

October 4, 2021

CITY OF CONWAY  
CITY COUNCIL MEETING  
CONWAY CITY HALL  
229 MAIN STREET, CONWAY  
MONDAY, OCTOBER 4, 2021 - 4:00 P.M.

**PRESENT:** Mayor Barbara Blain-Bellamy; Jean Timbes, Mayor Pro Tem  
Council Members: William Goldfinch, Shane Hubbard, Alex Hyman, Justin Jordan, Larry White

**STAFF:** Adam Emrick, City Administrator; Mary Catherine Hyman, Deputy Administrator (attended Executive Session); John Rogers, Deputy Administrator/ Grants & Special Projects Director; Jeff Leveille, Technology Services Director; Allison Hardin, Planning & Development Director; Allison Williams, Finance Director; June Wood, Public Information Officer; Dale Long, Police Chief ; Steven Pearce, Police; Reggie Jenerette, Sanitation Director; Robert Cooper, Building Official; Ashley Smith, Director Parks & Recreation; Rosanne Dates, Grants Coordinator; Lynn Smith, Human Resources Director; James Friday, Public Utilities Director; Timmy Williams, Grounds & Maintenance Director; Le Hendrick, Fire Chief; Kayla Fleming, Associate Judge; Braxton Fleming, Public Works Superintendent; Wayne Calhoun, Police; and Alicia Shelley, City Clerk

**OTHERS:** Laurie Sojourner, Gwen Wagner, Keith Skinner, Julie Hardwick, Beth Helms, Tripp Nealy, Steve Strickland, Shawn Becker

**CALL TO ORDER:** Mayor Blain-Bellamy called the meeting to order. Kyle Randle, First United Methodist Church gave the invocation and led the Pledge of Allegiance.

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

**APPROVAL OF AGENDA: Motion:** Hyman made a motion, seconded by Timbes, to approve the October 4, 2021 meeting agenda with the exception to bifurcate item XI. Workshop to add Discussion of the Wild Wing Amendment and table the Discussion of the Tree Preservation Ordinance. **Vote:** Unanimous. Motion carried.

**CONSENT AGENDA:**

- A. Special Event – Conway Christmas Parade – December 11, 2021**
- B. Final Reading of Ordinance #ZA2021-09-20 (C) to rezone approximately 65.24 acres of property located along El Bethel Rd (PIN 337-00-00-0006) from City of Conway Low Density Residential (R1) to City of Conway Institutional (IN).**
- C. Approval of September 27, 2021 Minutes**
- D. Approval of September 20, 2021 Minutes**

**APPROVAL OF CONSENT AGENDA: Motion:** Timbes made a motion, seconded by Hyman, to approve the October 4, 2021 consent agenda. **Vote:** Unanimous. Motion carried

**PUBLIC INPUT:**

**Laurie Sojourner** informed Council that she represented the Wagner's in a recent purchase at 1701 Freeman Drive. She said she would like honesty and the disclosure of any adverse material facts to be represented at today's meeting and to ask that you pay the Wagner's a fair price for their property.

**Gwen Wagner** asked if she could address her statement in Executive Session. Emrick said as long as it was related to the acquisition of property in the Trinity Church area.

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

**PUBLIC HEARING AND FIRST READING:**

- A. Public Hearing and First Reading of Ordinance #ZA2021-10-18 (A) to rezone approximately 17.31 acres of property located at Boundary & Main Street, near Mill Pond Road (PIN 338-00-00-0022) from City of Conway Highway Commercial (HC) to Medium Density Residential (R2).** Hardin informed Council that staff sent out 12 adjacent property owner letters informing them of the rezoning of the 17.31 acres of property located at Boundary and Main Street, near Mill Pond Road. She stated that the Planning Commission deferred this item on August 5, 2021 to receive more information from the applicant on the proposed stormwater controls and potential subdivision outlines. The applicant provided that information and the Planning Commission heard their application at their September 2, 2021 meeting. This request was heavily discussed by staff and the Planning Commission due to the flooding history on the property, in particular the wetlands that abut Mill Pond Road. The applicant discussed his intent to put the wetlands "aside" in a conservation easement. The staff and Planning Commission discussed the alternatives, and staff eventually recommended rezoning, with the understanding that the wetlands will be classified as "not buildable" on the plat. The wetlands are not buildable in their current configuration either way; this would formalize the condition for any future owners. The applicant intends to develop just under 3 acres and only that area.

