage directly on Westridge Blvd. The property is currently vacant. The applicant proposes to construct duplexes on the property and has recently split 1.6 acres from the parent tract where Geometrics is located. The future land use map of the Comprehensive Plan identifies the property as split between HC on the front half and CP on the back half of the property. Planning Commission will hold the public hearing on January 5 and will then forward to Council for first reading.

White asked if the rezoning would affect the residents. Hucks said that across the road is multi-family and the Westridge Subdivision.

Blain-Bellamy asked how far away from Highway 378 was the property. Hucks said approximately 500-600 feet, just behind Geometrics.

White inquired about the notice to property owners within 200 feet and asked if it was now being sent to property owners within 500 feet. Hucks stated that this was a courtesy but can consider if that is what council wants. Emrick stated that the previous Planning & Development Director was looking into changing the rule to 500 feet. Staff will research and bring back to council as an amendment to the policy.

G. Discussion of a proposal to annex approximately 1.47 acres of property located at 3546 Hwy 701 South, and rezone from Horry County Retail with Accessory Outdoor Storage District (RE4) to City of Conway Highway Commercial (HC) (PIN 381-01-04-0019). Hucks stated that this property has a signed restrictive covenant from a previous property owner in order to receive city water and/or sewer services. The subject property is now contiguous to property in the City limits and the property owner has applied for annexation into the City of Conway. The property is currently being used for retail services, with an existing Dollar General onsite. The future land use map identifies the property as being HC. Planning Commission will hold the public hearing on January 5 and will then forward to Council for first reading.

FIRST READING:

A. First reading of Ordinance #ZA2023-01-03 (A) to annex approximately 6.6 acres of property located at 2202 Camelot Street (PIN 338-07-04-0013) and request to rezone from Horry County Highway Commercial (HC) to City of Conway Highway Commercial (HC). Hucks stated that the applicant, Gerald Builders has owned the subject parcel since 2005 and has now applied for annexation and rezoning in the City of Conway. Access to the parcel is provided via Highway 501 and Camelot Street. There is currently a metal building on the property. The future land use map identifies the parcel

as HC. Planning Commission will hold the public hearing on December 8 and then forward to Council for final reading.

Motion: Goldfinch made a motion, seconded by Hyman, to approve first reading of this annexation request. **Vote:** Unanimous. Motion carried.

- B. First reading of Ordinance #ZA2023-01-03 (B) to annex approximately 0.6 acres of property located at 901 Buccaneer’s Cove (PIN 382-13-01-0003) and request to rezone from Horry County Single-Family Residential (SF20) to City of Conway Low/Medium Density Residential (R-1).** Hucks stated that this annexation application was submitted to the City by Nazario Garcia Ortiz on November 4, 2022. Mr. Garcia applied for a building permit from Horry County in July 2022 to construct a single-family home on the subject property. Approximately three months later, the applicant went to pick up his building permit from the County when he was informed that a utility receipt for a water connection would be required before the building permit could be issued. When Mr. Ortiz went to the City’s Finance Dept. to pay the fees, he was told he would need to sign a restrictive covenant and would also need to request annexation. Typically, if annexation is required, that information would be relayed to the applicant at the time the permit is applied for. In this case, the permit had been applied for, paid for, reviewed and approved, and it was not until the applicant went to pick up his permit that he was made aware of the requirement to annex the property into the city limits. Rather than requiring the applicant to apply for a building permit for the home in the City and also wait until annexation has been achieved before beginning construction on the home, the applicant was permitted to apply for annexation and provide the restrictive covenant and proceed with obtaining the permit from Horry County for construction of the home. There is one (1) other lot along Buccaneer’s Cove that is annexed into the City, zoned R-1 (low/medium density residential) – a few lots down from the subject property. The property directly adjacent to this one also has frontage along Hwy 544 is also in the City, zoned Neighborhood Commercial NC).

Hucks said that staff recommends approval of the request with the condition that second and final reading of the request be postponed until construction of the single-family structure is complete and has been issued a certificate of occupancy by Horry County Code Enforcement since they issued the building permit.

Motion: Hyman made a motion, seconded by Jordan, to approve first reading of this annexation request and that second and final reading of the request be postponed until construction of the single-family structure is complete and has been issued a certificate of occupancy by Horry County Code Enforcement. **Vote:** Unanimous. Motion carried.

