



CITY COUNCIL MEETING  
CITY HALL COUNCIL CHAMBERS  
229 MAIN STREET, CONWAY, SC 29526  
MONDAY, NOVEMBER 6, 2023 - 4:00 PM

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*PLEASE SILENCE ALL ELECTRONIC DEVICES*

I. CALL TO ORDER

II. INVOCATION/PLEDGE OF ALLEGIANCE – Mike Roberts, Saint Anne’s Episcopal Church

III. APPROVAL OF AGENDA

IV. CONSENT AGENDA

- A. Final Reading of Ordinance #ZA2023-11-06 (B), amending Article 11 – Signage, of the City of Conway Unified Development Ordinance (UDO), regarding Sign Standards in Residential and Non-Residential Zoning District, as well as requirements for Electronic Message Centers (EMC’s) / Light Emitting Diodes (LED) signs with digital/animated display.
- B. Final Reading of Ordinance #ZA2023-11-06 (C), amending Article 5 – Specific Use Regulations, of the City of Conway Unified Development Ordinance (UDO), regarding the requirements for religious institutions.
- C. Final Reading of Ordinance #ZA2023-11-06 (D), amending Article 7 – Streets and Circulation, Article 10 – Subdivision and Land Development, and Article 12 – Nonconformities, of the City of Conway Unified Development Ordinance (UDO), regarding the requirements for installation of sidewalks.
- D. Resolution accepting dedication of roadways & drainage system in the Kingston Bay, Phase 1, subdivision (Revolutionary Way; Black Lake Way; Riverboat Way; Medlen Parkway).
- E. Special Event – Conway Christmas Parade – December 9, 2023
- F. Approval of October 16, 2023 Council Meeting Minutes

V. PUBLIC INPUT

VI. FIRST READING

*“I pledge to build a stronger and more prosperous community by advocating for civil engagement, respecting others and their viewpoints, and finding solutions for the betterment of my city.”*

- A. First 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 (Rogers)
- B. First reading of Ordinance ZA2023-11-20 (B) to annex approx. 0.2 acres of property located at 120 John Doctor Road (PIN 339-12-01-0002), 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. (Hucks)
- C. First reading of Ordinance ZA2023-11-20 (C) to annex approx. 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. (Hucks)
- D. First reading of Ordinance ZA2023-11-20 (D) to annex approx. 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. (Hucks)
- E. First reading of Ordinance ZA2023-11-20 (E) to annex approx. 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. (Hucks)

## VII. CONSIDERATION

- A. *Previously Deferred* – Consideration of a request for waiver of sidewalk requirements for the Fresh Seafood Market, located at 1620 Fourth Ave (formerly Coastal Ice Company). (Hucks)
- B. Consideration to Accept Funding for the 2024 PARD Grant (Smith)
- C. Consideration of Naming the Downtown Operations Center (Long)

## VIII. CITY ADMINISTRATOR’S REPORT

## IX. COUNCIL INPUT

## X. BREAK

## XI. WORKSHOP

## XII. ADJOURNMENT

Any citizen of the municipality may make an appearance before City Council concerning any municipal matter with the exception of personnel matters. Persons desiring to speak must notify the City Clerk prior to the beginning of the meeting. However, if you are speaking regarding a public hearing item, then you would do so during that time on the agenda. Please address Council from the podium stating your name, address, and the subject you would like to discuss. The public may also access the meeting at [www.cityofconway.com](http://www.cityofconway.com) under the “Latest Events” tab on the home page. If you are unable to attend and would like to voice your concerns or comments regarding a request, please call the City Hall at 843-248-1760 or email [ashelley@cityofconway.com](mailto:ashelley@cityofconway.com), to be received prior to 12:00 noon on November 6, 2023. To assure proper recording of public comments left on the City’s voicemail, callers are urged to clearly pronounce their names and addresses, preferably providing spelling for both.

*“I pledge to build a stronger and more prosperous community by advocating for civil engagement, respecting others and their viewpoints, and finding solutions for the betterment of my city.”*



**DATE: NOVEMBER 6, 2023**

**ITEM: IV.A**

**ISSUE:**

**Final Reading of Ordinance #ZA2023-11-06 (B)**, amending to *Article 11 – Signage*, of the City of Conway Unified Development Ordinance (UDO), regarding LED and EMC signs with digital (animated) display(s).

**BACKGROUND:**

In May of this year, Planning Commission reviewed and recommended approval of a text amendment regarding requirements for EMC/LED signs with digital/animated display that would allow theaters to have EMC/LED signs with digital and/or animated display. Ultimately, City Council passed the ordinance, but added to PC's recommendation to allow educational facilities as well as public recreational facilities to have EMC/LED signage.

Since the ordinance was amended, some religious institutions that have sought to install a sign with EMC/LED display. A recent request for a church on Grainger Rd was presented to Council as a special presentation item in recent months, and Council expressed their interest in making it easier for churches to have this type of signage, rather than having to go through the rezoning process. Additionally, the current UDO requires that churches on property of three (3) acres and greater be zoned a Planned Development (PD). If under three (3) acres in size, the property must be zoned properly to have a sign with an EMC/LED.

Per *Section 11.4.9* of the UDO:

*D. Zoning.* Electronic Message Centers (EMC's) or L.E.D. (Light Emitting Diode) signs with digital/animated displays are permitted as follows:

1. **IN, IC, and HC zoning districts.** EMCs/LEDs with digital/animated displays are permitted in the IN and IC zoning districts, and on properties zoned HC that are located on US Hwy 501 Bypass, to include "Church" Street.

*The ordinance was amended earlier this year to also allow these types of signs for the following uses, regardless of zoning:*

2. Theaters.
3. Educational Facilities.
4. Public Recreational Facilities.

For churches that are located on Hwy 501 Bypass/Church Street, they must be zoned Highway Commercial AND be under 3 acres in size, due to the language contained within Article 5 of the UDO regarding the requirements for religious institutions. If over three (3) acres in size, they would need to rezone to a PD, and in doing so, they could add language within the PD that would permit them to have signage that contains an EMC/LED with digital/animated display.

There are 2 churches that have pending requests for and EMC/LED sign. One is located on Grainger Rd, off Hwy 378 and the other is located on Hwy 501, near CCU and HGTC.

In addition to the previous amendments to Article 11 regarding EMC/LED signs, staff proposes to amend the ordinance to allow religious institutions, regardless of the zoning district in which they are located, to have an EMC/LED sign with digital/animated display, with the condition that such sign complies with the requirements for signs in residential zoning districts (per *Section 11.3.1*) and the requirements in *Section 11.4.9*, as attached herein.

**PLANNING COMMISSION RECOMMENDATION:**

Planning Commission held the required public hearing at their October 5, 2023 meeting. There was no public input. Planning Commission recommended approval of the request to amend *Article 11 – Signage*, of the City of Conway Unified Development Ordinance (UDO) regarding the requirements for LED and EMC signs for religious institutions.

**CITY COUNCIL:**

City Council held 1<sup>st</sup> reading on this item at the October 16, 2023 meeting; wherein, City Council approved first reading of the proposed amendment.

**STAFF RECOMMENDATION:**

Staff recommends approval of **Final Reading of Ordinance #ZA2023-11-06 (B)**, amending *Article 11 – Signage*, of the UDO, relative to EMC/ LED signage with digital (animated) display.

**ORDINANCE #ZA2023-11-06 (B)**

**AMENDMENT TO ARTICLE 11 – SIGNAGE, OF THE CITY OF CONWAY UNIFIED  
DEVELOPMENT ORDINANCE (UDO), REGARDING ELECTRONIC MESSAGE CENTERS  
(EMC’s) AND LIGHT-EMITTING DIODES (L.E.D.) SIGNS WITH DIGITAL / ANIMATED  
DISPLAY**

- WHEREAS,** Pursuant to Title 6, Chapter 29 of the Code of Laws of South Carolina 1976, as Amended known as the “South Carolina Local Government Comprehensive Planning Enabling Act of 1994” enabled the City of Conway to adopt the *Unified Development Ordinance (UDO)* of the City of Conway, South Carolina; and
- WHEREAS,** *Article 13, Section 13.1.7* of the *Unified Development Ordinance (UDO)* provides that the regulations, restrictions, and boundaries set forth in said Ordinance may from time be amended, supplemented, changed, or repealed in accordance with S.C. State Code §6-29-760; and
- WHEREAS,** the UDO contains regulations relating to E.M.C./L.E.D. signage in *Article 11, Section 11.4.9*, and has been amended previously due to advances in technology related to digital signage since the 2011 adoption of the UDO [Ordinances #ZA2016-08-01 (E); #ZA2019-03-18 (C); and #ZA2023-06-05 (C)]; and
- WHEREAS,** due to such improvements in technology, the increased affordability of digital signage, and older signs with changeable copy becoming obsolete, many businesses and institutions are seeking to install E.M.C./L.E.D. signage in place of current signage; and
- WHEREAS,** previous amendments included revisions to the sign ordinance that allows theaters, public recreational facilities and educational facilities to have an E.M.C./L.E.D. signage, and since that time, religious institutions have also submitted applications to install these types of signs; and
- WHEREAS,** following a review by the Planning Commission and the required public hearing, it has been determined that the *UDO* should be amended relative to E.M.C./L.E.D. signage with digital / animated display. Therefore, be it
- ORDAINED,** by Conway City Council, in council duly assembled, that the *UDO* be shall be amended as attached hereto; and be it further
- ORDAINED,** that all ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.
- EFFECTIVE DATE:** This ordinance shall become effective upon final reading approval.

**RATIFIED BY CITY COUNCIL**, duly assembled, this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Barbara Jo Blain-Bellamy, Mayor

\_\_\_\_\_  
Justin D. Jordan, Mayor Pro Tem

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K. Autry Benton, Jr., Council Member

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Amanda Butler, Council Member

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William M. Goldfinch IV, Council Member

\_\_\_\_\_  
Beth Helms, Council Member

\_\_\_\_\_  
Larry A. White, Council Member

\_\_\_\_\_  
ATTEST: Alicia Shelley, City Clerk

First Reading: \_\_\_\_\_

Final Reading: \_\_\_\_\_

### 11.3.1 Signs in Residential Zoning Districts

- A. **Signs Permitted in Residential Zoning Districts:** See Section 11.4 for specific requirements. Additionally, some Conditional Uses in Article 5 include specific requirements for signage.
- B. **Residential Subdivision and Multifamily Unit Signs:** See Section 11.4.11.
- C. **Religious Institutions, Educational Facilities, Cemeteries, Country Clubs, Parks, and Similar Recreational Uses:** Shall be permitted one (1) wall sign or one (1) freestanding sign per street frontage. This shall not exceed a cumulative sign surface area of fifty (50) square feet. The freestanding sign shall be a monument or freestanding post type and shall not exceed six (6) feet in height.

Such signs may be illuminated by any means consistent with Section 11.1.8. If signs with EMC's/LED's and/or digital display is desired, such signs shall comply with Section 11.4.9.

~~Religious institutions and educational facilities shall have the option of internally illumination or ground lighting; all other permitted signs shall not be internally illuminated.~~ Such signs shall be located a minimum of ten (10) feet from any adjoining property boundary.

### 11.4.9 Electronic Message Centers (EMC's) / Light-Emitting Diodes (L.E.D.) Signs with Digital / Animated Display

#### D. Zoning

Electronic Message Centers (EMC's) or L.E.D. (Light Emitting Diode) signs with digital or animated displays are permitted as follows:

1. **IN, IC and HC Zoning Districts.** EMC's / L.E.D. signs with digital/animated displays are permitted in the IN, IC zoning districts, and on properties zoned HC that are located on US HWY 501 Bypass, to include "Church Street."
2. **Theaters.** Theaters, including buildings or structures (i.e. auditorium) that is designed for, permitted, and is intended for such use, and which contains audience seating, one or more screens and/or stage, and a lobby, for the purpose of showing motion pictures, performing live music, live plays, or other performance art(s), that is located outside of an HDRD, shall be permitted one (1) EMC / L.E.D. sign with digital/animated display.
  - a. Theaters must be located on parcels that are zoned for such use.
  - b. Theaters shall not include any adult entertainment uses as outlined in Section 5.1.1.
  - c. **Historic Design Review Districts (HDRD's).** Theaters located on properties within a HDRD shall be reviewed by the Community Appearance Board (CAB) for consideration of the installation of an EMC / L.E.D. digital/animated display.
3. **Educational Facilities/Religious Institutions**, as defined in Article 2 – Definitions, shall be permitted one (1) EMC / L.E.D. sign with digital/animated display, in compliance with the standards contained herein.
  - a. In addition to these standards, signage for educational facilities and religious institutions located in residential zoning districts shall adhere to the conditions in Section 11.3.1.
4. **Public Recreational Facilities**, as specified in Article 4 – Use Tables, shall be permitted one (1) EMC / L.E.D. sign with digital/animated display, in compliance with the standards contained herein.

**DATE: NOVEMBER 6, 2023**  
**ITEM: IV.B.**

**ISSUE:**

**Final Reading of Ordinance #ZA2023-11-06 (C)**, amending to *Article 5 – Specific Use Regulations*, of the City of Conway Unified Development Ordinance (UDO) regarding the requirements for religious institutions.

**BACKGROUND:**

**Current State and Federal Laws regarding religious uses**

In 2000, US Congress adopted the Religious Land Use and Institutionalized Persons Act (“RLUIPA”), which prohibits application of land use regulations that:

- 1) impose a substantial burden on religious exercise absent a compelling justification pursued in the least restrictive means;
- 2) treats a religious assembly or institution on less than equal terms with nonreligious assemblies or institutions;
- 3) discriminates against religious entities on the basis of religion or religious denomination; and/or
- 4) totally excludes or unreasonably limits religious assemblies, institutions, or structures within a jurisdiction.

RLUIPA requires the government to demonstrate that the burden of furtherance of a compelling governmental interest and is the “least restrictive means” of furthering that interest. The general rule applies to “the implementation of a land use regulation or a system of land use regulations, under which a government makes, or has in place formal or informal procedures or practices that permit the government to make, individualized assessments of the proposed uses for the property involved” 42 U.S.C. §2000cc (a)(2)(c).

The reach of RLUIPA includes things, such as zoning ordinances, site plan approvals, rezoning, PDD applications, variances, special exceptions and historical preservation ordinances.

Additionally, South Carolina adopted the South Carolina Religious Freedom Act in 1999, which already restricted the state’s ability to burden exercise of religion. The Act prohibits the state from imposing a substantial burden on a person’s exercise of religion, even if the burden results from a general rule of applicability, even if the State demonstrates that application of the burden to the person is:

- 1) in furtherance of a compelling state interest; and
- 2) the least restrictive means of furthering that compelling interest.

The 1999 (state) Act is applicable to all state and local laws and ordinances and the implementation of those laws and ordinances.

## **What is a Planned Development?**

Per the Municipal Association's Comprehensive Planning Guide (2018), a Planned Development district mixes different types of compatible residential use and commercial uses, or shopping centers, office parks, and other mixed-use developments. A PD is established by rezoning prior to development. It is characterized by a unified site design for a mixed-use development, and were historically referred to as "planned unit developments". Planned developments allow flexibility to improve the design, character, and quality of new mixed-use developments and preserve natural and scenic features of open spaces.

## **SC Supreme Court Case regarding Planned Developments**

In 2003, property owners in Charleston County sought to have their property rezoned from an agricultural zoning district to a PD. The ordinance to rezone the property to a PD was passed in February 2004, which allowed the minimum lot size to be reduced from a 3-acre minimum to just one (1) acre. The ordinance was challenged, claiming that it was invalid because it was not in compliance with the states Planning Enabling Act and zoning regulations. The SC Supreme Court concluded that the ordinance to rezone the property to a PD was invalid because it was not comprised of "housing of different types and densities and of compatible commercial uses" nor was it "characterized by a unified site design for a mixed-use development", as provided for in SC Code § 6-29-720. Additionally, SC Code § 6-29-740 requires that Planned Developments "encourage innovative site planning for residential, commercial, institutional, and industrial developments." The only result that was achieved from the ordinance was to allow lot size reductions so that the property owners did not have to meet the lot size requirements of the agricultural district in which the property was located.

While that particular ordinance was ruled to be invalid, it does not prevent counties or municipalities from using other techniques or processes for a PD; however, such requirements must be consistent with the Planning Enabling Act.

Staff was unable to locate a specific time or date in which the requirement for churches to be a PD was established; except that when the UDO was adopted in 2011, the requirement was included. To staffs knowledge, there has been no text amendment since the UDO was initially adopted that required churches over three (3) acres in size to be a PD, or to follow PD requirements. The section of the ordinance staff proposes to amend is as follows:

### **Section 5.1.22 Religious Institutions**

...Religious institutions over three (3) acres in size are subject to the review and procedures indicated in the Planned Development District (PD). All accessory uses shall be submitted and approved as part of the PD application process.



There is no other use in the UDO that requires it to become a PD. While no property owner can request the PD zoning designation unless the property is a minimum of three (3) (contiguous) acres, the only use that requires the property to be a PD is a religious institution if the property is 3 or more acres in size.

As part of staff's effort to clean up the UDO, and with multiple churches requesting signage that would not otherwise be permitted due to the zoning of the property, staff proposes to amend the ordinance to eliminate the requirement for religious institutions, 3 acres or more in size, to become a Planned Development. This amendment would not prohibit religious institutions from requesting to be zoned a Planned Development, especially in cases where there are multiple parcels involved with a variety of different uses; however, it would need to be consistent with state law regarding Planned Developments.

**CITY COUNCIL:**

City Council held 1<sup>st</sup> reading on this item at the October 16, 2023 meeting; wherein, City Council approved the first reading of the proposed amendment.

**PLANNING COMMISSION RECOMMENDATION:**

Planning Commission held the required public hearing at their October 5, 2023 meeting. There was no public input. Planning Commission recommended approval of the request to amend Article 5 – Specific Use Regulations, of the City of Conway Unified Development Ordinance (UDO) regarding the requirements for religious institutions.

**STAFF RECOMMENDATION:**

Staff recommends approval of **Final Reading of Ordinance #ZA2023-11-06 (C)**, amending *Article 5 – Specific Use Regulations*, of the UDO, relative to religious institutions.

**ORDINANCE #ZA2023-11-06 (C)**

**AMENDMENT TO ARTICLE 5 – SPECIFIC USE REGULATIONS, OF THE CITY OF  
CONWAY UNIFIED DEVELOPMENT ORDINANCE (UDO), REGARDING RELIGIOUS  
INSTITUTIONS**

- WHEREAS,** Pursuant to Title 6, Chapter 29 of the Code of Laws of South Carolina 1976, as Amended known as the “South Carolina Local Government Comprehensive Planning Enabling Act of 1994” enabled the City of Conway to adopt the Unified Development Ordinance (UDO) of the City of Conway, South Carolina; and
- WHEREAS,** *Article 13, Section 13.1.7* of the Unified Development Ordinance (UDO) provides that the regulations, restrictions, and boundaries set forth in said Ordinance may from time be amended, supplemented, changed, or repealed in accordance with S.C. State Code §6-29-760; and
- WHEREAS,** the UDO contains regulations relating to Religious Institutions in *Art. 5, Section 5.1.22*; and
- WHEREAS,** in 2000, US Congress adopted the Religious Land Use and Institutionalized Persons Act (“RLUIPA”), which prohibits application of land use regulations on religious institutions and South Carolina adopted the South Carolina Religious Freedom Act in 1999, which already restricted the state’s ability to burden exercise of religion.; and
- WHEREAS,** The Municipal Association’s Comprehensive Planning Guide (2018) states “*a Planned Development district mixes different types of compatible residential use and commercial uses, or shopping centers, office parks, and other mixed-use developments*”; and
- WHEREAS,** the proposed amendment to *Section 5.1.22* of the UDO removes the language requiring religious institutions located on parcels three (3) acres or greater in size to become a Planned Development (PD) district to ensure compliance with RLUIPA and the SC Religious Freedom Act; and
- WHEREAS,** following a review by the Planning Commission and the required public hearing, it has been determined that the UDO should be amended relative to Religious Institutions. Therefore, be it
- ORDAINED,** by Conway City Council, in council duly assembled, that the UDO be shall be amended as attached hereto; and be it further
- ORDAINED,** that all ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.
- EFFECTIVE DATE:** This ordinance shall become effective upon final reading approval.

**RATIFIED BY CITY COUNCIL**, duly assembled, this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Barbara Jo Blain-Bellamy, Mayor

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Justin D. Jordan, Mayor Pro Tem

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K. Autry Benton, Jr., Council Member

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Amanda Butler, Council Member

\_\_\_\_\_  
Beth Helms, Council Member

\_\_\_\_\_  
William M. Goldfinch IV, Council Member

\_\_\_\_\_  
Larry A. White, Council Member

\_\_\_\_\_  
ATTEST: Alicia Shelley, City Clerk

First Reading: \_\_\_\_\_

Final Reading: \_\_\_\_\_

### 5.1.22 Religious Institutions

Religious Institutions include churches, synagogues, temples, mosques and other places of worship, as defined by Article 2. A single Religious Institution shall consist of the primary building of worship and all associated accessory structures and uses located on the same lot, ~~or on contiguous lots not entirely separated by public rights of way or other land lots.~~

~~Religious Institutions under three acres of contiguous land shall be permitted as a conditional use in zoning districts, as shown in Article 4. Religious institutions over three (3) acres in size are subject to the review and procedures indicated by the Planned Development District (PD). All accessory uses shall be submitted and approved as part of the PD application process.~~

Religious Institutions ~~less than three acres of contiguous land~~ shall be permitted as a Conditional Use in the following Zoning Districts: R, RA, RR, R-1, R-2, R-3, R-4, P, NC, HC, CC, CBD, IN, and FA. The following requirements shall be met:

**A. Setbacks.**

1. The setback requirements for Religious Institutions shall be thirty (30) feet for parcel boundaries adjacent to R, RA, RR, R-1, R-2, R-3, and R-4 Zoning Districts.
2. Standard setback requirements for the district in which the use is located (as set forth in Article 6) shall apply to parcel boundaries not adjacent to RA, RR, R-1, R-2, R-3, and R-4 Zoning Districts.

**B. Storefront Exclusion:** In order to protect the vibrant retail and service character of the area, Religious Institutions shall not be permitted to occupy a storefront space as indicated in the CBD (See Section 6.3.7).

**C. Buffers.** Parcel boundaries adjacent to R, RA, RR, R-1, R-2, R-3, and R-4 Zoning Districts shall require a Type A Buffer as set forth in Section 9.2.

**D. Rights-of-Way.** For the purpose of determining the setback requirements and buffer requirements set forth in Sections 9.2, rights-of-way shall impede the contiguity of parcels.

**E. Accessory Structures.** Accessory structures for Religious Institutions shall be subject to the requirements for accessory structures in commercial districts as set forth in Section 5.2.2.

**F. Architectural Design Standards.**

1. Religious Institutions located within the HDRDs shall be reviewed and approved by the Community Appearance Board (CAB) and shall meet the "Historic Design Review Districts: Community Appearance Guidelines".
2. Religious Institutions that are located outside the HDRDs shall be reviewed and approved by the Planning Director and shall meet the architectural design standards stated in Section 6.3.1.C. [ZA2018-12-17(A)]

**DATE: NOVEMBER 6, 2023**

**ITEM: IV.C.**

**ISSUE:**

**Final Reading of Ordinance #ZA2023-11-06 (D)**, amending *Article 7 – Streets & Circulation*, *Article 10 – Subdivision & Land Development*, and *Article 12 - Nonconformities*, of the City of Conway Unified Development Ordinance (UDO) regarding the requirements for the installation of sidewalks.

**BACKGROUND:**

*Article 7, Section 7.1.2 (D) – Complete Streets*, of the UDO, requires that sidewalks be constructed along the frontage of all properties abutting arterial or local non-residential streets. Additionally, *Article 10, Section 10.5.2 (C) – Street Improvements*, requires that sidewalks be constructed where a development fronts on any existing street segment maintained by either the City, the County, or SCDOT where a sidewalk does not currently exist.

There is nothing that distinguishes what the requirements for sidewalk installation are for new development and existing development, regardless of whether or not the site is nonconforming or could accommodate the installation of sidewalks.

*Section 7.1.2 (F) – Exemption/Waivers*, allows TRC to exempt developments from certain complete street requirements, exception for the requirement to install sidewalks, where required. Only City Council can grant sidewalk installation exemptions, and in doing so, the applicant is required to pay the fee-in-lieu of installing sidewalks.

Recently, a property on Fourth Ave (the former Coastal Ice House) requested a waiver of sidewalk installation, which received a favorable recommendation from TRC due to the lot constraints. While there was a sidewalk installed on the Fourth Ave side of the property, there are no sidewalks installed along the sides of the property. The building (existing) is located very close to a side property line as well. The requirements for sidewalk installation on this site would require that approx. 366 linear feet of sidewalks be constructed, which amounts to a total fee-in-lieu of \$9,355 (+/-). Payments in lieu of sidewalk installation are used by the City to build or complete pedestrian (*i.e.* sidewalks), bikeway, or pathway systems.

This amendment proposes to retain the requirement to install sidewalks and for the applicant to request a waiver of sidewalk installation; however, the fee-in-lieu amount could be reduced or eliminated if approved by Council, and would only be applicable to properties that could be considered legal-nonconforming.

**CITY COUNCIL:**

The sidewalk waiver request for Conway Ice House was presented to City Council for consideration at the August 21, 2023 City Council meeting; wherein, City Council requested staff propose an amendment

to lessen the burden of sidewalk installation requirements on proposed businesses that move into existing buildings which also may be located on nonconforming sites. This particular sidewalk waiver request was deferred to give staff the opportunity to draft an amendment to the UDO regarding sidewalk waiver requirements.

**City Council held 1<sup>st</sup> reading on the ordinance at the October 16, 2023 meeting;** wherein, City Council approved first reading of the proposed amendment.

This amendment will give Council the ability to reduce or eliminate the fee in lieu of sidewalk installation requirements for properties that are considered to be nonconforming due to site design issues or nonconforming structures.

**PLANNING COMMISSION RECOMMENDATION:**

Planning Commission held the required public hearing at their October 5, 2023 meeting. There was no public input. Planning Commission recommended approval of the request to amend *Article 7 – Streets & Circulation*, *Article 10 – Subdivision & Land Development*, and *Article 12 - Nonconformities*, of the City of Conway Unified Development Ordinance (UDO) regarding the requirements for religious institutions.

**STAFF RECOMMENDATION:**

Staff recommends approval of **Final Reading of Ordinance #ZA2023-11-06 (D)**.

**ORDINANCE #ZA2023-11-06 (D)**

**AMENDMENT TO ARTICLE 7 – STREETS & CIRCULATION, ARTICLE 10 – SUBDIVISION & LAND DEVELOPMENT, AND ARTICLE 12 – NONCONFORMITIES, OF THE CITY OF CONWAY UNIFIED DEVELOPMENT ORDINANCE (UDO), REGARDING THE REQUIREMENTS FOR THE INSTALLATION OF SIDEWALKS**

- WHEREAS,** Pursuant to Title 6, Chapter 29 of the Code of Laws of South Carolina 1976, as Amended known as the “South Carolina Local Government Comprehensive Planning Enabling Act of 1994” enabled the City of Conway to adopt the *Unified Development Ordinance (UDO)* of the City of Conway, South Carolina; and
- WHEREAS,** *Article 13, Section 13.1.7* of the *Unified Development Ordinance (UDO)* provides that the regulations, restrictions, and boundaries set forth in said Ordinance may from time be amended, supplemented, changed, or repealed in accordance with S.C. State Code §6-29-760; and
- WHEREAS,** the UDO contains regulations relating to Sidewalk Installation in *Article 7, Article 10 and Article 12*; and
- WHEREAS,** fees in lieu of sidewalk installation are used by the City to build or complete pedestrian (i.e. sidewalks), bikeway, or pathway systems.; and
- WHEREAS,** existing sites/buildings without sidewalks are considered legal non-conforming.; and
- WHEREAS,** the fee-in-lieu amount could be reduced or eliminated if approved by Council, and would only be applicable to properties that could be considered legal-nonconforming.; and
- WHEREAS,** following a review by the Planning Commission and the required public hearing, it has been determined that the *UDO* should be amended relative to the Installation of Sidewalks. Therefore, be it
- ORDAINED,** by Conway City Council, in council duly assembled, that the *UDO* be shall be amended as attached hereto; and be it further
- ORDAINED,** that all ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.
- EFFECTIVE DATE:** This ordinance shall become effective upon final reading approval.



**RATIFIED BY CITY COUNCIL**, duly assembled, this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Barbara Jo Blain-Bellamy, Mayor

\_\_\_\_\_  
Justin D. Jordan, Mayor Pro Tem

\_\_\_\_\_  
K. Autry Benton, Jr., Council Member

\_\_\_\_\_  
Amanda Butler, Council Member

\_\_\_\_\_  
Beth Helms, Council Member

\_\_\_\_\_  
William M. Goldfinch IV, Council Member

\_\_\_\_\_  
Larry A. White, Council Member

\_\_\_\_\_  
ATTEST: Alicia Shelley, City Clerk

First Reading: \_\_\_\_\_

Final Reading: \_\_\_\_\_

## 7.1.2 Complete Streets

### F. Exemptions / Waivers.

1. Exempting elements of 'Complete Streets', with the exception of sidewalks, can be granted by the Technical Review Committee. Exemptions may occur under the following conditions:
  - a. Bicycle and pedestrian facilities are not required where they are prohibited by law.
  - b. The cost for a particular project in complying with 'Complete Streets' principles would be excessively disproportionate to the need or probable use of that particular complete street.
  - c. Estimated low population density or the level of transit service around a particular roadway indicates an absence of future need.
2. In the event the Technical Review Committee does not grant a requested exemption, an appeal of the decision can be made to the Conway City Council. City Council shall have the authority to grant a waiver as it may deem appropriate.
3. **Exemption of sidewalks**
  - a. The exemption of sidewalks can be granted only by Conway City Council. If the property owner, developer, or the Technical Review Committee requests a waiver of the requirement to construct a sidewalk because there is no foreseeable connectivity, a waiver can be considered by Conway City Council. However, City Council will require the property owner and / or developer to contribute, in lieu of construction, an amount equal to the cost of construction of the required sidewalk, which includes any required infrastructure improvements for that sidewalk. The payment would then be used for the City of Conway to use in building or completing pedestrian, bikeway, and / or pathway systems.
    - i. In cases where a property is a Nonconforming Site as specified in Section 12.1.4, with or without existing structures, Council may choose to grant a waiver of sidewalk installation and reduce or eliminate the fee-in-lieu amount(s), if recommended by TRC.
  - b. The TRC shall review and make a recommendation before a waiver for sidewalk can be considered by Conway City Council.