Hardin then stated that during the Workshop there was some discussion about the unused property being conveyed to the City and that because of contract zoning laws, this is not part of the reason that the vote is made and not part of what staff reviewed.

Hardin said that Planning Commission recommends rezoning the property to R2 with the applicant's offer to label the wetlands as "not buildable" per Section 10.3.8 of Conway's UDO. She said that staff recommends approval for the rezoning based on the Planning Commission recommendation and information gathered from the applicant.

April O'Leary of Horry County Rising said she was impressed with seeing how staff worked with the applicant and the Planning Commission. The Kingston Lake watershed is near capacity and is not safe for recreation. She thinks the more we can improve the conveyance here and try to hold additional storage, the better for Crabtree Canal and flood mitigation. She again thanked the City, staff and the applicant for working together to address the concerns.

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

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

White asked if the non-buildable portion could ever be sold to someone else. Hardin said that it could be conveyed, but not built upon.

Goldfinch stated that when someone asks what we are doing about flooding, this is what we can tell him or her.

**B. Public Hearing and First Reading of Ordinance #ZA2021-10-18 (B) to annex approximately 3.5 acres of property located at 1003 Creel St (PIN 369-05-02-0006/TMS 136-08-35-001) and request to rezone from Horry County General Residential (GR) to City of Conway Professional (P) zoning district.** Hardin informed Council that staff did receive some calls for information but had no complaints. She said that a site plan is not received for a request for a rezoning but they do have to submit a plan when it is time to develop and they do have to meet the requirements. The applicant, Keith Skinner intends to install a child day care expansion on this site, which is currently vacant. Child day care centers are a conditional use that is allowed in the Professional-zoning district, and must meet the provisions of licensing from DSS, fencing, buffering, playground equipment, loading and unloading, and parking requirements. The property is also adjacent to an existing drainage canal between the property and the Healthy Connections Medicaid/SC Legal Services offices. Planning Commission and staff recommends approval.

Keith Skinner, applicant further explained the request stating that he is expanding his daycare and is requesting to annex into the City.

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

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

**FIRST READING:**

**First Reading of Ordinance #ZA2021-10-18 (C) to annex approximately 0.12 of an acre located at 121 Quail Run (PIN 383-09-04-0074) and request to rezone from Horry County Residential (SF10) to City of Conway Low/Medium Density Residential District (R-1).** Hardin informed Council that this request was made to allow an existing single family home to tie into City water and sewer services. She stated that three annexations exists in this area and most of the others have City of Conway Restrictive Covenants. She said that staff recommends approval of the annexation and rezoning of the property at 121 Quail Lane.

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

Goldfinch asked how many were owner-occupied. Hardin said she would be glad to research. Emrick said that when he was at the County and did the CCU Overlay there was only 10 homes at that time that were owner-occupied.

**CONSIDERATION:**

- A. Recommendation on Selection of Firm to Update the City of Conway Riverfront and Downtown Master Plan.** Emrick said that the City of Conway advertised publicly to select a firm to develop the City of Conway Riverfront and Downtown Master Plan. The firms were ranked by a staff committee based on the criteria of quality of proposal; technical capabilities and specialized knowledge; professional qualifications, knowledge and experience; and pricing. Based upon these reviews, Boudreax + Arnett Muldrow & Assoc. + Toole Design scored the highest of the five submittals.

**Motion:** Goldfinch made a motion, seconded by Jordan, to accept staff's recommendation to enter into negotiations for a contract with Boudreax + Arnett Muldrow & Assoc. + Toole Design to develop the City of Conway Riverfront and Downtown Master Plan. **Vote:** Unanimous. Motion carried.

Hubbard asked if staff takes into consideration local companies. Emrick said yes, DDC is located in Myrtle Beach but also partnered with ColeJenest & Stone + Bolton & Menk, Inc. and LS3P is located in Charleston. We did not go solely on monetary, it was also experience with us and what we are looking to do that was the factors for scoring.

- B. Recommendation on Selection of Firm to Develop the City of Conway Pathways and Trails Master Plan.** Emrick said that the City of Conway advertised publicly to select a firm to develop the City of Conway Pathways & Trails Master Plan. The firms were ranked by a staff committee based on the criteria of quality of proposal; technical capabilities and specialized knowledge; professional qualifications, knowledge and experience; and pricing. Based upon these reviews, Design Workshop scored the highest of the five submittals.

**Motion:** Hyman made a motion, seconded by Blain-Bellamy, to accept staff's recommendation to enter into negotiations for a contract with Design Workshop to develop the City of Conway Pathways & Trails Master Plan. **Vote:** Unanimous. Motion carried.

