

November 20, 2023

CITY OF CONWAY
CITY COUNCIL MEETING
CONWAY CITY HALL
229 MAIN STREET, CONWAY
MONDAY, NOVEMBER 20, 2023 - 4:00 P.M.

PRESENT: Mayor Barbara Jo Blain-Bellamy, Mayor Pro Tem Justin Jordan, Autry Benton, Amanda Butler, William Goldfinch, Beth Helms, Larry White.

STAFF: Adam Emrick, City Administrator; Mary Catherine Hyman, Deputy City Administrator; John Rogers, Deputy City Administrator; Jeff Leveille, Technology Services Director; Allison Williams, Finance Director; Timmy Williams, Hospitality & Beautification Director; Brandon Harrelson, Public Works Director; Reggie Jenerette, Solid Waste Director; Lynn Smith, Human Resource Director; Rock Rabon, Fleet Maintenance Director; Jasmine Waites Parker, City Attorney; Ted Dudley, Public Utilities Deputy Director; Jessica Hucks, Planning and Development Director; Le Hendrick, Fire Chief; Ashley Smith, Recreation Director; Robert Cooper, Construction Services Director; Dale Long, Police Chief; James Friday, Public Utilities Director; Kayla Fleming, Municipal Judge; Katie Dennis, Planning Concierge; and Alicia Shelley, City Clerk.

OTHERS: There were approximately 20 others in attendance.

CALL TO ORDER: Mayor Blain-Bellamy called the meeting to order. Rev. Robert Bannan, Kingston Presbyterian 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 Butler, to approve the November 20, 2023 meeting agenda. **Vote:** Unanimous. Motion carried.

CONSENT AGENDA:

- A. Final reading of Ordinance #2023-11-20 (A) to amend Title 7, Chapter 4, Article H, Busking (Street Performers), of the Code of Ordinances, City of Conway.**
- B. Final reading of Ordinance #ZA2023-11-20 (C) to annex approximately 0.66 acres of property located at 3420 Cates Bay Highway (PIN 369-11-03-0072), and rezone from the Horry County Residential, no mobile homes allowed (SF20) district to the City of Conway Low/Medium-Density Residential (R-1) district.**
- C. Final reading of Ordinance #ZA2023-11-20 (D) to annex approximately 0.51 acres of property located at 443 Dunn Shortcut Road (PIN 337-07-01-0002), and rezone from the Horry County Commercial Forest Agriculture (CFA) district to the City of Conway Low/Medium-Density Residential (R-1) district.**
- D. Final reading of Ordinance #ZA2023-11-20 (E) to annex approximately 0.49 acres of property located at 447 Dunn Shortcut Road (PIN 337-07-01-0003), and rezone from**

the Horry County Commercial Forest Agriculture (CFA) district to the City of Conway Low/Medium-Density Residential (R-1) district.

E. Approval of Purchase of Vehicle Extrication Tool (Budgeted)

F. Approval of November 6, 2023 Council Meeting Minutes

APPROVAL OF CONSENT AGENDA: Motion: Jordan made a motion, seconded by White to approve the November 20, 2023 consent agenda. **Vote:** Unanimous. Motion carried.

PUBLIC INPUT:

- Alan Todd of Conway Architectural Salvage invited Council to attend the first full home deconstruction scheduled for next week.

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

SPECIAL PRESENTATION

A. Presentation of a Resolution Recognizing Horry County Schools for Receiving the Purple Star Designation from the South Carolina Department of Education – Blain-Bellamy and Helms presented Horry County Schools Board Member Melanie Wellons, District 8 with a Resolution recognizing Horry County Schools for receiving the Purple Star Designation from the South Carolina Department of Education.