## 10.5.2 Street Improvements

- C. Where a development fronts on any existing street segment maintained by either the City, Horry County or the South Carolina Department of Transportation and a sidewalk does not exist in the right-of-way, the applicant shall construct a sidewalk to meet the minimum standards for that street classification, unless a sidewalk waiver has been granted by City Council, in accordance with Section 7.1.2, F.

**DATE: NOVEMBER 6, 2023**

**ITEM: IV.D.**

**ISSUE:**

Resolution accepting dedication of roadways & drainage and the financial guarantee for the roadway warranty for the Kingston Bay, Phase 1, subdivision (Revolutionary Way; Black Lake Way; Riverboat Way; Medlen Parkway).

**BACKGROUND:**

Diamond Shores, LLC requests to dedicate the roadways and drainage system in the Kingston Bay, Phase 1. The road(s) inside this development being offered for dedication are: Revolutionary Way, Black Lake Way, Riverboat Way, and Medlen Parkway.

Upon approval of this request by City Council, the City will accept the documents from Diamond Shores that are required (and applicable) to finalize acceptance of the roadways and drainage system, namely: Drainage Easement, Right-of-Way Deed, Warranty Agreement, General Joinder and Consent to Dedicate, As-Built Road Plans, Certification of Non-Litigation and the Warranty Surety in the form of a financial guarantee (in this case, a cashier's check has been provided). The roadway warranty shall be in place for a period of three (3) years.

Per the Unified Development Ordinance (UDO), the required roadway warranty agreement will be for three years from the date of the acceptance of the road dedication in the amount of **\$90,805**, which is calculated by multiplying \$27.50 per linear foot of 2 lane roadway and \$5 per linear foot for each additional lane of roadway:

Revolutionary Way (2-lane roadway):  $678 \text{ LF} \times \$27.50 \text{ per LF} = \$18,645.00$

Black Lake Way (2-lane roadway):  $902 \text{ LF} \times \$27.50/\text{LF} = \$24,805.00$

Riverboat Way (2-lane roadway):  $1562 \text{ LF} \times \$27.50/\text{LF} = \$42,955.00$

Medlen Parkway (2-lane roadway):  $160 \text{ LF} \times \$27.50/\text{LF} = \$4,400.00$

**Total (3-yr) warranty amount: \$90,805.00**

Public Works has inspected the roadways and drainage in the Kingston Bay, Phase 1 subdivision and found them acceptable to move forward with the dedication.

**RECOMMENDATION**

Adopt the resolution accepting dedication of roadways and drainage system in the Kingston Bay, Phase 1, subdivision with a financial guarantee (cashier's check provided) for a three-year warranty in the amount of **\$90,805.00**.

STATE OF SOUTH CAROLINA            )  
COUNTY OF HORRY                    )               **RESOLUTION**  
CITY OF CONWAY                        )

**ACCEPTING THE ROADWAYS AND DRAINAGE SYSTEM  
IN THE KINGSTON BAY (PHASE I) SUBDIVISION**

**WHEREAS,** Diamond Shores, LLC has installed a roadway and drainage system within the city limits of Conway; and

**WHEREAS,** Diamond Shores, LLC is requesting approval to dedicate street rights of way for the Kingston Bay, Phase I, subdivision, for Revolutionary Way, Black Lake Way, Riverboat Way, and Medlen Parkway; and

**WHEREAS,** Diamond Shores, LLC also requests to convey their right, title and all interest related to the drainage system together with all public easements and rights of way thereto, located within the Revolutionary Way, Black Lake Way, Riverboat Way, and Medlen Parkway rights-of-ways; and

**WHEREAS,** Conway City Council has determined it would be in the best interest of Conway and its citizens to accept the street and drainage system for Revolutionary Way, Black Lake Way, Riverboat Way, and Medlen Parkway, as depicted on maps created by Rowe Professional Services Company, prepared 4/10/2023, titled A Major Final Subdivision Plat for Diamond Shores, LLC, and recorded in the Horry County Registrar of Deeds Plat Book 314, Page 177; and

**NOW, THEREFORE BE IT RESOLVED,** by the City Council of the City of Conway, South Carolina to accept road right of way and drainage on the above stated Revolutionary Way, Black Lake Way, Riverboat Way, and Medlen Parkway from Diamond Shore LLC as presented in the deed and easement signed by David Schwerd of Diamond Shores, LLC.

**RATIFIED BY CITY COUNCIL**, duly assembled, this\_\_\_\_\_day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Barbara Jo Blain-Bellamy, Mayor

\_\_\_\_\_  
Justin D. Jordan, Mayor Pro Tem

\_\_\_\_\_  
K. Autry Benton Jr., Council Member

\_\_\_\_\_  
Amanda Butler, Council Member

\_\_\_\_\_  
William M. Goldfinch IV, Council Member

\_\_\_\_\_  
Beth Helms, Council Member

\_\_\_\_\_  
Larry A. White, Council Member

\_\_\_\_\_  
ATTEST: Alicia Shelley, City Clerk

First Reading: \_\_\_\_\_

Final Reading: \_\_\_\_\_

# Kingston Bay Phase 1

## Engineer's Warranty Worksheet

**Description:** Certified Roadway lengths and City of Conway Cost per Linear foot for warranty

**Project Number:** 20S0007

**Client Name:** Diamond Shores

Road Name	Centerline Length (LF)	Cost Per LF	Road Total
Black Lake Way	902	\$ 27.50	\$ 24,805.00
Riverboat Way	1562	\$ 27.50	\$ 42,955.00
Revolutionary Way	678	\$ 27.50	\$ 18,645.00
Medlen Parkway	160	\$ 27.50	\$ 4,400.00
<b>TOTALS</b>	<b>3302</b>		<b>\$ 90,805.00</b>



10/23/23

STATE OF SOUTH CAROLINA )

RIGHT-OF-WAY DEED

COUNTY OF HORRY )

KNOW ALL MEN BY THESE PRESENTS, THAT I (or we) Diamond Shores LLC  
in consideration of the sum of One Dollar, receipt of which is hereby acknowledged, have granted, bargained,  
sold and released, and by these presents do grant, bargain, sell and release, unto the City of Conway, its  
successors and assigns, a right-of-way deed for the following road(s) named Black Lake Way  
Riverboat Way, Revolutionary Way as shown on a plat prepared  
by Rowe Professional titled Kingston Bay Phase I and dated \_\_\_\_\_ said  
plat being recorded in the Horry County Register of Deeds at \_\_\_\_\_.

Said road right-of-way having been offered for dedication and said dedication being accepted by action  
of Conway City Council at its meeting on \_\_\_\_\_, 20 \_\_\_\_\_.

TO HAVE AND TO HOLD, all and singular, the said right-of-way and the rights hereinabove granted, unto the  
said City of Conway, its successors and assigns forever.

IN WITNESS WHEREOF I (or we) have hereunto set my/our hand(s) and seal(s) this 17<sup>th</sup> day of June  
in the year of our Lord Two Thousand and 23.

Signed, sealed and delivered in the presence of:

Kathy Cole

Witness #1

[Signature] COO Diamond Shores LLC

OWNER

Larry A. Brown

Witness #2

OWNER

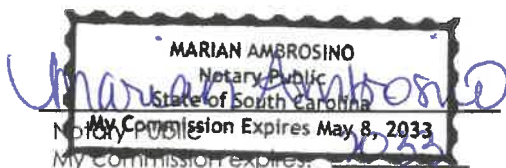
STATE OF SOUTH CAROLINA )

PROBATE

COUNTY OF HORRY )

Personally appeared before me Kathryn Cole and made oath that he/she  
was present and saw the within named owner(s), David Schwed sign, seal  
and as their act and deed deliver the within deed for right-of-way; and that  
Kathryn Cole with Larry Brown  
witnessed the execution thereof.

Sworn to before me this 20 day of June, 20 23.



Larry A. Brown  
Witness Signature



CITY OF CONWAY

WARRANTY AGREEMENT

KNOW ALL MEN BY THESE PRESENTS THAT David Schwerd, COO  
of Diamond Shores  
, hereinafter referred to as "Developer", as principal is held and firmly bound unto the City of Conway existing under the laws of the State of South Carolina, as obligee in full and just sum of \$ \_\_\_\_\_, lawful money of the United States of America, to the payment of which sum, well and truly made the Developer binds themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Developer has lawfully developed and constructed a development in the City of Conway, South Carolina, known and identified as Kingston Bay Ph I and in connection therewith has constructed, certain roadways, drainage ways, and other appurtenant road and drainage structures, and has dedicated those facilities to the City of Conway for public use and maintenance.

NOW THEREFORE, the condition of this obligation is such that the Developer shall give to the City of Conway fee simple title to said improvements, and warrants that said improvements are in first-class condition, and shall remain in said condition, less normal wear, for a period of three (3) years from the date of action by Conway City Council to accept said facilities. Should said facilities, or any portion thereof require repair or replacement for failure of workmanship, materials, or damages resulting from any construction related activities, including utility construction or building construction performed by other parties who purchased land from said Developer, within three (3) years from date of said acceptance, the Developer shall make the necessary repairs or shall be liable to the City of Conway in the amount of the full and just sum herein stated above for costs to repair and replace said facilities to a first-class condition. All repairs made shall be of good quality and shall be subject to an additional twelve-month warranty period with a suitable financial guarantee being posted for 125% of the estimated cost of the repair work as determined by the Technical Review Committee.

SIGNED, SEALED, AND DATED this 26<sup>th</sup> day of June 2023.

WITNESS:

Katlyn Cole  
Katlyn Cole

Witness Print Name

DEVELOPER:

David Schwerd, COO Diamond Shores LLC  
David Schwerd, COO Diamond Shores LLC

Developer Print Name

STATE OF SOUTH CAROLINA )  
COUNTY OF HORRY )

The foregoing was acknowledged before me

this 26<sup>th</sup> day of June  
by Marian Ambrosino

Marian Ambrosino  
Notary Public  
My Commission Expires May 8, 2033  
Notary Public  
My commission expires: 2033

STATE OF SOUTH CAROLINA )

**DRAINAGE EASEMENT**

COUNTY OF HORRY )

KNOW ALL MEN BY THESE PRESENTS, THAT I (or we) Diamond Shores LLC  
in consideration of the sum of One Dollar, receipt of which is hereby acknowledged, have granted,  
bargained, sold and released, and by these presents do grant, bargain, sell and release, unto the City of  
Conway, its successors and assigns, a right-of-way easement for the following road(s) named as shown on a  
plat prepared by Rowe Professional Services Company, Aaron Leach  
titled Kingston Bay Phase I and dated \_\_\_\_\_ said plat being  
recorded in the Horry County Register of Deeds at \_\_\_\_\_.

Said drainage easement having been offered for dedication and said dedication being accepted by action  
of Conway City Council at its meeting on \_\_\_\_\_, 20 \_\_\_\_.

TO HAVE AND TO HOLD, all and singular, the said right-of-way and the rights hereinabove granted, unto the  
said City of Conway, its successors and assigns forever.

IN WITNESS WHEREOF I (or we) have hereunto set my/our hand(s) and seal(s) this 7<sup>th</sup> day of  
June in the year of our Lord Two Thousand and 23.

Signed, sealed and delivered in the presence of:

KATHA

Witness #1

[Signature]

OWNER

Laney A. Brown

Witness #2

OWNER

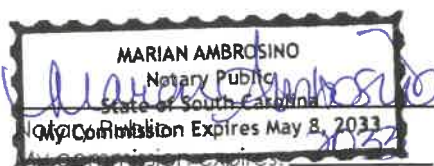
STATE OF SOUTH CAROLINA )

**PROBATE**

COUNTY OF HORRY )

Personally appeared before me Kathryn Cole and made oath that he/she  
was present and saw the within named owner(s), David Schwed sign, seal  
and as their act and deed deliver the within easement for right-of-way;  
and that Kathryn Cole with Laney Brown witnessed the execution  
thereof.

Sworn to before me this 7<sup>th</sup> day of June, 20 23.



Laney A. Brown  
Witness Signature

**CITY OF CONWAY**  
**CERTIFICATION OF NON-LITIGATION**

I, (We), hereby certify that there are no pending or threatened actions at law that will affect the fee simple dedication of the below named project. I, (We), further certify that all contractors, subcontractors, material suppliers, surveyors, attorneys, or other persons, firms or corporations retained for the purpose of designing, planning, and constructing the project have been paid in full.

Project and Road Name(s): Kingston Bay Phase I

Katlyn Cole  
Witness Print Name

KAC  
Witness Signature

Laney A. Brown  
Witness Print Name

Laney A. Brown  
Witness Signature

Burton D Norris  
Witness Print Name

[Signature]  
Witness Signature

Diamond Shores LLC, David Schuerd COO  
Developer Print Name

[Signature]  
Developer Signature

Charles Brown  
General Contractor Print Name

Chk Br  
General Contractor Signature

ROL E PSC Ryan E. Harvey  
Engineer Print Name

Ryan E Harvey  
Engineer Signature

STATE OF SOUTH CAROLINA )

COUNTY OF HORRY )

The foregoing was acknowledged before me

this 10 day of June 2023  
by David Schuerd

[Signature]  
MARIAN AMBROSINO  
Notary Public  
State of South Carolina  
Notary Commission Expires May 8, 2033

My commission expires: 2033

**CITY OF CONWAY**

**GENERAL JOINDER AND CONSENT TO DEDICATION**

The undersigned hereby certifies that it is the holder of a mortgage, lien, easement, right-of-way, or encumbrance on certain lands properly known as \_\_\_\_\_

Kingston Bay Phase I

and that the undersigned hereby joins in the consent to the dedication of the roadways, drainage ways, easements, and other appurtenances located on or in said described property by the owner thereof, and agrees that its mortgage, lien, easement, right-of-way or other encumbrance which is recorded in Official Records Book \_\_\_\_\_ at Page \_\_\_\_\_, of the Public Records of Horry County, South Carolina, shall be subordinated to the above dedication.

Laney A. Brown

Witness Print Name

David Schwerdt, COO

Signatory Print Name

Laney A. Brown

Witness Signature

[Signature]

Signature

STATE OF SOUTH CAROLINA )

COUNTY OF HORRY )

The foregoing was acknowledged before me

This 10<sup>th</sup> day of July, 2023

By: [Signature]

Notary Public  
MARIAN AMBROSINO  
Notary Public  
State of South Carolina  
My Commission Expires May 8, 2033  
My commission expires: 5/8/33

**DATE: NOVEMBER 6, 2023**  
**ITEM: IV.E.**

**ISSUE:**

Special event request: Conway Christmas Parade – December 9, 2023 – Kelli James, Chamber of Commerce

**BACKGROUND:**

The Conway Chamber of Commerce has requested a special event permit for the Conway Christmas Parade to be held on Saturday, December 9, 2023, from 10:00 a.m. to noon.

Parade participants will line up on 16<sup>th</sup> Avenue, Lakeside Drive and Long Avenue. The parade will travel down Main Street, turn right onto 4<sup>th</sup> Avenue and end at the intersection of Powell Street. A map depicting the line-up area and parade route with requested street closures is attached.

The Police Department and Fire Department will provide assistance with traffic control and standby fire/medical assistance. No other City services have been requested.

**RECOMMENDATION:**

Approve the special event request for the Conway Christmas Parade contingent upon the SCDOT permit being obtained prior to the event.

RECEIVED  
10/13/2023



**RE: Changes to the 2023 Conway Christmas Parade Line-up/Staging Area and Parade Route**

The Conway Christmas Parade has been an annual highlight of the holiday season for well over a half century. It is also Horry County's largest parade. As our area has grown and Conway has become a destination for the holidays, not only has the number of parade viewers increased but the number of entries has as well.

The Conway Chamber of Commerce's Special Event Permit Application for the 2023 Christmas Parade, scheduled for December 9<sup>th</sup> at 10 AM, does include modifications to both the line-up/staging area and the parade route typical of past years.

**Line-up/Staging Area:**

Over the past few years and due to the large number of entries, Magrath Street, Jackson Street and portions of Sherwood Drive have been utilized for line-up of parade entries. These narrow residential neighborhood roadways do not accommodate the often-oversized vehicles and floats in the parade. It also disrupts residents along those streets and inhibits their ability to come and go during the staging process. Chamber leadership in cooperation and consultation with Chief Long, Chief Hendrick and department staff have strategized on best alternatives to address these issues without the need to restrict the number of participating entries. Utilizing Long Avenue, as well as Freeman and Godfrey Avenues in the vicinity of Trinity United Methodist Church were determined to best accommodate line-up as staging on these roadways would allow for less congestion and disrupt minimal residents. Trinity United Methodist Church was contacted to ensure no events or activities were planned at the church on the morning of December 9<sup>th</sup>. *(See map attachment to Special Event Application)*

**Parade Route:**

Again, as the number of spectators in attendance to view the parade has grown and the number of participants has increased, ensuring the safety, security, and health of all involved is priority. The Conway Chamber of Commerce works in cooperation with City of Conway Police Department personnel to best address concerns and decrease risk. The traditional parade route of past years included a turn from Main Street onto Third Avenue, then a right turn onto Laurel Street, followed by a final turn onto Fourth Avenue, ending at Powell Street. Oversized entries including large floats pulled by trucks, commercial and utility vehicles have difficulty maneuvering these turns while avoiding large crowds of spectators that may not remain confined to sidewalks. The Special Event Application for the 2023 Conway Christmas Parade requests approval of a new route of Main Street from 16<sup>th</sup> Avenue, then a right turn onto Fourth Avenue, which allows ample space for larger parade units to maneuver the turn as the intersection includes an additional lane. The proposed route then travels down Fourth Avenue and ends at Powell Street. The proposed route of the 2023 parade does exclude travel down Third Avenue and Laurel Street, alleviating the difficulties of units navigating those smaller intersections. *(See map attachment to Special Event Application)*



RECEIVED  
10/13/2023



**For Office Use Only**  
**Permit Application**

- ☐ Approved  
☐ Disapproved  
☐ Charges required  
in the amount of \_\_\_\_\_

Signature

Date

**SPECIAL EVENT PERMIT APPLICATION**

According to the Code of Ordinances of the City of Conway, it is unlawful for any person to hold, manage, conduct, aid, participate in, form, start or carry on any parade or public meeting or assembly or picketing, in or upon any public street, park or other public grounds in the city unless and until a permit to conduct such meeting, assembly, parade or picketing has been obtained. A special event application is also required for events held on private property within the city that may expect a large crowd, impact on the neighborhood and/or city services, or require other permits such as zoning, signage, etc. Charges may apply to each application. The City of Conway, at its discretion, may choose to waive any fees and charges for special events held by bonafide, non-profit organizations.

**APPLICATION FOR PERMIT MUST BE FILED NOT LESS THAN  
30 DAYS IN ADVANCE OF THE PROPOSED ACTIVITY.**

Name of the event: Conway Christmas Parade 2023

Name of permit holder: Conway Chamber of Commerce

Address of permit holder: 203 Main Street

City: Conway State: SC Zip: 29526

Telephone number of permit holder: 843-248-2273 Cell 843-254-8941

Are you conducting the activity on behalf of an organization? ☒ Yes ☐ No

Is your organization a non-profit 501(c)(3) organization? ☐ Yes ☒ No

Name of organization: Conway Chamber of Commerce

Address of organization: 203 Main Street Conway, SC 29526

Telephone number of organization: 843-248-2273

What is the purpose of the activity? Annual Christmas Parade

What is the proposed date(s) of the activity? Saturday, December 9, 2023

What are the proposed times of the activity? 10:00 AM - 12:00 PM

What are the plans for the event? Entry spots will be marked by line-up number along staging area on 16th Ave, Lakeside Dr, Long Ave prior. Entries will line-up by number the morning of and move forward along the route beginning at 10 AM.

What is the location or route of the activity? (Please attach any necessary route maps.) \_\_\_\_\_

Parade route is Main Street from 16th Ave; right turn onto 4th Ave and end at the intersection of Powel Street.  
(Map attached)

**If you are conducting a parade, please attach a map showing the route with the portion of the street(s) and/or sidewalk(s) to be utilized clearly marked.**

Participants to line-up in staging area along 16th Avenue, Lakeside Ave and Long Ave. Parade route will travel Main



List any streets which may need to be closed, including specific dates and times of closing and re-opening:

Road closures and times typical of the event in coordination with City Of Conway Police Department staff. (See attached map)

What is the approximate number of participants? 600

What is the approximate number of vendors? 0

**BUSINESS LICENSE REQUIREMENTS:** Any vendors at this event who do not have 501(c)(3) nonprofit status are required to purchase a business license.

Will there be any vehicles, water craft, equipment or animals used for the event? ☐ Yes ☐ No

If yes, please explain: Participant entries include vehicles, trailers, motorcycles, golf carts, go carts

Are you requesting any road blockades? (charges may apply) ☒ Yes ☐ No

If yes, please attach a map showing the locations of any road blockades.

Are you requesting any police assistance? (charges may apply) ☒ Yes ☐ No

Are you requesting to set up tents or temporary structures? (charges may apply) ☐ Yes ☒ No  
If yes, please attach a drawing showing the locations and sizes of all auxiliary structures.

Are you requesting any fire/medical standby assistance? (charges may apply) ☒ Yes ☐ No

Will supplementary utility services such as power and water be used in addition to what is available in the area? If yes, describe in detail the specific utilities and location. Any additional utilities must be provided by the applicant. ☐ Yes ☒ No

Have you requested or obtained a permit from any other jurisdiction (city or county) within which the activity shall commence, terminate or occur in part? ☐ Yes ☒ No

How do you plan to remove garbage?

Will existing restroom facilities be adequate? ☐ Yes ☒ No

If not, describe plans to augment available sanitary facilities: Portolets will be available

Please include any additional information that may be useful:

Does any of the following apply to the proposed activity: \_\_\_\_\_ Fireworks Display ☒ Other (live band, band, loudspeakers, sound amplifiers, etc.). Please specify: \_\_\_\_\_  
Marching bands, entries featuring live performances, music broadcast via speakers.

**ALCOHOL SALES AT SPECIAL EVENT:** *Procedures and logistics for serving alcoholic beverages must be submitted with the special event permit application. These should include but are not limited to location, hours of operation, locations with site diagram and security procedures. Consideration will also be given as to whether alcohol sales would create potentially dangerous situations due to the nature of the event. Permission to serve or consume alcohol may be granted by the city as part of the special event permit; however, such service must comply with all South Carolina Alcohol Beverage Control Commission regulations and the City of Conway Special Events Alcohol Control Policy. The City reserves the right to revoke the permit or require the applicant to discontinue alcohol sales whenever the consumption of alcohol by participants becomes excessive or when, over a period of time, participants regularly demonstrate obnoxious, loud, or other inappropriate behavior following events.*

Will alcoholic beverages be served?

☐ Yes ☒ No

Will alcoholic beverages be sold? *If yes, SC ABC permit required.*

☐ Yes ☒ No

*Hard alcohol (liquor) may not be present, possessed, consumed and/or served at any permitted special event. Section 7-2-2 (b) (1) states "The sale of alcohol within the designated area of a special event is limited to beer and wine." Beer and/or wine must be served in opaque paper, plastic or Styrofoam cups.*

**VENDORS:** Please list any vendors, including applicant, for whom you are requesting permission to sell alcohol and the proposed locations for sales.

**RESTAURANTS:** Please list any restaurants for which you are requesting permission to sell alcohol for public consumption during the special event.

Times for alcohol to be served: From \_\_\_\_\_ To \_\_\_\_\_

*Event map must show requested designated special event area for alcohol sales/public consumption.*

*The following does not apply to restaurants:*

Have you applied for a South Carolina temporary ABC Permit? ☐ Yes ☐ No

Name of insurance company providing general liability with liquor liability insurance for the event naming the City of Conway as additional insured (a copy of the Certificate of Insurance must be provided): \_\_\_\_\_

**ACKNOWLEDGMENT:** *I acknowledge that I have read and do fully understand the Special Event Alcohol Control Policy attached to this application and agree to comply with the guidelines.*

Applicant's Signature: \_\_\_\_\_

Date: 10/13/23



## SPECIAL EVENTS

### ALCOHOL CONTROL POLICY

All event organizers and restaurants are required to be familiar with and follow the guidelines when participating in special events where alcoholic beverages will be permitted. It is understood that responsibility for fully meeting these requirements during an event rests with the event organization and/or restaurant serving alcohol within a designated special event area.

1. Hard alcohol (liquor) may not be present, possessed, consumed and/or served at any permitted special event. *Section 7-2-2 (b) (1) states "The sale of alcohol within the designated area of a special event is limited to beer and wine."*
2. Public consumption of alcohol as authorized by the special event permit shall not begin before the designated event start time. There shall be no open containers of alcohol allowed in the event area before this designated time. The event organizers and all participating restaurants must discontinue alcohol distribution for public consumption within the event area at a minimum of 30 minutes prior to the end of the event. All alcohol must be cleared from the event site at the end of the event.
3. At no other time may alcohol be present, possessed, served, and consumed in the public area. The event organizer is responsible for informing participating restaurants of the event hours for compliance and to make certain that no one leaves restaurant premises with alcohol except during the time of the special event.
4. It is a violation to permit or knowingly allow a person under 21 years of age to purchase or possess or consume liquor, beer or wine. The seller of beer or wine must clearly display signs stating that the purchase or possession of beer or wine by a person under the age of 21 is unlawful.
5. Signs informing participants that alcohol beverages are prohibited on City streets and sidewalks beyond the boundaries of the designated special event area will be posted by the City.
6. No alcohol may be served in glass containers, cans or bottles; only opaque plastic, paper, or Styrofoam containers will be allowed.
7. It is a violation to sell liquor, beer or wine to an intoxicated person. Any person in an intoxicated condition, even if of legal age, must be denied alcohol.
8. The event organizer shall supply identification wristbands to the vendors and/or participating restaurants at any special event that includes the sale/public consumption of alcoholic beverages. Anyone 21 years of age or older wishing to consume alcohol on public property must be wearing the colored wristband assigned to the special event in order to be served alcohol.

If your event is to be held on property not owned by the sponsoring organization, the property owner must complete the following:

### PROPERTY OWNER PERMISSION LETTER

I (we), being the property owner of \_\_\_\_\_ (address),  
give permission for \_\_\_\_\_ to hold a special event on  
my/our property.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Address

\_\_\_\_\_  
Printed Witness Name

\_\_\_\_\_  
Telephone Number

### INSURANCE REQUIREMENTS FOR SPECIAL EVENTS HELD ON CITY PROPERTY

The event must maintain general liability insurance and, if beer and wine is to be served, liquor liability insurance for the event for which the permit has been obtained. The City of Conway shall be named as an additional insured on the policy with respect to claims arising from the use of property owned or operated by the city and the issuing of the permit by the city. The applicant shall submit a Certificate of Insurance verifying the following minimum coverage and specifically identifying the City of Conway as an additional insured. **Your permit will not be issued if the Certificate of Insurance has not been received prior to event.** The City of Conway must be listed as the "Certificate Holder" on the Certificate of Insurance.

Each Occurrence	1,000,000
Personal Injury	1,000,000
General Aggregate	2,000,000

.....  
Application completed by:

Contact No.:

Date:

.....  
Special events permits are granted in accordance with the City of Conway Code of Ordinances and in no way imply assumption of liability by the City of Conway. Your organization is fully responsible for complying with all applicable laws and safety procedures. A permit does not authorize you to enter upon private property or to, in any way, hinder or obstruct pedestrian or vehicular traffic. The City of Conway reserves the right to modify the conditions of this permit or to cancel it entirely if it is deemed appropriate.

Please return completed permit application to:

City of Conway Planning Department  
Attn: Special Event Permits  
P.O. Drawer 1075  
Conway, SC 29528-1075

[FOR OFFICE USE ONLY]

Special Event: Christmas Parade 2023 Date(s) December 9 2023

Sponsoring Organization: Conway Chamber of Commerce

Application completed by: Kelli James Contact No.: 843 248-2213 Date: October 13 2023

<input checked="" type="checkbox"/> Recommend approval	<input type="checkbox"/> Recommend disapproval
<u>10/16/2023</u> Date	
Police Department	
Fees or charges associated with this event: <u>see attached</u>	
Special Conditions/Comments: <u>see attached</u>	
Police Officers \$40.00/hour per officer	

<input checked="" type="checkbox"/> Recommend approval	<input type="checkbox"/> Recommend disapproval
<u>10/16/2023</u> Date	
Fire Department	
Fees or charges associated with this event: <u>see attached</u>	
Special Conditions/Comments: <u>see attached</u>	
Fire Inspector/Fire-Rescue Officers \$40.00/hour per officer	

<input checked="" type="checkbox"/> Recommend approval	<input type="checkbox"/> Recommend disapproval
<u>10/13/2023</u> Date	
Public Works Department	
Fees or charges associated with this event: <u>see attached</u>	
Special Conditions/Comments: <u>see attached</u>	
<u>Residential &amp; Non Residential Street Closure</u>	
Barricades	\$20.00 each
Public Works Employee	\$25.00/hour per employee

<input type="checkbox"/> Recommend approval	<input type="checkbox"/> Recommend disapproval
<div style="display: flex; justify-content: space-between;"> <div>Parks &amp; Rec. Department</div> <div>_____ Date</div> </div>	
Fees or charges associated with this event: _____	
Special Conditions/Comments: _____	
_____	
_____	
Parks & Rec. Employee	\$25.00/hour per employee

<input checked="" type="checkbox"/> Recommend approval	<input type="checkbox"/> Recommend disapproval
<div style="display: flex; justify-content: space-between;"> <div>_____</div> <div>10/16/2023 Date</div> </div>	
Planning Department	
Special Conditions/Comments: <i>see attached</i>	
_____	
_____	

<input type="checkbox"/> License(s) obtained for _____ vendor(s)	<input checked="" type="checkbox"/> License(s) not required
Has general liability and liquor liability insurance (if applicable) listing the City of Conway as additional insured been secured? <input type="checkbox"/> Yes <input type="checkbox"/> No	
<div style="display: flex; justify-content: space-between;"> <div>_____</div> <div>10/16/2023 Date</div> </div>	
Business License Department	
Special Conditions/Comments: <i>see attached</i>	
_____	
_____	

**RELEASE AND INDEMNIFICATION AGREEMENT**  
**City of Conway**

***THIS IS A RELEASE OF LIABILITY AND INDEMNIFICATION AGREEMENT. THE SPECIAL EVENTS HOLDER MUST READ CAREFULLY BEFORE SIGNING.***

In consideration for being permitted to engage in the following special event on City of Conway property:


\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Special Event Holder hereby acknowledges, represents, and agrees as follows:

- A. We understand that activities associated with the above-described special event are or may be dangerous and do or may involve risks of injury, loss, or damage to us and/or to third parties. We further acknowledge that such risks may include but are not limited to bodily injury, personal injury, sickness, disease, death, and property loss or damage, arising from the following circumstances, among others:
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

 (Special Event Holder initial here)


- B. If required by this paragraph, we agree to require each participant in our special event to execute a release and indemnification agreement for ourselves and for City of Conway on a form approved by the City of Conway.