CONSIDERATION:

Consideration of Approval of Name for New Subdivision located on Hwy 65, Hwy 813 and Lite Road – “Hainer Place” – Hucks informed Council that the proposed development is currently being reviewed by the Technical Review Committee and was initially proposed to be named Homewood Estates, however the applicant has requested to rename the subdivision Hainer Place upon final reading of the plat for subdivision of the property.

Motion: Goldfinch made a motion, seconded by Hyman, to approve the naming of the subdivision Hainer Place. **Vote:** Unanimous. Motion carried.

CITY ADMINISTRATOR'S REPORT:

Emrick informed Council of the following:

- Staff met last week with all parties involved in the Laurel Street debacle. We believe there is a path forward that will get everyone closer to the finish. It will not be without further disruption, but we are doing everything we can to minimize this and not interfere with the holiday shopping season.
- The Staff Christmas Party is tomorrow beginning at 6 p.m. at the Sports and Fitness Center.
- The Drop-In event for Boards, Commissions and Retirees is Wednesday from 4 p.m.-6 p.m. at 5th and Main.
- The Under the Lights 5k is Wednesday at 6 p.m.
- Thursday's Christmas festivities include Living Windows and Curtis the Conway Christmas Camel.
- The Polar Express will be shown at the Terrace on Friday night at 6 p.m.
- Pancakes with Santa is Saturday morning starting at 8 a.m.
- The Chamber Christmas Parade is Saturday at 10 a.m. I need Council at the Train, near Main Street on 16th at 9:30 a.m.
- It's been a bit since I updated you on work at City Hall. First, I want to point out that we have not yet done any work on the original City Hall portion of the building. Work in this side will consist primarily of painting and refinishing the flooring. There are some minor repairs to the windows and other areas, but mostly minor. Where the bulk of the time has been spent is on the portion of City Hall that was originally the Fire Department, and most recently housed the City Court facilities. Upstairs on this portion is scheduled to be mostly complete and ready for furniture in two weeks. Downstairs is a good bit further away from completion, but HVAC, plumbing and electrical is almost finished, making way for drywall, fixtures, and flooring. Crews worked today on the slate roof that was damaged during Hurricane Ian. Finally, a new elevator will be installed in January. It's been a long construction process already, but there is a light at the end of the tunnel.
- We issued a Notice to Proceed today to contractors for the Smith Jones Pool reconstruction. Hopefully, you will see progress there soon and we'll be open by Memorial Day weekend.
- 10U and 15U soccer Allstars both in the state tournament in Rock Hill this last weekend. Both teams played tremendously well, but came up just short this year. Big congratulations to our kids and the continued growth of Conway Soccer.
- We have department reports from Human Resources, Finance, and Planning.

DEPARTMENT REPORTS:

Finance – Bury stated that the Finance Department will continue with the Angel Tree program as they have done for the last two years, and is hopeful that even more families can be helped this coming year. In 2020, 32 families were helped totaling \$1,681.10. In 2021, 36 families were helped totaling \$2,222.86. Bury stated that one would just pick a bell from the tree located in the Finance building and tell the amount you wish to donate towards the bill.

Human Resources – Smith gave an update to Council on the following:

Flyer to Employees: October Open Enrollment for Insurance
 United Way Campaign
 Slow the spread & Stay Healthy – Flu & Covid Vaccine info.
 Healthy Living - Check your blood pressure regularly

Employee Events: Open Enrollment
 United Way Campaign
 United Way Day of Caring – 14 employees participated
 Teal Tuesday
 Breast Cancer Awareness We wore Pink on Wednesday’s in
 October
 Green & Gold Tiger Friday’s
 Witches Wednesday Employee Treats from HR on Wednesday’s
 Human Resources had a float in the CCU Homecoming parade
 Flu Vaccine Clinic for employees
 Employee Halloween Decorating Contest – Winners – Shop
 HR assisted with Zombie Run and Haunted Trail
 Fall Luncheon on October 31, 2022
 Becky & I attended the BS&A software conference
 American Red Cross Blood Drive
 Shoe boxes for Seniors – 122 boxes delivered to Horry County
 Council Christmas Decorating Work Days (4) Two of the days we
 provided lunch

New hire orientation	Police Officers	4
10/10/2022	Parks & Recreation Grounds & Maintenance Technician	1

New hire orientation	Police Officer (fully staffed)	3
12/5/2022	Fire	4
	Solid Waste	1
	Public Utilities	1
	Planning	1
	Recreation – Part-Time	2

A video was then shown recapping all events.

