

May 6, 2024

CITY OF CONWAY
CITY COUNCIL MEETING
CONWAY CITY HALL
229 MAIN STREET, CONWAY
MONDAY, MAY 6, 2024 - 4:00 P.M.

PRESENT: Mayor Barbara Jo Blain, Mayor Pro Tem Larry White, Amanda Butler, William Goldfinch, Julie Hardwick, Beth Helms, Justin Jordan.

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; Reggie Jenerette, Solid Waste Director; Lynn Smith, Human Resource Director; Rock Rabon, Fleet Maintenance Director; Le Hendrick, Fire Chief; Ashley Smith, Recreation Director; Dale Long, Police Chief; Ted Dudley, Public Utilities Deputy Director; Robert Cooper, Construction Services Director; Brandon Harrelson, Public Works Director; Katie Dennis, Planning Concierge; Allison Williams, Finance Director; James Friday, Public Utilities Director; Kayla Fleming, Municipal Judge; Jessica Hucks, Planning and Development Director; Kym Wilkerson, Planning and Development Deputy Director; Nevada Mileur, Litter Control Coordinator; David Crotts, Director of Procurement; and Alicia Shelley, City Clerk.

OTHERS: Hillary Howard, Debbie Roberts, Ann Huyler. There were approximately 20 others in attendance.

CALL TO ORDER: Mayor Blain 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.

CONSENT AGENDA:

- A. Final Reading of Ordinance #ZA2024-05-06 to annex approximately 0.34 acres of property located at 5204 Columbia Street (PIN 383-08-03-0003), and rezone from the Horry County Residential, no mobile homes allowed, district (SF10) to the City of Conway Low/Medium-Density Residential (R-1) district.**
- B. Approval of Special Event – Stars and Strides – November 9, 2024**
- C. Approval of a Resolution to Accept a Letter of Credit for the Remaining Infrastructure for Collins Walk, Phase 1**
- D. Approval of April 15, 2024 Council Meeting Minutes**

APPROVAL OF CONSENT AGENDA: **Motion:** Goldfinch made a motion, seconded by White to approve the May 6, 2024 consent agenda. **Vote:** Unanimous. Motion carried.

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Motion: White made a motion, seconded by Helms to approve the May 6, 2024 agenda. **Vote:** Unanimous. Motion carried.

PUBLIC INPUT:

- Debbie Roberts requested that a handicap spot be put in front of her beauty shop on Fourth Avenue.

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

INTRODUCTION OF NEW HIRES:

Blain introduced the following new employees:

- Rocco Rosero – Police Officer
- Terrance Bailey – Police Officer
- Hannah Collins Ladd – Records Clerk
- David Pelech – Police Officer
- Christopher Priolo – Police Officer
- Zeb Clemons – Public Utilities Tradesworker
- K9 Aidia (Lauren West) – Police Officer/K9

Mileur introduced the Keep Conway Beautiful Mascot, Rascal.

SPECIAL PRESENTATION:

- A. Presentation of Longevity Awards – April 2024 – 5 Years: Neil Mahoney, Solid Waste** – Emrick and Goldfinch presented the longevity award.
- B. Presentation of Tree City USA designation – Ann Huyler, South Carolina Forestry Commission** – Ann Huyler of the South Carolina Forestry Commission presented Wanda Lilly, Arborist for City of Conway with the Tree City USA designation for the 39th consecutive year.
- C. Proclamation Recognizing May as Military Appreciation Month** – Blain presented the proclamation recognizing May as Military Appreciation Month to the veterans that were present.
- D. Proclamation Recognizing May as National Tennis Month** – Blain presented the proclamation recognizing May as National Tennis Month to Chris Hickman.
- E. Proclamation Recognizing May as Mental Health Month** – Blain presented the proclamation recognizing May as National Mental Health Month to Smith, HR Director on behalf of the City.

