

May 20, 2024

CITY OF CONWAY
CITY COUNCIL MEETING
CONWAY CITY HALL
229 MAIN STREET, CONWAY
MONDAY, MAY 20, 2024 - 4:00 P.M.

PRESENT: Amanda Butler, William Goldfinch, Julie Hardwick, Beth Helms, Justin Jordan

ABSENT: Mayor Barbara Jo Blain, Mayor Pro Tem Larry White

STAFF: Adam Emrick, City Administrator; Mary Catherine Hyman, Deputy City Administrator; John Rogers, Deputy City Administrator; June Wood, Public Information Officer; Jeff Leveille, Technology Services Director; Timmy Williams, Hospitality & Beautification Director; Lynn Smith, Human Resource Director; Rock Rabon, Fleet Maintenance Director; Ashley Smith, Recreation Director; Dale Long, Police Chief; Ted Dudley, Public Utilities Deputy Director; Brandon Harrelson, Public Works Director; Katie Dennis, Planning Concierge; Allison Williams, Finance Director; Kayla Fleming, Municipal Judge; Jessica Hucks, Planning and Development Director; Jason Perzan, Deputy Fire Chief; John Sumter, Administration Summer Intern; Kayla Chiles, Administration Summer Intern; and Alicia Shelley, City Clerk.

OTHERS: Priscilla Fuller, Hillary Howard, Lex Johnson, Ronald Matta, Winifred Parmley, Ella Pressler, Rob Siena, John B. There were approximately 20 others in attendance.

CALL TO ORDER: Goldfinch called the meeting to order. Goldfinch 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.

Jordan arrived and presided over the meeting.

CONSENT AGENDA:

- A. Final Reading of Ordinance #2024-05-20 (B) for approval of an Agreement to Lease City-Owned Property located at 163 Busbee Street.**
- B. Approval of Special Event – Summer Jam Family Night – June 27, 2024**
- C. Approval of a Resolution Recognizing the Waccamaw Sertoma Club for 50 Years**
- D. Approval of May 6, 2024 Council Meeting Minutes**

APPROVAL OF CONSENT AGENDA: **Motion:** Hardwick made a motion, seconded by Butler to approve the May 20, 2024 consent agenda. **Vote:** Unanimous. Motion carried.

PUBLIC INPUT:

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- Ron Matta – spoke regarding the Warden Station annexation, sale of the fish market, Council meeting time, acquisition of properties, requested Council to bring in businesses that provide jobs, and he accused Council of taking money from developers.
- Debbie Roberts spoke regarding parking issues at her business on Fourth Avenue.
- Ella Pressler spoke regarding the stormwater issues in Ivy Glen. Emrick stated that Harrelson would give Council an update on Ivy Glen at a later time.
- Winifred Parmley said that she lives at the back of Smith Jones and requested that the city provide an entrance for the 6 homeowners without having to go through the park.

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

SPECIAL PRESENTATION:

- A. Presentation of Employee of the Month for May 2024 – Public Works** – T. Williams presented the May Employee of the Month award to Paivi Seenath, Hospitality and Beautification Department.
- B. Proclamation Recognizing National Gun Violence Awareness Day** – Goldfinch presented the National Gun Violence Awareness Day Proclamation to Marcelle Ross, Moms Demand Action and the others present from the organization.
- C. Proclamation Recognizing National Safe Boater Week** – Butler presented the National Safe Boater Week Proclamation to the Grand Strand Coast Guard Auxiliary members that were present.
- D. Presentation of a Resolution Recognizing the Waccamaw Sertoma Club for 50 Years** – Hardwick presented the Resolution recognizing the Waccamaw Sertoma Club for 50 years of service to the City of Conway to the Sertoma Club members that were present at the meeting.
- E. Discussion of State Insurance Benefits Program (SCPEBA) regarding County/Municipality Councilmember Coverage** – L. Smith said that on March 6, 2024, the PEBA Board of Directors voted unanimously to amend the definition of “Employee” for the purposes of eligibility to participate in the state insurance benefits program. Councils of currently participating counties and municipalities must submit an addendum to their participation resolution to PEBA no later than July 1, 2024, indicating whether their councilmembers will remain eligible employees in the state insurance benefits program or if they will be excluded. This election applies to all members of council and is irrevocable for the duration of the City’s period of coverage in the state insurance benefits program. If council elects to exclude councilmembers from coverage, currently enrolled councilmembers will lose all coverage under the state insurance benefits program on the effective date of the addendum.

Goldfinch had concerns, asked for more information, and the matter was deferred until a later date.