Planning – Hucks informed Council of the following:

2022 has been a very busy year for Planning. Even though there have been decreases in some review types, there have been increases in other areas of review. Below is a list summary of what staff has been working on in 2022. The Planning & Development Dept. is comprised of 8 staff members – 5 people dedicated to Planning & Development items, 2 staff in GIS who assist multiple departments in updating data, and 1 arborist.

Text amendments: Staff has worked on 23 text amendments in 2022. Of those, 6 have been adopted.

Annexations: 22 annexation applications have been processed in 2022 (these do not require public hearings).

Annexation/rezonings: 16 applications for annexation and rezoning have been processed in 2022.

Rezoning applications: in 2022, staff has processed 17 rezoning applications.

CAB items: The Community Appearance Board has reviewed 81 applications for a Certificate of Appropriateness in 2022.

Tree Board: unlike previous years, 2022 has been a busy year for the Tree Board. They have met 9 times in 2022 and have considered 9 appeals for either removal of protected trees or appeal of mitigation amounts.

Zoning Compliances (zoning approvals): Staff has issued 622 zoning compliances in 2022. This includes new residential, accessory structures, residential additions, sign permits, and commercial structures.

Minor Plats: staff has reviewed 65 minor plats in 2022. 48 of them were approved.

ENFORCEMENT:

- Illegal sign removals: Staff has removed 1,545 illegal signs in 2022; 11 of which are for the month of November.
- Zoning violation notices / site visits for violations: staff has sent 44 violation notices in 2022 and has made 74 visits to properties in violation of the UDO.
- Business License reviews (for zoning approval): staff has reviewed 209 requests for new business licenses – both commercial and home occupations – in 2022.

TRC REVIEWS:

- Commercial: Staff has completed 45 commercial reviews for proposed commercial development in 2022.
- Residential: Staff has completed 61 TRC reviews for major subdivisions in 2022 for 22 new subdivisions.
- Customer meetings: Staff participates in several meetings with customers seeking zoning information – whether for a new business, discussing zoning issues that exists with properties, or to discuss development options. To date in 2022, staff participated in approx. 170 customer meetings.

COUNCIL INPUT:

Hyman congratulated the under 10 and 15 soccer players. He then thanked staff for the wonderful tree lighting and said that he saw some drone footage and it looked like the biggest crowd ever.

White said that Highway 378, Highway 501 and Fourth Avenue all need work, as there are lots of potholes. White then said that the grass on the 2 lots on Highway 378 needs cutting.

Goldfinch congratulated the Police Department for being fully staffed for the first time in 3 decades. He then congratulated the new EMT's in the City and said that this would allow the fire truck to get there long before the ambulance. Goldfinch encouraged the city to do a Resolution to encourage the state delegation to allow new hires of the City the optional retirement plan, as right now it is not allowed under state law.

Jordan echoed Hyman and said that the tree lighting was incredible and he said no one was more deserving than Mike to light the tree. He also commended Chief Long as he saw a picture where Long was running the Reindeer Run in full uniform.

Butler thanked the staff for the great tree lighting celebration but would like to see in the future more accessibility for the handicapped and elderly. She also gave a shout out to all the teachers for their hard work and Ms. Spearman for being awarded the Conway High School teacher of the year.

Blain-Bellamy said that she spoke to a hearing-impaired group at the tree lighting and they were very happy that we had an interpreter present; however, logistically to few of them were able to stand in such a way that they could see the sign language that was being offered but we will figure out the best option for them to see next year. Blain-Bellamy said this was the best tree lighting ever and heard no word of dissatisfaction. She stated that she was the choice spot for the snow and was so covered that she could not see. A lot of work and coordination went into making the event possible and thanked everyone that had anything to do with it.

Blain-Bellamy called for a break.

WORKSHOP:

Whittemore Elementary School Site Proposal – Rogers gave a brief overview on the Whittemore Elementary School Site background.