 (Special Event Holder initial here)

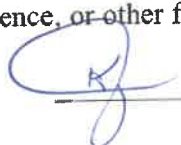
- C. We agree to procure, keep in force, and pay for special event insurance coverage, from an insurer acceptable to the City of Conway, for the duration of the above referenced event.

 (Special Event Holder initial here)

- D. By signing this **RELEASE AND INDEMNIFICATION AGREEMENT**, we hereby expressly assume all such risks of injury, loss, or damage to us or to any related third party, arising out of or in any way related to the above-described activities, whether or not caused by the act, omission, negligence, or other fault of the City of Conway, its officers, its employees, or by any other cause.

 (Special Event Holder initial here)

- E. By signing this **RELEASE AND INDEMNIFICATION AGREEMENT**, we further hereby exempt, release, and discharge the City of Conway, its officers, and its employees, from any and all claims, demands, and actions for such injury, loss, or damage to us or to any third party, arising out of or in any way related to the above-described activities, whether or not caused by the act, omission, negligence, or other fault of the City of Conway, its officers, its employees, or by any other cause.

 (Special Event Holder initial here)



F. We further agree to defend, indemnify and hold harmless the City of Conway, its officers, employees, insurers, and self-insurance pool, from and against all liability, claims, and demands, court costs, and attorneys' fees, including those arising from any third party claim asserted against the City of Conway, its officers, employees, insurers, or self-insurance pool, on account of injury, loss, or damage, including without limitation claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever, which arise out of or are in any way related to the above-described activities, whether or not caused by our act, omission, negligence, or other fault, or by the act, omission, negligence, or other fault of the City of Conway, its officers, its employees, or by any other cause.



(Special Event Holder initial here)

G. By signing this **RELEASE AND INDEMNIFICATION AGREEMENT**, we hereby acknowledge and agree that said agreement extends to all acts, omissions, negligence, or other fault of the City of Conway, its officers, and/or its employees, and that said agreement is intended to be as broad and inclusive as is permitted by the laws of the State of South Carolina. If any portion hereof is held invalid, it is further agreed that the balance shall, notwithstanding, continue in full legal force and effect.



(Special Event Holder initial here)

H. We understand and agree that this **RELEASE AND INDEMNIFICATION AGREEMENT** shall be governed by the laws of the State of South Carolina, and that jurisdiction and venue for any suit or cause of action under this agreement shall lie in the courts.



(Special Event Holder initial here)

I. This **RELEASE AND INDEMNIFICATION AGREEMENT** shall be effective as of the date or dates of the applicable Special Event, shall continue in full force until our responsibilities hereunder are fully discharged, and shall be binding upon us, our successors, representatives, heirs, executors, assigns, and transferees.



(Special Event Holder initial here)

IN WITNESS THEREOF, this **RELEASE AND INDEMNIFICATION AGREEMENT** is executed by the Special Event Holder, acting by and through the undersigned, who represents that he or she is properly authorized to bind the Special Event Holder hereto.

**PRINTED NAME OF SPECIAL EVENT PERMIT HOLDER:**

Conway Chamber of Commerce

**PRINTED NAME AND TITLE OF PERSON SIGNING ON BEHALF OF SPECIAL EVENTS HOLDER:**

NAME: Kelli James TITLE: Executive Vice President

SIGNATURE:  DATE: 10-13-23



**FACILITY USE AGREEMENT AND RELEASE/INDEMNIFICATION**  
**City of Conway**

A. In consideration for being permitted to use the facilities of the City of Conway, \_\_\_\_\_

(hereinafter "Applicant") agrees to indemnify and hold harmless, City of Conway its officers, employees, insurers, and SCMIT/SCMIRF Insurance Programs, from and against all liability, claims, and demands, which are incurred, made, or brought by any person or entity, on account of damage, loss, or injury, including without limitation claims arising from property loss or damage, bodily injury, personal injury, sickness, disease, death, or any other loss of any kind whatsoever, which arise out of or are in any manner connected with the use of the facilities, whether any such liability, claims, and demands result from the act, omission, negligence, or other fault on the part of the City of Conway, its officers, or its employees, or from any other cause whatsoever.

B. By signing below, Applicant agrees that, in the event of any damage, loss, or injury to the facilities or to any property or equipment therein, the City of Conway may require reimbursement for the full amount of such damage, loss, or injury and all costs associated therewith upon billing by City of Conway.

C. In addition, in consideration for being permitting to use the facilities, Applicant, on behalf of itself, and its officers, employees, members, and invitees, hereby expressly exempts and releases the City of Conway, its officers, employees, insurers, and self-insurance pool, from and against all liability, claims, and demands, on account of injury, loss, or damage, including without limitation claims arising from property loss or damage, bodily injury, personal injury, sickness, disease, or death, that Applicant may incur as a result of such use, whether any such liability, claims, and demands result from the act, omission, negligence, or other fault on the part of the City of Conway, its officers, or its employees, or from any other cause whatsoever.

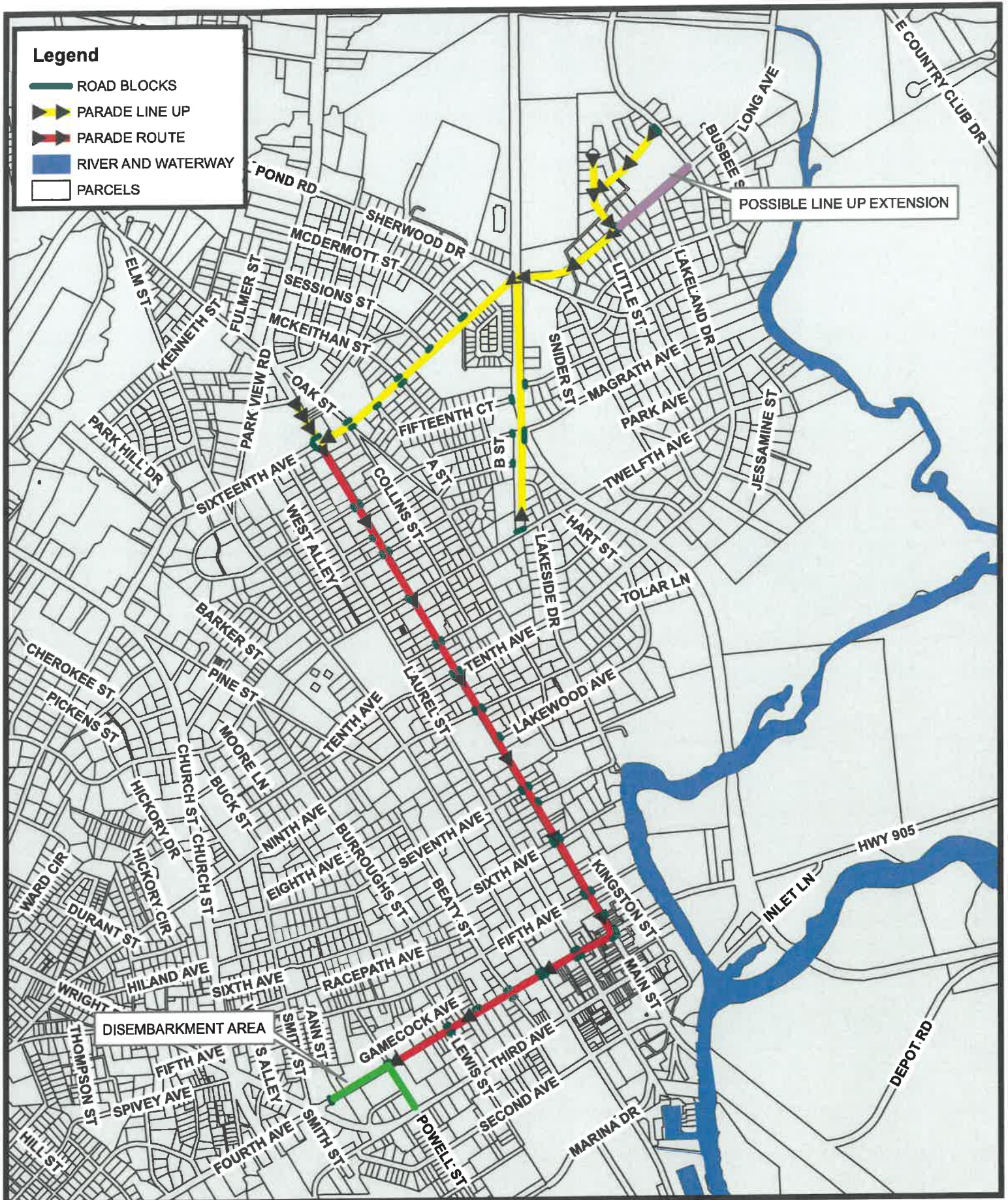
Conway Chamber of Commerce

\_\_\_\_\_  
**NAME OF PERSON/ORGANIZATION**

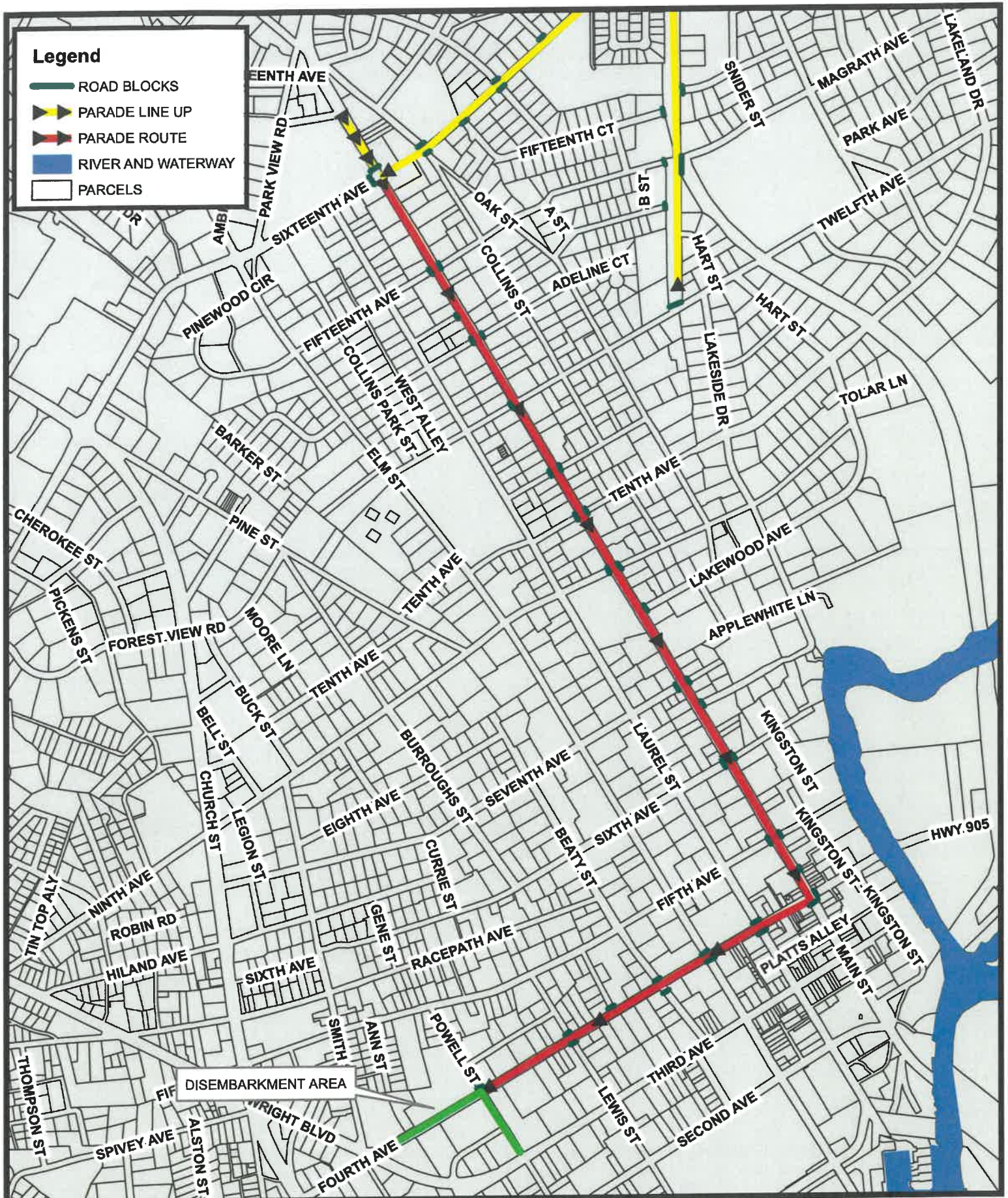
  
\_\_\_\_\_  
**SIGNATURE OF PERSON/ORGANIZATION REPRESENTATIVE**

10/13/23  
\_\_\_\_\_  
**DATE**











## Natasha Sherman

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**From:** Business License  
**Sent:** Monday, October 16, 2023 8:43 AM  
**To:** Natasha Sherman  
**Subject:** RE: 2023 Christmas Parade

Good with business license

---

**From:** Natasha Sherman  
**Sent:** Monday, October 16, 2023 8:40 AM  
**To:** Adam Emrick <aemrick@cityofconway.com>; Alicia Shelley <ashelley@cityofconway.com>; Anne Bessant <abessant@cityofconway.com>; Ashley Smith <asmith@cityofconway.com>; Brandon Harrelson <bharrelson@cityofconway.com>; Braxton Fleming <bfleming@cityofconway.com>; Business License <businesslicense@cityofconway.com>; Dale Long <dlong@cityofconway.com>; Jessica Hucks <jhucks@cityofconway.com>; John Rogers <jrogers@cityofconway.com>; June Wood <jwood@cityofconway.com>; Karen Johnson <kjohnson@cityofconway.com>; Katie Dennis <kdennis@cityofconway.com>; Mary Catherine Hyman <mhyman@cityofconway.com>; Phillip L. Hendrick, Jr. <phendrick@cityofconway.com>; Reggie Jenerette <rjenerette@cityofconway.com>; Steven Pearce <spearce@cityofconway.com>; Tammy Carter <tcarter@cityofconway.com>; Timmy Williams <twilliam@cityofconway.com>; Tyres Nesmith <tnesmith@cityofconway.com>  
**Subject:** 2023 Christmas Parade

Please review for approval and email me back.

\*Notice the route of the parade has changed.\*

*Natasha Sherman*  
*Executive Assistant*  
*City of Conway*

**From:** cityhallprinter@cityofconway.com <cityhallprinter@cityofconway.com>  
**Sent:** Saturday, September 16, 2023 6:41 PM  
**To:** Natasha Sherman <nsherman@cityofconway.com>  
**Subject:** Message from KM\_C450i

## Natasha Sherman

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**From:** Phillip L. Hendrick, Jr.  
**Sent:** Monday, October 16, 2023 9:11 AM  
**To:** Natasha Sherman  
**Subject:** RE: 2023 Christmas Parade

Fire is good.

**From:** Natasha Sherman <nsherman@cityofconway.com>  
**Sent:** Monday, October 16, 2023 8:40 AM  
**To:** Adam Emrick <aemrick@cityofconway.com>; Alicia Shelley <ashelley@cityofconway.com>; Anne Bessant <abessant@cityofconway.com>; Ashley Smith <asmith@cityofconway.com>; Brandon Harrelson <bharrelson@cityofconway.com>; Braxton Fleming <bffleming@cityofconway.com>; Business License <businesslicense@cityofconway.com>; Dale Long <dlong@cityofconway.com>; Jessica Hucks <jhucks@cityofconway.com>; John Rogers <jrogers@cityofconway.com>; June Wood <jwood@cityofconway.com>; Karen Johnson <kjohnson@cityofconway.com>; Katie Dennis <kdennis@cityofconway.com>; Mary Catherine Hyman <mhyman@cityofconway.com>; Phillip L. Hendrick, Jr. <phendrick@cityofconway.com>; Reggie Jenerette <rjenerette@cityofconway.com>; Steven Pearce <spearce@cityofconway.com>; Tammy Carter <tcarter@cityofconway.com>; Timmy Williams <twilliam@cityofconway.com>; Tyres Nesmith <tnesmith@cityofconway.com>  
**Subject:** 2023 Christmas Parade

Please review for approval and email me back.

\*Notice the route of the parade has changed.\*

*Natasha Sherman*  
*Executive Assistant*  
*City of Conway*

**From:** cityhallprinter@cityofconway.com <cityhallprinter@cityofconway.com>  
**Sent:** Saturday, September 16, 2023 6:41 PM  
**To:** Natasha Sherman <nsherman@cityofconway.com>  
**Subject:** Message from KM\_C450i

## Natasha Sherman

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**From:** Katie Dennis  
**Sent:** Monday, October 16, 2023 8:55 AM  
**To:** Natasha Sherman  
**Subject:** RE: 2023 Christmas Parade

Ok with Planning.

Katie Dennis, MSCM, CFM  
Planning Concierge  
City of Halloween Planning & Development  
196 Laurel Street Conway, SC 29526  
Office: (843) 488-7852 Cell: (843) 421-2337



**From:** Natasha Sherman <nsherman@cityofconway.com>  
**Sent:** Monday, October 16, 2023 8:40 AM  
**To:** Adam Emrick <aemrick@cityofconway.com>; Alicia Shelley <ashelley@cityofconway.com>; Anne Bessant <abessant@cityofconway.com>; Ashley Smith <asmith@cityofconway.com>; Brandon Harrelson <bharrelson@cityofconway.com>; Braxton Fleming <bffleming@cityofconway.com>; Business License <businesslicense@cityofconway.com>; Dale Long <dlong@cityofconway.com>; Jessica Hucks <jhucks@cityofconway.com>; John Rogers <jrogers@cityofconway.com>; June Wood <jwood@cityofconway.com>; Karen Johnson <kjohnson@cityofconway.com>; Katie Dennis <kdennis@cityofconway.com>; Mary Catherine Hyman <mhyman@cityofconway.com>; Phillip L. Hendrick, Jr. <phendrick@cityofconway.com>; Reggie Jenerette <rjenerette@cityofconway.com>; Steven Pearce <spearce@cityofconway.com>; Tammy Carter <tcarter@cityofconway.com>; Timmy Williams <twilliam@cityofconway.com>; Tyres Nesmith <tnesmith@cityofconway.com>  
**Subject:** 2023 Christmas Parade

Please review for approval and email me back.

\*Notice the route of the parade has changed.\*

*Natasha Sherman*  
*Executive Assistant*  
*City of Conway*

**From:** cityhallprinter@cityofconway.com <cityhallprinter@cityofconway.com>  
**Sent:** Saturday, September 16, 2023 6:41 PM

## Natasha Sherman

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**From:** Dale Long  
**Sent:** Monday, October 16, 2023 11:27 AM  
**To:** Natasha Sherman  
**Subject:** RE: 2023 Christmas Parade

OK for PD.

---

**From:** Natasha Sherman <nsherman@cityofconway.com>  
**Sent:** Monday, October 16, 2023 8:40 AM  
**To:** Adam Emrick <aemrick@cityofconway.com>; Alicia Shelley <ashelley@cityofconway.com>; Anne Bessant <abessant@cityofconway.com>; Ashley Smith <asmith@cityofconway.com>; Brandon Harrelson <bharrelson@cityofconway.com>; Braxton Fleming <bfleming@cityofconway.com>; Business License <businesslicense@cityofconway.com>; Dale Long <dlong@cityofconway.com>; Jessica Hucks <jhucks@cityofconway.com>; John Rogers <jrogers@cityofconway.com>; June Wood <jwood@cityofconway.com>; Karen Johnson <kjohnson@cityofconway.com>; Katie Dennis <kdennis@cityofconway.com>; Mary Catherine Hyman <mhyman@cityofconway.com>; Phillip L. Hendrick, Jr. <phendrick@cityofconway.com>; Reggie Jenerette <rjenerette@cityofconway.com>; Steven Pearce <spearce@cityofconway.com>; Tammy Carter <tcarter@cityofconway.com>; Timmy Williams <twilliam@cityofconway.com>; Tyres Nesmith <tnesmith@cityofconway.com>  
**Subject:** 2023 Christmas Parade

Please review for approval and email me back.

\*Notice the route of the parade has changed.\*

*Natasha Sherman*  
*Executive Assistant*  
*City of Conway*

**From:** cityhallprinter@cityofconway.com <cityhallprinter@cityofconway.com>  
**Sent:** Saturday, September 16, 2023 6:41 PM  
**To:** Natasha Sherman <nsherman@cityofconway.com>  
**Subject:** Message from KM\_C450i

## Natasha Sherman

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**From:** Brandon Harrelson  
**Sent:** Monday, October 16, 2023 2:31 PM  
**To:** Natasha Sherman  
**Cc:** Adam Emrick; Alicia Shelley; Anne Bessant; Ashley Smith; Braxton Fleming; Business License; Dale Long; Jessica Hucks; John Rogers; June Wood; Karen Johnson; Katie Dennis; Mary Catherine Hyman; Phillip L. Hendrick, Jr.; Reggie Jenerette; Steven Pearce; Tammy Carter; Timmy Williams; Tyres Nesmith  
**Subject:** Re: 2023 Christmas Parade

We're good.

Sent from my iPhone

Brandon Harrelson  
Public Works Director  
City of Conway  
2940 Jerry Barnhill Blvd  
Conway, SC 29526

On Oct 16, 2023, at 8:39 AM, Natasha Sherman <nsherman@cityofconway.com> wrote:

Please review for approval and email me back.

\*Notice the route of the parade has changed.\*

*Natasha Sherman*  
*Executive Assistant*  
*City of Conway*

**From:** cityhallprinter@cityofconway.com <cityhallprinter@cityofconway.com>  
**Sent:** Saturday, September 16, 2023 6:41 PM  
**To:** Natasha Sherman <nsherman@cityofconway.com>  
**Subject:** Message from KM\_C450i

<SKM\_C450i23091617400.pdf>



CITY OF CONWAY  
CITY COUNCIL MEETING  
CONWAY CITY HALL  
229 MAIN STREET, CONWAY  
MONDAY, OCTOBER 16, 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; June Wood, Public Information Officer; Jeff Leveille, Technology Services Director; Allison Williams, Finance Director; Timmy Williams, Hospitality & Beautification Director; Kayla Fleming, Associate Judge; 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; Rosanne Dates, Grants Supervisor; Katie Dennis, Planning Concierge; Brent Gerald, Planner; and Alicia Shelley, City Clerk.

**OTHERS:** Priscilla Fuller, Hillary Howard, FX Williams, and Ronald Matta. There were approximately 30 others in attendance.

**CALL TO ORDER:** Mayor Blain-Bellamy called the meeting to order, Andrew Salley of the Rock Church gave the invocation and led the Pledge of Allegiance.

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

**APPROVAL OF AGENDA:** **Motion:** White made a motion, seconded by Jordan, to approve the October 16, 2023 meeting agenda. **Vote:** Unanimous. Motion carried.

**CONSENT AGENDA:**

- A. Final Reading of Ordinance #ZA2023-10-16 (B), to annex 0.35 acres of property located at 803 Donald Street (PIN 369-12-04-0003), 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.**
- B. Special Event – Jingle Jam – December 17, 2023**
- C. Approval of October 2, 2023 Council Meeting Minutes**

**APPROVAL OF CONSENT AGENDA:** **Motion:** Butler made a motion, seconded by Benton to approve the October 16, 2023 consent agenda. **Vote:** Unanimous. Motion carried.

## **PUBLIC INPUT:**

- Tim McGee of the Theater of the Republic thanked Council for the grant money and staff for help with various events.
- Ronald Matta spoke in opposition of the potential purchase of the Ocean Fish Market and not telling the citizens what it would be used for. Matta also spoke in opposition of the Highway 701 annexation.
- Renee Ruff spoke in opposition of rezoning 154 Winyah Road to the HI district.
- FX Williams said that he supports his neighbor's efforts regarding 154 Winyah Road.
- Lew Sanford asked Council to reach out to DHEC, EPA and legislature regarding the health hazards of 154 Winyah Road.
- Nancy Aboyan asked for help in enforcing the Ordinance against 154 Winyah Road.
- Robin Doyle spoke on behalf of Bob Padlowski regarding the air quality of 154 Winyah Road.

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

## **SPECIAL PRESENTATION:**

**Presentation of Public Service Employee of the Month** – Hucks presented the Employee of the Month to Brent Gerald, Planner.

## **FIRST READING**

- A. First Reading of Ordinance #ZA2023-11-06 (A), to annex approximately 15 acres of property located at 154 Winyah Rd (PIN 383-00-00-0339), and rezone from the Horry County Limited Industrial (LI) district to the City of Conway Heavy Industrial (HI) district.** Hucks stated that this request came about as a result of the City's annexation ordinance, which requires that as a condition of receiving city utilities, the property owner for any new account being set up must submit an annexation request. The property is currently zoned LI in Horry County, which is considered a legal, nonconforming use, as it has been at this location since approximately 1994. The City's future land use maps identify the property as Highway Commercial; however, due to the industrial nature of Winyah Road and Yeager Avenue, industrial is a more appropriate use. The closest zoning district that the City has that would accommodate an asphalt batch plant, would be the HI district. Additionally, while the UDO has specific requirements with regard to the HI district, such as odor, air and water pollution, and noise, it would be difficult, if not impossible, to require an existing use that existed prior to the adoption of the ordinance, to have to adhere to such requirements. Per the UDO, a nonconforming use is defined as a "use or activity that was lawful prior to the adoption,

revision or amendment of the UDO that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

Hucks said that the county does have specific regulations for asphalt and concrete batch plants, there is also a section of their zoning ordinance for existing asphalt or concrete batch plants that were legally operating in the limited or heavy industrial zoning districts before zoning regulations for asphalt or concrete batch plants, and with two limitations: 1) expansion may occur up to the setbacks of the zoning district in which the facility is located provided that all applicable permits are obtained, and 2) hours of operation shall be in compliance with the Noise Control ordinance for the County.

Hucks stated that if the property is annexed it would be subject to Article 12 - Nonconformities of the UDO, which states that when land comes under the jurisdiction of this article, existing structures or uses of land or structures which would be prohibited under the regulations of the district in which they are located shall be considered as nonconforming. Nonconforming structures or uses may be continued provided they conform to the provisions within Article 12. These provisions would restrict the ability of the property to 1) become another nonconforming use, 2) it would not be allowed to be reconstructed if demolished, 3) enlargement or expansion would be prohibited, except that a nonconforming use may be extended in any part of the existing building that was designed for such use but cannot be extended to occupy land outside of that building, and 4) if the use were to be abandoned or discontinued, the use would not be allowed to be re-established after 180 days.

Hucks said that Planning Commission held the required public hearing at their October 5 meeting, and several people from the Wild Wing community were in attendance. Many were opposed to the annexation, but some were in favor of annexation, in the hopes that by doing so, certain things could be enforced that were not being enforced in the county, including the noise ordinance and air pollution; both of which are components of the city's HI district; however, the HI standards would not be applicable to this property. The requirements within Article 12 — Nonconformities, as previously mentioned, would be applicable to this property.

Hucks went on to state that whether or not the City's noise ordinance would be applicable is another thing to consider; however, the noise ordinance is not regulated through the city's UDO, but rather through Public Safety. Additionally, the county's current noise ordinance carves out an exception for asphalt or concrete batch plants under their special events ordinance when such operations are under the direction and control of a governmental entity. There is a process associated with this exemption, however, city staff cannot speak for the county as to whether or not this specific location is exempt from those standards given that use is a legal nonconforming use.

Hucks said that staff met with a few of the Wild Wing residents prior to the October 5 Planning Commission meeting, and staff is empathetic to the issues that they are living with on a daily basis. While the asphalt batch plant is not in the city's jurisdiction, the effects of the plant are being felt by many residents who are City residents. However, there is existing case law that protects uses that can be considered a nuisance, when the use existed before anyone locates within an area where the nuisance already exists. This

term is called "coming to the nuisance". Because of this, staff feels it's highly likely that any remedy would need to be resolved in the court system, and not through zoning.

The UDO does not address asphalt batch plants, and if any new plants were proposed, they would not be permitted because our ordinance does not provide specifications for the use. Even if we were to adopt regulations for the use, this not-only would not-apply- to this property, but would allow for the use to expand outside of the existing footprint.

Hucks stated that staff recommends against annexation.

**Motion:** White made a motion to deny annexation. Benton seconded the motion.

After much discussion regarding zoning districts, uses, environmental safety, noise, regulations, and nonconformities, White amended his motion to include that the City deny annexation, but be an advocate for the Wild Wing community and contact Horry County, EPA, DHEC, and the state and federal delegation to bring in experts to enforce regulations. Benton seconded the amended motion. **Vote:** Unanimous. Motion carried.

- B. First Reading of Ordinance #ZA2023-11-06 (B), amending Article 11 – Signage, of the City of Conway Unified Development Ordinance (UDO), regarding Sign Standards in Residential and Non-Residential Zoning District, as well as requirements for Electronic Message Centers (EMC's) / Light Emitting Diodes (LED) signs with digital/animated display.** Hucks said that earlier this year, this ordinance was amended to allow theaters, educational facilities, and public recreational facilities to have an EMC / LED sign with digital or animated display. Since that time, there have been a few churches that have sought approval of the same. However, unless the church is zoned Highway Commercial and located on Hwy 501 Bypass or Church Street, this type of sign is not permitted. One of the churches on Grainger Road applied to have an LED/EMC sign, and because the church sits on property greater than 3 acres in size, they were informed they would have to rezone to a PD and could include this type of sign in their PD. The church subsequently applied to rezone the property to a PD. Staff gave a special presentation of the request to Council a couple of months ago, and at that time, Council expressed their interest in making it easier for churches to have an EMC/LED sign without having to go thru the rezoning process. Staff has drafted an amendment that would permit religious institutions to have such signs in addition to the other uses that the ordinance was amendment for. However, if the church is located in a residential district, in addition to the standards for an EMC/LED sign, the church would have to adhere to the requirements for signage in residential districts, which limits the sign area to 50 sq. ft. and the sign height to 6'.

