



CITY COUNCIL MEETING
CITY HALL COUNCIL CHAMBERS
229 MAIN STREET, CONWAY, SC 29526
MONDAY, FEBRUARY 5, 2024 - 4:00 PM

PLEASE SILENCE ALL ELECTRONIC DEVICES

I. CALL TO ORDER

II. INVOCATION/PLEDGE OF ALLEGIANCE – Rev. Robert Bannon, Kingston Presbyterian

III. APPROVAL OF AGENDA

IV. CONSENT AGENDA

- A. Final Reading of Ordinance #ZA2024-02-05 (C), to annex approximately 8.96 acres of property located at/near the intersection of Mill Pond Road and Highway 501 (Church Street) (PIN 338-10-01-0015), and rezone from the Horry County Highway Commercial (HC) to the City of Conway Highway Commercial (HC) and Conservation Preservation (CP) zoning districts.
- B. Final Reading of Ordinance #2024-02-05 (D) amending the Business License Ordinance to update the Class Schedule in accordance with the Business License Standardization Act (2020 ACT No. 176).
- C. Special Event – Groovin’ on the Green – May 3, 10, 17, 24, and 31, 2024
- D. Special Event – Gullah Geechee Community Day – February 24, 2024
- E. Approval of Memorandum of Understanding with Georgetown County Sheriff’s Office
- F. Declare that the State of Emergency relative to the January 2024 severe weather event has ended
- G. Approval of January 16, 2024 Council Meeting Minutes

V. PUBLIC INPUT

VI. SPECIAL PRESENTATION

- A. Presentation of Longevity Awards – January 2024 – 5 Years: David Fassbender, Police
- B. Report on Activities of the Mayor’s Youth Advisory Council (Hernandez)
“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.”

- C. Discussion of a request to rezone approximately 0.43 acres of property located at 1904 Rose Hill Rd (PIN 338-16-03-0005) from the Medium-Density (R-2) district to the Highway Commercial (HC) district, and to amend the City's Future Land Use Map of the Comprehensive Plan. (Hucks)
- D. Discussion of a request to annex approximately 11.53 acres of property located at the corner of Gardner Lacy Rd and the corner of Hwy 501 & Conbraco Circle (PIN 399-00-00-0403), and rezone from the Horry County Highway Commercial (HC) district to the City of Conway Highway Commercial (HC) district. (Hucks)

VII. FIRST READING

First Reading of Ordinance #ZA2024-02-19 to annex approximately 0.51 acres located at 3310 Betty Street (PIN 369-12-02-0034), and rezone from the Horry County Residential (SF 20), no mobile homes allowed, District to the City of Conway Low/Medium Residential (R-1) District. (Hucks)

VIII. CONSIDERATION

- A. Consideration of the non-exclusive Franchise Agreement between the City of Conway and Antonio Knight, D.B.A. Peel Scooters, Ordinance #ZA2023-02-20, to end the pilot program status. (Hucks)
- B. Consideration of Recommendation on Selection of Engineering Firm to Design and Develop Water Ground Storage Tank (Dudley)
- C. Consideration of Demolition of Remaining Structure on the Whittemore Elementary Site. (Hyman)

IX. CITY ADMINISTRATOR'S REPORT

X. COUNCIL INPUT

XI. EXECUTIVE SESSION

- A. Consideration of Appointments to Boards, Commissions and Committees for the Lakeside Cemetery Committee [pursuant to SC Code §30-4-70(A) (1)].
- B. Discussion on Contractual Negotiations Relative to Legal Services [pursuant to SC Code §30-4-70 (A) (2)].
- C. Discussion of Employment of City Administrator [pursuant to SC Code §30-4-70 (A)(1)]

XII. RECONVENE FROM EXECUTIVE SESSION

XIII. POSSIBLE ACTION ON MATTERS DISCUSSED IN EXECUTIVE SESSION

"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."

XIV. 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 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, to be received prior to 12:00 noon on February 5, 2024. 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: FEBRUARY 5, 2024
ITEM: IV.A.

ISSUE:

Final Reading of Ordinance #ZA2024-02-05 (C) to annex approximately 8.96 (total) acres of property located at the intersection of Mill Pond Rd and Hwy 501 (PIN 338-10-01-0015), and rezone approximately 7.48+/- acres from the Horry County Highway Commercial (HC) district to the City of Conway Highway Commercial (HC) and approximately 1.48+/- acres from the Horry County Highway Commercial (HC) district to the Conservation Preservation (CP) zoning districts.