- F. Presentation by Jim Manning of Heart and Soul** – Jim Manning, Certified Coach for Community Heart & Soul gave Council brochures and briefly explained the organization. Manning said Community Heart & Soul is a resident driven process that engages the entire population of a town in identifying what they love most about their community, what future they want for it, and how to achieve it.

FIRST READING:

- A. First 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 at the last Council meeting the Conway Chamber of Commerce asked Council to consider amending the ordinance to allow for the sale of beer in cans at the Riverfest celebration. The vendor used by the Chamber is moving away from providing beer in kegs and plans to provide the beer for the event in cans. Emrick said that having to pour the beer from cans into opaque cups added unnecessary expense, inefficiency, and waste without any obvious improvement to the event. The ordinance change would make several changes to improve the dependability of special event offerings to the restaurants that choose to participate in them, and the changes would also allow for reduced liability concerns for the special event promoters. The requirement for opaque cups would be removed from the ordinance, with the prohibition on glass bottles or containers remaining to limit potential harmful debris. Emrick said that staff recommended approved of the amended ordinance.

White said that he had concerns with patrons throwing cans rather than throwing cups. Chief Long said that bottled water could also be used as a weapon.

Goldfinch said that he serves as a liaison for the Chamber of Commerce and that the vendors are pushing the cans and not the Chamber. Goldfinch stated that if it becomes an issue that it will be addressed.

Motion: Goldfinch made a motion, seconded by Hardwick, to approve first reading of Ordinance #2024-05-20 (A). **Vote:** Hardwick, Jordan, Goldfinch, Blain, Butler, Helms voted yes. White voted no. Motion carried with a 6-1 vote.

- B. First Reading of Ordinance #2024-05-20 (B) for approval of an Agreement to Lease City-Owned Property located at 163 Busbee Street.** Hyman stated that the city has acquired many lots in the floodplain through the FEMA buyout program and that the use of the land must be restricted in perpetuity to protect and preserve the natural floodplain values, and the land shall be used only for purposes compatible with open space, recreational, or wetlands management practices. City Council approved the use of private leases to neighboring property owners. These leases would allow the property owners to use and maintain the FEMA lots for personal use with certain conditions. The City has received an application for a license to lease 163 Busbee Street. The applicants are owners of 161 Sherwood Drive. Hyman said that staff recommends approval of giving the City Administrator authority to enter into signed agreement between the City of Conway and this applicant.

Motion: Blain made a motion, seconded by Jordan to approve first reading of Ordinance #2024-05-20 (B). **Vote:** Unanimous. Motion carried.

CONSIDERATION:

A. Recommendation on Selection of Firm to Provide Professional Engineer Design Services for Expansion of City of Conway's Crabtree Greenway. Hyman stated that the City advertised to select a firm to provide professional Engineer Design Services for the expansion of the Crabtree Greenway. This includes design, engineering, and acquisition of easements between Mill Pond Road and El Bethel Road. The project is funded with South Carolina Department of Parks, Recreation and Tourism grant funds. Three firms submitted proposals and were ranked by certain criteria. Staff reviewed and scored the submittals, with Bolton & Menk scoring the highest. Hyman said that staff recommends the selection of Bolton & Menk to provide professional Engineer Design Services for the expansion of the City's Crabtree Greenway and authorizes the City Administrator to enter into contact negotiations.

Motion: White made a motion, seconded by Goldfinch, to approve staff's recommendation on the selection of Bolton & Menk. **Vote:** Unanimous. Motion carried.

B. Recommendation on Selection of Firm to Provide Professional Engineer On-Call and Selected Services. Hyman said that the City advertised to select firms to provide professional Engineer on call and selected services for the City of Conway Departments. This includes structural/civil design, construction management, plan review, grant assistance and consulting. Six firms submitted proposals and were ranked by certain criteria. Staff reviewed and scored the submittals, and AECOM scored the highest followed by Bolton & Menk then Rowe. Staff recommends that Council approve the hiring of AECOM, Bolton & Menk and Rowe, and authorize the City Administrator to enter into contract negotiations for a three-year indefinite delivery contract term for services immediately.