- F. Special Presentation of a request to annex approximately 11.22 acres of property located on Highway 501, past the intersection of Wild Wing Blvd and Highway 501, (PIN 383-00-00-0323) and rezone from the Horry County Highway Commercial (HC) district to the City of Conway Highway Commercial (HC) district.** Hucks said that last month, the applicant submitted an annexation and rezoning application for the subject property, which is located a little past the intersection of Wild Wing Blvd, and on the left side of Highway 501 heading toward the beach. Last year, the adjacent property was annexed into the city as HC, for development of 2 fast food chains. Properties on either side are already within the city limits, making this property a donut hole, requiring annexation to connect to city utilities at the time any development is proposed. The property is currently zoned HC in the county's jurisdiction, and the requested zoning classification, if annexed, is also HC. The city's future land use map also identifies the property as HC. Planning Commission will hold a public hearing on the request at their next meeting, on June 6.
- G. Special Presentation of a request to rezone approximately 3.31 acres of property located at 695 Century Circle (PIN 383-06-03-0005) from the City of Conway Planned Development (PD) district to the City of Conway Light Industrial (LI) district.** Hucks said that this property is located on Century Circle, inside the Atlantic Center Industrial Park. A majority of the properties within the Atlantic Center are in the County's jurisdiction and zoned Planned Unit Development, or PUD, which is the older version of the Planned Development District. This property was annexed in 2006 as a Planned Development, as that was the property's zoning in the county as part of the Atlantic Center Planned Development. Further, the property was not developed at the time of annexation. In addition to the zoning, the property is also subject to Protective Covenants and Easements that, among other things, outlines the permitted and prohibited uses. The ordinance for the Planned Development also mirrors the protective covenants for the Atlantic Center, which lists the permitted and prohibited uses. In July 2022, staff received a request for a zoning determination letter, in which the Zoning Administrator responded to, stating that the proposed use of the property – H&E Equipment Services, would not be a permitted use based on the PD documents and the protective covenants for the property. Following this, there were discussions as to whether the proposed use could be permitted with the approval of the Property Owner's Association or if the original developer would have to lift the restriction. By August of 2022, a determination was made that the use could be permitted with approval from the Atlantic Center Property Owner's Association. Subsequently, a letter from the POA was provided by the owner approving the use with conditions that were later satisfied, giving the property owner approval to move forward with permitting. It wasn't until a Certificate of Occupancy for the building was requested a couple of months ago, that current staff realized the zoning of the property did not permit the use that had been constructed on the site, and regardless of the approval from the Property Owner's Association, it did not change the permitted or prohibited uses for the property, per the Planned Development district ordinance at the time the property was annexed, which mirrored the protective covenants for the Atlantic Center. Though the Certificate of Occupancy was granted, the use that exists is considered legal nonconforming, even though the use was recently created. Under the current ordinance, a legal nonconforming use cannot be expanded outside the current building footprint and if the current use were to cease operation or the building were to be vacated, the use could not be re-established after 180 days. Aside

from that, a Planned Development District is required to consist of a mixture of uses, including different residential dwelling types, different densities, as well as commercial uses. A single use Planned Development does not meet the intent of a Planned Development District. Therefore, staff reached out to the property owner detailing this concern and proposed to rezone the property to the Light Industrial (LI) district, which in turn would permit the use already established on the property. This is why the city is listed as the designated agent for the rezoning request. 6 other properties within the Atlantic Center are in the city limits, with 5 of them zoned Light Industrial. The other property, directly beside the subject property, is zoned Institutional. Regardless of the property's zoning, all properties within the Atlantic Center will continue to be subject to the Protective covenants for the Atlantic Center Industrial Park. Hucks said that Planning Commission will consider this request at their June 6 meeting.

FINAL READING:

Final Reading of Ordinance #2024-05-20 (A) to amend Title 7 - Licensing and Regulation, Chapter 2 – Alcoholic Beverages, Section 7-2-1, Alcoholic Beverages on Public Property; Public Consumption; Exemptions, of the City of Conway Municipal Code. Emrick stated that this request came to Council at the last meeting for first reading as a request from the Conway Chamber of Commerce as it relates to the Riverfest celebration. The Ordinance in question currently reads, “No alcohol may be served in glass containers, cans or bottles, only opaque paper or plastic containers, with the exception of Styrofoam or similar polystyrene foam material.” This Ordinance has been requested by the Chamber to remove the prohibition of cans as their new supplier for the festival is not using kegs and the beer will now be in cans, which will eliminate some of the waste. There have not been any instances that come to mind since this ordinance has been in place, and staff has added a couple of other changes that have been suggested by Council in the last couple of years as it relates to special event permits being pulled in the city. Emrick said that the Ordinance has not changed since first reading.