BACKGROUND:

The applicant submitted a rezoning application for the subject property, located at the intersection of Mill Pond Rd and Hwy 501. The property is currently zoned Horry County Highway Commercial (HC), and is currently vacant. The application to rezone does not specify the proposed use of the property, and it is not required that the use be provided. Any use in the requested zoning district would be permitted should the request be approved; however, in discussions with the applicant, the current proposed use relates to medical uses.

There is a portion of the property that contains flood zones as well as a portion of a floodway. Without a site plan to indicate the proposed location of structures and access points for the project, staff cannot determine if there would be any impact to either the flood zone or floodway. Any proposed encroachments within the floodway must provide a no rise or no impact certification, stating that the proposed work will not create any rise within the floodplain. This certification must be done by a registered engineer and must have hydrologic and hydraulic data supporting the certification.

Per *Section 3.2.10* of the UDO, the intent of the Highway Commercial (HC) district is to *provide compatible locations to serve the automobile-oriented commercial activities in harmony with major highway developments, reduce traffic congestions and to enhance the aesthetic atmosphere of the City.*

Surrounding uses/Zoning Districts:

The property abuts parcels (on all sides but one) zoned City of Conway Highway Commercial (HC). Other adjacent uses include a gas station (zoned HC), a vacant parcel (zoned County HC), and a Restaurant (zoned HC).

CITY OF CONWAY COMPREHENSIVE PLAN:

The future land use map of the *Comprehensive Plan* identifies the subject property as *Conservation Preservation (CP)* likely due to the presence of flood zones and a portion of the floodway being encompassed on this property.

Per *Section 3.2.15* of the UDO, the intent of the *Conservation Preservation (CP) district* is to provide needed open space for general outdoor and indoor recreational uses, and to protect environmentally

sensitive areas and flood prone areas from the encroachment of any residential, commercial, industrial, or other uses capable of adversely affecting the relatively undeveloped character of the district.

This request will include a Future Land Use Map amendment to the Comprehensive Plan as well, which will require a public hearing. That public hearing on the proposed amendment to the Comp Plan was advertised for the February 19th Council mtg. which will occur after final reading of the proposed annexation and rezoning request.

SPLIT ZONING OF PARCELS AMENDMENT

A 2023 amendment to the UDO regarding the split-zoning of parcels carves out an exception to prohibiting split-zoning, which gives Council the ability to zone the portion of property containing environmentally-sensitive areas (*i.e.* flood zones, floodways, wetlands, *etc.*) (*Section 6.1.14 – Split Zoning of Parcels*) as Conservation Preservation (CP) upon annexation to ensure perpetual protection of the floodway / flood zones on the property.

PLANNING COMMISSION:

Planning Commission held the public hearing on the request at their January 4th mtg. The applicant was present and explained the request, as well as discuss the proposed location of the facility, which was currently proposed to be located within the AE flood zone portion of the property; although plans were not finalized as to the exact location at this time. There was no public input on the request. Planning Commission recommended that the property be annexed and split-zoned HC and CP on the portions identified as the AE Flood Zone or a Floodway.

CITY COUNCIL:

City Council approved First Reading of the Ordinance to annex and rezone the subject property as Highway Commercial (HC) and Conservation Preservation (CP), as recommended by Planning Commission, at their January 16th meeting.

STAFF RECOMMENDATION:

Approve final reading of **Ordinance #ZA2024-02-05 (C)**, as attached.

ATTACHMENTS:

Application;

GIS Maps;

Ordinance

ORDINANCE #ZA2024-02-05 (C)

AN ORDINANCE TO ANNEX APPROXIMATELY 8.96 (TOTAL) ACRES OF PROPERTY LOCATED AT / NEAR THE INTERSECTION OF HIGHWAY 501 AND MILL POND RD (PIN 338-10-01-0015), AND REZONE APPROXIMATELY 7.48+/- ACRES FROM THE HORRY COUNTY HIGHWAY COMMERCIAL (HC) DISTRICT TO THE CITY OF CONWAY HIGHWAY COMMERCIAL (HC) DISTRICT AND APPROXIMATELY 1.48+/- ACRES FROM THE HORRY COUNTY HIGHWAY COMMERCIAL (HC) DISTRICT TO THE CITY OF CONWAY CONSERVATION PRESERVATION (CP) 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 8.96 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 8.96 total acres of property located at/near the intersection of Highway 501 and Mill Pond Rd (PIN 338-10-01-0015), and request to rezone approximately 7.48+/- acres from the Horry County Highway Commercial (HC) district to the City of Conway Highway Commercial (HC) district and approximately 1.48+/- acres from the Horry County Highway Commercial (HC) district to the City of Conway Conservation Preservation (CP) 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 Highway Commercial (HC) and Conservation Preservation (CP) 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 5 day of February, 2024.