Cheryl Moore Adamson introduced the Whittemore Racepath Historical Society's proposal and stated that the society is partnering with Marvin Greer & Associates, a real estate development firm and Michael Allen, of MOA Architecture. Adamson said the society is asking the City of Conway to donate the building.

Greer further explained the proposal and stated that in order to finance the development, the group would design and develop an estimated \$15.9 million apartment complex using Low Income Housing Tax Credits, GAP financing from governmental sources, and will ask the City to donate the land.

Allen also spoke regarding the proposal.

Council had concerns with how the proposal would be funded and who would be responsible for maintaining the property.

Larry Biddle asked that Horry Georgetown Technical College be added to the list of partnerships.

After much discussion, everyone agreed that from this proposal the main goal was to save the building and structural engineers from both the City and the Historical Society would need to look at the site to determine next steps for the property, which would be brought back to City Council at their next meeting.

Collins Jollie Development Agreement – Emrick stated that the developers of this development are close to getting plat approval for the first Phase. One of the issues with Conservation Subdivisions is that they are protecting the wetlands and other sensitive areas and our ordinance requires them to plat out all of the wetlands separately from the rest of the development and then deed those to a wetland conservation entity. Due to the size of this tract, it is becoming problematic in that they are doing it in phases so they cannot anticipate where that property line needs to be for phase 8 while they are subdividing out phase 1. Emrick said they are counting part of phase 8 wetlands for open space for phase 1, which is what we want them to do, but because of the length of time it will take for them to develop, it is becoming a problem. City staff met with the developers and the solution is not one we normally would do, so that is why it is before Council. A Development Agreement is typically a time capsule sort of agreement that says you have created a development agreement on this development and the ordinance that is in place at the time the development agreement is signed is the ordinance that is in place for a period of 10 years, 15 years, or 20 years depending on the size and perimeters. That is not the intent of this development agreement. The intent of this development agreement is simply to say the wetlands piece will be broken out in a manner that meets the intent of the ordinance over the life of the development up to 10 years. Sometime during that 10 years, it will be deeded to an entity.

Emrick said that he would send the draft development agreement to the legal team and then bring back to Council for final approval. It also requires 2 public hearings, one of which can be done at Planning Commission and 3 readings by council.

Use of High School Tennis Courts – Smith stated that staff has come to an agreement with Conway High School to use the tennis courts at the school which will save the City lots of money. We can use the courts anytime of the year, except March 1 – April 21 and July 29 – October 17. This will give the city 11 total courts. It is a \$15,000 donation.

Helms asked about restrooms. Smith said that there are 2 located at the baseball field.

Emrick stated that once the agreement is ready, it will be placed on the Council agenda.

Height Limit in R3 – Emrick stated that the height limit in R3 along the Highway 501 corridor has come up recently, with all the development that is coming. City staff was approached by a developer for a big commercial project that may be coming into the city limits with a multi-family development behind it. The density that they need for this project would require them to go higher, up to 65 feet.

December 5, 2022

Split Zoning of Parcels - Hucks stated that the City's UDO does not currently address nor define split zoning of parcels; however, it has been staff policy that split zoning of parcels is not permitted. Staff is proposing the following two options: **(1)** – That the policy of generally not permitting split zoning of parcels be maintained and codified into the UDO. However, staff proposes an exception to this policy, in that when a parcel – seeking annexation and/or rezoning, containing environmentally sensitive areas, such as a flood zone/flood way and when the Future Land Use Map of the Comprehensive Plan identifies of the parcel as being zoned Conservation Preservation (CP), that the portion of the property containing these sensitive areas and shown as being zoned CP on the Future Land Use Map *shall* be rezoned to the CP zoning district or a Comprehensive Plan amendment be filed; or **(2)** – That staff adopt an ordinance similar to that of Charleston County and James Island, which would regulate and/or prohibit split zoning of parcels and where parcels are split zoned and/or shown as being split zoned on the City's Future Land Use Map – that the most *restrictive* zoning district shown on the parcel (either currently zoned or as shown on the Future Land Use Map) will apply to the entire parcel unless the property is rezoned or a Comprehensive Plan amendment is filed. In some instances, both would be required.

Council directed staff to pursue an amendment on codifying the policy regarding split zoning of parcels within the City of Conway.

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

APPROVAL OF MINUTES: Minutes approved by City Council this 3 day of January, 2023.



Alicia Shelley, City Clerk