Hucks stated that Planning Commission held the required public hearing at their October 5 meeting. There was no public input, and PC recommended approval. Staff also recommended approval of the amendment.

**Motion:** Goldfinch made a motion, seconded by White, to approve first reading of Ordinance #ZA2023-11-06 (B). **Vote:** Unanimous. Motion carried.

**C. First Reading of Ordinance #ZA2023-11-06 (C), amending Article 5 – Specific Use Regulations, of the City of Conway Unified Development Ordinance (UDO), regarding the requirements for religious institutions.** Hucks stated that staff has been in the process of updating the UDO and identifying inconsistencies or outdated information, and intend to continue bringing each article of the UDO forward one at a time for consideration. Article 5 — Specific use Regulations, provides conditions for specific uses, including religious institutions. Religious institutions on property 3 acres or larger have been required to adhere to the Planned Development process since at least 2011, when the UDO was initially adopted. This is because many religious institutions can become more like a campus, containing many structures other than the sanctuary, including educational facilities and daycare facilities. A 2005 South Carolina Supreme Court ruling rendered a Planned Development request in Charleston County invalid, citing that the PD was not comprised of housing of different types and densities and of compatible commercial uses nor was the site characterized by a unified site design for a mixed-use development, as that particular PD was only to reduce the dimensional standards that were required in the current zoning district on property under 3 acres in size. This court ruling does not prevent counties or cities from using other techniques or processes for a planned development so long as the requirements are consistent with the state planning enabling act. For churches, while many can be considered a campus, in most cases, many of the uses associated with the church are accessory in nature, insubordinate to the primary use and structure. Some situations may warrant a Planned Development, and there is nothing that would prohibit a church from requesting the PD zoning designation. However, short of the proposed use or uses of the property meeting the intent of a PD district, the choice to become a PD should be that of the property owner, and meet the minimum requirements for a PD, based on existing law. The proposed amendment eliminates the requirement for religious institutions 3 or more acres in size from having to be a PD. Additionally, this amendment would be consistent with the South Carolina Religious Freedom Act and the Religious Land Use and Institutionalized Persons Act.

Hucks said that staff recommended approval of the amendment.

**Motion:** Benton made a motion, seconded by Jordan, to approve first reading of Ordinance #ZA2023-11-06 (C). **Vote:** Unanimous. Motion carried.

**D. First Reading of Ordinance #ZA2023-11-06 (D), amending Article 7 – Streets and Circulation, Article 10 – Subdivision and Land Development, and Article 12 – Nonconformities, of the City of Conway Unified Development Ordinance (UDO), regarding the requirements for installation of sidewalks.** Hucks said that part of the City's Complete Street ordinance requires that sidewalks be installed along the frontage of all properties that abut arterial, or local nonresidential streets. The UDO also requires that sidewalks be constructed on any existing street segment maintained by the city, the county, or SCDOT where one does not currently exist. There is nothing that separates what the requirements are for sidewalk installation for new development vs. existing development. The applicant does have the ability to seek a waiver of sidewalk installation if the Technical Review Committee recommends it. Even still, the waiver can only be granted by City Council, and in addition to the waiver being granted, a fee in lieu of sidewalk installation is required that is equal to the city's contracted amount for sidewalk installation.

Hucks stated that a recent request on Fourth Avenue was presented to Council where the building went almost to the property line, and would have been impossible for sidewalk installation to occur. The fee in lieu amount, if the waiver is granted, totaled almost \$10,000.

Hucks said that in cases where properties are vacant, and not considered as nonconforming, they will continue to be required to meet the complete street ordinance and any other section of the UDO relating to sidewalk requirements. The amendment being considered is for properties that are considered as legal nonconforming, such as existing building locations or street access.

Hucks informed Council that Planning Commission recommended approval of this amendment at their October 5 meeting.

**Motion:** Goldfinch made a motion, seconded by Blain-Bellamy, to approve first reading of Ordinance #ZA2023-11-06 (D). **Vote:** Unanimous. Motion carried.

## **CONSIDERATION:**

**Consideration of Transfer of Ownership of Kirkland Drive Between Lots 1 and 32 of Elmhurst Development** – Waites-Parker explained the request and said that the developer initially transferred the streets, sidewalks, water/sewer, etc. to the City of Conway through a deed. However, there is a discrepancy regarding the ownership of Kirkland Drive as depicted on the Original Plat and the subsequent approval of the Revised Plat. The Original Plat, which was the only recorded plat during the phase 1 development, shows Kirkland Drive continuing between lots 1 and 32. The deed executed by Gerald technically transferred the title and ownership of the streets as shown on the Original Plat to the City of Conway. However, there are errors in the first paragraph of the legal description in the deed. Subsequently, the City and/or Gerald requested and approved the placement of a cul-de-sac at the intersection of Kirkland Drive and Lockwood Lane, leading to the reconfiguration of lots 1 and 32 as shown on the Revised Plat. It is important to note that the approval of the Revised Plat does not revoke or transfer ownership back to Developer of the portion of Kirkland Drive between lots 1 and 32 as depicted on the Original Plat.

Waites-Parker recommended that City Council approve the signing of the quitclaim deeds. These quitclaim deeds, which are attached, will grant the necessary interests to the current owners of lots 1 and 32 as depicted on the Revised Plat. By signing these quitclaim deeds, the City is not providing any warranties of title to the grantees but simply transferring the City's interest in Kirkland Drive between lots 1 and 32 on the Original Plat to the owners who now own lots 1 and 32 as shown on the Revised Plat. By approving the signing of these quitclaim deeds, the City Council will ensure that the appropriate rights and interests of the current lot owners are recognized and protected. This will resolve the ownership discrepancy and provide clarity regarding the transfer of ownership of Kirkland Drive between lots 1 and 32.

Waites-Parker informed Council that Attorney Davis Inabnit was present to answer any questions.

Jordan asked for clarification regarding the amount on the deed. Inabnit stated that was a typo and the corrected version will be submitted and signed.

**Motion:** Jordan made a motion, seconded by Helms, to approve the signing of the quitclaim deeds for the transfer of ownership of Kirkland Drive between lots 1 and 32 of Elmhurst. **Vote:** Unanimous. Motion carried.

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

Emrick informed Council of the following:

- Emrick started tonight by reporting on the International City Managers Conference as he was asked to speak at the ICMA conference in Austin, TX two weeks ago. There were 5,550 City Managers attending from all over the globe. Most of the sessions were on budgeting, conducting meetings, navigating difficult meetings, those sorts of things. Emrick said he was titled, Halloween, South Carolina, how we won October. Emrick said his one regret was that it was on October, as he could not report on the nearly overwhelming number of people enjoying it this year. Conway is packed downtown, seven days a week, even in the rain. And there have been nothing but raves over what has been done. Staff is already preparing for next year. There are some great events coming up... here are a few:
  - Conway Downtown Alive's Ghost Walk is Wednesday through Saturday. As it is every year, it is sold out.
  - The Pilot Club is hosting their first ever Spooky Share this Wednesday at 6:30 at Chantis and learn about the Pilot Club.
  - Our Forest of Fear starts Thursday and runs through Saturday this week and Thursday through Saturday next week. It is at the Sports and Fitness Complex.
  - The Haunted Hustle is Thursday at 6:30 at the Sports and Fitness Center.
  - Little Shop of Horrors at Theater of the Republic, starts Thursday the 26th.
  - There are so many more things to do and Emrick said he would be here all night if he went through them all. Emrick recommended everyone to check out the City's website or Facebook page for more.
- The Whittemore Task Force will meet for their first meeting this Wednesday at City Hall.
- Earlier today, there was a ribbon cutting at the new Pickleball courts at Collins Park. There were a lot of City Staff members responsible for this project. One person who did not reserve any credit for herself today was Mary Catherine Hyman, who spearheaded the project and needs a big round of applause.
- Conway High School's Boys and Girls Volleyball are both heading to the Playoffs, the girls have the number one seed! The girl's tennis team is also heading to the playoffs. The ladies golf team played in the Lower State Championship today.
- The Alley project is coming along. The ERF is just about done now except for lighting and equipment. The restrooms will be done in a couple of weeks.
- The Tailgate and Watch Party for the CCU vs. App State game was a lot of fun. It had the look and feel of a festival and it was on a Tuesday night. And we whooped App State.
- Homecoming for Coastal is October 28. It is also the City sponsored game and game time is 6 p.m. Emrick invited Council to ride in the parade that morning which is combined with the Halloween Golf Cart Parade. The train will be your ride which will be appropriately attired for the event. Be at the Public Safety Building no later than 8:30 am on the 28<sup>th</sup> wearing your choice of a costume or teal.

- The Municipal Election is November 7.
- Christmas is here... well not quite, but staff is gearing up for it. The transformation will take place as early in November as possible and we will actually close Marina Drive next week for the Celebration of Lights set up. By request, we have added a dreidel and menorah to this year's light show.
- Emrick said next are reports from Court and Human Resources, and he asked Judge Fleming to go first since it was her birthday.

**Court** – Fleming updated Council with the following:

- The Court Department is Fully Staffed, with Judge Fleming, Stephen Grooms as Associate Judge, Nikki Goldman as clerk, and Traci Salley and our newest Addition Samantha Huggins as Judicial Assistants.
- In the beginning of September, Fleming said she had the opportunity to attend the 2023 Litter Summit with Timmy Williams and Nevada Mileur from Grounds and Maintenance and Jon Brown from the Police Department. We attended sessions about homeless camps, scrap tire regulations, and investigative procedures.
- Filed 4,300 cases YTD
- Disposed of 3,400 cases YTD
- Court Clerk is working diligently with Prosecutor Waites-Parker to reduce the City's pending Jury Trials and held status conferences two weeks ago to determine how to proceed on numerous cases.
- Just turned in the report for our Debt Set Off and Court will be seeking \$453,000 in 2024 from years 2019, 20, 21.

**Human Resources** – Smith updated Council with the following:

Flyer to Employees:

Blood Screening Reviews

Events:

Annual SC PEBA Open Enrollment  
United Way Campaign  
Flu Shots 10-3-2023

New Hires:

PU Tradesworker I  
2 Firefighter/EMT's  
2 Firefighter I's  
Police Officer-Trainee  
Judicial Assistant  
2 Hospitality & Beautification Technicians  
PT Fitness Associate  
PT Lifeguard

Promotions:

Records Clerk to Police Officer Trainee  
Police Officer Trainee – Police Officer Patrol  
Police Detective to Police Sergeant  
Sr. Master Police Officer – Police Corporal  
Sr. Police Officer – Sr. Master Police Officer



Hospitality & Beautification Technician - Supervisor

Retirees: None

Separations: Susan Greer, Utility Billing Specialist  
Michael Brazier, Solid Waste Equipment Operator II  
Jenna Richardson, Part Time Lifeguard

Workers Compensation Claims: Elbow Injury

FMLA: None in September

Smith, with the help of Wood presented a video of what staff had been working on.

**COUNCIL INPUT:**

**Jordan** said that he had the privilege of speaking on behalf of the City at the grand opening of the Teal Nation store and that the crowd was amazing. Jordan said that he heard that by 4 p.m. the crowd was past the grand opening of the Broadway store. Jordan said that the weekend was amazing as he and Goldfinch judged the soup contest on Friday, and then seeing the crowd as he walked past the movie that was playing at the Terrace. Jordan then stated that on Saturday was another large crowd, as he ran into some business associates from Andrews that were visiting. Jordan said that he did have some ask about addressing the benches on Main Street, with chipped paint. Jordan said that it continued on Sunday and it was amazing to see the crowds living, loving and playing in downtown Conway. Jordan thanked everyone involved in making it possible. Jordan lastly told staff that the pickleball revenge is on.

**Goldfinch** said that he would piggyback on Jordan's story and as they were walking up the street Friday the 13<sup>th</sup> was playing, where you needed 3D glasses to watch, and the last pair was handed out to the person in front of Goldfinch, which was due to the large number of people. Goldfinch told Emrick that he was wrong and had no idea that this Halloween concept could bring what it has and that this is a quality of life event. Goldfinch then read a text from State Senator Goldfinch acknowledging the great work of the ones on Council and Goldfinch thanked Emrick for being a trailblazer and convincing that you sometimes need to step outside of your comfort zone to grow. Goldfinch said that is what we are doing and he is proud.

**White** said ditto to all that had been said as he had been under the weather, and missed the weekend activities.

**Helms** thanked the city staff and said that staff is great from top to bottom, high and low, and everywhere in between and thinks that staff do not get enough credit.

**Benton** congratulated the Mayor, Mary Owens and Tim Johnson to the Conway High School Hall of Fame and said it was neat how their lives intertwined with each other. Benton echoed what Helms said regarding staff, especially Ashley as the parks and rec is looking really good.

**Blain-Bellamy** introduced a special friend that attended the meeting, Stevie Blair. Blain-Bellamy said that last week the second meeting of the Student Advisory Council took place and the following officers were elected: Rachell Hernandez, Jr. Mayor; Tristen Dennison, Jr. Mayor Pro

Tem; and India Wilkes, Jr. Public Information Officer. Blain-Bellamy said that they will report to Council soon. Blain-Bellamy also gave a kudos to staff, and a huge shout out to Emrick saying she is proud to know and work with.

Blain-Bellamy called for a short break and said that the meeting would reconvene in the conference room for the workshop.

### **WORKSHOP:**

Goldfinch gave an update on the Ride IV program saying that there is a consensus on the additional need for the Conway river crossing. Goldfinch stated that the others ideas he would be mentioning are: four lane East Cox Ferry from Highway 90 to Highway 501 and improving that intersection, four lane from Highway 501 to Highway 544, widening or improving Cultra Road, off ramp off of Highway 501 to Marina or tying into Second Avenue.

Goldfinch said that he was given reassuring news of the two bridges in Conway and that they have a longer lifespan than what Council believed.

**Discussion of the Warden Station Planned Development and Development Agreement –** Hucks updated Council on where we started and where we are now with this request. Hucks said that staff still has concerns with Stormwater and the required traffic improvements.

Benton recommended the City hire a third party to do a fiscal impact study. Hucks said that staff has tweaked the study that was started by the Intern in the Planning Department and plan to send to Allison Williams to review.

Emrick said that the County has used TishlerBise for impact studies, but he has concerns with setting a precedent if hired by the City. Emrick then said that an RFP would have to be issued, which could delay the project.

Harrelson told Council that his biggest concern with Stormwater is the downstream.

After some discussion, it was decided that Guyton and his staff would conduct the downstream study.

There was much discussion regarding ROW's, an impact study, stormwater, utilities, enhancement fees to cover the cost of the project, and a municipal improvement district, among a few.

Hucks said that the last fiscal impact study was conducted in 2007 by Clemson.

It was then agreed that Guyton's group would take the 2007 study and compare to what staff has come up with to see where we are today regarding the fiscal impact study.

The next workshop on this request will be held on November 20, 2023.

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

October 16, 2023

**APPROVAL OF MINUTES:** Minutes approved by City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

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Alicia Shelley, City Clerk

**DATE: NOVEMBER 6, 2023**  
**ITEM: VLA**

**ISSUE:**

First 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

**BACKGROUND:**

In 2018, City Council established guidelines for busking within the City limits of Conway. Buskers are street performers who provide entertainment for passersby, often while passively collecting money of their service.

At the time, Council established a permit requirement which remains in effect. The permit has proven to be a barrier to buskers and City staff believes it is an unreasonable barrier. Buskers are often not running a business for which they would expect a more formal process. Also, some buskers may be transient and expect to be able to set up and perform upon arrival in a downtown, since busking is common in active downtowns in the United States. Busking is also common among younger people who are unfamiliar with such processes.

Staff reviewed multiple options including dropping the fee for the permit and eliminating the permit altogether.

**RECOMMENDATION:**

The Mayor's Youth Advisory Council reviewed this proposal at their October 2023 meeting. By a vote of 9-0, they voted in favor of eliminating the permit requirement entirely.

Staff recommend likewise.

**ORDINANCE #2023-11-20 (A)**

**AMENDING TITLE 7, CHAPTER 4, ARTICLE H, BUSKING (STREET PERFORMERS), OF THE CODE OF ORDINANCES, CITY OF CONWAY**

**WHEREAS,** the City of Conway City Council has the authority to amend its rules and regulations at any time it deems proper and necessary; and

**WHEREAS,** in 2018, the City of Conway established rules relative to street performances in Title 7, Chapter 4, Article H of the Code of Ordinances; and

**WHEREAS,** the City has recognized that the current rules set certain unreasonable barriers to those wishing to perform within the city limits; Now, therefore be it

**ORDAINED,** that Title 7, Chapter 4, Article H, Buskers (Street Performers), is hereby amended after adoption as attached hereto.

**EFFECTIVE DATE:** This ordinance shall become effective upon final reading approval.

**RATIFIED BY CITY COUNCIL,** duly assembled, this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Barbara Jo Blain-Bellamy, Mayor

\_\_\_\_\_  
Justin D. Jordan, Mayor Pro Tem

\_\_\_\_\_  
K. Autry Benton Jr., Council Member

\_\_\_\_\_  
Amanda Butler, Council Member

\_\_\_\_\_  
William M. Goldfinch IV, Council Member

\_\_\_\_\_  
Beth Helms, Council Member

\_\_\_\_\_  
Larry A. White, Council Member

\_\_\_\_\_  
ATTEST: Alicia Shelley, City Clerk

First Reading: \_\_\_\_\_

Final Reading: \_\_\_\_\_

- ARTICLE H - Buskers (Street Performers)
- Sec. 7-4-120 - Definitions.

[The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:]

"Busker" is a person who performs in public areas, accepts donations from the public, and has obtained a permit pursuant to this article.

"Perform" includes, but is not limited to, the following activities: acting, singing, playing musical instruments, pantomime, juggling, magic, dancing, reading, puppetry, sidewalk art (working with non-permanent, water-soluble media, i.e., chalk, pastels, or watercolors directly on the pavement), and reciting. Perform shall not include the production of or the offer of items for sale at the location of the performance, but buskers may offer items in exchange for donations.

~~"Public areas" means public sidewalks and parks.~~

(Ord. No. 2018-04-02(C), 4/2/18)

- ~~Sec. 7-4-121 - Prohibition.~~

~~It shall be unlawful for any person to give any kind of performance or entertainment without first obtaining a permit from the City of Conway Business License Office.~~

~~(Ord. No. 2018-04-02(C), 4/2/18)~~

- ~~Sec. 7-4-122 - Permit.~~

~~(a)~~

~~A permit shall be issued by the City of Conway Business License Office in exchange for a completed application and a fee of \$15.00. Said fee may be amended from time to time by ordinance.~~

~~(b)~~

~~A completed application for a permit, and the permit itself, shall contain the applicant's name, residence address and telephone number and shall be signed by the applicant.~~

~~(c)~~

~~A permit shall be valid for a period of one (1) year beginning with the date on which it is issued.~~

~~(d)~~

~~A permit shall be nontransferable and shall contain the permit number of the applicant and the date on which the permit is issued. One (1) permit may be issued for a group performance up to a maximum of three (3) group members. Larger groups may require a special permit.~~

~~(e)~~

~~No permit shall be issued to any person who has had a permit suspended or revoked within the last 12 months prior to the current application for a permit.~~

~~(f)~~

~~Upon issuing a permit, the City of Conway shall also give the performer a copy of the rules and regulations for itinerant performers and a copy of this section.~~

(Ord. No. 2018-04-02(C), 4/2/18)

- Sec. 7-4-123~~123~~<sup>121</sup> - Program requirements.

(a)

~~Performances may take place at the following locations (see map): Kingston Park, the vacant city property at the corner of Laurel and 2nd Avenue (former city police department site), the Garden Walk between Scarborough Alley and 3rd Avenue, the large section of the Riverwalk in front of the Lower River Warehouse, the stage at Riverfront Park, and the Robert Mills Garden.~~ **Busking shall be permitted outdoors on public property when in compliance with the requirement of this section and on private property with express consent of the property owner. Buskers may not perform on public property during times that such property is properly closed to the public.**

(b)

~~A busker shall clearly display his city-issued permit while performing and shall allow inspection of the permit by any City of Conway police officer.~~

(c)

Buskers shall not block roadways, sidewalks, crosswalks, driveways, stairways, curb cuts, or handicapped access ramps nor block access to buildings, parks, public, conveyances, businesses, crosswalks, traffic control poles containing pedestrian crosswalk button(s), or be within 20 feet of a fire hydrant or within five (5) feet of any fire alarm or other emergency communication device, including public telephones, either by the busker's location or by the location of any crowd that the busker may draw. **Busking shall not be allowed within 200 feet of the entrance to any polling place on election days, school, daycare, or church.**

(d)

Buskers may perform in designated areas during an event that has been authorized by the city with the permission of the sponsor of such event.

(e)

Buskers shall not perform before the hour of 9:00 a.m. nor after the hour of 10:00 p.m.

(f)

The conduct and behavior of buskers shall comply at all times and in all respects with the city's existing noise ordinance.

(g)

Buskers shall not obstruct ~~nor~~ cause to be obstructed pedestrian or vehicular traffic including, but not limited to, sidewalks, doorways or other access areas. If a sidewalk entertainer attracts a crowd sufficient to obstruct the public way, a police officer may disperse the portion of the crowd that is creating the obstruction.

(h)

Buskers shall provide the minimum pedestrian passageway on the sidewalk as required by the Americans with Disabilities Act, which is currently five (5) feet.

(i)

Buskers or a group of buskers shall not perform closer than 50 feet from ~~a sidewalk entertainer located within an approved encroachment area~~, another busker or group of buskers.

(j)

Buskers shall remove all props and other items used for a performance from the public area during breaks and immediately after the performance ends. Trash and other debris shall be removed from the area of the performance by the busker immediately after the performance ends.

(k)

A busker may passively request contributions of money at a performance, provided that no sign requesting contributions shall exceed 12 inches by 18 inches. Contributions may be received in any receptacle, such as an open musical instrument case, box or hat.

(l)

Buskers shall not use pyrotechnics, fireworks, knives, animals, fire, projectiles or any other prop, device or material which might cause harm to or endanger pedestrians.

(m)

Buskers shall not consume nor be under the influence of alcoholic beverages or other controlled or intoxicating substances while performing.

(n)

A busker or group of buskers complying with the requirements of this section shall not be deemed to be in violation of any other city regulation or ordinance applicable to street performers.

(o)



Buskers shall not violate the prohibitions on disturbing, annoying, and unnecessary noise as set forth in Section 9-2-21.

(p)

Buskers shall not use a megaphone during a performance unless the performance is in conjunction with a city-approved festival or event. Devices such as amplifiers for musical instruments shall be permitted provided their use is in compliance with the city's noise ordinance.

(q)

Buskers shall not perform in a manner that could be considered dangerous and/or inappropriate and shall not be dressed or conduct themselves in a manner that is likely to cause alarm, distress or offense to members of the public.

(r)

Buskers shall not perform for more than 90 minutes in any one location

(Ord. No. 2018-04-02(C), 4/2/18)

- **Sec. 7-4-124~~122~~ - Exclusion of public areas.**

During periods of construction on the streets, sidewalks and other infrastructure, the city administrator may, from time to time, temporarily prohibit performances from areas where there are issues of public safety, and the city administrator or his designee may, in his discretion, issue notices of exclusion from areas as the construction requires.

(Ord. No. 2018-04-02(C), 4/2/18)

- **Sec. 7-4-125~~123~~ - Penalties.**

~~A permit may be suspended or revoked if a performer is found to have knowingly provided false information on the application or has violated the rules and regulations or any federal, state or local law or ordinance related to this permit.~~ **Any person found in violation of this section may be required by police to end any performance and leave the area. Repeated violations may be considered violations of public nuisance, noise, littering, disorderly conduct, or other laws and ordinances.**

(Ord. No. 2018-04-02(C), 4/2/18)

- **Sec. 7-4-126~~124~~ - Severability.**

The provisions of this section are severable, and if any part of this section should be held invalid by a court of competent jurisdiction, such invalidity shall not affect the remainder of the section and the remainder of the section shall remain in full force and effect.

(Ord. No. 2018-04-02(C), 4/2/18)

**DATE: NOVEMBER 6, 2023**

**ITEM: VI.B.**

**ISSUE:**

**First Reading of Ordinance #ZA2023-11-20 (B)** to annex approximately 0.2 acres located at 120 John Doctor Road (PIN 339-12-01-0002), and rezone from the Horry County Residential, no mobile homes allowed (SF20) district to the City of Conway Low/Medium Residential (R-1) district.

**BACKGROUND:**

The annexation application was submitted by the property owner, Irene O’Neal, on October 11, 2023. According to the Utility Billing Department, the utility account was closed in July of this year due to non-payment. Since the account was closed from July 19<sup>th</sup> to October 18<sup>th</sup>, it has been deemed as a new service, even though there was no change in ownership or to the account.

Now that this is considered a new account, it has triggered the requirement to request annexation as a condition to re-connect city water and/or sewer services. In accordance with City ordinance and policy, restrictive covenants were filed for the property, such being recorded on May 5, 1987.

There is a manufactured home located on the subject property. If annexed into the city, the manufactured home would become a legal nonconforming structure and subject to City ordinance regarding nonconformities (Article 12 of the UDO).

**SURROUNDING USES / ZONING:**

The tract across John Doctor Road was annexed in 2010 and the lot abutting the subject property was annexed in 2020. The property is also near the Langston Heights subdivision, located off of 905, which is within the city limits as well. All three properties were zoned to the Low/Medium Residential (R-1) district.

**CITY OF CONWAY COMPREHENSIVE PLAN:**

The Future Land Use Map of the *Comprehensive Plan* identifies this parcel as Low/Medium Density Residential (R-1).

The intent of the R-1 District is to provide for the preservation and expansion of areas for low to medium density, detached single-family residential development in the City of Conway. The district shall present a relatively spacious character, promote quiet, livable neighborhoods, and prohibit uses that are incompatible with the residential nature of the surrounding area.

**STAFF RECOMMENDATION:**

Due to the property being located within the City’s Utility Service Area, and being contiguous to City limits, staff cannot find any reason to recommend against **First reading of Ordinance #ZA2023-11-20 (B)**

**ORDINANCE #ZA2023-11-20 (B)**

**AN ORDINANCE TO ANNEX APPROXIMATELY 0.83 ACRES OF PROPERTY  
LOCATED AT 120 JOHN DOCTOR ROAD (PIN 339-12-01-0002), AND REQUEST TO  
REZONE FROM THE HORRY COUNTY RESIDENTIAL, NO MOBILE HOMES (SF20)  
DISTRICT TO THE CITY OF CONWAY LOW/MEDIUM DENSITY RESIDENTIAL  
DISTRICT (R-1) DISTRICT.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CONWAY:**

**SECTION 1. FINDINGS:**

A petition has been submitted to the City Council of the City of Conway to annex approximately 0.2 acres of property described herein and represented on a map. The City Council of the City of Conway has determined that the annexation of this area into the City of Conway will be to the advantage of the municipality.

The area proposed for annexation is adjacent to the present City limits. The petition for annexation of land and declared zoning is hereby accepted by the governing body of the municipality of Conway, and made a part of the City of Conway, South Carolina, to wit:

**ALL AND SINGULAR**, those certain parcels, lots, or tracts of land in Conway Township, County and State aforesaid, containing approximately 0.2 acres of property located at 120 John Doctor Road (PIN 339-12-01-0002), and request to rezone from the Horry County Residential, no mobile homes allowed (SF20) district to the City of Conway Low/Medium Residential (R-1) district.

This annexation includes all waterways, roads, and rights-of-way adjacent to the property.  
For a more specific description of said property, see attached map.

**SECTION 2. APPLICATION OF ZONING ORDINANCE:**

The property is admitted as City of Conway Low/Medium Density Residential District (R-1) area under the zoning laws of the municipality.

**SECTION 3. EFFECTIVE DATE:**

The annexation is effective as of the date of the final reading of this Ordinance.