Barbara Jo Blain-Bellamy, Mayor

Larry A. White, Mayor Pro Tem

Amanda Butler, Council Member

William M. Goldfinch IV, Council Member

Julie Ann Hardwick, Council Member

Beth Helms, Council Member

Justin D. Jordan, Council Member

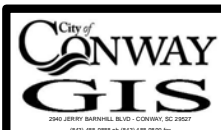
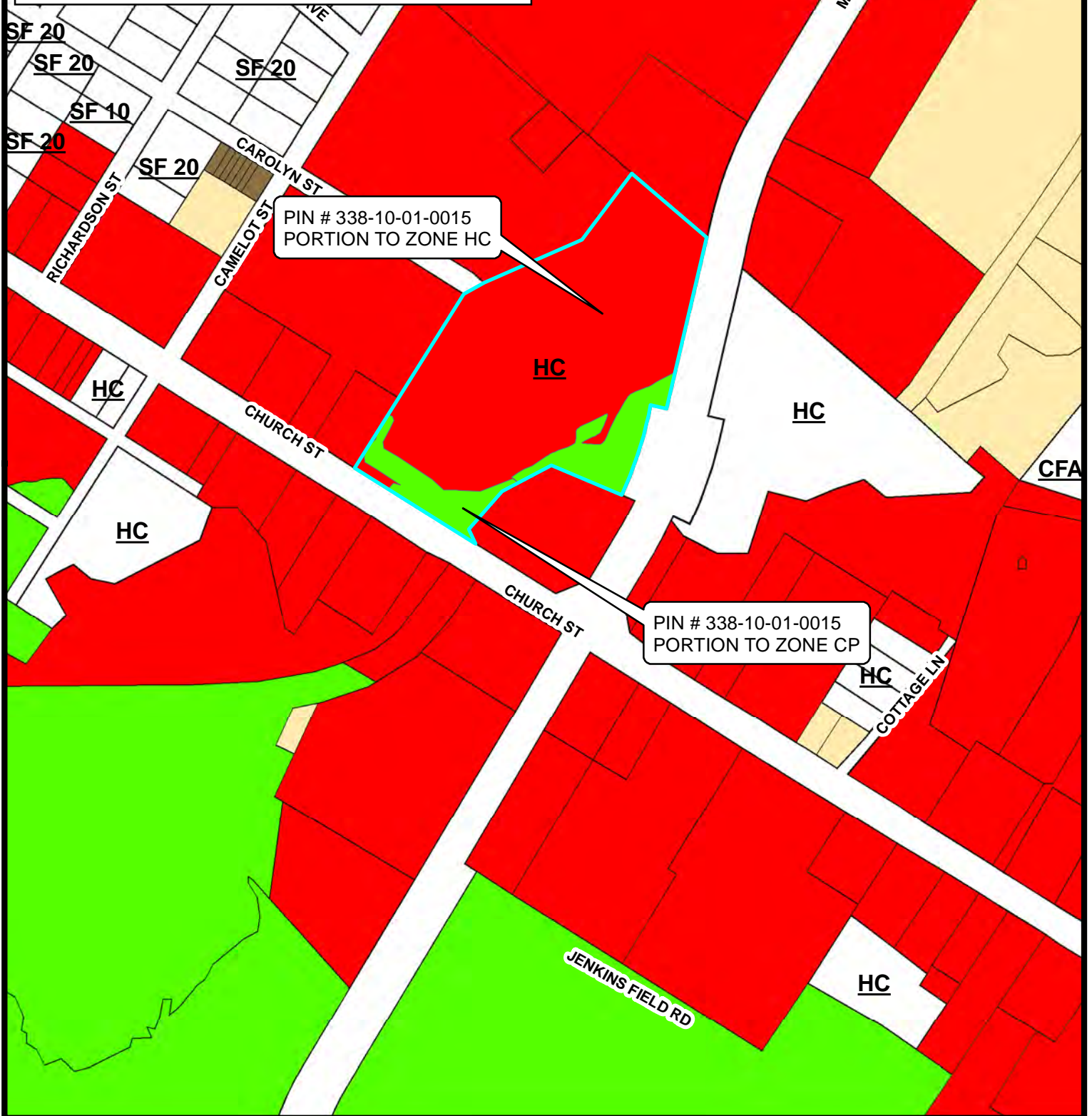
ATTEST: Alicia Shelley, City Clerk