B. Recognition of 2022 C.P. Quattlebaum Design Awards Recipients – Blain Bellamy presented the following 2022 Quattlebaum Design Awards:

- Outstanding restoration of a non-residential building: 315 Kingston Street for Honey Hair Studio to Bridget Stalvey & Kelly Kise, business owners; and Susan McMillan-building owner
- Outstanding restoration of a home: 601 Burroughs Street to Pete & Cathy Andrew, home owners
- Outstanding new construction of a residential building: 4301 Bradford Drive to Mark & Tracey Thomas, home owners and contractors
- Outstanding Landscape Project: 893 Kingston Lake Drive to Amanda & Justin Roof, home owners; and Truitt & Amy with Hardwick’s Landscaping, contractor
- Outstanding contribution to quality development, restoration, landscape or design by an organization or individual: 220 Rivertown Blvd- B&B Theaters – Blain-Bellamy said that Dennis McIntyre with B&B Theaters was unable to attend but would like to express his gratitude to city staff, the Community Appearance Board and City Council for this honor. He states “The remodel was a big success, and the City of Conway Staff and Council are a large reason why.”

C. Presentation of Employee of the Month for November 2023 – Public Works – Harrelson presented Jamison Dixon with the Employee of the Month award for November 2023.

D. Discussion of a request to annex approximately 8.7 acres of property located at 2325 Hwy 501 East (PIN 383-11-01-0004), and request to rezone from the Horry County Highway Commercial (HC) district to the City of Conway Highway Commercial (HC) district. Hucks stated that the applicant submitted an annexation and rezoning for the property located at 2325 Highway 501 East. The applicant is being required to request annexation from the Public Utilities Department as they need to tap into the City's water main to set a fire hydrant, and this is considered an extension of service. Until the applicant submitted the annexation application, there had not been restrictive covenants on file for this property; however, there are now recorded restrictive covenants on file. The two properties that are located on each side of the property is zoned City of Conway HC and the future land use map of the Comprehensive Plan also identifies the property as HC. Planning Commission will hold the required public hearing at their November 27, 2023 meeting and provide a recommendation to City Council.

E. Discussion of a request to rezone approximately 1.84 acres of property located near the intersection of Medlen Parkway and Oak Street (PIN 338-02-01-0038) from the Neighborhood Commercial (NC) district to the Medium-Density Residential (R-2) district. Hucks stated that the applicant is seeking to rezone this property from the current zoning of NC to R2. The property is currently vacant. It is directly adjacent to what has been proposed to be future phases of the existing Elmhurst development, and it is across the road from the Midtown Village subdivision and the newer Midtown Oaks development. The future land use map identifies the property as Conservation Subdivision; likely due to the fact that almost the entire property is consumed by the AE Flood zone. However, adjacent properties are identified as R2, which makes the request consistent with the zoning and density in the immediate area. This request will be considered by Planning Commission at their November 27 meeting, at which time the required public hearing will also be held. Following that meeting, Planning Commissions recommendation will be forwarded to Council for first reading.

There was some discussion regarding flood zones and flood ways.

FIRST READING

A. First Reading of Ordinance #2023-12-04 (A) amending Title 6 – Health and Sanitation, Chapter 3- Garbage and Waste Disposal, of the City of Conway Municipal Code to update fees, amend refuse receptacle and service requirements. Jenerette stated that he received the new garbage truck and that the bins are not compatible with the new trucks therefore the bins need to be taken out of service and replaced with roll carts. Additionally, this amendment to the ordinance includes the ERF requirements and includes that the Solid Waste Director has the authority to require EFR use for certain properties, a discount of 10% for ERF use, and an additional 5% discount for ERF grease trap use.

Motion: Goldfinch made a motion, seconded by White, to approve first reading of Ordinance #ZA2023-12-04 (A)

There was some discussion regarding grants for the carts, payment of carts to existing or new homes, public awareness of recycling, and back door service for the elderly,

Amended Motion: Goldfinch amended his motion to approve first reading of Ordinance #ZA2023-12-04 (A), with the addition of existing customers that request a blue cart get it at no charge or first option on the carts that are received through a grant, if applicable.

Vote: Unanimous. Motion carried.