**AND BE IT FURTHER ORDAINED** that such changes shall be made on the Official Zoning Map. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

**RATIFIED BY CITY COUNCIL**, duly assembled, this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Barbara Jo Blain-Bellamy, Mayor

\_\_\_\_\_  
Justin D. Jordan, Mayor Pro Tem

\_\_\_\_\_  
K. Autry Benton Jr., Council Member

\_\_\_\_\_  
Amanda Butler, Council Member

\_\_\_\_\_  
William M. Goldfinch IV, Council Member

\_\_\_\_\_  
Beth Helms, Council Member

\_\_\_\_\_  
Larry A. White, Council Member

\_\_\_\_\_  
ATTEST: Alicia Shelley, City Clerk

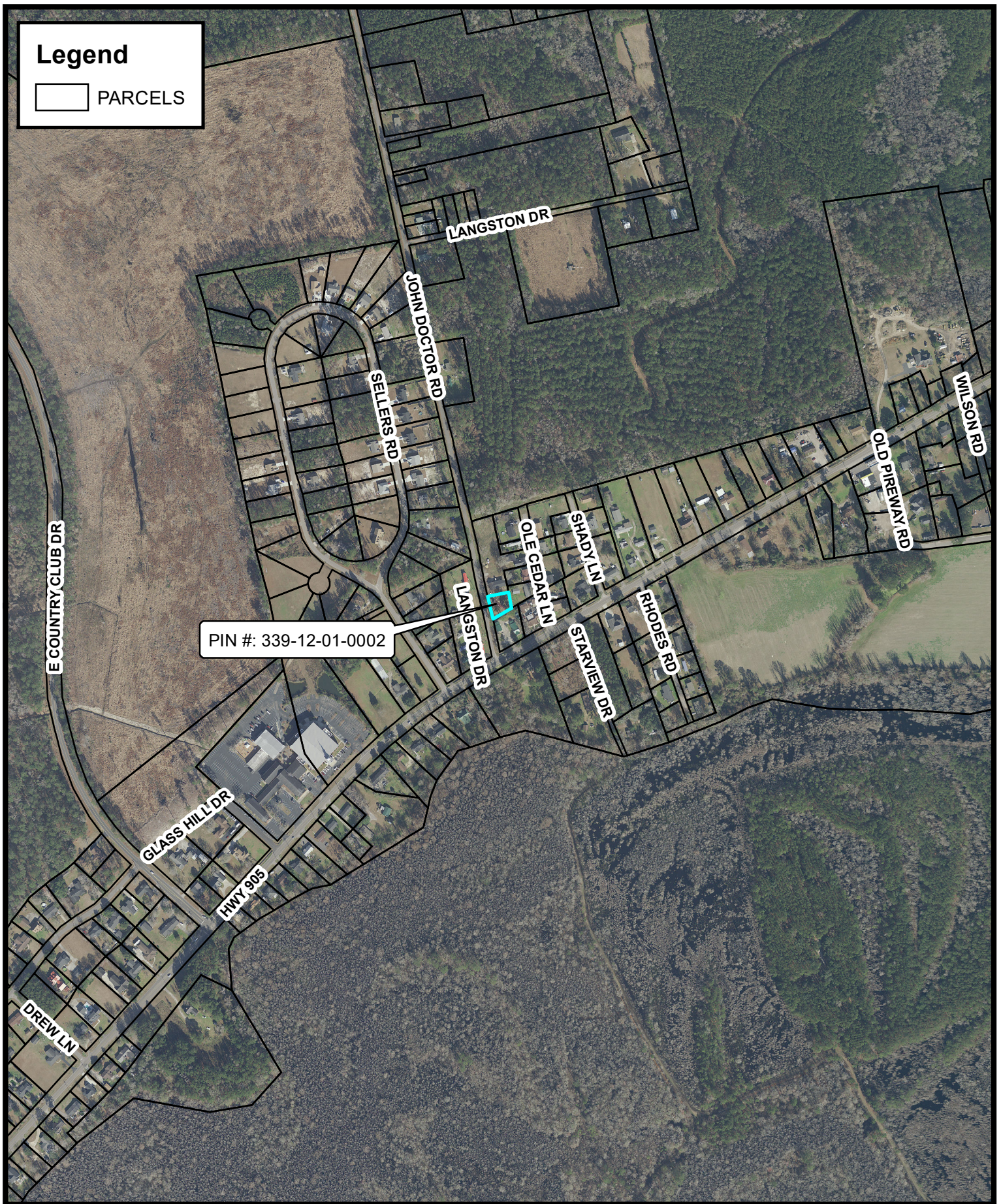
First Reading: \_\_\_\_\_

Final Reading: \_\_\_\_\_





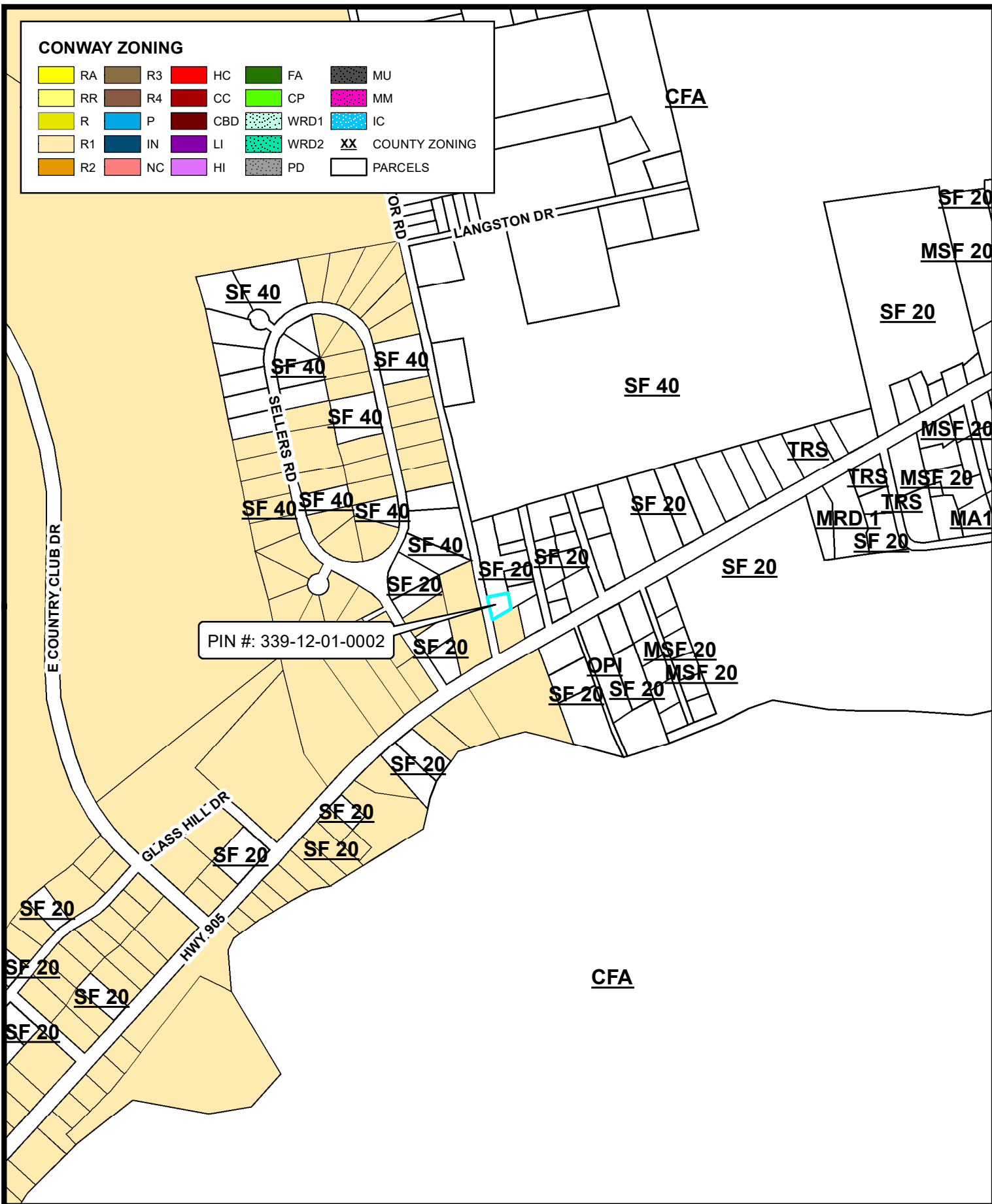























# CONWAY ZONING

RA	R3	HC	FA	MU
RR	R4	CC	CP	MM
R	P	CBD	WRD1	IC
R1	IN	LI	WRD2	XX COUNTY ZONING
R2	NC	HI	PD	PARCELS








# FUTURE LAND USE

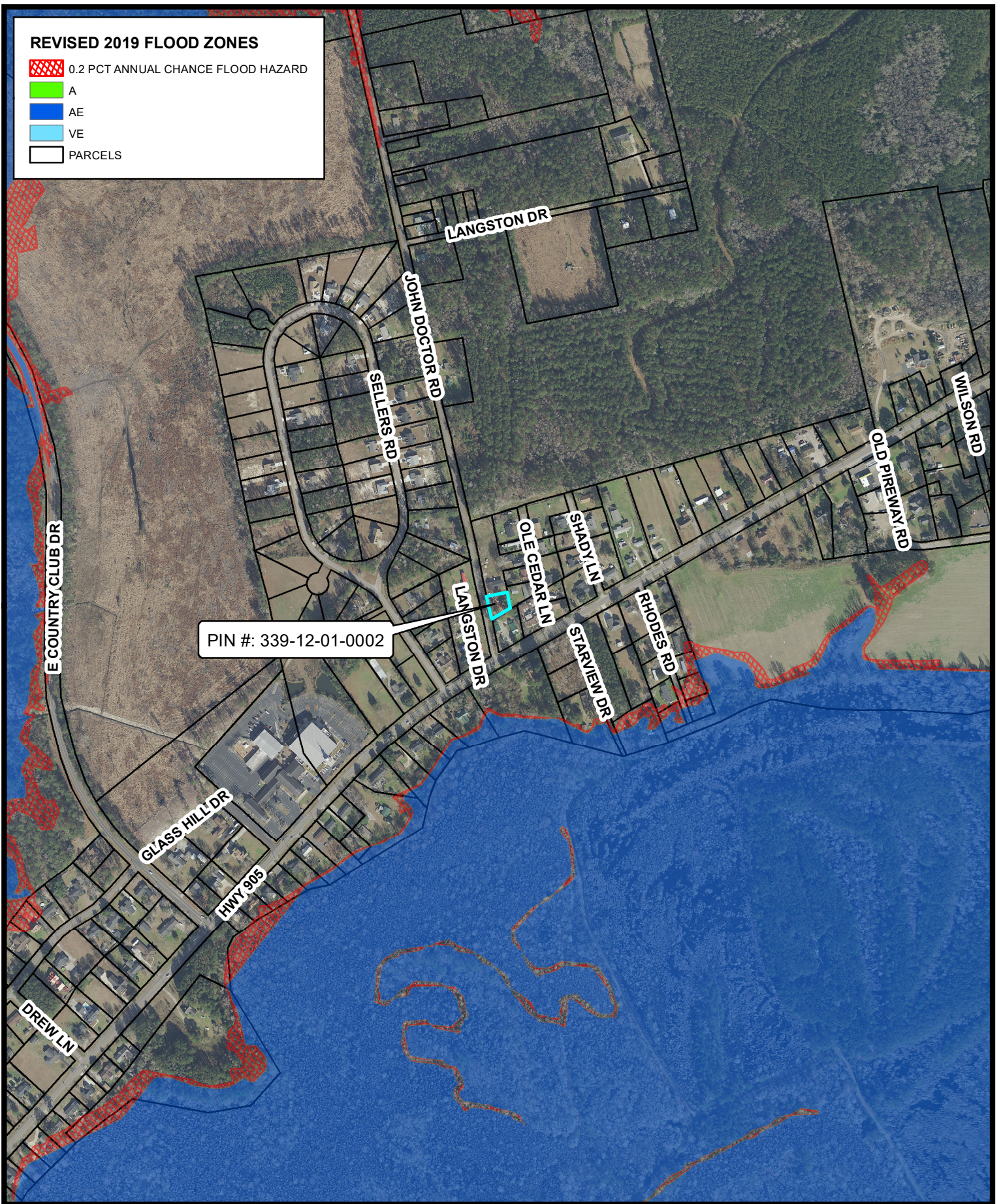
 CONSERVATION PRESERVATION	 HIGHWAY COMMERCIAL	 MEDIUM DENSITY RESIDENTIAL	 PROFESSIONAL
 DOWNTOWN HISTORIC DISTRICT	 INDUSTRIAL	 MIXED USE	 RECREATIONAL
 FOREST AGRICULTURE	 INSTITUTIONAL	 NEIGHBORHOOD COMMERCIAL	 RURAL RESIDENTIAL
 HIGH DENSITY RESIDENTIAL	 LOW DENSITY RESIDENTIAL	 PLANNED DISTRICT	 UTILITY
			 PARCELS





# REVISED 2019 FLOOD ZONES

-  0.2 PCT ANNUAL CHANCE FLOOD HAZARD
-  A
-  AE
-  VE
-  PARCELS





6537.50

DATE: 5-5-87

Conway, South Carolina

WATER AND/OR SEWER CONNECTION APPLICATION-OUT OF CITY  
CITY OF CONWAY

I hereby make application for Water and/or Sewer Connection to my premises at 644 A 4<sup>th</sup> Ave. East Conway, S.C.. I agree to abide by all the rules, rates, regulations and ordinances that are now in force, or may hereafter become in force, governing the Water/or Sewer Department.

I certify that my property is not located within the City limits of the City of Conway. I agree that I will annex as a condition of service. If the City does not desire to annex my property at this time, I agree to sign a petition for annexation at such time or times as requested to do so by the City.

Also, as required by City Ordinance, Extension of Water and Sewer System, attached is a clocked copy of the restrictive covenant which is filed with the Office of the Clerk of Court for Horry County.

*Carth M. D. W. M.*  
Property Owner(s)

Paid: \_\_\_\_\_

Date Installed: \_\_\_\_\_

**PAID**  
MAY 5 - 1987

GENERAL INSTRUCTIONS

CITY OF CONWAY  
SOUTH CAROLINA

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
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\_\_\_\_\_  
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\_\_\_\_\_  
\_\_\_\_\_

STATE OF SOUTH CAROLINA )  
COUNTY OF HORRY )

FILED RESTRICTIVE COVENANT  
HORRY COUNTY

1987 MAY -5 PM 2:26  
BILLY G. RICHARDSON  
CLERK OF COURT  
Carlton McDowell (Grantor) seeks permission to connect to the water and/or sewer system of the City of Conway (Grantee). Our property is outside of the corporate limits as described on tax map no. 123-16-01-060, and located at 644A 4th Ave. East Conway, S.C. Said property was conveyed by deed recorded in Deed Book 1018, at Page 623, in the Office of the Clerk of Court for Horry County, South Carolina.

We understand and agree that as a condition for connecting to the water and/or sewer system, we will petition, when requested by the City, for annexation to the City of Conway under Section 5-3-150 of the Code of Laws for the State of South Carolina. We understand that it may be necessary to execute a petition for annexation on more than one occasion; however, the final acceptance of said petition rests upon an affirmative vote of a majority of the governing body of the City of Conway.

We understand and agree that should we or our successors violate the petition requirement that the City of Conway has the power to immediately discontinue water and/or sewer services to the premises as well as bring a legal action for nonperformances regarding the petition.

It is further understood and agreeable that the City may inspect and approve the owner's water and/or sewer system prior to connection to insure compliance with City and State standards. An inspection fee, if applicable, may be charged for such inspection in accordance with established City policies.

All rights, powers, and privileges hereby granted to the City of Conway as Grantee shall pass to its heirs, successors and assigns and shall be binding upon the heirs, successors, administrators, executors and assigns of the Grantor. Grantor acknowledges that the conditions of this agreement and this agreement itself is a restriction and covenant on the title to this property and binding upon grantors, heirs, successors and assigns.

IN WITNESS WHEREOF, the undersigned Grantor has hereto set his hand and Seal this 5 of May, 1987.

SIGNED, SEALED AND DELIVERED by  
Grantor, in the presence of us  
in Horry County, South Carolina:

David C. Turner

Carlton McDowell  
Grantor Name

Cornie S. Turner  
Witnesses

Grantor Name MAY 5 - 1987

PERSONALLY appeared before me the undersigned witness, and made oath that he/she saw the within-named sign, seal, and as his/her act and deed, deliver the within-written Agreement; and that he/she with the other witness named above witnessed the execution thereof.

SWORN TO BEFORE ME THIS 5th  
DAY OF May, 1987.

Cornie S. Turner  
NOTARY PUBLIC FOR SOUTH CAROLINA

David C. Turner  
Witness

MY COMMISSION EXPIRES: 5/3/95



# PETITION FOR ANNEXATION

Staff Use Only

Received: \_\_\_\_\_  
BS&A #: \_\_\_\_\_

City of Conway Planning  
Department 196 Laurel Street, 29526

Phone: (843) 488-9888  
Conway, South Carolina

[www.cityofconway.com](http://www.cityofconway.com)

## Instructions:

- Fill out all 3 pages
- Submit signed forms to City of Conway Planning Department

STATE OF SOUTH CAROLINA )  
COUNTY OF HORRY )

## PETITION FOR ANNEXATION

### TO THE HONORABLE MAYOR AND CITY COUNCIL OF CONWAY

WHEREAS, § 5-3-150 (3) of the Code of Laws of South Carolina provides for the annexation of an area or property which is contiguous to a City by filing with the municipal governing body a petition signed by all persons owning real estate in the area requesting annexation; and

WHEREAS, the undersigned are all persons owning real estate in the area requesting annexation; and

WHEREAS, the area requesting annexation is described as follows, to wit:

NOW, THEREFORE, the undersigned petition the City Council of Conway to annex the below described area into the municipal limits of the City of Conway.

PROPERTY LOCATION/SUBDIVISION: \_\_\_\_\_

PIN: 339 12 01 0002 ACREAGE: \_\_\_\_\_

• PROPERTY ADDRESS: 120 John Doctor Rd

• PROPERTY OWNER MAILING ADDRESS: same

• PROPERTY OWNER TELEPHONE NUMBER: 843-254-2373

• PROPERTY OWNER EMAIL: no email

• APPLICANT: Irene O'Neal

• APPLICANT'S EMAIL: no email

• IS THE APPLICANT THE PROPERTY OWNER? CIRCLE: YES ☐ NO ☐

**IF NOT:** PLEASE INCLUDE A LETTER OF AGENCY OR POWER OF ATTORNEY FROM THE OWNER ADDING RESPONSIBILITY TO THE APPLICANT.

PROPERTY OWNERS (Attach additional sheets if necessary)

IRENE O'NEAL  
(Print)

Irene O'Neal  
(Signature)

10/11/23  
DATE:

\_\_\_\_\_  
(Print)

\_\_\_\_\_  
(Signature)

DATE: \_\_\_\_\_





# PETITION FOR ANNEXATION

Staff Use Only

Received: \_\_\_\_\_  
BS&A #: \_\_\_\_\_

Is there a structure on the lot: yes Structure Type: House

Current Use: \_\_\_\_\_

Are there any wetlands on the property?

CIRCLE: YES ☐ NO ☒

If yes, please include valid wetland delineation letter from army corps of engineers.

Is the property restricted by any recorded covenant that is contrary to, conflicts with, or prohibits the permitted or proposed use of the land?

CIRCLE: YES ☐ NO ☒

If yes, please explain and provide a copy of covenant and/or restriction.

---

---

---

Is the city a party to any deed restrictions or easements existing on the property?

CIRCLE: YES ☐ NO ☒

If yes, please describe.

---

---

---

Are there any building permits in progress or pending for this property?

CIRCLE: YES ☐ NO ☒

If yes, please provide permit number and jurisdiction.

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**FEES ARE DUE AT SUBMITTAL.**

**RI ZONING DISTRICT – NO FEE ALL OTHER ZONING DISTRICTS - \$ 250**

**PLEASE SUBMIT TO THE PLANNING & DEVELOPMENT DEPARTMENT**

[planning@cityofconway.com](mailto:planning@cityofconway.com)



# Zoning Map Amendment Application

Incomplete applications will not be accepted.

Staff Use Only

Received: \_\_\_\_\_  
BS&A #: \_\_\_\_\_

City of Conway Planning Department  
196 Laurel Street, 29526

Phone: (843) 488-9888  
Conway, South Carolina

[www.cityofconway.com](http://www.cityofconway.com)

## Notice

All zoning map amendments shall follow the procedures set forth in Section 13.1.7 of the City of Conway Unified Development Ordinance. Amendments to the Official Zoning Map shall be initiated by members of City Council, the Planning Commission, the Planning Director, or owner(s) of the subject property. In order to partially defray the administrative cost of zoning map amendments, the applicant shall pay a filing fee to the City of Conway in the amount of \$250.00 at the time this application is submitted. Planned Development rezonings are \$2,500.00 and Planned Development Amendments are \$500.00, and due at the time of submission. A plat of the property to be rezoned may be required with this application.

PHYSICAL ADDRESS OF PROPERTY: 120 John Doctor Rd FEE PAID ( ) YES ( ) NO

AREA OF SUBJECT PROPERTY (ACREAGE): \_\_\_\_\_ PIN: 339 12 010002

CURRENT ZONING CLASSIFICATION: SF 20

COMPREHENSIVE PLAN 2035 FUTURE LAND USE: R1

REQUESTED ZONING CLASSIFICATION: R1

NAME OF PROPERTY OWNER(S):

Irene O'Neal PHONE # 843-254-2373

PHONE # \_\_\_\_\_

MAILING ADDRESS OF PROPERTY OWNER(S):

120 John Doctor Rd

\*\*\*\*\*

I (we) the owner(s) do hereby certify that all information presented in this Zoning Map Amendment Application is correct.

Irene O'Neal  
PROPERTY OWNER'S SIGNATURE(S)

10/11/23  
DATE

PROPERTY OWNER'S SIGNATURE(S)

DATE

THE APPLICANT OR A REPRESENTATIVE MUST BE PRESENT AT THE MEETING.



**DATE: NOVEMBER 6, 2023**  
**ITEM: VI.C.**

**ISSUE:**

First Reading of **Ordinance #ZA2023-11-20 (C)**, to annex approximately 0.66 acres located at 3420 Cates Bay Hwy (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.

**BACKGROUND:**

The annexation application was submitted by the property owner, Shirley Smith, as a requirement for a name change in the city utility services. According to Horry County Register of Deed's website, the deed was transferred into the applicant's name in 2020; however, until recently, the property was listed in both Ms. Smith's and her sister's name. The utilities had been in her sister's name only and she has recently passed.

This property is adjacent to the New Castle subdivision, which is also located off of Cates Bay Hwy. A restrictive covenant was recorded on October 13, 2023.

**CITY OF CONWAY COMPREHENSIVE PLAN:**

The Future Land Use Map of the *Comprehensive Plan* identifies this property as Low/Medium Density Residential (R-1).

*The intent of the R-1 District is to provide for the preservation and expansion of areas for low to medium density, detached single-family residential development in the City of Conway. The district shall present a relatively spacious character, promote quiet, livable neighborhoods, and prohibit uses that are incompatible with the residential nature of the surrounding area.*

**STAFF RECOMMENDATION:**

Approve First reading of **Ordinance #ZA2023-11-20 (C)**.



**ORDINANCE #ZA2023-11-20 (C)**

**AN ORDINANCE TO ANNEX APPROXIMATELY 0.66 ACRES OF PROPERTY  
LOCATED AT 3420 CATES BAY HWY (PIN 369-11-03-0072), AND REQUEST TO  
REZONE FROM THE HORRY COUNTY RESIDENTIAL, NO MOBILE HOMES  
ALLOWED (SF20) DISTRICT TO THE CITY OF CONWAY LOW/MEDIUM DENSITY  
RESIDENTIAL DISTRICT (R-1) DISTRICT.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CONWAY:**

**SECTION 1. FINDINGS:**

A petition has been submitted to the City Council of the City of Conway to annex approximately 0.66 acres of property described herein and represented on a map. The City Council of the City of Conway has determined that the annexation of this area into the City of Conway will be to the advantage of the municipality.

The area proposed for annexation is adjacent to the present City limits. The petition for annexation of land and declared zoning is hereby accepted by the governing body of the municipality of Conway, and made a part of the City of Conway, South Carolina, to wit:

**ALL AND SINGULAR**, those certain parcels, lots, or tracts of land in Conway Township, County and State aforesaid, containing approximately 0.66 acres of property located 3420 Cates Bay Hwy (PIN 369-11-03-0072), and request to rezone from the Horry County Residential, no mobile homes allowed (SF20) district, to the City of Conway Low/Medium-Density Residential (R-1) district.

This annexation includes all waterways, roads, and rights-of-way adjacent to the property.  
For a more specific description of said property, see attached map.

**SECTION 2. APPLICATION OF ZONING ORDINANCE:**

The property is admitted as City of Conway Low/Medium Density Residential District (R-1) area under the zoning laws of the municipality.

**SECTION 3. EFFECTIVE DATE:**

The annexation is effective as of the date of the final reading of this Ordinance.

**AND BE IT FURTHER ORDAINED** that such changes shall be made on the Official Zoning Map. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

**RATIFIED BY CITY COUNCIL**, duly assembled, this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Barbara Jo Blain-Bellamy, Mayor

\_\_\_\_\_  
Justin D. Jordan, Mayor Pro Tem

\_\_\_\_\_  
K. Autry Benton Jr., Council Member

\_\_\_\_\_  
Amanda Butler, Council Member

\_\_\_\_\_  
William M. Goldfinch IV, Council Member

\_\_\_\_\_  
Beth Helms, Council Member

\_\_\_\_\_  
Larry A. White, Council Member

\_\_\_\_\_  
ATTEST: Alicia Shelley, City Clerk

First Reading: \_\_\_\_\_

Final Reading: \_\_\_\_\_



# Legend

PARCELS

PIN #: 369-11-03-0072

CADBURY CT

CATES BAY HWY

DIRTY BRANCH RD



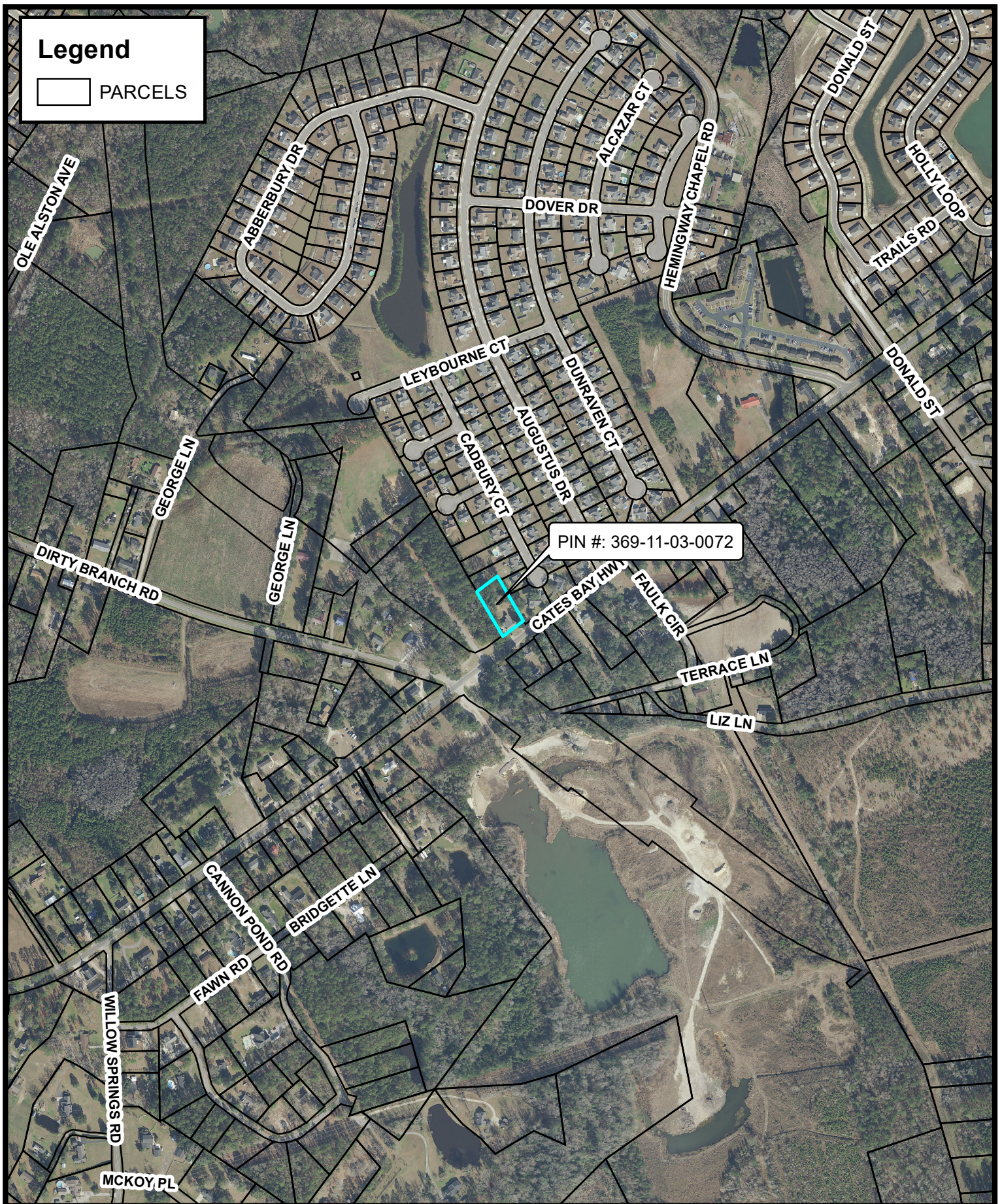
Disclaimer: This map is a graphic representation only. It is NOT a survey. All efforts have been made to ensure its accuracy. However, the City of Conway disclaims all responsibility & liability for the use of this map.