Goldfinch stated that he wanted to clarify that this request is not a consumption zone and is only allowed during special events for the patrons to have canned beer instead of beer in a cup for the efficiency of the non-profit organizations. Emrick said yes.

Motion: Hardwick made a motion, seconded by Helms, to approve final reading of Ordinance #2024-05-20 (A). **Vote:** Unanimous. Motion carried.

PUBLIC HEARING AND FIRST READING

Public Hearing and First Reading of Ordinance #2024-06-03 (A), Fiscal Year 2024-25 Budget, an Ordinance to Levy Taxes and Establish a Municipal Budget for the City of Conway, South Carolina. A. Williams gave the budget highlights and stated that the FY 24-25 comprehensive budget totals \$85,108,154. This is a 9% increase over the current year's budget. This includes a cost-of-living salary increase of 3.9% for qualifying employees, 8 full-time positions and 1 part-time position. The Property Tax millage will increase by 16% from 87.7 mills to 101.7 mills, and this increase is to cover the necessary Public Safety salary increases. This millage will come back to Council in August once the reassessment information is received from Horry County and the rollback calculation has been made. Solid Waste collection fees, Stormwater fees, and Water and Sewer rates will increase by the CPI rate of 3.9%. Operational

fire permit fees will range from \$25-\$100. The bulk user rate in Public Utilities will be phased out over the next 3 years and the customers will be notified. The current business license ordinance will be updated to change the definition of a real estate rental business to anyone receiving income from more than one real property.

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

Goldfinch explained the need for raising taxes saying that in order to pay employees as costs go up, taxes must increase. Goldfinch said that as property values go up, property taxes would go up as well. Goldfinch also said that it is a reassessment year for Horry County and the city has to roll back that millage so that the reassessment is revenue neutral to the city.

Motion: Goldfinch made a motion, seconded by Butler to approve first reading of Ordinance #2024-06-03 (A). **Vote:** Unanimous. Motion carried.

FIRST READING

- A. First Reading of Ordinance #2024-06-03 (B), amending Title 1, Chapter 1, Section 1-4-4 Creation of Specific Departments.** A Williams said that this request was to amend the ordinance to include the Municipal Court as its own department.

Motion: Jordan made a motion, seconded by Helms to approve first reading of Ordinance #2024-06-03 (B). **Vote:** Unanimous. Motion carried.

- B. First Reading of Ordinance #ZA2024-06-03 (C), to amend Article 6 – Residential Design Standards, of the City of Conway Unified Development Ordinance (UDO), regarding design standards for residential dwellings and dimensional requirements for fee-simple single-family attached dwellings.** Hucks stated that these amendments were discussed in detail during the workshop at the last council meeting. The residential design standards of the UDO have been amended twice before, with the design standards specific to single-family development initially adopted in 2022. In 2023, the design standards were amended to include other elements relative to Article 6, but also to strengthen the language that had been previously adopted regarding the materials for the front and side facades of a single-family structure. This amendment includes additional design standard requirements for major subdivisions, including block diversity requirements, the requirement to include additional architectural features on the front and side facades, additional requirements for garages facing a public street, and finally, an amendment to the minimum lot depth requirements for fee-simple townhome lots. Since the workshop, staff has made a few tweaks, just to add clarity, including the addition of pictures, showing what met requirements and what did not, and staff revised block diversity requirements regarding when a block diversity plan would be required. Rather than requiring a block diversity plan during preliminary plan review, the plan would be required before the first permit could be issued within a development, as a developer is almost always not the same as the homebuilder, so requiring it so early on would be almost impossible to enforce. Finally, the design standards as currently implemented and as proposed will be applicable at the time of permit submittal, so all major developments must comply, regardless of when they were approved. Given the number of developments being reviewed, it would be very difficult for

staff to determine when developments were approved. When compared to other places that had block diversity requirements, there were no exemptions that staff could find for major developments that were approved prior to adoption of the standards. A development could be approved, and lots could be platted for several years before a home is constructed so requiring the design standards to be applicable at the time of permit submittal only makes sense. Hucks said that in the PowerPoint, she included some pictures of homes within the city limits, some of which do meet the requirements, and some that do not. For the ones that do not, the largest reason they do not comply with the current standards is 1 – they pre-date the design standards adopted in 2022, but 2 – there is no secondary material, or the secondary material does not extend to the sides of the structure. Hucks said that Planning Commission recommended approval of the design standards that are proposed for first reading at their April 11 meeting.