Goldfinch had concerns with a 3-year commitment. Emrick explained that some projects take 3 years or longer from start to finish.

Motion: Goldfinch made a motion, seconded by Hardwick, to approve staff's recommendation on the selection of AECOM, Bolton & Menk and Rowe. **Vote:** Unanimous. Motion carried.

C. Consideration of Approval to Install an ADA Parking Spot at 927 Fourth Avenue. Harrelson stated that a request for an ADA parking spot installation at 927 Fourth Avenue has been submitted to City staff. The requestor was referred to SCDOT due to SC 905/Fourth Avenue are within their right of way, but the request was delayed. The property currently houses a hair salon that serves the elderly on many occasions during the day. The current renter has lost clients due to the lack of ADA parking in the area. City staff has surveyed the area for an appropriate location but found many concerns instead. There are no ADA sidewalk accesses nearby and would potentially force individuals to go up and over the curb or traverse down/up Fourth Avenue presenting a safety concern. Fourth

Avenue also has a steep slope that could present another safety issue for those that require walking assistance. There is a driveway entrance adjacent to the property, but this location also presents a safety concern with vehicular traffic entering and exiting the driveway. New ADA parking, along with a ramp, will be installed in the old Jerry Cox parking lot. This location would be better suited and provide a safe access to Fourth Avenue as new sidewalks have now connected this area to Fourth Avenue. An additional spot would be required in the new parking lot to accommodate the need. Harrelson said that staff recommends not adding an ADA parking spot along Fourth Avenue but adding an additional ADA parking spot to Jerry Cox or refer the renter back to SCDOT.

Council had safety concerns with adding an ADA parking spot at this location on Fourth Avenue. Council also discussed nearby parking lots.

Motion: Blain made a motion, seconded by White, to deny the installation of an ADA parking spot along Fourth Avenue and supported staff's recommendation to add an additional ADA spot in the Jerry Cox lot. **Vote:** Unanimous. Motion carried.

- D. Consideration of Approval of a Name for a New Residential Development, Located on Hwy 378 & Hemingway Chapel Road – “*Kingston Preserve*”** – Hucks sated that the proposed single-family development, to be developed as a conservation subdivision is located at the intersection of Highway 378 and Hemingway Chapel Road and will consist of 407 single family lots. Hucks said that staff recommends approval of the name, Kingston Preserve, as the name of the proposed development as requested by the applicant.

Motion: Goldfinch made a motion, seconded by Blain, to approve the development name as Kingston Preserve. **Vote:** Unanimous. Motion carried.

- E. Consideration of Approval of a Name for a New Residential Development, Located on East Country Club Drive – “*Rivers Edge Village*”** – Hucks sated that the proposed single-family development, to be developed as a conservation subdivision is located on East Country Club Drive and will consist of 95 single family homes. Hucks said that staff recommends approval of the name, Rivers Edge Village, as the name of the proposed development as requested by the applicant.

Motion: White made a motion, seconded by Blain, to approve the development name as Rivers Edge Village. **Vote:** Unanimous. Motion carried.

- F. Consideration of Approval of a Name for a New Residential Development, located on Hemingway Chapel Road – “*Hemingway Chapel Landing*”** – Hucks sated that the proposed subdivision, to be developed as a conservation subdivision is located on Hemingway Chapel Road and will consist of 77 single family lots. Hucks said that staff recommends approval of the name, Hemingway Chapel Landing, as the name of the proposed development as requested by the applicant.

Motion: White made a motion, seconded by Blain, to approve the development name as Hemingway Chapel Landing. **Vote:** Unanimous. Motion carried.