- B. First Reading of Ordinance #ZA2023-12-04 (B) to annex approximately 0.49 acres of property located at 2518 Cultra Road (PIN 325-15-02-0003), and request to rezone from the Horry County Residential, no mobile homes allowed (SF20) to the City of Conway Low/Medium-Density Residential (R-1) district.** Hucks stated that this annexation request was submitted by the applicant due to a change in the name of the utilities account. It is staff's understanding that this is heir's property, and when the applicant sought to have the water account put in their name, the requirement to request annexation was triggered. Restrictive Covenants were recorded. The City's future land use map identifies the property as R1. The property is across the street from the Kingston Bay subdivision, which is currently under construction. Over the past few years, there have been a couple of other properties that have either been required to request annexation or that have sought annexation, and in those instances, Council chose not to annex those properties. For consistency, staff recommends against annexation of this property at this time. The requirement to request annexation in the future would again be triggered if the property were to be sold or changes hands.

Motion: Blain-Bellamy made a motion, seconded by Goldfinch, to deny this annexation request. **Vote:** Unanimous. Motion carried.

CONSIDERATION:

- A. Consideration of approval of name for a new single-family development, located on E. Country Club Dr. – "Snowhill Plantation."** Hucks stated that the proposed development is currently being reviewed by the Technical Review Committee. The preliminary plans call for this development to consist of 95 single family homes. The applicant requests to name the proposed subdivision "Snow Hill Plantation" upon plan approval. Section 10.3.18 of the City of Conway Unified Development Ordinance says that all subdivision names must be reviewed and adopted by Conway City Council.

White requested that the applicant come up with something else other than plantation. Pitts said that he would come back with something more appropriate.

Motion: Blain-Bellamy made a motion, seconded by White, to defer this request. **Vote:** Unanimous. Motion carried.

- B. Consideration of a request for waiver of sidewalk requirements for a proposed restaurant, "Freddy's", to be located off of East Highway 501 (PIN 400-04-02-0004).**

Hucks stated that this property and the Popeyes Chicken property are side by side and are also simultaneously going through the technical review process if Council would like to consider them together. Blain-Bellamy said that VIII. B. and VIII.C. would be considered together.

Hucks said that the applicant is seeking a waiver to install the sidewalks for these 2 developments, located on Highway 501 across from the Myrtle Ridge Walmart, and between the intersections of Wild Wing Boulevard and Gardner Lacy Road. The linear footage that would otherwise require installation of sidewalks for Freddy's is approximately 122 LF. The linear footage that is required for the property where Popeye's Chicken is proposed is 137 LF. Based on the city's current contracted amount per linear foot for sidewalk installation is \$29.75, the amount for the Freddy's property would total \$3,629.50, and the total for Popeye's is \$4,075.75. The total for both properties would be \$7,705.25. When these requests first came in, the Technical Review Committee thought the properties were accessed via a frontage road, but the frontage road actually starts just past this property. Over the past several years, several parcels have been annexed and developed, which also required the installation of sidewalks. Aldi's, Tidal Wave Car wash, the student housing development next to it currently known as "College Town," Extra Space Storage, and Ekklesia Church have all been developed since 2015, and all were required to install sidewalks. Hucks said that there does appear to be road construction occurring in the area; however, to what extent that will impact these properties is not known at this time. Based on staff's measurements, which can only be accurately determined via a survey, the right of way for this portion of Highway 501 is approximately 300' and the lines for these parcels are approximately 80' from the edge of the pavement of Highway 501. The other properties have the sidewalk installed far enough back that it does not impact the roadwork or widening being done. The ordinance required that sidewalks be installed along the frontage of all properties abutting arterial or local non-residential streets. If the sidewalk could not be installed within the right of way, there is the option of granting the city an easement over the location of the sidewalk installation on the private property. It appears that looking at GIS, that Aldi's, Tidal Wave Auto Spa and the College Town student housing development have installed their sidewalks on private property and not in the ROW. In order to create the sidewalk connectivity that is needed in the area, and because there are other properties that have been annexed and developed in the city that have also required sidewalk installation, staff recommends against approval of a sidewalk waiver.

After some discussion, **Motion:** Blain-Bellamy made a motion, seconded by White, to deny the request for waiver of sidewalk requirements for Freddy's and Popeyes Chicken. **Vote:** Unanimous. Motion carried.