Hardwick asked if this Ordinance is passed, will the new subdivisions have to use these design standards. Hucks said yes.

Motion: Hardwick made a motion, seconded by Goldfinch to approve first reading of Ordinance #2024-06-03 (C). **Vote:** Unanimous. Motion carried.

CONSIDERATION:

Consideration of a Special Event – Juneteenth Soul Food Festival – June 15, 2024 – Rogers stated that this request was from Go Get Your You Foundation for the 4th Annual Juneteenth Soul Food Festival at 1303 Fourth Avenue, Caribbean Jerk Cuisine and across the street at 1307 Fourth Avenue on June 15 from 11:30 a.m. until 8:00 p.m. The event will feature food vendors, retail vendors, bounce houses, Gullah storytellers, raffles, and veteran service.

Butler asked for the staff’s input. Rogers said that there were issues in the past with the applicant regarding the Economic Development Grant, but not with special events.

Motion: Goldfinch made a motion, seconded by Hardwick, to approve the special event application for the Juneteenth Soul Food Festival. **Vote:** Unanimous. Motion carried.

CITY ADMINISTRATOR’S REPORT:

Emrick informed Council of the following:

- Keep Conway Beautiful held their annual Spring Cleanup Day this past Saturday. Dozens of staff volunteered their day off to help keep our city litter free.
- On Tuesday, May 28 at 4 pm, the Mayor’s Youth Advisory Council will meet in Council Chambers and hold a public meeting in the same format as a City Council meeting. This will be the final meeting for the Council for the year and the final meeting for the seniors that sit on the Council.
- Emrick said that he, along with John and Mary Catherine attended the South Carolina Community Development Association meeting in Rock Hill two weeks ago. The meeting was informative and gave some great ideas for Conway. Like with most meetings, the biggest benefit was getting to see how other cities operate and the successes that they have

enjoyed. Rock Hill's commitment to Sports Tourism is unmatched. Amazing facilities and they have generated a large investment in their former textile mill buildings.

- Smith Jones Park opens for the season this Saturday.
- Conway High School's graduation is a week from tomorrow.
- Mark your calendars to celebrate the renovations of the parking lot behind Jerry Cox for June 7 at 10 a.m.
- Emrick encouraged all to peek at the Riverwalk Expansion.
- Staff have a holiday planning meeting this week. It's going to be the biggest Halloween and Christmas yet. Some amazing things are in the works.
- Emrick said that there is not a Workshop tonight, but before Executive Session, there are department head reports from Lynn Smith in HR and Brandon Harrelson in Public Works.

Human Resources Department – L. Smith reported the following:

Events since the last HR report to council on October 16, 2023:

- October – Minion Monday treats for employees.
- November - Thankful Thursday treats for employees.
- Participated in Untied to Read on November 7, 2023 at Pee Dee Elementary School.
- Stella's Ice Cream had ½ price ice cream Employee Appreciation Day on November 29, 2023
- Shoeboxes for Seniors were delivered on November 30, 2023.
- Merry Monday treats for employees - December 2023.
- The city hosted two American Red Cross Blood Drives: 1 on December 27, 2023 where 22 employees donated and another on March 19, 2024 with 28 employees donating.
- The employee drawing for Easter Basket winner was Ricky Steele, Solid Waste.
- The city held 9 new hire orientations from November 6, 2023 – to May 20, 2024 that included: 40 Full -Time Employees and 4 Part Time employees.
- The city held summer worker/intern orientations that included 41 summer workers/interns.
- Employee Food Truck Luncheon on May 7, 2024 was held at the Shop Complex.
- Nevada & Hospitality & Beautification hosted a Great American Clean-up Day this past Saturday and 52 employees participated.
- HR (Maegean) attended 4 job fairs 1@ CCU, 2 @ SC WORKS, and 1 @ HGTC.
- The city currently has 15 full-time open positions.

The following monthly newsletters were sent to employees:

- Avoid Viruses and Germs this Fall - November
- Heart Health- Managing your blood pressure - December
- Play an active role in your health - January
- Respiratory Health - February
- Smart Steps for Diabetes Care - March
- Sleep Health - April
- Mental Health Awareness – May

Emrich introduced Administration Interns, Kayla and John.