G. Consideration of a Request for a Waiver of Sidewalk Requirements for a Proposed Subdivision (*Hemingway Chapel Landing*), to be Located on Hemingway Chapel Road (PIN: 369-00-00-0021). Hucks stated that the applicant is requesting to pay the fee in lieu of installing sidewalks along the frontage of the proposed development, located on Hemingway Chapel Road, which is currently a county road. The UDO requires that sidewalks be installed along the frontage of all properties abutting arterial OR local, non-residential streets. Under the current regulations, 1,700 linear feet of 5' wide sidewalks are required to be installed along Hemingway Chapel Road. Per the UDO, only city council can grant a waiver of sidewalk installation, and if granted, the applicant is required to contribute, in lieu of the sidewalk, an amount equal to the cost of the required sidewalk. These fees can later be used by the city to build or complete pedestrian, bike, or pathway systems. The city's current contracted price per linear foot for sidewalk installation is \$30 per linear foot, which includes the sidewalk, clearing, and grading. The fee in lieu amount for 1,700 linear feet at \$30 a linear foot would be \$51,000. The development across Hemingway Chapel Road, New Castle, does not have sidewalks along the frontage of the development, but they are installed along the local streets inside of the development. New Castle is an older development, and it's possible the requirements for sidewalk installation were different when New Castle was approved. The apartment complex just down the street from the property was constructed in 2020, and they do have sidewalks installed along the frontage of the development and received the required permits from the county to install the sidewalk in the right of way. If the sidewalks cannot be installed within the right of way, for whatever reason, the sidewalks could be installed within the front buffer that is required. Being that the property is being developed as a conservation subdivision, the buffer width along the front is 100 feet, and the UDO does provide an alternative for an easement to be provided on the private property over the sidewalk if approved by the Technical Review Committee.

Hucks said that staff continues to support the installation of sidewalks where required.

Goldfinch said that he had concerns with sidewalks to nowhere sitting unused when the City has other streets that need sidewalks immediately.

Motion: White made a motion, seconded by Blain to deny this request for a waiver of sidewalk requirements and approve the installation of sidewalks where required. **Vote:** Hardwick, Jordan, Blain, Butler, White voted yes. Goldfinch, Helms voted no. Motion carried with a 5-2 vote.

CITY ADMINISTRATOR'S REPORT: No Report

COUNCIL INPUT:

Helms said that several have asked her when "Ask the Administrator" would start back up on Facebook. Emrick said June. Helms said that she appreciates City staff for all of their hard work, and she is grateful as they always make Council look good and encouraged staff to keep up the good work.

White said that the City has done a great job with physical activity and thanked Smith and the Rec Center staff for all of the good work. White said that he has been listening to other communities

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about having a summer reading program and he thinks this would be a good idea for those that are not physically inclined to have a program at the Rec Center and partner with the library and maybe First Steps or Freedom Readers, to name a few. White recommended hiring youth students to help with the summer reading program. White said that at the last Council meeting there was a Spanish word that no one knew what it meant, and he thinks it is important to have someone present to translate. Lastly, White said that Santee Cooper is working on the Racepath/378 Corridor and are replacing and/or adding more lines to the area, and since the City owns the property on the corner, he suggested that the city ask Santee Cooper to drop a line so that we may put seasonal signs/decorations at this location.

Goldfinch said that he cannot imagine having Council anywhere except for Council Chambers as this is a special place and he authorized staff to get a sound system so that everyone can hear. Goldfinch said that he is speaking to this due to the Proclamation for Mental Health month and that therapy and counseling is a good thing, such as physical activity and going to the gym to stay healthy. Goldfinch said that you shouldn't seek mental health counseling or therapy when it gets to that point, so he suggested looking at it the same way as you do exercise and encouraged all.