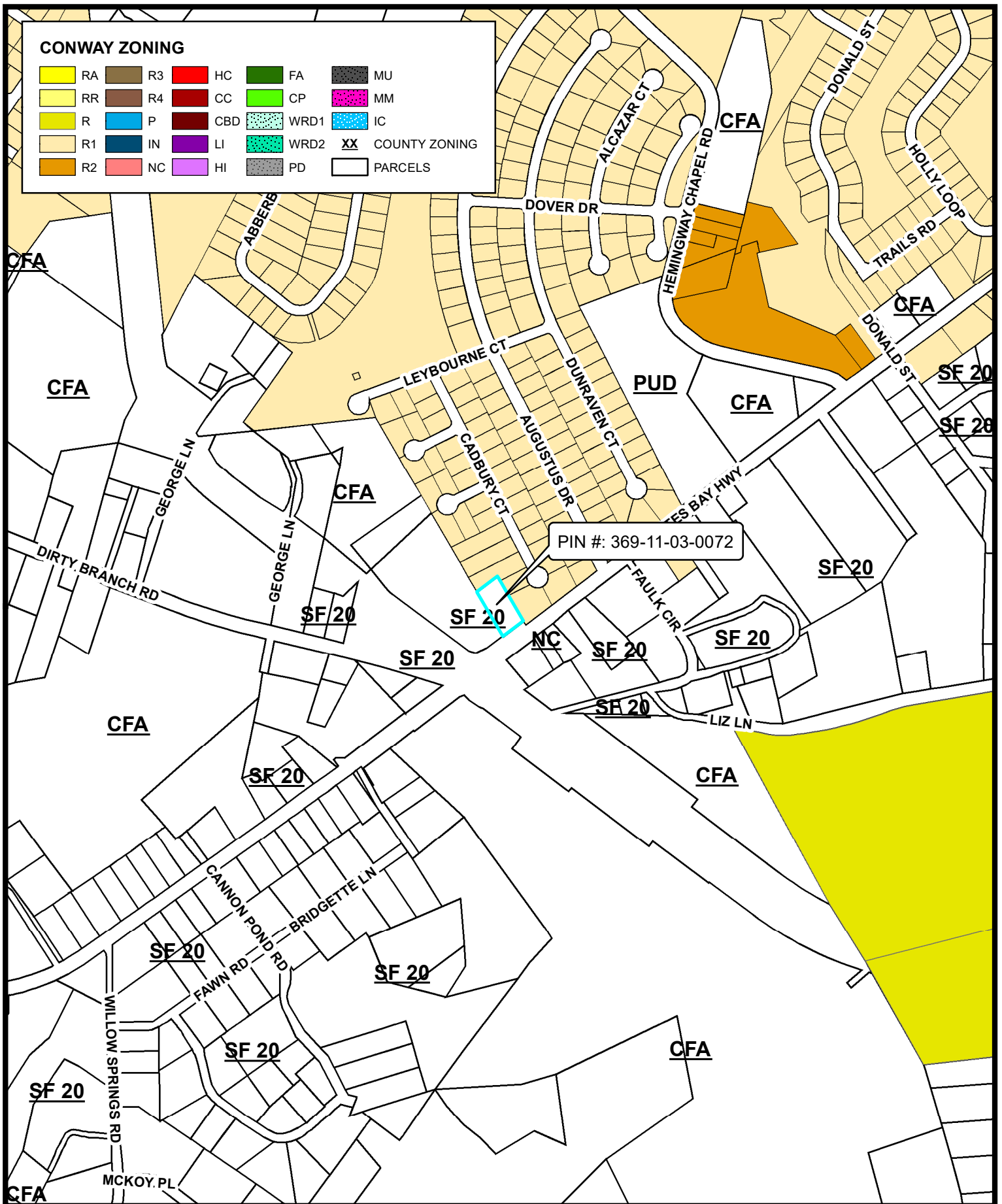
**PIN #: 369-11-03-0072**  
**TMS #: 136-00-03-155**  
**3420 CATES BAY HWY**  
**(P23-0296)**

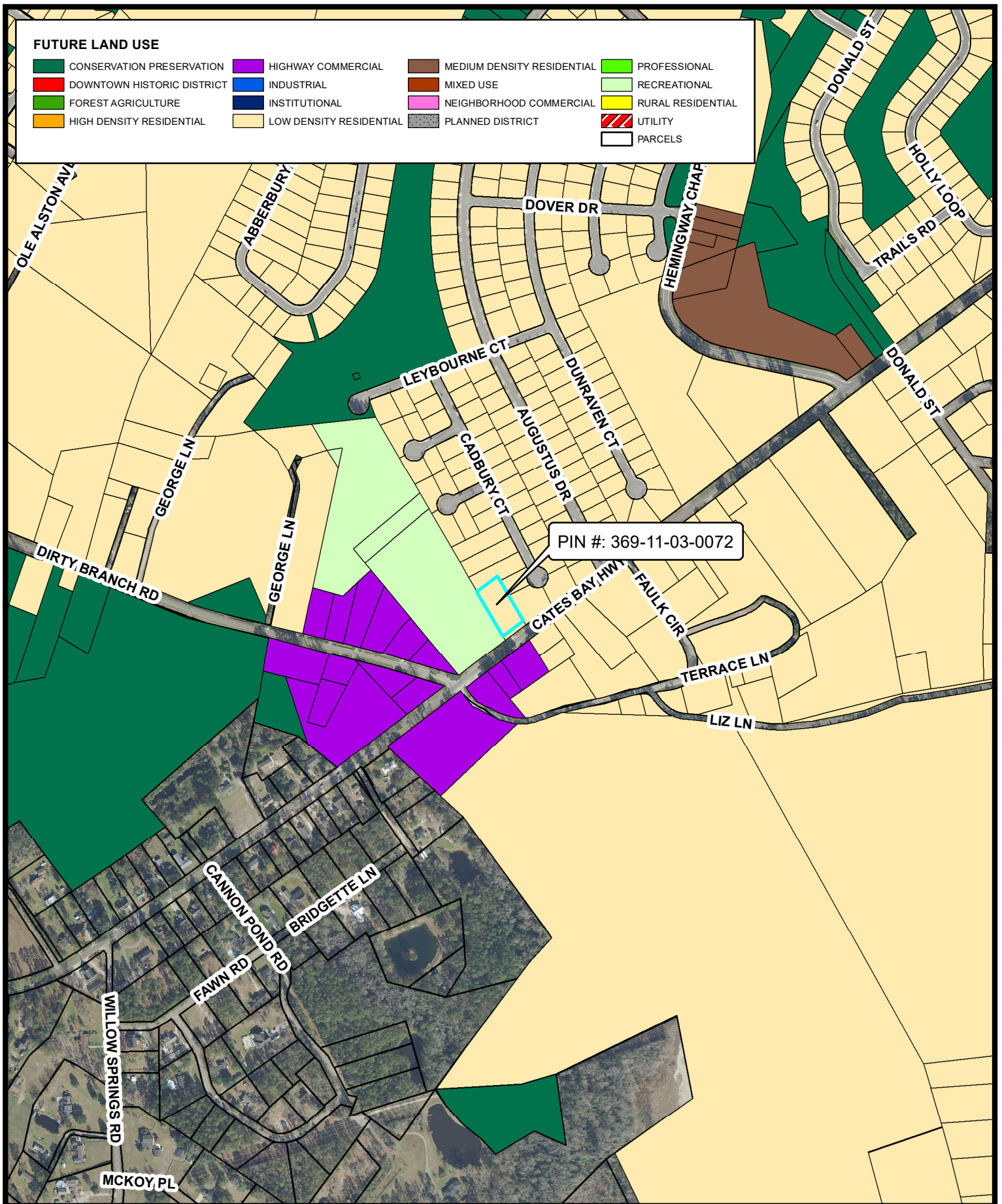




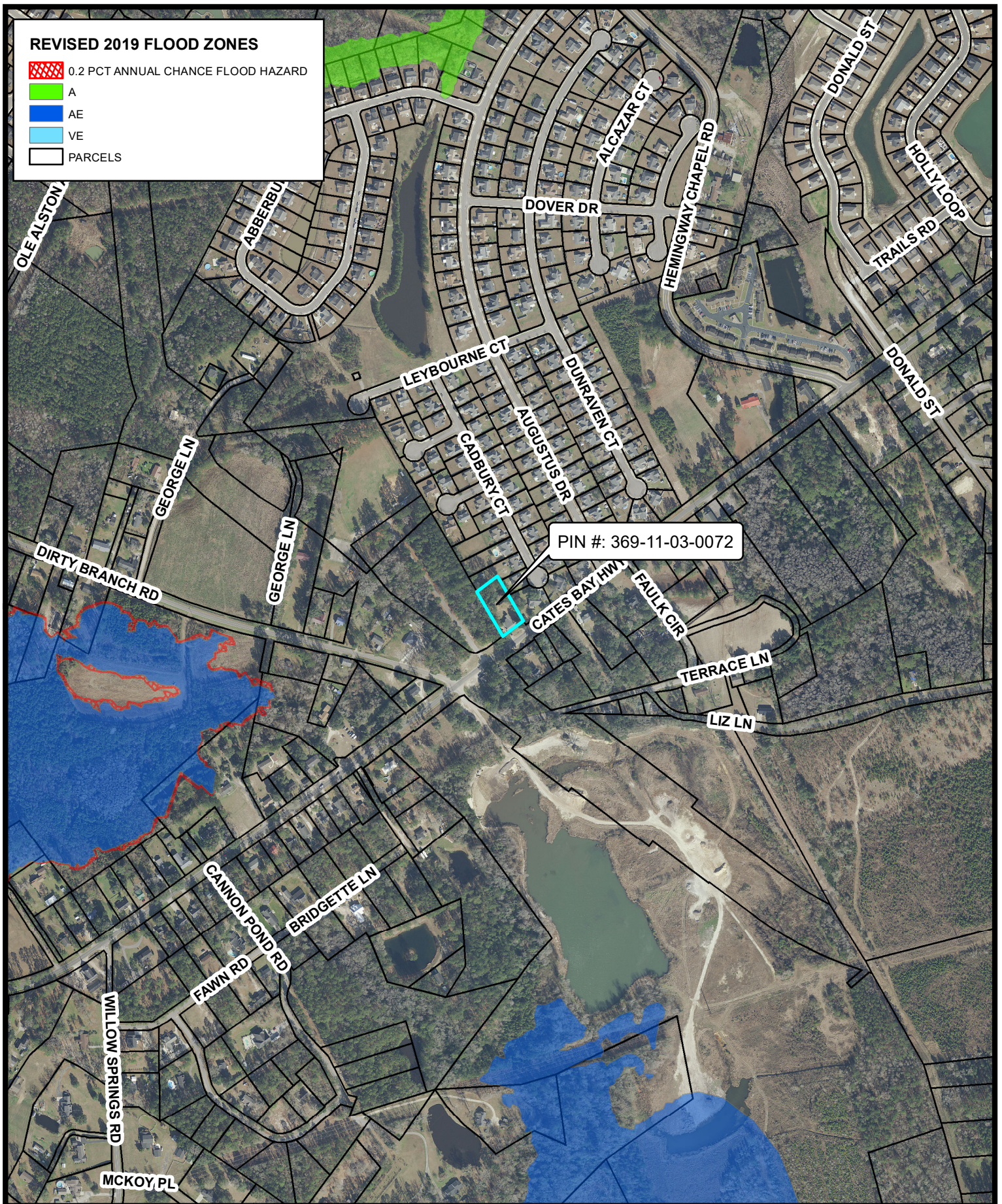
















STATE OF SOUTH CAROLINA )

) RESTRICTIVE COVENANT

COUNTY OF HORRY )

Shirley J. Smith

KNOW ALL ME BY THESE PRESENTS, that, (I, we) Shirley J. Smith  
(Grantor) seek permission to connect to the Water and/or Sewer System of the City Of Conway.  
The property/parcel is situated outside the corporate limits of the City Of Conway. The  
property/parcel is identified in the records of the Assessor of Horry County as Parcel Identification  
Number (PIN) 369-11-03-0072 and is physically located at  
3420 Cates Bay Hwy Conway, SC 29527  
The above referenced property was conveyed by deed to the Grantor and recorded in the Office of  
the Register of Mesne Conveyance for Horry County, South Carolina in Deed Book 4360 at  
Page 3402.

We understand and agree that as a condition of service and connection of the Water and/or  
Sewer System to the above referenced property, we will petition, when requested by the City Of  
Conway (by Group or Individual method) for annexation to the City Of Conway under Section 5-  
3-150 of the Code of Laws for the State of South Carolina. We further understand that it may be  
necessary to execute a petition for annexation on more than one occasion; however, the final  
acceptance of the said petition rests upon an affirmation vote of a majority of the governing body  
of the City of Conway.

It is understood and agreed upon that this covenant shall be legally binding upon  
(myself/us) as the Grantor(s), and our heirs and successors. Any violation of, or refusal to sign,  
said petition shall result in either legal recourse for nonperformance by the City, and/or termination  
of water and/or sewer services provided to the premises.

It is further understood and agreeable that the City may inspect and approve the owner's  
water and/or sewer system prior to connection to insure compliance with the City and State  
regulations. An inspection fee, if applicable, may be imposed for such inspection in accordance  
with the guidelines and policies set forth by the City of Conway.

All rights, powers, and privileges hereby granted to the City of Conway as grantee shall  
convey to its heirs, successors and assigns, and shall be binding upon the heirs, successors,  
administrators, executors and assigns of the Grantor. Grantor acknowledges that the conditions of  
this agreement and this agreement itself is a restriction and covenant of the title of the above  
reference property and binding upon the grantors, heirs, successors, and assigns. Furthermore, it is  
mutually agreeable that upon any dividing, separation, or split of the above referenced property,  
this agreement shall remain binding upon the successors and heirs of such division, and that this  
covenant shall remain binding upon the successors and heirs of such division, and that this covenant  
shall remain a restriction and covenant on the title of the parcel resultant of such division.





IN WITNESS THEREOF, the undersigned Grantor has hereto set his hand and Seal this

10-13-23 day of October

SIGNED, SEALED AND DELIVERED by:

Grantor in the presence of:

Alean Hye  
Witness

Shirley J. Smith  
Grantor Name

ABessant  
Witness or Notary

STATE OF SOUTH CAROLINA )

)

PROBATE

COUNTY OF HORRY )

PERSONALLY appeared before me the undersigned witness, and made oath that he/she saw the within named Grantor(s) sign, seal and as his/her act and deed, deliver the within written Agreement and Covenant; and that he/she with the other witness named above witnessed the execution thereof.

Alean Hye

Witness

SWORN TO BEFORE ME THIS 13  
DAY OF October, 2023

ABessant

NOTARY PUBLIC FOR SOUTH CAROLINA (signature)

Anne Bessant

NOTARY PUBLIC FOR SOUTH CAROLINA (printed)

My commission expires: 04/08/2032

Section 26-1-120 (E) (4): A witness is not a party to or a beneficiary of the transaction, signed the record as a subscribing witness.



# PETITION FOR ANNEXATION

Staff Use Only

Received: \_\_\_\_\_  
BS&A #: \_\_\_\_\_

City of Conway Planning  
Department 196 Laurel Street, 29526

Phone: (843) 488-9888  
Conway, South Carolina

[www.cityofconway.com](http://www.cityofconway.com)

## Instructions:

- Fill out all 3 pages
- Submit signed forms to City of Conway Planning Department

STATE OF SOUTH CAROLINA )  
COUNTY OF HORRY )

## PETITION FOR ANNEXATION

### TO THE HONORABLE MAYOR AND CITY COUNCIL OF CONWAY

WHEREAS, § 5-3-150 (3) of the Code of Laws of South Carolina provides for the annexation of an area or property which is contiguous to a City by filing with the municipal governing body a petition signed by all persons owning real estate in the area requesting annexation; and

WHEREAS, the undersigned are all persons owning real estate in the area requesting annexation; and

WHEREAS, the area requesting annexation is described as follows, to wit:

NOW, THEREFORE, the undersigned petition the City Council of Conway to annex the below described area into the municipal limits of the City of Conway.

PROPERTY LOCATION/SUBDIVISION: \_\_\_\_\_

PIN: 309 11 03 0072 ACREAGE: 0.66

PROPERTY ADDRESS: 3420 Cates Bay Hwy

PROPERTY OWNER MAILING ADDRESS: \_\_\_\_\_

PROPERTY OWNER TELEPHONE NUMBER: 843 276 8996

PROPERTY OWNER EMAIL: NONE

APPLICANT: Shirley J. Smith

APPLICANT'S EMAIL: NONE

IS THE APPLICANT THE PROPERTY OWNER? CIRCLE: YES ☒ NO ☐

**IF NOT:** PLEASE INCLUDE A LETTER OF AGENCY OR POWER OF ATTORNEY FROM THE OWNER ADDING RESPONSIBILITY TO THE APPLICANT.

PROPERTY OWNERS (Attach additional sheets if necessary)

\* SHIRLEY J. SMITH \* Shirley J. Smith \* DATE: 10-13-2023  
(Print) (Signature)

(Print)

(Signature)

DATE: \_\_\_\_\_



# PETITION FOR ANNEXATION

Staff Use Only

Received: \_\_\_\_\_  
BS&A #: \_\_\_\_\_

Is there a structure on the lot: Yes Structure Type: House

Current Use: \_\_\_\_\_

Are there any wetlands on the property?

CIRCLE: YES ☐ NO ☒

If yes, please include valid wetland delineation letter from army corps of engineers.

Is the property restricted by any recorded covenant that is contrary to, conflicts with, or prohibits the permitted or proposed use of the land?

CIRCLE: YES ☐ NO ☒

If yes, please explain and provide a copy of covenant and/or restriction.

---

---

---

Is the city a party to any deed restrictions or easements existing on the property?

CIRCLE: YES ☐ NO ☒

If yes, please describe.

---

---

---

Are there any building permits in progress or pending for this property?

CIRCLE: YES ☐ NO ☒

If yes, please provide permit number and jurisdiction.

---

---

---

**FEES ARE DUE AT SUBMITTAL.**

**RI ZONING DISTRICT – NO FEE ALL OTHER ZONING DISTRICTS - \$ 250**

**PLEASE SUBMIT TO THE PLANNING & DEVELOPMENT DEPARTMENT**

[planning@cityofconway.com](mailto:planning@cityofconway.com)



# Zoning Map Amendment Application

Incomplete applications will not be accepted.

Staff Use Only

Received: \_\_\_\_\_  
BS&A #: \_\_\_\_\_

City of Conway Planning Department  
196 Laurel Street, 29526

Phone: (843) 488-9888  
Conway, South Carolina

[www.cityofconway.com](http://www.cityofconway.com)

## Notice

All zoning map amendments shall follow the procedures set forth in Section 13.1.7 of the City of Conway Unified Development Ordinance. Amendments to the Official Zoning Map shall be initiated by members of City Council, the Planning Commission, the Planning Director, or owner(s) of the subject property. In order to partially defray the administrative cost of zoning map amendments, the applicant shall pay a filing fee to the City of Conway in the amount of \$250.00 at the time this application is submitted. Planned Development rezonings are \$2,500.00 and Planned Development Amendments are \$500.00, and due at the time of submission. A plat of the property to be rezoned may be required with this application.

PHYSICAL ADDRESS OF PROPERTY: 3420 Cates Bay Hwy FEE PAID ( ) YES ( ) NO

AREA OF SUBJECT PROPERTY (ACREAGE): 0.66 PIN: 369 11 03 0072

CURRENT ZONING CLASSIFICATION: SF 20

COMPREHENSIVE PLAN 2035 FUTURE LAND USE: R-1

REQUESTED ZONING CLASSIFICATION: R-1

NAME OF PROPERTY OWNER(S):

SHIRLEY J. SMITH PHONE # 843 276 8996

PHONE # \_\_\_\_\_

MAILING ADDRESS OF PROPERTY OWNER(S):

3420 KATES BAY HWY  
CONWAY SC 29527

\*\*\*\*\*

I (we) the owner(s) do hereby certify that all information presented in this Zoning Map Amendment Application is correct.

Shirley J. Smith  
PROPERTY OWNER'S SIGNATURE(S)

10-13-2023  
DATE

PROPERTY OWNER'S SIGNATURE(S)

DATE

THE APPLICANT OR A REPRESENTATIVE MUST BE PRESENT AT THE MEETING.

**DATE: NOVEMBER 6, 2023**

**ITEM: VI.D**

**ISSUE:**

**First Reading of Ordinance #ZA2023-11-20 (D)**, to annex approximately 0.51 acres located at 443 Dunn Shortcut Rd (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.

**BACKGROUND:**

The annexation application was submitted by the applicant as a requirement to connect to city utility services. According to Horry County Land Records, the property was transferred ownership on September 20, 2023. The property is near the Woodcreek subdivision that is also located off of Dunn Shortcut Road. A restrictive covenant was recorded for this property October 16, 2023.

There have been several other parcels in this area that have been annexed throughout the years.

**CITY OF CONWAY COMPREHENSIVE PLAN:**

The Future Land Use Map of the *Comprehensive Plan* identifies this property as Low/Medium Density Residential (R-1).

*The intent of the R-1 District is to provide for the preservation and expansion of areas for low to medium density, detached single-family residential development in the City of Conway. The district shall present a relatively spacious character, promote quiet, livable neighborhoods, and prohibit uses that are incompatible with the residential nature of the surrounding area.*

**STAFF RECOMMENDATION:**

Approve First reading of **Ordinance #ZA2023-11-20 (D)**.

**ORDINANCE #ZA2023-11-20 (D)**

**AN ORDINANCE TO ANNEX APPROXIMATELY 0.51 ACRES OF PROPERTY  
LOCATED AT 443 DUNN SHORTCUT ROAD (PIN 337-07-01-0002) AND REQUEST TO  
REZONE FROM THE HORRY COMMERCIAL FOREST AGRICULTURE (CFA)  
DISTRICT TO THE CITY OF CONWAY LOW/MEDIUM DENSITY RESIDENTIAL  
DISTRICT (R-1) DISTRICT.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CONWAY:**

**SECTION 1. FINDINGS:**

A petition has been submitted to the City Council of the City of Conway to annex approximately 0.51 acres of property described herein and represented on a map.

The area proposed for annexation is adjacent to the present City limits. The petition for annexation of land and declared zoning is hereby accepted by the governing body of the municipality of Conway, and made a part of the City of Conway, South Carolina, to wit:

**ALL AND SINGULAR**, those certain parcels, lots, or tracts of land in Conway Township, County and State aforesaid, containing approximately 0.51 acres of property located at 443 Dunn Shortcut Rd (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.

This annexation includes all waterways, roads, and rights-of-way adjacent to the property.

For a more specific description of said property, see attached map.

**SECTION 2. APPLICATION OF ZONING ORDINANCE:**

The property is admitted as City of Conway Low/Medium Density Residential District (R-1) area under the zoning laws of the municipality.

**SECTION 3. EFFECTIVE DATE:**

The annexation is effective as of the date of the final reading of this Ordinance.

**AND BE IT FURTHER ORDAINED** that such changes shall be made on the Official Zoning Map. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

**RATIFIED BY CITY COUNCIL**, duly assembled, this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Barbara Jo Blain-Bellamy, Mayor

\_\_\_\_\_  
Justin D. Jordan, Mayor Pro Tem

\_\_\_\_\_  
K. Autry Benton Jr., Council Member

\_\_\_\_\_  
Amanda Butler, Council Member

\_\_\_\_\_  
William M. Goldfinch IV, Council Member

\_\_\_\_\_  
Beth Helms, Council Member

\_\_\_\_\_  
Larry A. White, Council Member

\_\_\_\_\_  
ATTEST: Alicia Shelley, City Clerk

First Reading: \_\_\_\_\_

Final Reading: \_\_\_\_\_



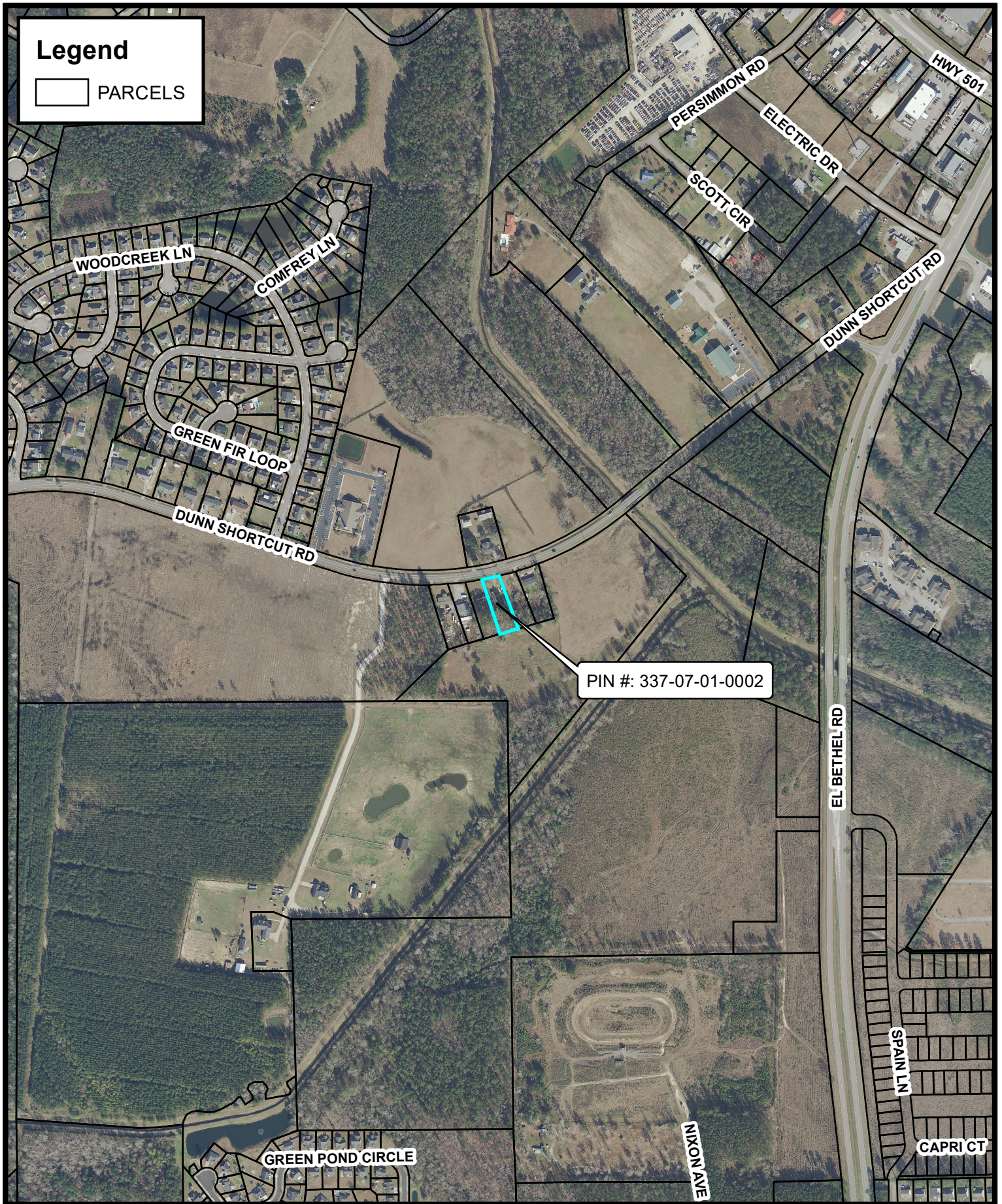
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 PARCELS