C. Consideration of a request for waiver of sidewalk requirements for a proposed restaurant, "Popeyes Chicken", to be located off of East Highway 501 (PIN 400-04-02-0005). Combined with B. See above motion.

D. Consideration of Acceptance of Bid for Replacing the Sherwood Sewer Lift Station – Friday stated that the Sherwood Drive Sewer Lift Station is a 73-year old pump station and needs to be totally replaced. The purchasing department requested bids and received four responses. R.H. Moore was the low bid of \$1,394,000. \$1,000,000 was budgeted in the

FY23-24 budget. The project will span two budgets. The difference of \$394,000 will be requested from the Capital Project Fund balance in the next budget year. Friday asked Council for approval to accept the low bid from R.H. Moore.

Motion: White made a motion, seconded by Benton, to accept the low bid from R.H. Moore. **Vote:** Unanimous. Motion carried.

- E. Consideration of a Special Event – Under the Lights 5K - December 6, 2023** – Smith stated that Under the Lights 5K was approved in June with an old map of the run route. After talking to SCDOT and Chief Long Since submitting this different route and having to close the bridge, staff has decided to withdraw this map and use the original run route that has already been approved.

Motion: White made a motion, seconded by Jordan, to withdraw this request. **Vote:** Unanimous. Motion carried.

- F. Consideration of 2024 City Council Meeting Schedule** – Emrick presented the proposed 2024 Conway City Council Meeting Schedule. The only significant change from prior years is that April will not have a first meeting due to Horry County Schools Spring Break.

Motion: Blain-Bellamy made a motion, seconded by White, to approve 2024 Conway City Council Meeting Schedule as presented. **Vote:** Unanimous. Motion carried.

CITY ADMINISTRATOR'S REPORT:

Emrick informed Council of the following:

- Emrick said that if you have not been outside during the last 20 days, City elves have been frantically getting ready for Christmas, again, raising the bar for next year. To make sure you don't miss anything this year, Emrick described a few of the displays that staff have to make Christmas in Conway, the only place you need to visit this holiday season.
 - 22' high "Big Shiny Balls" at the corner of Kingston and 2nd Avenue and another pyramid that has not yet assembled.
 - Kingston Park is adorned with gold and red ornaments, and warm white lighting.
 - The Garden Walk has teal ornaments, a glitter deer, and warm white lights.
 - The Terrace will have garland and bows and will be the site of four movies this holiday season, as staff just this morning added Die Hard to the list of movies shown at the Terrace this year.
 - Riverfront Park is currently being transformed into Riverlight again this year. It will feature the 30' walk through tree, life sized reindeer figures, 15' tall stacked gift boxes, and the newest piece are the weeping oaks.
 - The Christmas Village has overtaken the Town Green and will host vendors, Santa and Train rides each week starting with the Tree Lighting.
 - There's so much more including a 20' walk through ornament, the Celebration of Lights, and much, much more.
 - The Annual Tree lighting starts at 6 pm next Thursday. If all of you will assemble behind the stage at 5:45 pm, Council will have a space at the side of the stage to watch the tree lighting and be acknowledged from the stage.