Hardwick said that many things happened over the weekend in Conway. Hardwick stated that she was very happy to hear the Proclamation for May as Tennis Month and has been talking to staff about getting more tennis players together. Hardwick said that the City of Florence just got a grant for underprivileged children to have equipment and teachers to introduce them to the game of tennis and lots of parks are nearby to those and thinks that may be a good resource to look into. Hardwick congratulated all of the graduates from HGTC and CCU. Hardwick congratulated the baseball team and women's lacrosse team. Hardwick reminded everyone of Groovin on the Green this weekend. Hardwick said that Wanda Lilly, with 39 years as a tree city, is something Conway should be proud of. Hardwick mentioned that the Conway High School Musical, Bright Star was phenomenal. Hardwick said that she loved the Mascot and the K9.

Blain mentioned that she participated in the Graduation Life program at Coastal Carolina University, and it is so in keeping with the City's acknowledgement that there are people among us who have different abilities and require some help but with that some help have the capability of living full of life. Blain said that there were 5 graduates, and one of those graduates is from Columbia, SC who held 3 jobs while doing the Life Program at CCU. Blain said that the care given to those that needed the services brings a sense to humankind all over again. Blain said that the City is already involved in with the autism spectrum and thinks the City should look at maybe partnering with CCU in that regard in the future.

There was a short break before the Workshop began.

WORKSHOP:

Water and Sewer Rates - Crotts said that staff began a rate study of current rates in August 2023. The goal was to alter the City's approach on how to bill current water and sewer accounts. The primary objective was to transition from the existing billing system (uniform volumetric rate) to a tiered rate structure. This proposed tiered rate structure would increase in accordance with the water and sewer consumption of our consumers. Extensive analysis was conducted which encompassed numerous scenarios. The overall goal was to devise rates that would be equitable and advantageous for all our customers. However, despite diligent efforts staff was unable to create

a fair rate for our business customers. Throughout the process, it became apparent that any alteration to our rate structure risked adversely affecting our business customers. To prevent such a negative impact on our businesses and uphold our commitment to providing fair billing practices, it is the staff's recommendation to keep the current rate structure. Crotts then said that after conducting research on our rates, staff found that six out-of-city business customers have been basically receiving in-city rates through a special bulk rate. Staff found no evidence of a "bulk user rate" being officially passed by the city council. Unfortunately, some customers have been benefiting from this bulk user rate for an extended period. Crotts said that it is staff's recommendation that these customers be removed from the bulk rate and transition them to the approved rates. This ensures consistency and fairness in our rate structures moving forward. This would also help encourage these businesses to annex if the opportunity arises. Elimination of the bulk rate will increase the City's annual revenues by approximately \$110,000.

After discussion, Council directed staff to phase in the approved rates, which will be included in first reading of the Budget at the next council meeting.

TIF District – Emrick stated that staff is considering a Tax Increment Financing District (TIF). Basically, you would create on a map a physical district of parcels and you get a baseline of what the total taxes in that district are as of today and every increment above that as time goes on through reassessments, development, sales, and things that cause taxes to go up. That increment stays within that district for public improvements. When you draw the TIF District you can allocate those funds for things such as the Ashpond, for a potential parking deck, improved trails, streetscape. It would allow us to have funding without a tax increase that would pay for those things generated within that district. There is a test that is not super strict, but you must do a redevelopment plan to discuss how you are going to address that. The idea would be to include in the tax district several parcels that have a low tax base now and that you anticipate as a result of the development might go up. The other benefit from a tax district is that you can include the County and the School District elections within that tax district which is where it becomes possible to do big projects. Emrick said that staff started looking into one for a potential of implementing some of the tools into the Master Plan such as a parking deck. We have never been able to identify a funding source for something like that and getting a TIF district implemented is the only way we may be able to get a parking deck. Some of the elements in the Master Plan which would include not just a parking deck but also surrounding buildings that might be able to partner with some local universities, and to get that off the ground we will need a funding source. Before some properties along the riverfront may develop, and changes to the downtown that have an impact on development coming to things, it is important to have the TIF District in place to capture that increment and use it. The next step for the City is to hire someone to do that plan that is required by law, and an attorney to do a bond issue, or the city can hire someone to do the plan as well. That is what staff recommends so that they are more vested in it. There are a handful of firms in the state that do this, so we may whittle it down to 3 and then interview those to make sure that we are getting the best representation. We will include some of Council when close to that for input.