Public Works – Harrelson reported the following:

1. Received 273 service requests since last report.
 - a. Ditch Drainage
 - b. Sinkholes
 - c. ROW Maintenance
2. Cleaned approximately 7 miles of ditches.
3. Installed 15000 LF of pipe.
4. 152 inspections have been performed on stormwater and/or erosion control.
5. Performed 51 plan reviews.
6. McKeithan St. outfall SCOR grant project is underway. Surveying, environmental, and stormwater design criteria are currently being worked on. A public engagement meeting will be held this Wednesday at 5 p.m. in the Planning Conference Room.
7. Pine and Beaty St. Outfall SCIIP grant is also underway. Surveying of easements and stormwater infrastructure is complete. Engineers are in the preliminary design phase.
8. Staff are working with SCEMD for FEMA approval of Hawthorne Park. Survey, wetland delineation, and the tree survey is complete.
9. RFP for road resurfacing will be out soon to complete this year's resurfacing.
10. Crews are actively cutting grass within the ROW's.
11. Santee Cooper installed street lights in the Jerry Cox Parking lot today. Stripping should also happen this week as well.

Harrelson then gave Council an update on the Ivy Glen Subdivision and said that staff has been working on this for 2 ½-3 years. 2 engineering stormwater firms have been out to review the actual design plans and try to figure out some way to make it better. The only solution was not feasible as it would involve purchasing property inside Ivy Glen and installing a massive underground containment system. Harrelson said that staff has cleaned a bunch of ditches. Harrelson said that the ditch Ms. Pressler is speaking of is that the only machine with the mulching head broke down twice while out there. Staff spent the last month out there cleaning all the outfalls coming out of Ivy Glen, down Cultra, all behind Chicora that drains Ivy Glen, and all the way to Boundary Street where it ties back into Crabtree. Harrelson said that staff has made efforts to try to improve this area, but it is taking some time.

COUNCIL INPUT:

Hardwick said that Smith and his crew at the Recreation Center hosted a great event as many of our Hispanic community members were there with the wrestling match. Hardwick said that it was fun to watch, great to watch the kids and it was a fun evening. Hardwick said that there are so many great things going on in Conway at this time of the year. Hardwick gave a shout out to Whittemore Park for doing a fantastic job on their production of Annie. Hardwick thanked staff and workers who continue to make our city great.

Goldfinch told Ms. Roberts that during public input Council does not dialogue back and forth, but thanked her for staying, investing in Conway, and having her business downtown. Goldfinch said that the city's challenge was explained at the last meeting as this is SCDOT's road and the city has limited control as to what can be done to alter or manipulate that road, as it really comes down to what SCDOT allows us to do and when they recommend that it is not safe to do, the city cannot go against. Goldfinch said that regarding the other gentleman that spoke during public input, and

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he has friends that he can agree to disagree, but when he stood up there and accused Goldfinch/Council of taking money from corporations or developers. Goldfinch said that he hadn't received a dime, and he has no use for that. Goldfinch requested that the next time, as the city has a policy that we don't call out individuals, as it was offensive to Goldfinch, that happens he wants the gentleman thrown out. Goldfinch said that he has reached out to that gentleman twice, left two messages and has heard nothing back. Goldfinch said that as far as paying taxes that he promises that the gentleman paid a lot more taxes in Massachusetts than he does in Conway, South Carolina. Goldfinch then said that it is ok for that gentleman to move here and live in a subdivision but not anyone else. Goldfinch said that he didn't think that he brought his business down here, that he brought his family down here to live. Goldfinch said that he is sorry and frustrated but that he loves serving Conway, loves this community, but it is that kind of stuff, accusing Council when you have no basis.

Helms said that school is about to get out and she congratulated the graduates. Helms wants everyone to enjoy the City of Conway for the summer. Helms stated that she appreciates the employees and what they do as they make a hard job easier on Council even though Council does hear good and bad things, Council does the best of their ability to serve the citizens.

Jordan thanked everyone for bearing with him and getting through the meeting.


EXECUTIVE SESSION: Motion: Goldfinch made a motion, seconded by Helms to enter into Executive Session for the following: **(A) Consideration of Appointments to Boards, Commissions and Committees for the Keep Conway Beautiful Board [pursuant to SC Code §30-4-70(A) (1)]; (B) Discussion on Contractual Negotiations Incident to the Development of Riverfront Property [pursuant to SC Code §30-4-70(A) (2)].**

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

POSSIBLE ACTION ON MATTERS DISCUSSED IN EXECUTIVE SESSION: Motion: Goldfinch made a motion, seconded by Hardwick to appoint Joey O'Connor to the Keep Conway Beautiful Board. **Vote:** Unanimous. Motion carried.

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

APPROVAL OF MINUTES: Minutes approved by City Council this 3 day of June, 2024.



Alicia Shelley, City Clerk