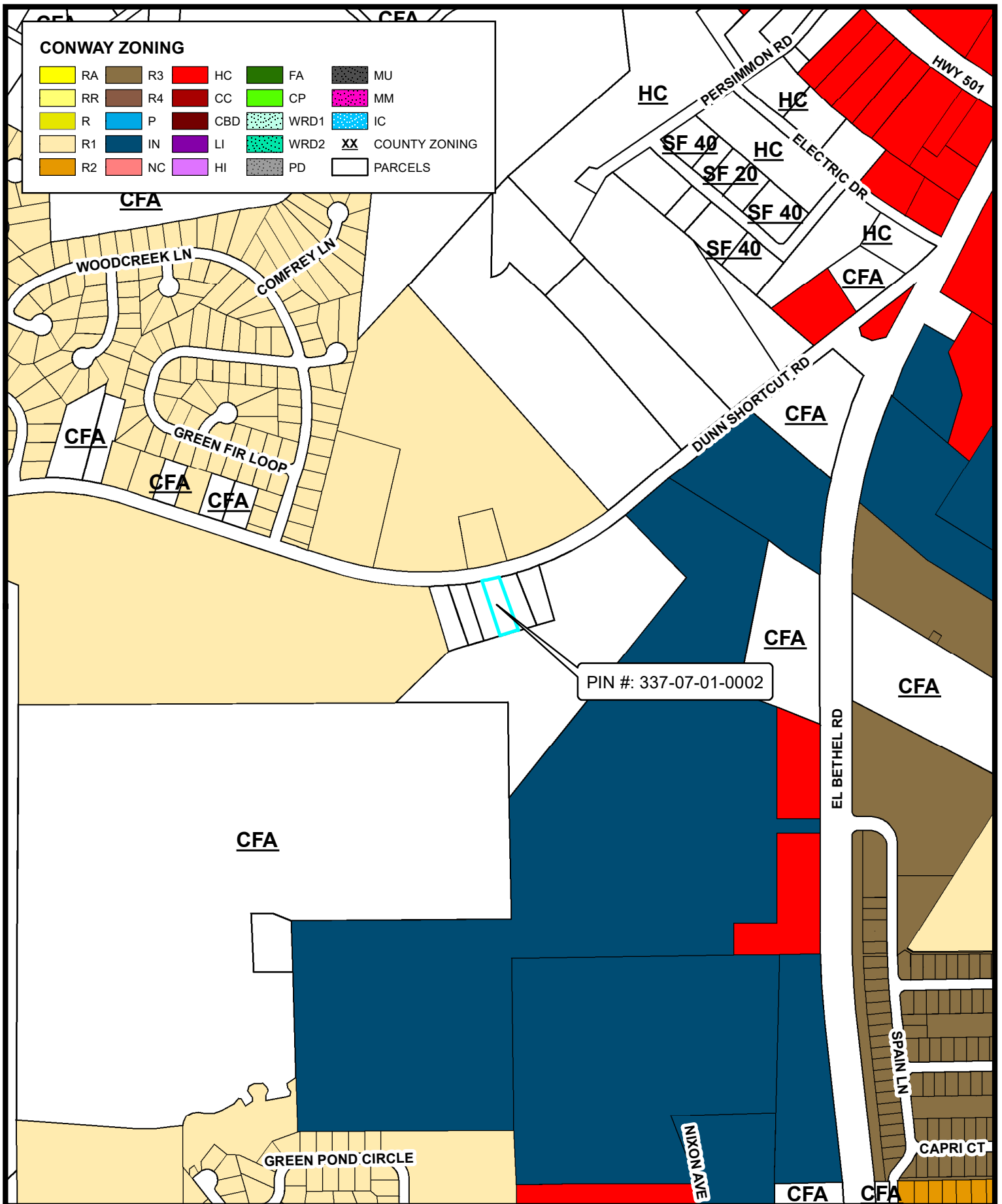
DUNN SHORTCUT RD

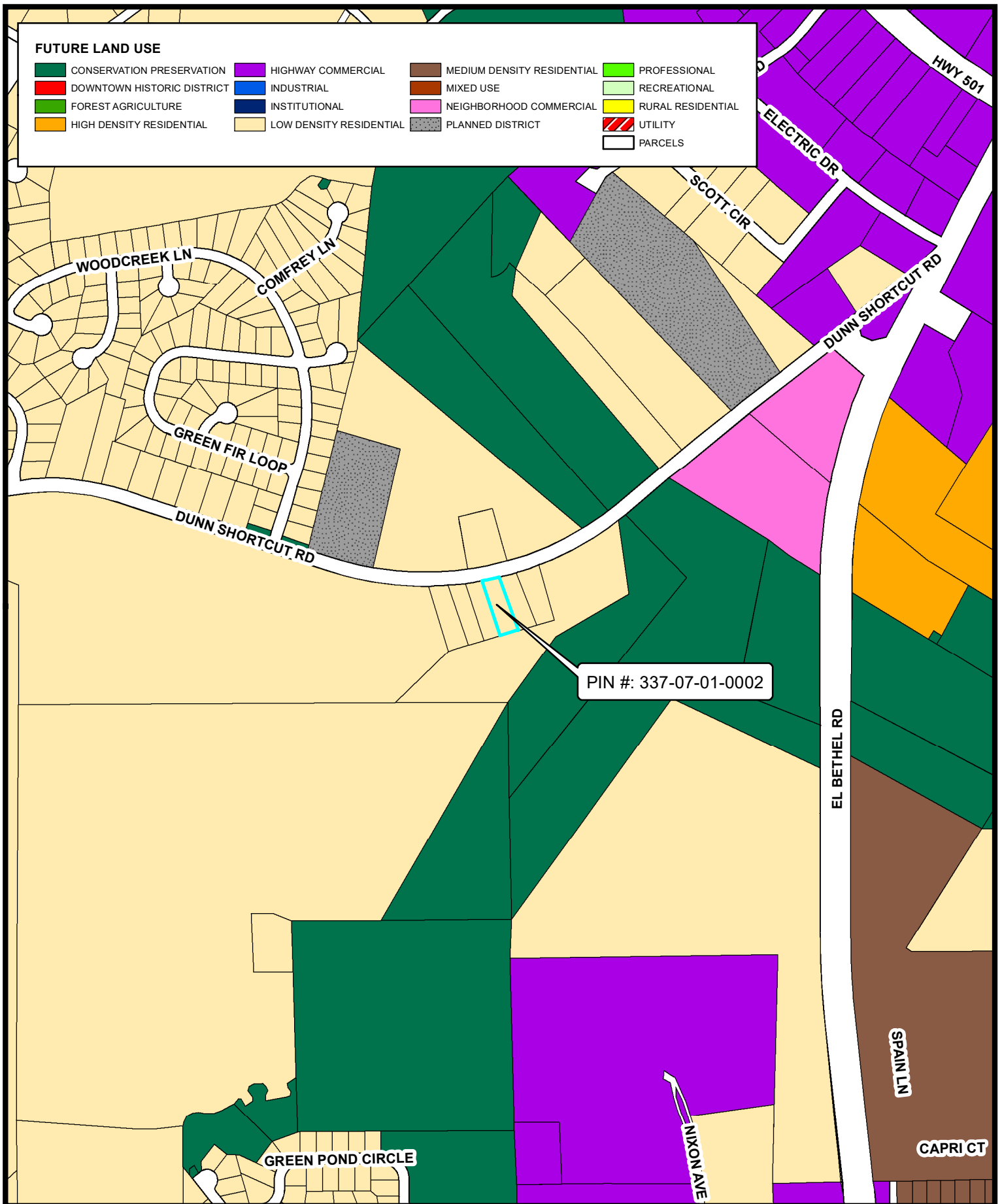
PIN #: 337-07-01-0002












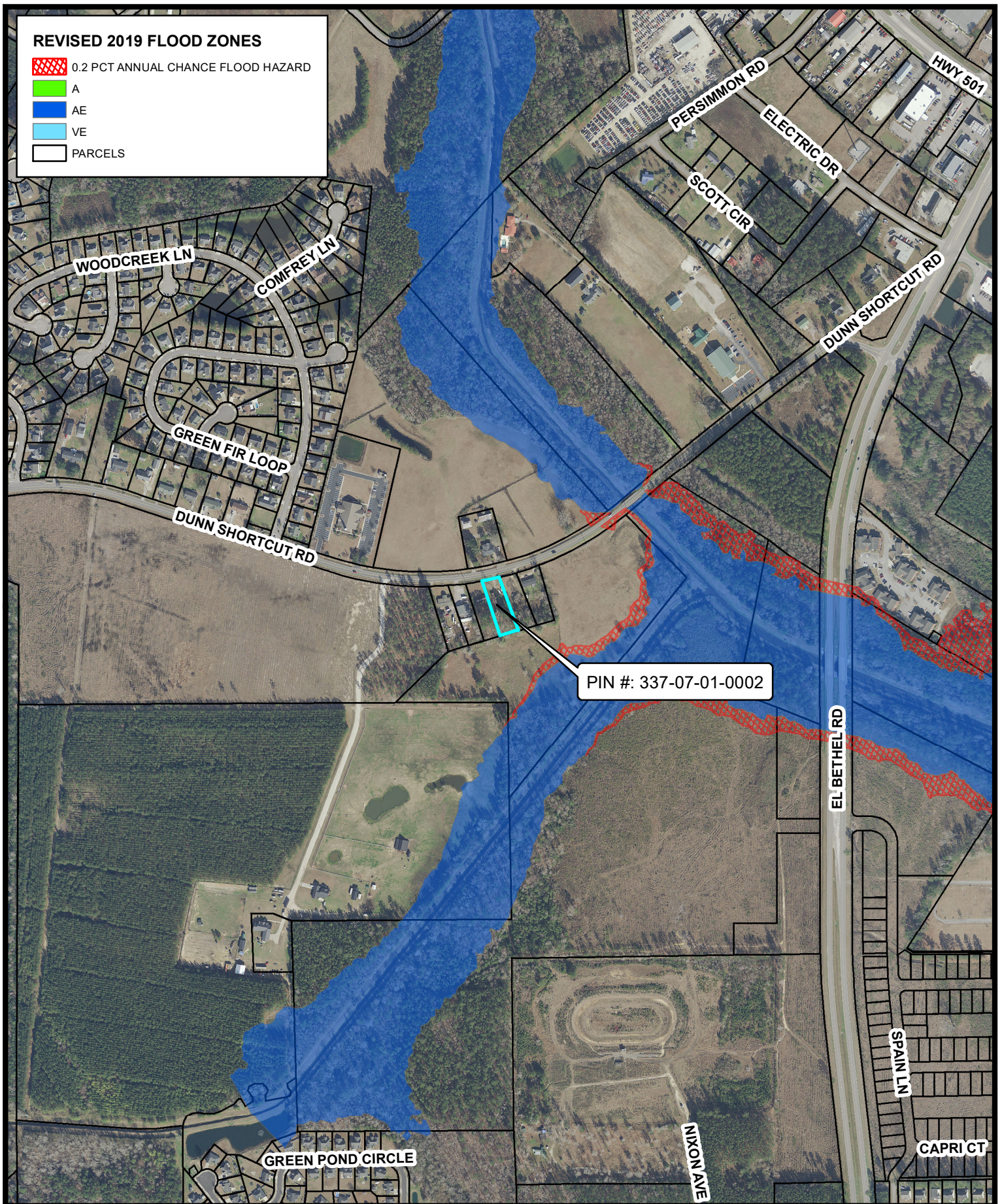






## REVISED 2019 FLOOD ZONES

-  0.2 PCT ANNUAL CHANCE FLOOD HAZARD
-  A
-  AE
-  VE
-  PARCELS







STATE OF SOUTH CAROLINA )

) RESTRICTIVE COVENANT

COUNTY OF HORRY )

KNOW ALL ME BY THESE PRESENTS, that, (I, we) Rigoberto O. Lomeli Jr.  
(Grantor) seek permission to connect to the Water and/or Sewer System of the City Of Conway. The property/parcel is situated outside the corporate limits of the City Of Conway. The property/parcel is identified in the records of the Assessor of Horry County as Parcel Identification Number (PIN) 33707010002 and is physically located at TBD Dunn Court Conway, SC 29526.  
The above referenced property was conveyed by deed to the Grantor and recorded in the Office of the Register of Mesne Conveyance for Horry County, South Carolina in Deed Book 4726 at Page 739.

We understand and agree that as a condition of service and connection of the Water and/or Sewer System to the above referenced property, we will petition, when requested by the City Of Conway (by Group or Individual method) for annexation to the City Of Conway under Section 5-3-150 of the Code of Laws for the State of South Carolina. We further understand that it may be necessary to execute a petition for annexation on more than one occasion; however, the final acceptance of the said petition rests upon an affirmation vote of a majority of the governing body of the City of Conway.

It is understood and agreed upon that this covenant shall be legally binding upon (myself/us) as the Grantor(s), and our heirs and successors. Any violation of, or refusal to sign, said petition shall result in either legal recourse for nonperformance by the City, and/or termination of water and/or sewer services provided to the premises.

It is further understood and agreeable that the City may inspect and approve the owner's water and/or sewer system prior to connection to insure compliance with the City and State regulations. An inspection fee, if applicable, may be imposed for such inspection in accordance with the guidelines and policies set forth by the City of Conway.

All rights, powers, and privileges hereby granted to the City of Conway as grantee shall convey to its heirs, successors and assigns, and shall be binding upon the heirs, successors, administrators, executors and assigns of the Grantor. Grantor acknowledges that the conditions of this agreement and this agreement itself is a restriction and covenant of the title of the above reference property and binding upon the grantors, heirs, successors, and assigns. Furthermore, it is mutually agreeable that upon any dividing, separation, or split of the above referenced property, this agreement shall remain binding upon the successors and heirs of such division, and that this covenant shall remain binding upon the successors and heirs of such division, and that this covenant shall remain a restriction and covenant on the title of the parcel resultant of such division.

Deed BK: 4734 PG: 813 Doctype: 082  
10/16/2023 at 11:43:08 AM, 1 OF 2

Marion D. Foxworth III  
HORRY COUNTY, SC REGISTRAR OF DEEDS





IN WITNESS THEREOF, the undersigned Grantor has hereto set his hand and Seal this

13<sup>th</sup> day of Oct

SIGNED, SEALED AND DELIVERED by:  
Grantor in the presence of:

Jesha Powers

Witness 1

Anabel Perez

Witness or Notary

Rigoberto O'Loneli Jr,

Grantor Name

Witness: Jacques White  
2 [Signature]

STATE OF SOUTH CAROLINA )

) PROBATE

COUNTY OF HORRY )

PERSONALLY appeared before me the undersigned witness, and made oath that he/she saw the within named Grantor(s) sign, seal and as his/her act and deed, deliver the within written Agreement and Covenant; and that he/she with the other witness named above witnessed the execution thereof.

[Signature]

Witness

SWORN TO BEFORE ME THIS 13<sup>th</sup>  
DAY OF October, 2023

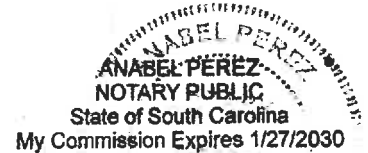
[Signature]

NOTARY PUBLIC FOR SOUTH CAROLINA (signature)

Anabel Perez

NOTARY PUBLIC FOR SOUTH CAROLINA (printed)

My commission expires: 1/27/2023



Section 26-1-120 (E) (4): A witness is not a party to or a beneficiary of the transaction, signed the record as a subscribing witness.

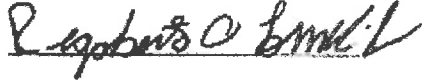
TO WHOM IT MAY CONCERN

MARCH 9TH 2023

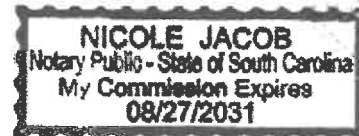
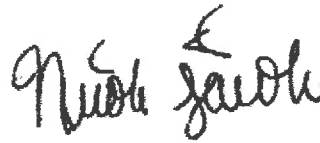
I RIGOBERTO O LOMELI JR GIVE JESHUA POWERS PERMISSION TO GET ANY PERMITS NEEDED FOR A NEW BUILD WE ARE DOING IN MY BEHALF. HE ALSO HAS ALL RIGHTS TO FILL OUT ANY OTHER APPLICATIONS HE MAY NEED.

IF YOU HAVE ANY QUESTIONS FEEL FREE TO CALL

RIGOBERTO O LOMELI JR



843-200-4138







## PETITION FOR ANNEXATION

Staff Use Only

Received: \_\_\_\_\_

BS&A #: \_\_\_\_\_

Is there a structure on the lot: NO Structure Type: \_\_\_\_\_

Current Use: \_\_\_\_\_

Are there any wetlands on the property?

CIRCLE: YES ☐ NO ☒

If yes, please include valid wetland delineation letter from army corps of engineers.

Is the property restricted by any recorded covenant that is contrary to, conflicts with, or prohibits the permitted or proposed use of the land?

CIRCLE: YES ☐ NO ☒

If yes, please explain and provide a copy of covenant and/or restriction.

---

---

---

Is the city a party to any deed restrictions or easements existing on the property?

CIRCLE: YES ☐ NO ☒

If yes, please describe.

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---

---

Are there any building permits in progress or pending for this property?

CIRCLE: YES ☐ NO ☒

If yes, please provide permit number and jurisdiction.

---

---

---

**FEES ARE DUE AT SUBMITTAL.**

**RI ZONING DISTRICT – NO FEE ALL OTHER ZONING DISTRICTS - \$ 250**

**PLEASE SUBMIT TO THE PLANNING & DEVELOPMENT DEPARTMENT**

**[planning@cityofconway.com](mailto:planning@cityofconway.com)**





# Zoning Map Amendment Application

*Incomplete applications will not be accepted.*

Staff Use Only

Received: \_\_\_\_\_  
BS&A #: \_\_\_\_\_

City of Conway Planning Department  
196 Laurel Street, 29526

Phone: (843) 488-9888  
Conway, South Carolina

[www.cityofconway.com](http://www.cityofconway.com)

## Notice

All zoning map amendments shall follow the procedures set forth in Section 13.1.7 of the City of Conway Unified Development Ordinance. Amendments to the Official Zoning Map shall be initiated by members of City Council, the Planning Commission, the Planning Director, or owner(s) of the subject property. In order to partially defray the administrative cost of zoning map amendments, the applicant shall pay a filing fee to the City of Conway in the amount of \$250.00 at the time this application is submitted. Planned Development rezonings are \$2,500.00 and Planned Development Amendments are \$500.00, and due at the time of submission. A plat of the property to be rezoned may be required with this application.

PHYSICAL ADDRESS OF PROPERTY: Dunn short cut road FEE PAID ( ) YES ☒ NO

AREA OF SUBJECT PROPERTY (ACREAGE): 0.5 PIN: 33707010002

CURRENT ZONING CLASSIFICATION: CFA  
Residential

COMPREHENSIVE PLAN 2035 FUTURE LAND USE: \_\_\_\_\_

REQUESTED ZONING CLASSIFICATION: Same

NAME OF PROPERTY OWNER(S): Rigoberto O Lomeli Jr. 843-200-4138  
PHONE # \_\_\_\_\_

PHONE # \_\_\_\_\_

MAILING ADDRESS OF PROPERTY OWNER(S):  
127 AP Thompson Rd Longs, SC 29568

\*\*\*\*\*

I (we) the owner(s) do hereby certify that all information presented in this Zoning Map Amendment Application is correct.

J.P. 10/13/2023  
PROPERTY OWNER'S SIGNATURE(S) DATE

PROPERTY OWNER'S SIGNATURE(S) DATE

THE APPLICANT OR A REPRESENTATIVE MUST BE PRESENT AT THE MEETING.

**DATE: NOVEMBER 6, 2023**

**ITEM: V.I.E.**

**ISSUE:**

**First Reading of Ordinance #ZA2023-11-20 (E)**, to annex approximately 0.49 acres located at 447 Dunn Shortcut Rd (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.

**BACKGROUND:**

The annexation application was submitted by the applicant as a requirement to connect to city utility services. According to Horry County Land Records, the property was transferred ownership on September 20, 2023. The property is near the Woodcreek subdivision that is also located off of Dunn Shortcut Road. A restrictive covenant was recorded for this property October 16, 2023.

There have been several other parcels in this area that have been annexed throughout the years.

**CITY OF CONWAY COMPREHENSIVE PLAN:**

The Future Land Use Map of the *Comprehensive Plan* identifies this property as Low/Medium Density Residential (R-1).

*The intent of the R-1 District is to provide for the preservation and expansion of areas for low to medium density, detached single-family residential development in the City of Conway. The district shall present a relatively spacious character, promote quiet, livable neighborhoods, and prohibit uses that are incompatible with the residential nature of the surrounding area.*

**STAFF RECOMMENDATION:**

Approve First reading of **Ordinance #ZA2023-11-20 (E)**.

**ORDINANCE #ZA2023-11-20 (E)**

**AN ORDINANCE TO ANNEX APPROXIMATELY 0.49 ACRES OF PROPERTY  
LOCATED AT 447 DUNN SHORTCUT ROAD (PIN 337-07-01-0003) AND REQUEST TO  
REZONE FROM THE HORRY COMMERCIAL FOREST AGRICULTURE (CFA)  
DISTRICT TO THE CITY OF CONWAY LOW/MEDIUM DENSITY RESIDENTIAL  
DISTRICT (R-1) DISTRICT.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CONWAY:**

**SECTION 1. FINDINGS:**

A petition has been submitted to the City Council of the City of Conway to annex approximately 0.49 acres of property described herein and represented on a map.

The area proposed for annexation is adjacent to the present City limits. The petition for annexation of land and declared zoning is hereby accepted by the governing body of the municipality of Conway, and made a part of the City of Conway, South Carolina, to wit:

**ALL AND SINGULAR**, those certain parcels, lots, or tracts of land in Conway Township, County and State aforesaid, containing approximately 0.49 acres of property located at 447 Dunn Shortcut Rd (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.

This annexation includes all waterways, roads, and rights-of-way adjacent to the property.

For a more specific description of said property, see attached map.

**SECTION 2. APPLICATION OF ZONING ORDINANCE:**

The property is admitted as City of Conway Low/Medium Density Residential District (R-1) area under the zoning laws of the municipality.

**SECTION 3. EFFECTIVE DATE:**

The annexation is effective as of the date of the final reading of this Ordinance.

**AND BE IT FURTHER ORDAINED** that such changes shall be made on the Official Zoning Map. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

**RATIFIED BY CITY COUNCIL**, duly assembled, this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Barbara Jo Blain-Bellamy, Mayor

\_\_\_\_\_  
Justin D. Jordan, Mayor Pro Tem

\_\_\_\_\_  
K. Autry Benton Jr., Council Member

\_\_\_\_\_  
Amanda Butler, Council Member

\_\_\_\_\_  
William M. Goldfinch IV, Council Member

\_\_\_\_\_  
Beth Helms, Council Member

\_\_\_\_\_  
Larry A. White, Council Member

\_\_\_\_\_  
ATTEST: Alicia Shelley, City Clerk

First Reading: \_\_\_\_\_

Final Reading: \_\_\_\_\_



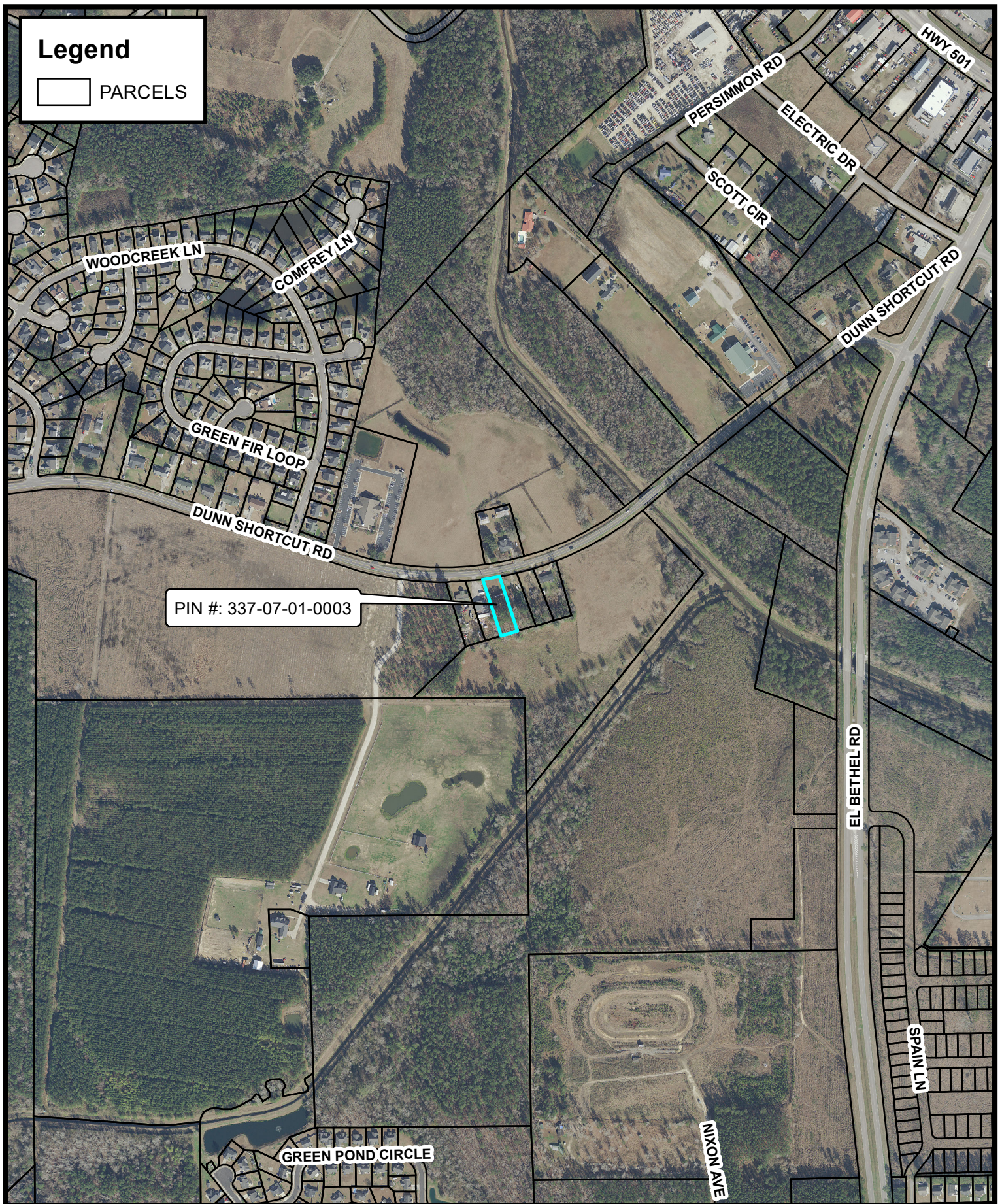
# Legend

PARCELS

DUNN SHORTCUT RD

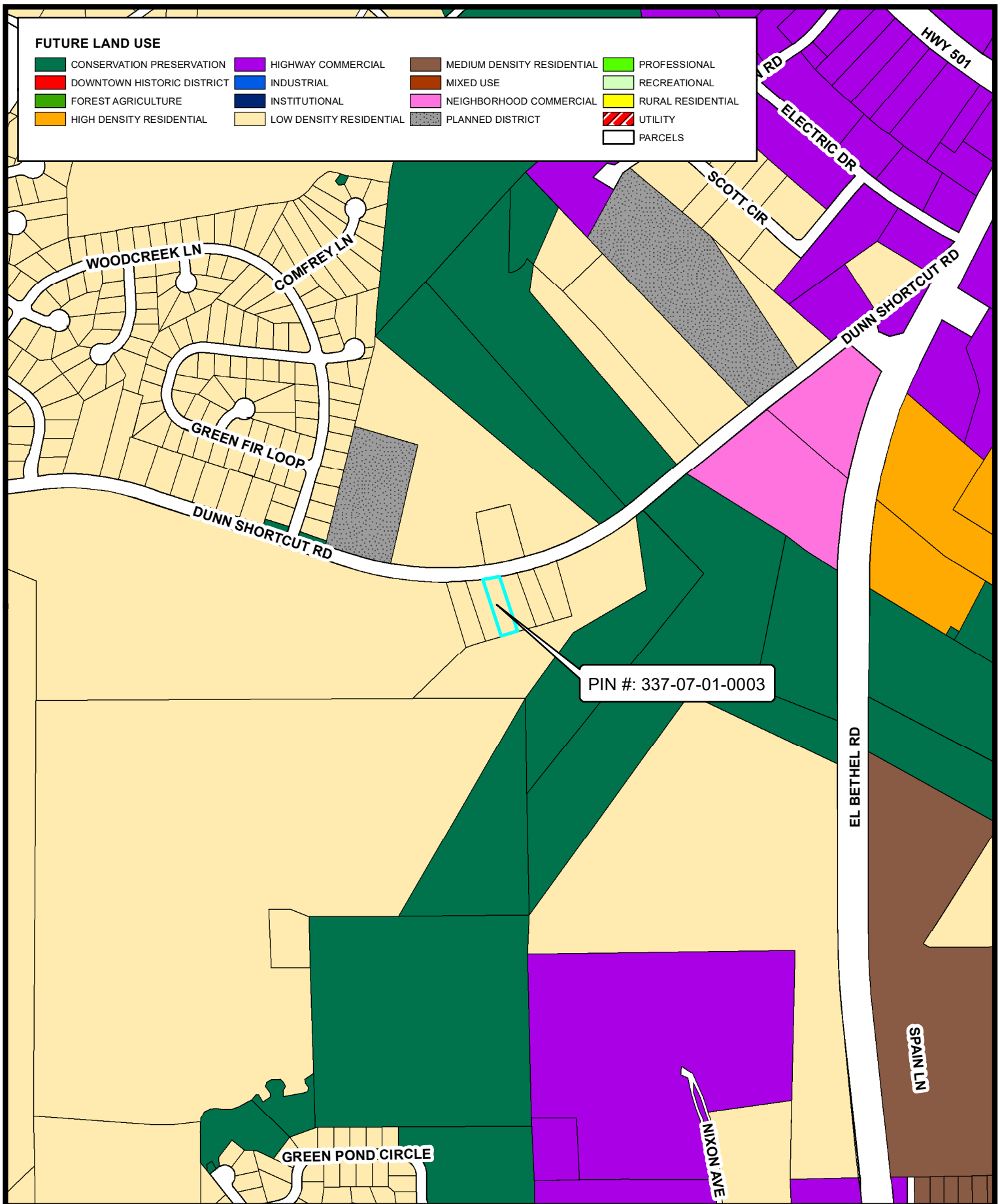
PIN #: 337-07-01-0003



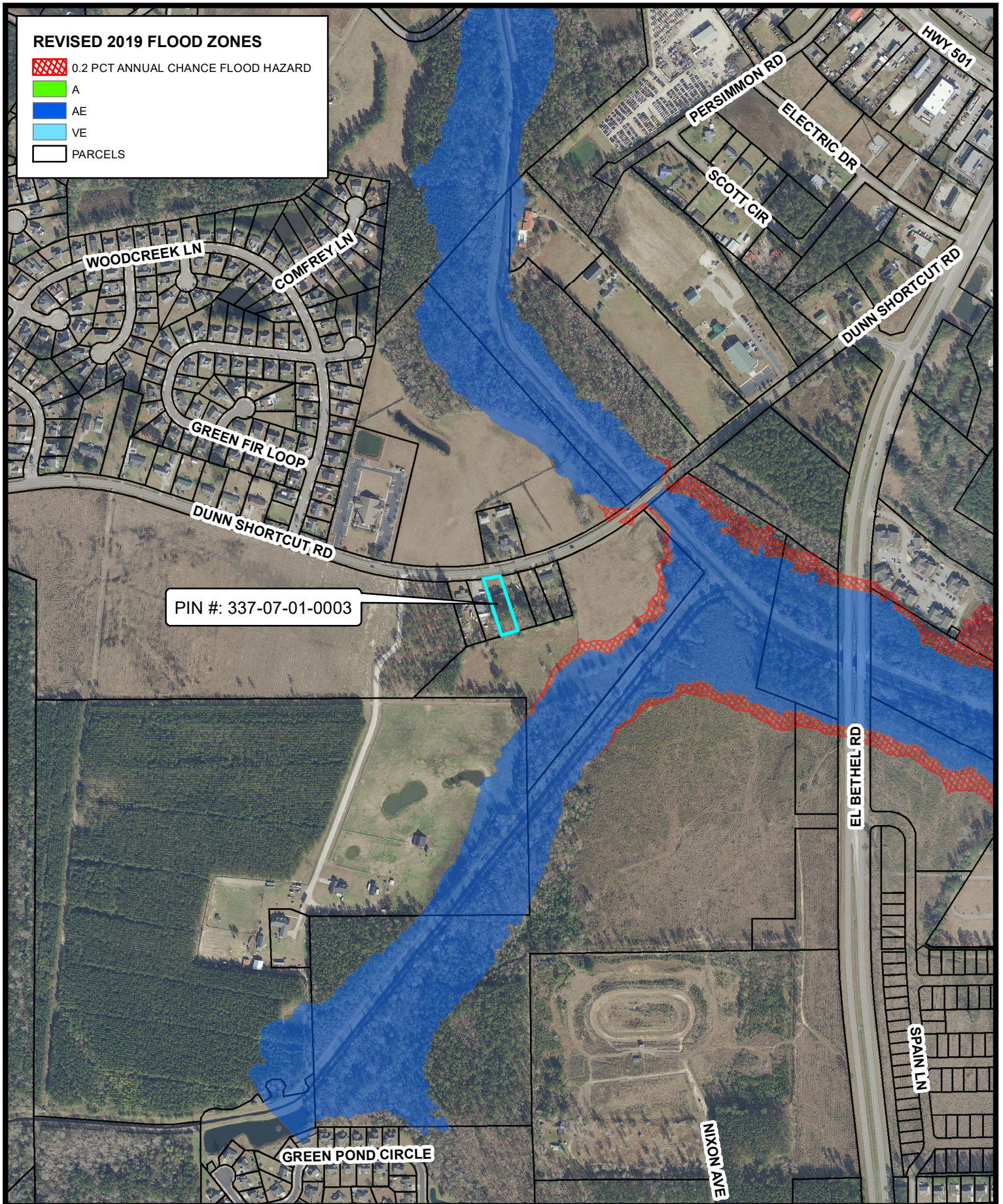
















STATE OF SOUTH CAROLINA     )

)                                   RESTRICTIVE COVENANT

COUNTY OF HORRY                     )

KNOW ALL ME BY THESE PRESENTS, that, (I, we) Rigoberto O'Loneli Jr.  
(Grantor) seek permission to connect to the Water and/or Sewer System of the City Of Conway. The property/parcel is situated outside the corporate limits of the City Of Conway. The property/parcel is identified in the records of the Assessor of Horry County as Parcel Identification Number (PIN) 33707010003 and is physically located at

TBD Dunn Short CA Rd Conway, SC 29526  
The above referenced property was conveyed by deed to the Grantor and recorded in the Office of the Register of Mesne Conveyance for Horry County, South Carolina in Deed Book 4726 at Page 744.

We understand and agree that as a condition of service and connection of the Water and/or Sewer System to the above referenced property, we will petition, when requested by the City Of Conway (by Group or Individual method) for annexation to the City Of Conway under Section 5-3-150 of the Code of Laws for the State of South Carolina. We further understand that it may be necessary to execute a petition for annexation on more than one occasion; however, the final acceptance of the said petition rests upon an affirmation vote of a majority of the governing body of the City of Conway.

It is understood and agreed upon that this covenant shall be legally binding upon (myself/us) as the Grantor(s), and our heirs and successors. Any violation of, or refusal to sign, said petition shall result in either legal recourse for nonperformance by the City, and/or termination of water and/or sewer services provided to the premises.

It is further understood and agreeable that the City may inspect and approve the owner's water and/or sewer system prior to connection to insure compliance with the City and State regulations. An inspection fee, if applicable, may be imposed for such inspection in accordance with the guidelines and policies set forth by the City of Conway.