- The Rivertown Regatta is December 2. This event has enormous crowds, but struggles to get a lot of boats to participate. We're trying to help with this, so we've offered to pay the \$30 entry fee for any City employee that enters a boat in the parade.
- The City Staff Christmas Party will be at the Sports and Fitness Center again this year on December 5 at 6 pm.
- The Christmas Parade is December 9 at 10 am. The Council Train will be near the beginning of the parade route lineup and I will have more information on this closer to the date.
- The Whittemore Task Force met last week for their third meeting. They have looked at needs of the Community and wants of the Community. The Task Force has now asked to be in charge of setting their own agendas. They next meet on December 6.
- Staff receives regular market updates from the Coastal Carolina Association of Realtors that is specific to the Conway market. Despite the soaring interest rates and inflation, housing sales are still very strong in Conway. Our median sales price for a single-family home is nearly \$288,000. This is down 3.8% year over year, but still nearly \$100k more than it was just a few short years ago. And sellers are still receiving 97.4% of their asking price. The biggest take away that Emrick said that had from the report was that new listings are down 13.7%, but closed sales are up 9%. This means we have a smaller inventory of houses on the market and higher demand for those houses.
- Coastal Carolina University's Women's Volleyball team won the Sun Belt championship yesterday, beating James Madison University. Coastal Freshman, Jalyn Stout set the NCAA Division 1 record for the triple-doubles in a single season at 14 and was recognized as the tournament's Most Outstanding Performer. Coastal will find out its seeding in the NCAA tournament this Sunday.
- In other Coastal news, the Coastal Football team closes out its regular season at home against JMU. If we win this game, we win the Sun Belt East and will play Troy in the Sun Belt Championship. If you are in town this Saturday, you need to find a ticket to this game and show up to loudly support the Chants.
- Emrick reported that the traffic study has concluded at Hill and Sixth Street and it does support a 4 way stop.
- The Warden Station is being workshopped again tonight and after a short break should move to the meeting room.
- We have Department Head reports from Public Utilities and Solid Waste. Emrick then wished everyone a very Happy Thanksgiving.

Public Utilities – Friday announced that the City of Conway Public Utilities was awarded the Sewer System of the Year by the South Carolina Rural Water Association.

Solid Waste Department – Jenerette reported on the following for the Solid Waste Department:

- Has 1 position for a Heavy Equipment Operator 2
- The residential tonnage for the month of October was 537.94 solid waste.
- The cardboard recycling tonnage for the month of October was 80.01 tons.

COUNCIL INPUT:

Jordan wished everyone a Happy Thanksgiving.

Goldfinch said that Mr. Friday inspired him and he thinks that Friday should put out a newsletter at least once a quarter and call it, Talking Crap.

White asked that staff put a map or display up at Chestnut Bay of what it is going to look like. Emrick stated that one of the grant requirements is to put out information on the grant funding, so that will be going out at some point. White recommended a meeting with County Council to share rules and regulations; and also suggested inviting Council members of other cities to the meeting. White stated that he would like to bring in the Conway High girls' team to acknowledge their accomplishment.

Helms said that she is honored to be on the Whittemore Task Force Committee and apologized for missing a few minutes due to family sickness. Helms thanked staff for the decorating.

Benton said that it was good to be out at Chestnut Bay, celebrating what is going to be taking place there, and also seeing Kevin Chestnut, whom gave his heart and soul to this city. Benton said he is amazed with the pickleball courts and how much they have been used. Benton added that the disc golf course has also been a success in the city. Benton said that he has been following the Whittemore Task Force and has been impressed, and is excited to see what is to come. Benton wished Emrick a happy birthday and thanked him for all that he does.

Everyone sang happy birthday to Emrick.

Blain-Bellamy said the need to give accolades to the sports teams is growing and she asked that Council give her the whereas information for the Resolutions. Blain-Bellamy asked staff to think of how the young folks can be efficiently recognized. Blain-Bellamy said that White often says that we need to displace the word affordable housing, and she attended a conference today and the USDOT has coined the word, attainable. Blain-Bellamy congratulated those Council members that were reelected and also to the new member as we move forward

Break

WORKSHOP:

Discussion of the Warden Station Planned Development and Development Agreement – Hucks stated that she sat down with Mr. Salvino from CCU last week and he provided some feedback on the cost benefit analysis that had been done up to this point. An analysis like this typically takes an entire semester to complete but Mr. Salvino said that it may include enough data to give a fair number but would still take some time to review what staff has submitted to him. Hucks said that this development agreement calls for the proposed enhancement fees to be collected with each building permit. Some of the biggest issues staff has been attempting to reconcile include: (1) the rate of taxation for parcels developed as multifamily because it is not known at this time if they will be rentals or condo ownership, where the property is in common and owned collectively by the POA; (2) The rate at which development will occur, as the market is not something we are able to predict and there is no guarantee that 1/5 of the project area will be developed every 5 years; and (3) Inflation, and what the rate will be year over year.