White asked if there is a designated area that is being looked at for the TIF. Emrick said it should include some of the Riverfront, wrap around the Ashponds, include the residential neighborhoods at First, Second, and Third Avenues that are sort of not functioning highly, include the Healthcare Partners, COAST RTA and capture some of the big parcels downtown.

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Emrick said that most TIF Districts require the backing of another fund source, and the financial advisors recommend that we use hospitality funds.

After the discussion, Council directed staff to proceed with staff's recommendations.

Signs in Rights of Ways - Hucks said that this proposed amendment to the City's Unified Development Ordinance (UDO) is one that was discussed during the budget retreat earlier this year. Hucks explained that the sign ordinance was amended a few years ago in response to a 2015 Supreme Court's decision on *Reed v. The Town of Gilbert*, which invalidated the Town of Gilbert's sign ordinance as being an unconstitutional restriction on free speech because the sign ordinance was a content-based law that singled out a particular message – in the case of the Town of Gilbert, the issue at hand was temporary directional signage that provided information related to weekly church services for a church that held services at different locations. Content based regulations are only valid when the regulation serves a compelling government interest and it's narrowly tailored to achieve that interest. In the case of *Reed v. the Town of Gilbert*, the court concluded that the sign regulation prohibiting the types of signs that were installed by the plaintiff was not narrowly tailored nor did it further a compelling governmental interest. However, the court did acknowledge that local governments do have a compelling interest to regulate content-based signs to protect public safety or other public purpose, but the regulation must be narrowly tailored to further a legitimate governmental interest. To ensure that the city remained content neutral, the Temporary Signs section of the UDO was essentially repealed, but what did remain was the prohibition on having signs in public rights-of-way. Additionally, being that certain types of signs that are temporary in nature have requirements that differ from permanent signs, a new section was added for those types of signs and the word "temporary" was removed from the section title, as well as exempting those signs from permitting requirements. Now that the temporary sign ordinance has been repealed, while we are not regulating certain temporary signs on private property, there has been an increase in the number of signs being put in rights-of-way, which is an issue for neighboring jurisdictions as well. Up till now, when these signs are collected, brought back to our office, counted, the sign owners notified (if possible), letters written, and in some cases, citations have been issued providing a court date and a fine of up to \$1,100 per violation, and if found guilty, the violation was a misdemeanor offense.

Hucks said that staff proposes to amend *Section 11.1.3* of the UDO, regarding the removal of signs on public property or within rights-of-way that would consider each sign or sign structure a separate offense and punishable as a "civil" infraction" rather than a misdemeanor offense, with a fine of \$50 per violation. Additionally, staff proposes to add language that authorizes city staff to remove and immediately discard the signs found to be in violation, and to allow staff to exercise prosecutorial discretion when enforcing the ordinance so that only the most egregious violations are issued fines. For instance, a homeowner who may have more than one sign that displays the same candidate or issue to be voted on in an upcoming election may not be fined unless they become a repeat offender. The Planning Commission held the required public hearing on the amendment, and also recommended approval, at their April 11 meeting. This amendment is currently scheduled to be on the May 20 Council agenda for first reading.

After some discussion, Council directed staff to proceed with the proposed amendments.