All rights, powers, and privileges hereby granted to the City of Conway as grantee shall convey to its heirs, successors and assigns, and shall be binding upon the heirs, successors, administrators, executors and assigns of the Grantor. Grantor acknowledges that the conditions of this agreement and this agreement itself is a restriction and covenant of the title of the above reference property and binding upon the grantors, heirs, successors, and assigns. Furthermore, it is mutually agreeable that upon any dividing, separation, or split of the above referenced property, this agreement shall remain binding upon the successors and heirs of such division, and that this covenant shall remain binding upon the successors and heirs of such division, and that this covenant shall remain a restriction and covenant on the title of the parcel resultant of such division.

Deed BK: 4734 PG: 815 Doctype: 082  
10/16/2023 at 11:43:09 AM, 1 OF 2

Marion D. Foxworth III  
HORRY COUNTY, SC REGISTRAR OF DEEDS



IN WITNESS THEREOF, the undersigned Grantor has hereto set his hand and Seal this

13<sup>th</sup> day of Oct.

SIGNED, SEALED AND DELIVERED by:  
Grantor in the presence of:

Jeshua Powers

Witness 1

Anabel Perez

Witness or Notary

Rigoberto O' Lome Jr.

Grantor Name

Witness: Jacquess White  
2 [Signature]

STATE OF SOUTH CAROLINA )

) PROBATE

COUNTY OF HORRY )

PERSONALLY appeared before me the undersigned witness, and made oath that he/she saw the within named Grantor(s) sign, seal and as his/her act and deed, deliver the within written Agreement and Covenant; and that he/she with the other witness named above witnessed the execution thereof.

[Signature]

Witness

SWORN TO BEFORE ME THIS 13<sup>th</sup>  
DAY OF October, 2023

[Signature]

NOTARY PUBLIC FOR SOUTH CAROLINA (signature)

Anabel Perez

NOTARY PUBLIC FOR SOUTH CAROLINA (printed)

My commission expires: 1/27/2030



Section 26-1-120 (E) (4): A witness is not a party to or a beneficiary of the transaction, signed the record as a subscribing witness.

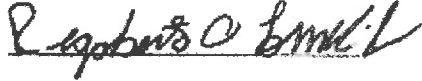
TO WHOM IT MAY CONCERN

MARCH 9TH 2023

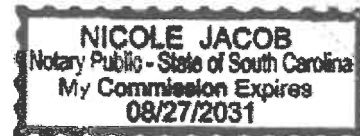
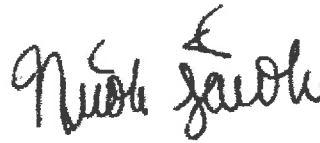
I RIGOBERTO O LOMELI JR GIVE JESHUA POWERS PERMISSION TO GET ANY PERMITS NEEDED FOR A NEW BUILD WE ARE DOING IN MY BEHALF. HE ALSO HAS ALL RIGHTS TO FILL OUT ANY OTHER APPLICATIONS HE MAY NEED.

IF YOU HAVE ANY QUESTIONS FEEL FREE TO CALL

RIGOBERTO O LOMELI JR



843-200-4138







# PETITION FOR ANNEXATION

Staff Use Only

Received: \_\_\_\_\_  
BS&A #: \_\_\_\_\_

City of Conway Planning  
Department 196 Laurel Street, 29526

Phone: (843) 488-9888  
Conway, South Carolina

[www.cityofconway.com](http://www.cityofconway.com)

## Instructions:

- Fill out all 3 pages
- Submit signed forms to City of Conway Planning Department

STATE OF SOUTH CAROLINA )  
COUNTY OF HORRY )

## PETITION FOR ANNEXATION

### TO THE HONORABLE MAYOR AND CITY COUNCIL OF CONWAY

WHEREAS, § 5-3-150 (3) of the Code of Laws of South Carolina provides for the annexation of an area or property which is contiguous to a City by filing with the municipal governing body a petition signed by all persons owning real estate in the area requesting annexation; and

WHEREAS, the undersigned are all persons owning real estate in the area requesting annexation; and

WHEREAS, the area requesting annexation is described as follows, to wit:

NOW, THEREFORE, the undersigned petition the City Council of Conway to annex the below described area into the municipal limits of the City of Conway.

PROPERTY LOCATION/SUBDIVISION: Dunn Short Cut Road  
PIN: 33707010003 ACREAGE: 0.5  
PROPERTY ADDRESS: N/A Dunn Short Cut Rd  
PROPERTY OWNER MAILING ADDRESS: 127 A P Thompson Road Longs, SC 29568  
PROPERTY OWNER TELEPHONE NUMBER: 843-200-4138  
PROPERTY OWNER EMAIL: lucel.masonry@sccost.net  
APPLICANT: Jeshva Powers  
APPLICANT'S EMAIL: JP@powers2build.com

IS THE APPLICANT THE PROPERTY OWNER? CIRCLE: YES ☐ NO ☒

**IF NOT:** PLEASE INCLUDE A LETTER OF AGENCY OR POWER OF ATTORNEY FROM THE OWNER ADDING RESPONSIBILITY TO THE APPLICANT.

PROPERTY OWNERS (Attach additional sheets if necessary)

Jeshva Powers  
(Print)

[Signature]  
(Signature)

DATE: 10-13-23

(Print)

(Signature)

DATE: \_\_\_\_\_



## PETITION FOR ANNEXATION

Staff Use Only

Received: \_\_\_\_\_

BS&A #: \_\_\_\_\_

Is there a structure on the lot: N/a Structure Type: \_\_\_\_\_

Current Use: Vacant Land

Are there any wetlands on the property?

CIRCLE: YES ☐ NO ☒

If yes, please include valid wetland delineation letter from army corps of engineers.

Is the property restricted by any recorded covenant that is contrary to, conflicts with, or prohibits the permitted or proposed use of the land?

CIRCLE: YES ☐ NO ☒

If yes, please explain and provide a copy of covenant and/or restriction.

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Is the city a party to any deed restrictions or easements existing on the property?

CIRCLE: YES ☐ NO ☒

If yes, please describe.

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---

---

Are there any building permits in progress or pending for this property?

CIRCLE: YES ☐ NO ☒

If yes, please provide permit number and jurisdiction.

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**FEES ARE DUE AT SUBMITTAL.**

**RI ZONING DISTRICT – NO FEE ALL OTHER ZONING DISTRICTS - \$ 250**

**PLEASE SUBMIT TO THE PLANNING DIRECTOR AT THE CITY OF CONWAY.**

[planning@cityofconway.com](mailto:planning@cityofconway.com)



# Zoning Map Amendment Application

Incomplete applications will not be accepted.

Staff Use Only

Received: \_\_\_\_\_

BS&A #: \_\_\_\_\_

City of Conway Planning Department  
196 Laurel Street, 29526

Phone: (843) 488-9888  
Conway, South Carolina

[www.cityofconway.com](http://www.cityofconway.com)

## Notice

All zoning map amendments shall follow the procedures set forth in Section 13.1.7 of the City of Conway Unified Development Ordinance. Amendments to the Official Zoning Map shall be initiated by members of City Council, the Planning Commission, the Planning Director, or owner(s) of the subject property. In order to partially defray the administrative cost of zoning map amendments, the applicant shall pay a filing fee to the City of Conway in the amount of \$250.00 at the time this application is submitted. Planned Development rezonings are \$2,500.00 and Planned Development Amendments are \$500.00, and due at the time of submission. A plat of the property to be rezoned may be required with this application.

PHYSICAL ADDRESS OF PROPERTY: Dunn Street (A Road) FEE PAID ( ) YES (X) NO

AREA OF SUBJECT PROPERTY (ACREAGE): 0.5 PIN: 33707010003

CURRENT ZONING CLASSIFICATION: CFA

COMPREHENSIVE PLAN 2035 FUTURE LAND USE: Residential

REQUESTED ZONING CLASSIFICATION: CFA

NAME OF PROPERTY OWNER(S):

Rigoberto O'Loneli Jr.

PHONE # 843-200-4138

PHONE # \_\_\_\_\_

MAILING ADDRESS OF PROPERTY OWNER(S):

127 AP Thompson Rd Longs SC 29568

\*\*\*\*\*  
I (we) the owner(s) do hereby certify that all information presented in this Zoning Map Amendment Application is correct.

[Signature]  
PROPERTY OWNER'S SIGNATURE(S)

10-13-23

DATE

PROPERTY OWNER'S SIGNATURE(S)

DATE

THE APPLICANT OR A REPRESENTATIVE MUST BE PRESENT AT THE MEETING.



**DATE: NOVEMBER 6, 2023**

**ITEM: VII.A**

**ISSUE:**

***Previously Deferred*** ...Request for waiver of sidewalk requirements for the proposed Fresh Seafood Market to be located at 1620 Fourth Avenue (*previously Coastal Ice Company Inc.*). (PIN 368-03-03-0032)

**BACKGROUND:**

John Mishoe, owner, has requested a waiver of sidewalk requirements for the proposed Fresh Seafood Market to be located at 1620 Fourth Avenue.

*Section 7.1.2 – Complete Streets* of the Unified Development Ordinance (UDO) requires sidewalks to be constructed along the frontage of all properties abutting arterial or local non-residential streets. These sidewalks are required to be a minimum of five (5) feet in width, and a minimum of four (4) inches in thickness. Under these regulations, a 365.57 linear foot sidewalk would be required along Church Street.

If a property owner or developer requests a waiver of the requirement to construct a sidewalk because there is no foreseeable connectivity, the waiver is presented to City Council for consideration. In accordance with this section of the UDO, the exemption of sidewalk requirements can be granted only by City Council. Should the waiver be granted, the property owner and/or developer will be required to contribute, in lieu of the sidewalk, an amount equal to the construction cost of the required sidewalk, including any required infrastructure improvements for the sidewalk. The payment is to be used by the City to build or complete pedestrian, bikeway, and/or pathway systems.

Using \$25.59 per linear foot for labor and construction, the estimate for a payment in lieu of sidewalk construction including the sidewalk, grading, and clearing, is **\$9,354.94**.

The Technical Review Committee reviewed the waiver request and recommends approval.

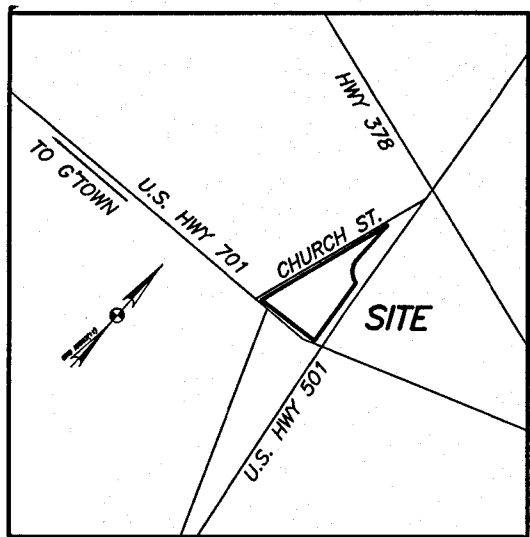
Since this waiver was applied for, the City's contracted cost for sidewalk installation, per linear foot, has increased to \$29.75 per LF. Using these calculations, if the request were to be received today rather than before the increase took effect, the fee in lieu amount would be **\$10,878.68**.

**AUGUST 21 CITY COUNCIL MEETING**

At the August 21<sup>st</sup> Council meeting, Council expressed their desire to consider reducing the burden of sidewalk installation requirements on businesses moving onto existing properties or into existing buildings which may also be nonconforming sites; much like this particular property, which could only be considered via a text amendment to the UDO. Staff drafted an amendment that was considered by Planning Commission at their October 5<sup>th</sup> meeting, where approval of the amendment was recommended. City Council gave first reading of the amendment at their October 16<sup>th</sup> meeting. The amendment is also on the consent agenda for final reading for the November 6<sup>th</sup> City Council meeting.

**RECOMMENDATION:**

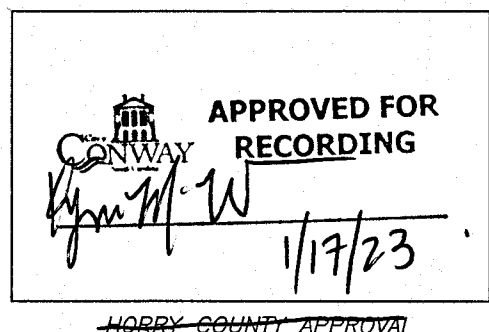
Discuss the request from John Mishoe for a waiver of sidewalk requirements on Church Street and advise staff if the fee in lieu of sidewalk construction in the amount of **\$9,354.94** is acceptable, or whether a lesser amount is acceptable.



VICINITY MAP  
(NOT TO SCALE)

LEGEND

- IRON PIPE FOUND
- IRON REBAR (FOUND)
- CONC. MONUMENT (FOUND)
- ⊙ ELECTRIC MANHOLE
- ☆ LIGHT POLE
- ⊙ SANITARY SEWER MANHOLE
- ⊙ CATCH BASIN
- ⊙ ELECTRIC METER
- ⊙ WATER METER
- ⊙ WATER VALVE
- ⊙ FIRE HYDRANT
- ⊙ WATER VALVE MARKER
- ⊙ POWER POLE
- GUY WIRE
- OHP - OVERHEAD ELECTRIC LINE
- OHT - OVERHEAD TELEPHONE LINE
- SS - SANITARY SEWER LINE



CERTIFICATE OF NON-EVALUATION FOR WATER  
AND/OR SEWER AVAILABILITY

THE PROPERTY OWNER(S) OF RECORD HEREBY ACKNOWLEDGES THAT THE SURVEYED PARCEL(S) AND/OR TRACT REMAINDER HAS NOT BEEN REVIEWED TO DETERMINE THAT AVAILABILITY OF ON-SITE WASTE DISPOSAL SYSTEMS OR PROVISION OF PUBLIC WATER/SEWER SERVICES. RECORDATION OF THIS PLAT SHALL NOT BE AN IMPLIED OR EXPRESSED CONSENT BY HORRY COUNTY THAT THE LOTS OR OTHER LAND DIVISIONS SHOWN HEREON ARE CAPABLE OF BEING SERVICED BY ON-SITE WASTE DISPOSAL OR PUBLIC WATER/SEWER SYSTEMS. UNLESS OTHERWISE STATED HEREON, ALL SURVEYED PARCELS AND/OR TRACT REMAINDERS HAVE NOT BEEN REVIEWED FOR ON-SITE WASTE DISPOSAL SYSTEMS OR PUBLIC WATER/SEWER SYSTEMS.

DATE \_\_\_\_\_, 20\_\_\_\_.

NAME (PRINT) \_\_\_\_\_

SIGNATURE \_\_\_\_\_

CERTIFICATE OF OWNERSHIP AND DEDICATION  
THE UNDERSIGNED HEREBY ACKNOWLEDGE THAT I AM (WE ARE) THE OWNER(S) OF THE PROPERTY SHOWN AND DESCRIBED HEREON, AND THAT I (WE) HEREBY ADOPT THIS (PLAN OF DEVELOPMENT/PLAT) WITH MY (OUR) FREE CONSENT AND THAT I (WE) HEREBY DEDICATE ALL ITEMS AS SPECIFICALLY SHOWN OR INDICATED ON SAID PLAT.

SIGNATURE: \_\_\_\_\_

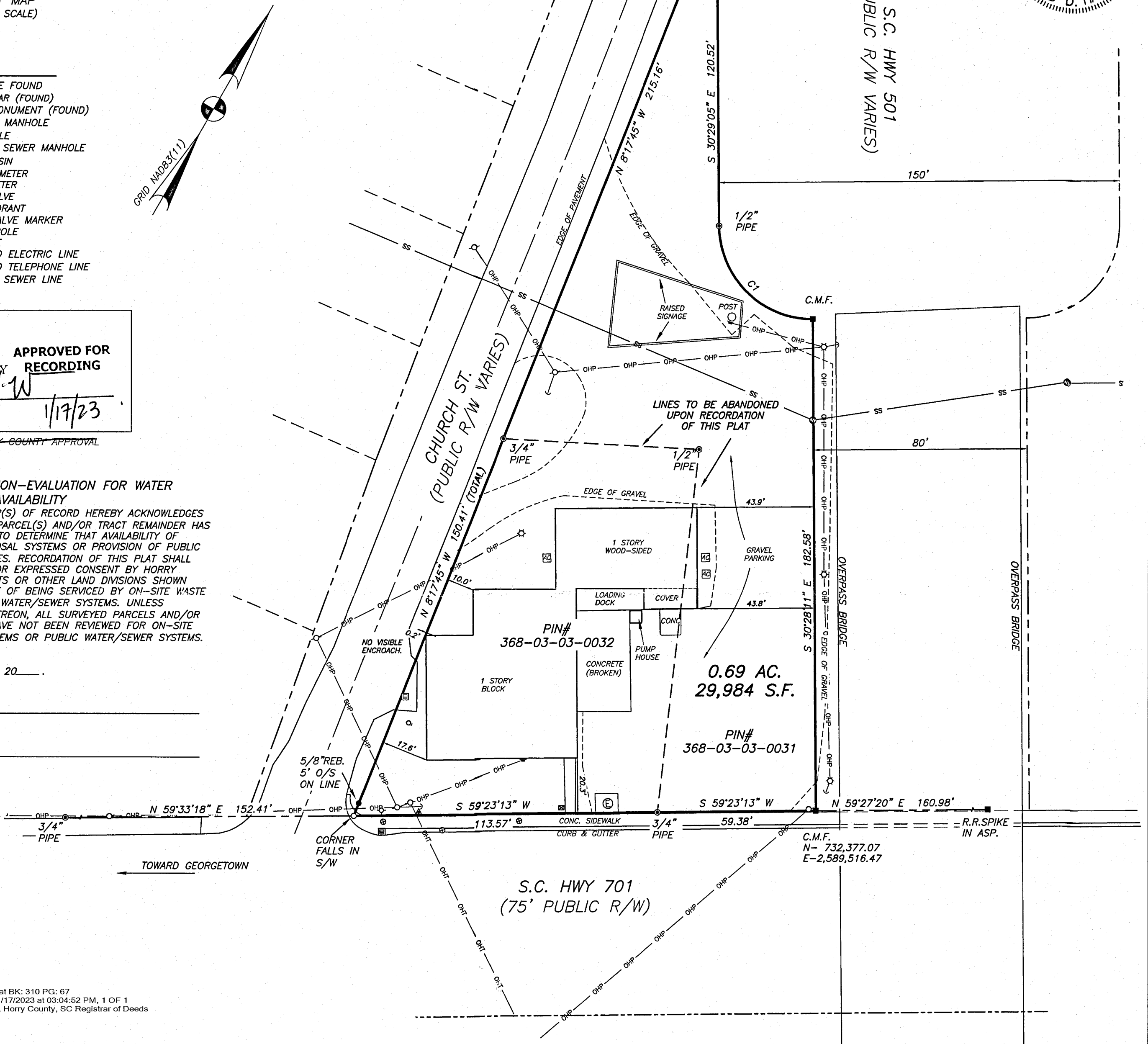
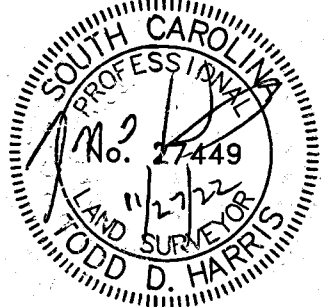
DATE: 1/17/2023

SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "B" SURVEY AS SPECIFIED THEREIN.

TODD D. HARRIS  
SOUTH CAROLINA PROFESSIONAL LAND SURVEYOR  
LICENSE NO. 27449



NOTES:

- PIN MAP NO. (PARENT TRACT): 368-03-03-0031 & 368-03-03-0032
- ACCORDING TO F.I.R.M. MAP NO. 45051C, PANEL 0533 K, REVISED 12/16/2021, IT IS MY OPINION THAT THE PROPERTY SHOWN ON THIS PLAT IS LOCATED IN FLOOD HAZARD ZONE X.
- ALL BEARINGS AND COORDINATES SHOWN ON THIS SURVEY ARE BASED ON SOUTH CAROLINA STATE PLANE COORDINATE SYSTEM (NAD83).
- THIS SURVEY IS VALID ONLY IF THE PRINT OF SAME HAS THE ORIGINAL SIGNATURE AND EMBOSSED SEAL OF THE LAND SURVEYOR.
- A TITLE SEARCH WAS NOT PERFORMED BY THARRIS LAND SURVEYING, LLC AT THE TIME OF THIS SURVEY.
- THE PROPERTY PLATTED HEREON IS SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.
- DEED REFERENCE: D.B. 4462, PG. 3369.
- SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT EXAMINED OR CONSIDERED AN ELEMENT OF THIS SURVEY. NO STATEMENT IS MADE REGARDING THE EXISTENCE OF UNDERGROUND OR OVERHEAD CONTINGENCIES THAT MAY AFFECT THE USE OF THIS PROPERTY.
- THERE ARE NO HORIZONTAL CONTROL MONUMENTS ON THE UNITED STATES FOR STATE AGENCY SURVEY SYSTEMS LOCATED WITHIN 2000 FEET OF THE SUBJECT PROPERTY.
- CURRENT OWNER: BIGWATER HOLDING CO., LLC  
ADDRESS: 1620 4TH AVE.  
CONWAY, SC 29527
- CONTACT HORRY COUNTY PLANNING AND ZONING DEPT. FOR CURRENT ZONING AND SETBACK INFORMATION.

CURVE TABLE					
CURVE	RADIUS	ARC	CHORD	CHORD BEARING	DELTA ANGLE
C1	34.94'	54.95'	49.46'	S 75°26'15" E	090° 07' 06"

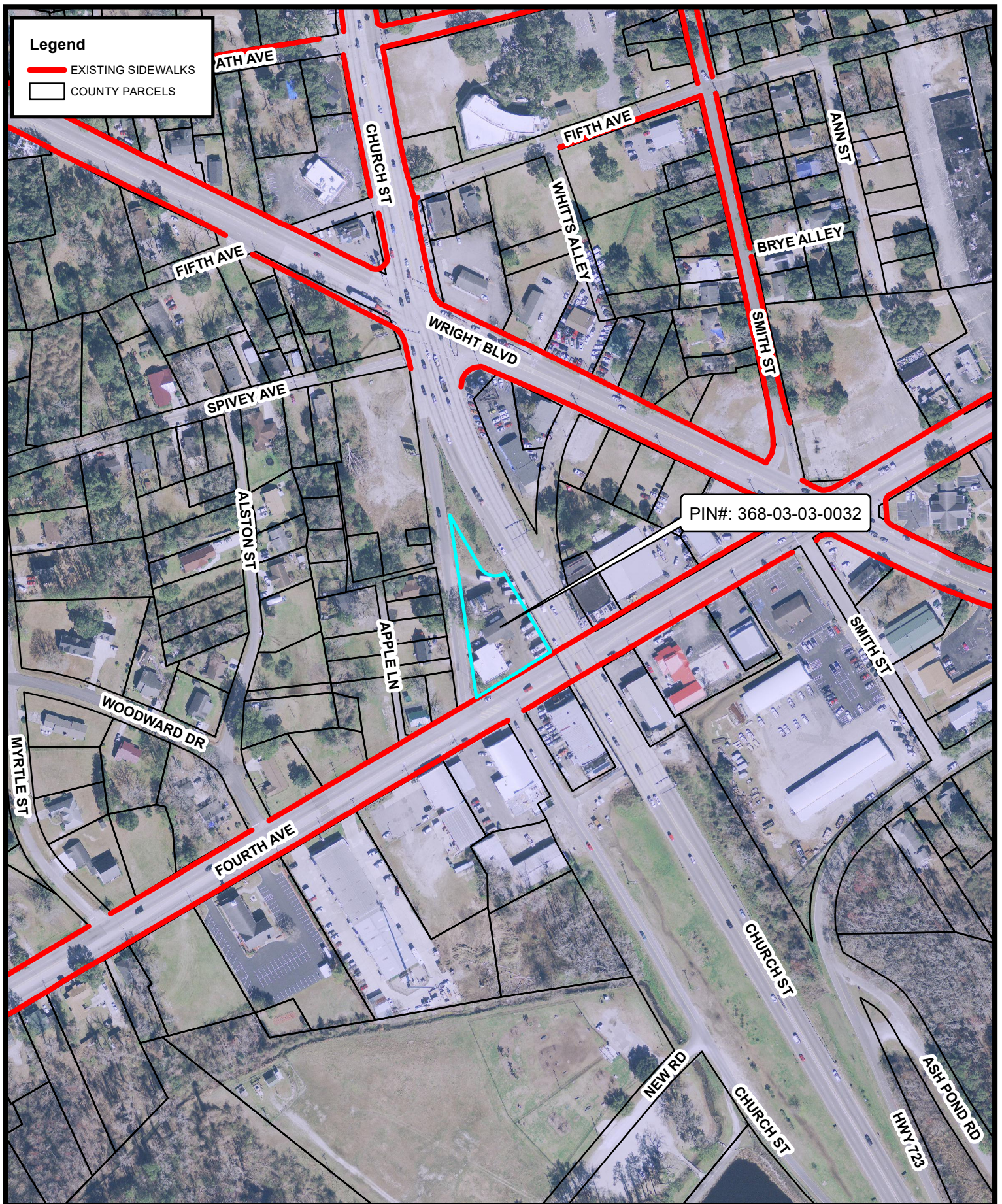
REFERENCES:

- "MAP OF SEVERAL PARCELS OF LAND IN THE CITY OF CONWAY, HORRY COUNTY, S.C. TO BE DEEDED AS FOLLOWS: ..... DATED FEB. 01, 1990; SURVEYED BY COASTAL LAND SURVEYORS, INC., AND RECORDED IN HORRY COUNTY R.O.D. OFFICE IN P.B. 112, PG. 182.
- "MAP OF THE ESTATE LANDS OF SAMUEL BESSANT IN THE TOWN OF CONWAY, HORRY CO., S.C. SHOWING SUBDIVISION HERE OF." DATED APRIL 02, 1949; SURVEYED BY J.C. CAUSEY, AND RECORDED IN HORRY COUNTY R.O.D. OFFICE IN P.B. 9, PG. 6.

RECOMBINATION  
PLAT OF  
PARCEL 'A'  
PIN#368-03-03-0031  
& PIN#368-03-03-0032,  
TOTALING 0.69 ACRES  
PREPARED FOR  
BIGWATER HOLDINGS CO., LLC  
CITY OF CONWAY  
HORRY COUNTY SOUTH CAROLINA

SCALE 1" = 30'  
FILE \_\_\_\_\_  
FIELD DATE 11/03/22  
PLAT DATE 11/27/22  
DRAWN BY \_\_\_\_\_  
REVIEWED BY \_\_\_\_\_  
APPROVED BY \_\_\_\_\_  
PARTY CHIEF \_\_\_\_\_  
THARRIS SURVEYING  
email: tharrissurveying@gmail.com  
MURRELLS INLET, SC 29576  
PHONE: 843.457.0042







**DATE: NOVEMBER 6, 2023**  
**ITEM: VII.B.**

**ISSUE:**

Discussion of funding to supplement a recently awarded South Carolina Department of Parks, Recreation & Tourism – Park and Recreation Development Fund (PARD) grant to complete a Conway Sports & Recreation Complex Master Plan.

**BACKGROUND:**

Since the City of Conway acquired the first 45 acres of property for the Conway Sports & Recreation Complex, it has been growing at a rapid pace. In 2011, the City broke ground on the indoor sports and recreation building that houses 2 full sized gyms, an indoor pool, weight rooms, fitness rooms, and a full catering kitchen. The City has also added seven baseball, softball and t-ball fields, four football/soccer fields, a walking trail, and two playgrounds to the center. The additions of all of these amenities have been well received, but because of the sequencing of the construction, there is a cohesion that is missing. Additionally, massive increases in the participation of youth sports have resulted in field shortages for every season. Any expansion of the facility needs to be in a managed and planned way. As such, comprehensive master plan is needed for the complex, to bring a more unified and “Conway-esque” vernacular to the site; and to include plans to expand the center in a way to intentionally be harmonious with the surrounding residential neighborhoods.

On August 2023, the City submitted an application for a South Carolina Department of Parks, Recreation & Tourism – Park and Recreation Development Fund (PARD) grant requesting funds to hire a consultant to complete a comprehensive plan for the Conway Sports & Recreation Complex. Based on costs of previously completed master plans, the City estimated the total master plan to cost \$50,000. The City requested \$40,000 (80%) in PARD funding, with the required 20% match of \$10,000 (20%) to come from City of Conway's Recreation Professional Services fund.

On October 24<sup>th</sup>, the City received notification that the delegation met on Friday, October 20, 2023 and approved \$11,932.00 for the 2024 PARD project. With an estimated plan cost of approximately \$50,000, the \$11,392.00 could be supplemented with \$10,000 from Recreation Professional and Contract Services, leaving a balance of approximately \$38,068.00. Although not currently budgeted, hospitality funds could be used to fund this balance.

If approved by City Council, the City will immediately begin procurement of a consultant through a formal sealed bid process. Advertisement will be open for 30 days and staff's recommendation will be presented to City Council at their January 2024 meeting. After approval, the City anticipates that the master plan would be completed within 6 months, around July 2024.

**RECOMMENDATION:**

Approval of funding to supplement a recently awarded PARD grant to complete a Conway Sports & Recreation Complex Master Plan.

**DATE: NOVEMBER 6, 2023**

**ITEM: VII.C.**

**ISSUE**

Name the downtown operations center

**BACKGROUND**

Conway Police Department was privileged to have had Odell Cochran for 38 years of service to the community. His impact still remains, as many officers still at Conway, and others who moved to other local agencies can attest to his impact and influence on them and how they serve the public. Odell Cochran began his career with the Conway Police Department January 26, 1978 and retired January 27, 2003 with 25 years of service. He was named Policeman of the Year in 1979 by the department, and was awarded Public Safety Employee of the year by the city in 2000. He retired as a Lieutenant, serving on Command Staff as well.

He returned to duty a month later, and served for another 13 years and continued to mentor and coach new officers, and showed the truest example of community policing with his role serving in our Housing Authority owned communities. He daily interacted with residents, and brought other officers alongside to show them how to treat people and serve the community.

**DATA**

38 years of service to the City of Conway

Officer of the Year 1979

Public safety Employee of the Year 2000

Countless officers trained, influenced, and impacted to serve their communities

**RECOMMENDATION**

Name the satellite office on Main Street to recognize his accomplishments and ongoing investment in the City of Conway.

Lt. Odell Cochran

Downtown Operations Center

223 Main Street

Conway, SC 29526