**C. Consideration to Remove Mask Mandate in City Buildings.** Emrick stated that for the last several weeks, we had a mask mandate in place for anyone entering city buildings and since that the peak is coming down we now ask that you remove that mandate.

**Motion:** Blain Bellamy made a motion, seconded by Goldfinch, to remove the mask mandate in City buildings. **Vote:** Voting for were Hyman, Jordan, Timbes, Blain-Bellamy, Goldfinch, and Hubbard. Voting against was White. Motion carried.

### **CITY ADMINISTRATOR'S REPORT:**

Emrick informed Council of the following:

- The City received another SCDHEC grant allowing us to continue to offer recycling carts for free on a first come first serve basis, with 500 to give out. Customers can call now to reserve theirs.
- Conway High School's Homecoming Parade is October 22 at 4 p.m. All Council members should arrive no later than 3:30 to ride and Emrick will give a location where we are setting up as soon as he has it.
- The engineers for Smith-Jones Pool have been on site for the last two weeks and are doing data collection for the re-engineered pool. It is still on schedule.
- Our Fire and Police Department are participating in Public Safety Day at the site of the old Myrtle Beach Pavilion. This event is for families to come and meet their public safety officials.
- The Whittemore Community meeting is rescheduled for October 27. As of now, it is planned for 4 p.m. on site at the Whittemore School.
- Staff is wearing pink on Wednesdays throughout the month to celebrate Breast Cancer Awareness month. In addition, many areas in Conway are pink, during both the day and night to also bring awareness.
- On Wednesday of this week, Conway Medical Center will have their mobile mammography lab at Conway City Hall from 9 until 4. Appointments are available but not necessary.
- Friday is the United Way Day of Caring. City staff will volunteer to work at Oak Tree Farm on Medlen Parkway.
- Staff is also working to place wayfinding signage along the Waccamaw River, guiding people to Conway. This is a grant-funded project from the Knight Foundation.
- Staff will begin to set up for the Celebration of Lights on October 11.
- There will be a party for City employees and their families on October 26 from 6 until 8 in the Witch's Garden behind City Hall.

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- Governor McMaster was in Horry County today. He is pledging \$300 million of State ARP funds and surplus money for 1-73.
- Finally, we are working on improving the lighting at Collins Park. New lights should be going up soon. In conjunction with this, new basketball backboards and rims are being installed today to replace the old crooked steel ones.

White asked that the Whittemore meeting meet later than 4 p.m. for those that have to work. Emrick said that is one of the details still being worked out.

### **COUNCIL INPUT:**

**Hubbard** stated that Saturday was a great day downtown and he congratulated staff and Downtown Alive. He said his only complaint was that it was hot and then he went to the Coastal game and it was even hotter.

**Goldfinch** echoed Mr. Hubbard's comments about the Fall Festival, saying it was great. He said for anyone listening that the beautiful pumpkins hanging in the trees do have holes in them. He stated that he brought his kids downtown Friday night and it was spooky, the witch's garden looks great. He said that a couple of weeks ago he asked to bring Conway High School into the mix and staff stepped up and put up flags. He also wants to look at the long-term vision and work with Conway High to make them the best that they can be and attract people to live here in Conway.

**White** said he had nothing at this time.

Everyone then sang Happy Birthday to Blain-Bellamy.

**Timbes** asked if the train has been repaired and is ready for the Christmas Parade. Emrick said that it had been repaired and is running again.

**Jordan** echoed Shane and William regarding the Fall Festival and he thanked Ashley Smith and the Parks and Recreation, saying it was a beautiful day with a great crowd.

**Hyman** also echoed everyone regarding the Fall Festival. He said that he come back into town on Saturday and coming over the bridge with all the pumpkins and the crowd looked great. He then stated that we have a shortage of soccer fields and he would like us to look at getting some new ones.

**Blain-Bellamy** piggy backed on Saturday's event and said that is was spectacular. She thanked Ashley, Timmy and also Wanda for the mums. She said that she sat next to a lady that thanked God for sending her to Conway. Blain-Bellamy thanked staff for being so creative and making things happen.