Residential Design Standards - Hucks said that this issue was also discussed at the budget retreat earlier this year. There are 2 main items included in this amendment: the first is regarding the

minimum lot depth in the R-2 or medium-density residential zoning district. The R-2 district has dimensional requirements of 50' in width and 120' in depth for a single-family detached structure, which equates to 6,000 sq. ft. Townhomes have different standards, as they are considered single-family attached dwellings, with a minimum lot width of 18' when developed fee-simple or when each unit would have separate ownership, but the minimum lot depth remains to be 120'. What staff has come to realize, with the growing popularity of townhomes, is that realtors are having to use comparison pricing for condos – even though condos are typically developed in-common rather than for single-family attached dwellings, resulting in drastically lower cost and a lesser quality product than a higher quality product when compared to single-family detached developments that tend to have higher price points. To provide more opportunities for home ownership outside of single-family detached style homes, staff proposes to amend the minimum lot depth in the R-2 district for fee-simple townhome developments to 100' instead of the current 120'. This amendment would only be applicable to townhome developments that are proposed to be developed as fee-simple, with each townhome and lot having separate ownership.

Hucks continued to say that the next amendment to Article 6 has to do with residential design standards for residential dwellings. In 2022, council adopted design standards for single-family developments (applicable to major subdivisions or developments only and not minor developments); whereas previously, most of the residential design standards for the actual structure only applied to townhome or multi-family development. In the first version of the adopted standards, one of the biggest changes was to the façade material requirements, which required no less than 2 types of material to be installed on the front and side facades when vinyl siding was one of the materials.

In 2023, this was amended to clarify that the façade materials is required to be installed the entire width and length of the front and side facades. However, developers have gotten creative in how this is implemented, with some using brick in addition to vinyl on the front, but adding a different, cheaper material on the sides that does not meet the intent of the ordinance; albeit meeting the actual language contained in the ordinance. Since the original ordinance adopting design standards has been implemented, staff does not find that it has yielded the quality of product intended when the ordinance was originally adopted, and therefore, proposes to amend the city's design standards once again, and include additional standards to further improve the quality of homes being constructed within the city.

There were 3 options presented to Planning Commission at their April 11th meeting, Option A, Option B, and Option C, with Option C arguably containing the most requirements.

OPTION A:

- Provides an “intent” and “interpretation” section, which is customary in several other sections of the UDO.
- Amendment would require that a second material is required, regardless of whether vinyl siding is one of the materials, so no less than 2 materials shall be installed on the front and sides of the structure. Additionally, it would require that rear facades visible from rights of way to have the same design standards as the front and sides. Language would also be added stating that “*such materials shall be diverse in appearance and on scale with the height of the structure.*”

OPTION B:

- Also adds an intent and an interpretation section, but further expands on the intent section.
- Would continue to allow only one façade material, except that if vinyl is one of the materials, a second material would be required. However, a combination of materials

would be encouraged, and the same language that requires materials to be diverse in appearance and on scale with the height of the structure would be added.

- An architectural details and features section would be added, requiring dwellings to have a min. of 2 features on the front and 1 on each side, and 1 on the rear if adjacent to public rights of way. These features could include but are not limited to: vertical columns or pillars, ornamental window designs; shutters, decorative front door, ornamental garage door design, roof brackets or dormers, a front porch or covered entry, decorative belly band trim or other decorative ornamentation or feature that meets the intent.

Both Options A and B continue to be applicable only to major subdivisions or developments and NOT minor subdivisions.

OPTION C

- Also has the added “intent” and “interpretations” section.
- This option specifies that the requirements are applicable to major AND minor subdivisions.
- Allows the option to have only one material except when vinyl is one of the materials, then a second material would be required.
- Adds a “Block Diversity” section, which is something that was considered when the ordinance was being discussed and drafted; however, there were, and continue to be, concerns with how this would be enforced. A block diversity plan would have to be submitted with a final plat for a major subdivision, and it would not be approved until there is an approved block diversity plan on file. No building elevation or mirrored elevation shall be located on either side nor across the street from itself, and there are specific standards listed to help staff determine whether the block diversity requirement has been met. *This section would not be applicable to minor developments.*
- This option also includes an architectural details section, as outlined in Option B.
- Finally, this option adds another requirement regarding attached garages or carports, requiring frontloading garages/carports facing a public street to contain decorative windows or other acceptable decorative or ornamental feature other than the standard squares seen on garage doors.