Hucks said that some of the things that was discussed, and could be considered included that any fees that would otherwise be enhancement fees collected with a permit be submitted up front prior

to development occurring. This way, assuming that development does occur the way it is proposed, rather than the city receiving a 2% increase year over year for the enhancement fees, the city would accrue a higher percentage in interest each year to help pay for the cost of new capital expenditures. Currently, the consumer price index is estimated at 6%, so assuming the interest that is accrued is higher than the 2% increases being proposed, there could be more money in the city's budget for those expenditures at the time they are purchased. Instead of the rate of accrual being at 1.02, it would be at whatever the city's interest accrual is. Alternatively, the language could be revised to match whatever the consumer price index is for that year that the building permits are issued. Hucks said that another option is to treat them like impact fees. In this case, only capital expenditures could be included in the analysis that would determine the enhancement fees, not personnel. This would include property acquisitions, buildings, vehicles, etc. The 500 plus acres that is proposed to be conveyed to the city should be considered in the assessment of the enhancement fee to offset what that fee would ultimately be, since it is an asset. Hucks then said that staff is still working on getting a good number to include, and asked Council is there is anything that they would like for staff to consider, staff would be glad to look into that as well.

Guyton informed Council that he went to the other municipalities and Horry County for information on enhancement fees but no one has yet developed a model. However, NMB uses an impact fee with a lump sum of \$5,000, of which \$1,100 is for beach parking. Since Conway has no beach, he would recommend that the lump sum be \$3,900. Guyton then said that since transportation is a big necessity in Conway that \$250,000 would be given to the City to use for transportation needs.

Benton requested having a feasibility study.

Council had concerns about not seeing the agreement in print and requested that the blanks be filled in.

Pitts was concerned about the timeline taking too long and the client leaving the project.

After much discussion regarding the timeline it was decided that the agreement blanks would be filled in and brought to Council for first reading at the December 4, 2023 meeting with a workshop for the Development Agreement in Executive Session at that same meeting.

Harrelson said that the Stormwater Plan submitted has not had a full review but that at this point, he had no problem with it and that once the Design Manual is approved, the requirements will be more stringent.

EXECUTIVE SESSION: Motion: Jordan made a motion, seconded by White to enter into Executive Session for the following: (A) Consideration of appointments to boards, commissions and committees [pursuant to SC Code §30-4-70(A) (1)]; (B) Discussion of Contractual Negotiations Incident to the Potential Acquisition of Property near Crabtree Swamp. [pursuant to SC Code §30-4-70 (A) (2)]; and (C) Discussion of Potential Legal Matters Related to the Underground Wiring Project [pursuant to SC Code §30-4-70 (A) (2)]. **Vote:** Unanimous. Motion carried.

RECONVENE FROM EXECUTIVE SESSION: Motion: Butler made a motion, seconded by Benton to leave Executive Session. **Vote:** Unanimous. Motion carried.

November 20, 2023

POSSIBLE ACTION ON MATTERS DISCUSSED IN EXECUTIVE SESSION: Motion: Blain-Bellamy made a motion, seconded by Helms to appoint the Boards and Commissioners as follows:

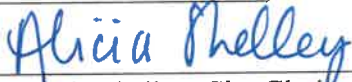
- Housing Authority – Angela Sampson, 5-year term
- Board of Zoning Appeals – Sandra James, Lesley Hill, Jay Sellers – 3-year term
- CAB – Coker Hall, filling unexpired term of George Ulrich expiring 12/31/2024
- Planning Commission – George Ulrich, filling unexpired term of Virginia Norris expiring 12/31/2024
- Planning Commission – Jessica Wise, David Sligh – 3-year term
- Construction Board of Appeals – West Courtney, Anna Barnhill, William “Harry” Dill – 3-year term

Vote: Unanimous. Motion carried.

Motion: Jordan made a motion, seconded by Butler to authorize the Administrator to purchase property near Crabtree. **Vote:** Unanimous. Motion carried.

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

APPROVAL OF MINUTES: Minutes approved by City Council this 4 day of December, 2023.


Alicia Shelley, City Clerk