### **WORKSHOP:**

#### **Discussion of the Tree Preservation Ordinance**

Emrick stated that since this was bifurcated, we would only look at the Wild Wing Amendment today. He said that we have debated the Tree Ordinance for at least two years on how to accommodate both the development community as well as protecting our trees without over penalizing those that are trying to develop. He said that there was an amendment to the Wild Wing Development from October 2019 that was reviewed by this body. He said one of the requests at that time was to be exempt from the City's tree ordinance for that portion of the PD and that portion was never heard as it was deferred and never brought back up. As a way to help accommodate that developer and development, while we are going through the tree ordinance re-write this is back up for discussion and workshop tonight. They would like to be exempt from the tree preservation ordinance. The original PD was passed in 2000, and the tree ordinance was adopted in 2007. However, the original PD states, "all plans for development within this PUD shall be in accordance with the current City of Conway Land Development Regulations in effect at the time of permit approval."

Blain-Bellamy asked the distinction between a PD and a PUD. Emrick said the City does not have PUD in our ordinance. PD is a Planned Development and a PUD is a Planned Unit Development. They are very similar, in which they accommodate mixed uses. We have very few PD's left in the City and they are not the easiest to manage from a staff perspective. The Wild Wing Development has been changed probably 20 times since it was inception.

Hyman asked about undoing when having multiple landowners under the PD when there may be different concepts. Emrick said there were things that were intended when the PD was created that are hard to understand what that intent was. There are responsibilities of the landscape medians that are the responsibility of the HOA and the road is owned by the City, so when the medians are over watered and it goes into the road, then we have to take care of that. The one beauty of a PD is that you can flex parts of it; you can have stricter standards or less standards. You can create your own set of rules for that development. The courts do not use them anymore because for years they were used for setbacks. If you did not like the setbacks in the zone, you could create a PD and exempt yourself from the setbacks. This one actually has higher setbacks than our ordinance and has created a stricter standard that has a 25' buffer around each development in Wild Wing and our ordinance has a 15' buffer in most cases.

Goldfinch asked if this was in place before the tree ordinance existed. Emrick said that a version of the tree ordinance did exist before this PD but the version that we have today is different. The language in this PD that is problematic for this development is that it says this development shall be in accordance with the current City of Conway Land Development Regulations, which we no longer have Land Development Regulations. Before the UDO, we had a separate set of LRD's and a separate zoning ordinance, now they are combined in the UDO. We may have something now that wasn't anticipated by the PD when it was created. That does allow your will to be imposed by the development as it goes forward. Therefore, that is what the developer is asking; allow changes for this tree preservation ordinance.

Blain-Bellamy asked if it had to be all or nothing or could council create something but it be different from the current ordinance. Emrick said yes, that is correct.

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Timbes said that she sees an opportunity to do some things that could work out to make this happen. She said that the building is needed in this area and the live oaks can stay in place. Emrick said that we could make the condition that the landmark trees would be required to remain.

Hyman asked if we could leave the trees for the 25' buffer. Emrick said yes.

Blain-Bellamy stated that she thinks staff is saying that is unlikely there will be additional PD's in the City. Emrick said if there were to be more PD's, as he said he would never rule them out but it would have to have a very true mix of commercial and residential. As an example, Market Common could not be done under the zoning of our ordinance, which is straight zoning. Hardin said that 37% of Myrtle Beach is in PUD.

Emrick said that typically, a developer presents the PD to the city and the city gets to choose what they wish.

Hyman asked about landscaping regulations. Emrick said that we are not removing landscaping.

Emrick said that the public hearing and first reading would be held on October 18.

Blain-Bellamy said so staff will make a recommendation based on all that you know and bring back to us. Emrick said that is correct.

Goldfinch said that we do not want to be so restricted on businesses that they do not want to come and this one certainly checks the box that we do need. He said we could compromise on the trees and be a little more flexible on what is out there.

**EXECUTIVE SESSION: Motion:** Goldfinch made a motion, seconded by Hyman, to enter into Executive Session for a Discussion of Potential Litigation Regarding the Underground Utility Conversion Project [pursuant to SC Code §30-4-70(A)(2)], and a Discussion of Negotiations Incident to Proposed Purchase of Property in the Trinity Church Area [pursuant to SC Code §30-4-70(A)(2)]. **Vote:** Unanimous. Motion carried.

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

**POSSIBLE ACTION ON MATTERS DISCUSSED IN EXECUTIVE SESSION: No action was taken.**

**ADJOURNMENT: Motion:** Blain-Bellamy made a motion, seconded by Jordan, to adjourn the meeting. **Vote:** Unanimous. Motion carried.

**APPROVAL OF MINUTES:** Minutes approved by City Council this 20 day of October 2021.



Alicia Shelley, City Clerk