Planning Commission recommended approval of Option C, the most restrictive option, but excluded the requirements from minor developments or subdivisions. Before bringing this amendment forward for first reading, staff wanted to present these options to you and see if there were any concerns or comments regarding these options, or if there was anything else that you would like to see in the amendment that may have not been considered thus far.

After discussion, Council directed staff to move forward with first reading and bring back examples of the proposed materials.

Structures on Corner Lots with Double Frontage - Wilkerson informed Council that a double front yard is only discussed in the UDO for proposed lots (*not existing legal non-conforming lots*). Newly created double front lots must install a berm or landscape buffer to be platted fee-simple and dedicated to the HOA/POA. This in turn eliminates the double frontage (*and the lot then has a rear yard*). To better serve the residence and to aid in their understanding of what the UDO defines as “Yards”, staff is requesting consideration of the following additions:

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- Article 2 – Definitions (*Yard*) – To help residence (as well as future staff) better understand Corner Front vs Double Front
- Section 12.1.5 – Nonconforming Lots of Record
 - o An existing Double Front Yard is considered Legal Nonconforming. This section speaks to minimum lot area and width only. Staff is requesting consideration of adding “yard” to this section as well.

Wilkerson then said that variance requests are made almost monthly for fences in corner front and/or double front yards. Double front yards are legal nonconforming, so they have a true hardship since they are not allowed to be created per the UDO. Corner front yards exist on every street corner, and therefore, do not truly meet the criteria for the granting of a variance.

Per Section 5.2.3-Fences & Walls: Corner Front Yards are allowed a 6-ft Privacy Fence provided the fence meets a 10-ft setback from the property line. A 6-ft fence installed in a Corner Front Yard cannot go forward the front façade of the house (*since this area becomes the Front Yard*). Since the fence cannot go forward the front façade of the house, and the Front Yard fence height is 4-ft maximum, the 6-ft fence will not be in the site triangle.

Wilkerson said that staff recommends changing the 10-ft setback to a 5-ft setback for the 6-ft corner front yard fences.

After discussion, Council directed staff to proceed with staff’s recommendations.

EXECUTIVE SESSION: Motion: Jordan made a motion, seconded by Butler to enter into Executive Session for the following: (A) **Consideration of Appointments to Boards, Commissions and Committees for the Community Appearance Board and Keep Conway Beautiful [pursuant to SC Code §30-4-70(A) (1)];** (B) **Discussion on Contractual Negotiations Incident to the Potential Sale of Property on Ann Street [pursuant to SC Code §30-4-70(A) (2)];** (C) **Discussion on Contractual Negotiations Incident to the Potential Sale of Property on Laurel Street [pursuant to SC Code §30-4-70(A) (2)];** (D) **Discussion on Contractual Negotiations Incident to the Potential Acquisition of Property on Highway 378 [pursuant to SC Code §30-4-70 (A) (2)];** (E) **Discussion on Contractual Negotiations Incident to the Potential Development of Riverfront Property. [pursuant to SC Code §30-4-70(A) (5)];**; and (F) **Discussion of a Potential Lawsuit Regarding a Breach of Contract Matter [pursuant to SC Code §30-4-70(A) (2)].**

RECONVENE FROM EXECUTIVE SESSION: Motion: White 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 Blain to appoint Gerry Wallace, Community Appearance Board; and Dara Pegg, Keep Conway Beautiful Board. **Vote:** Unanimous. Motion carried.

Motion: Goldfinch made a motion, seconded by Blain authorizing the City Administrator to advertise a RFP for the sale of property on Ann Street. **Vote:** Unanimous. Motion carried.

Motion: Blain made a motion, seconded by Jordan authorizing the City Administrator to enter into contractual negotiations for the potential acquisition of property on Highway 378. **Vote:** Unanimous. Motion carried.

May 6, 2024

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 20 day of
May, 2024.



Alicia Shelley, City Clerk