First Reading: January 16, 2024

Final Reading: February 5, 2024

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

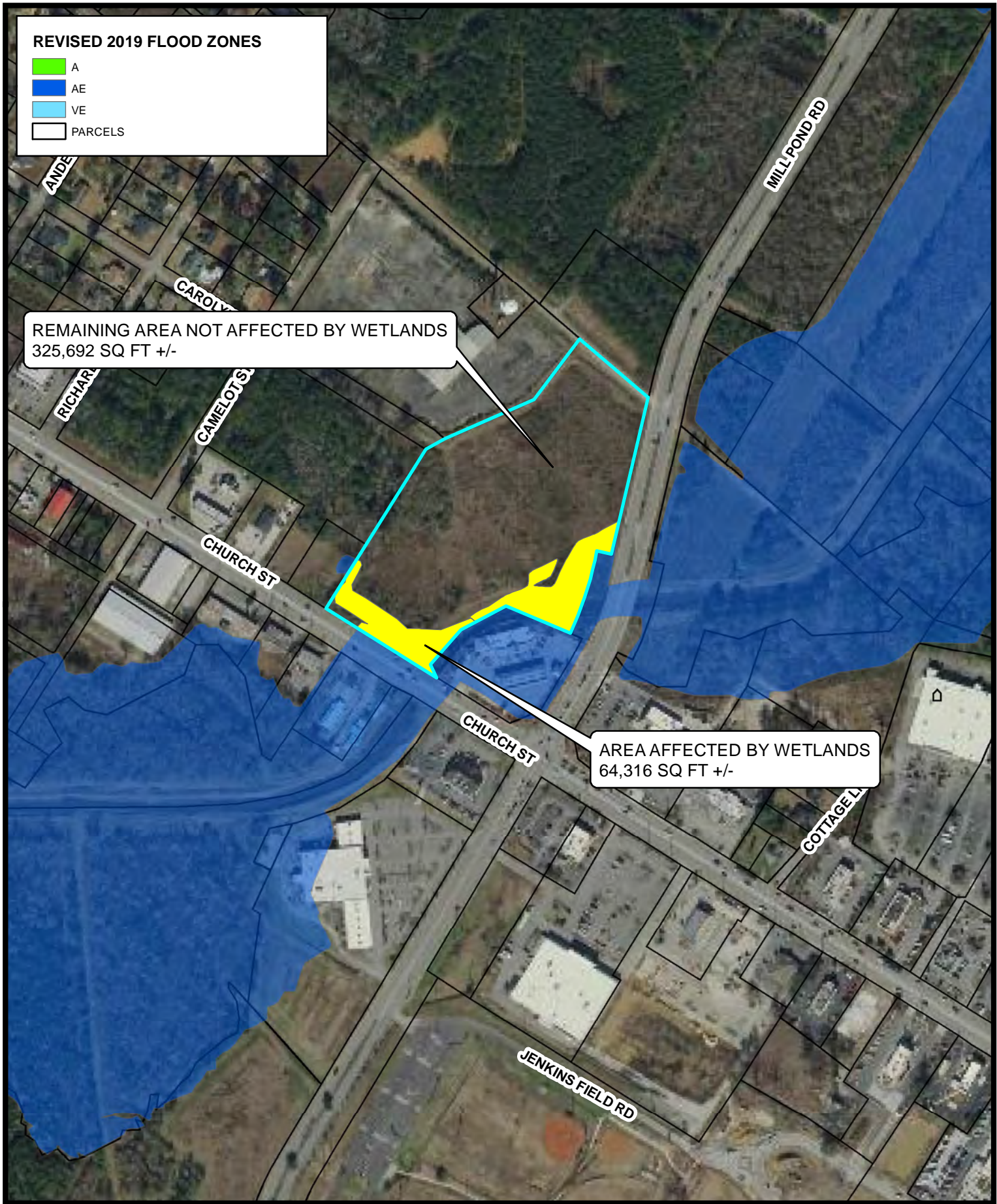


Disclaimer: This map is a graphic representation only. It is NOT a survey. All efforts have been made to ensure its accuracy. However, the City of Conway disclaims all responsibility & liability for the use of this map.

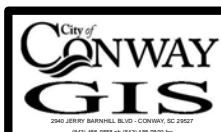
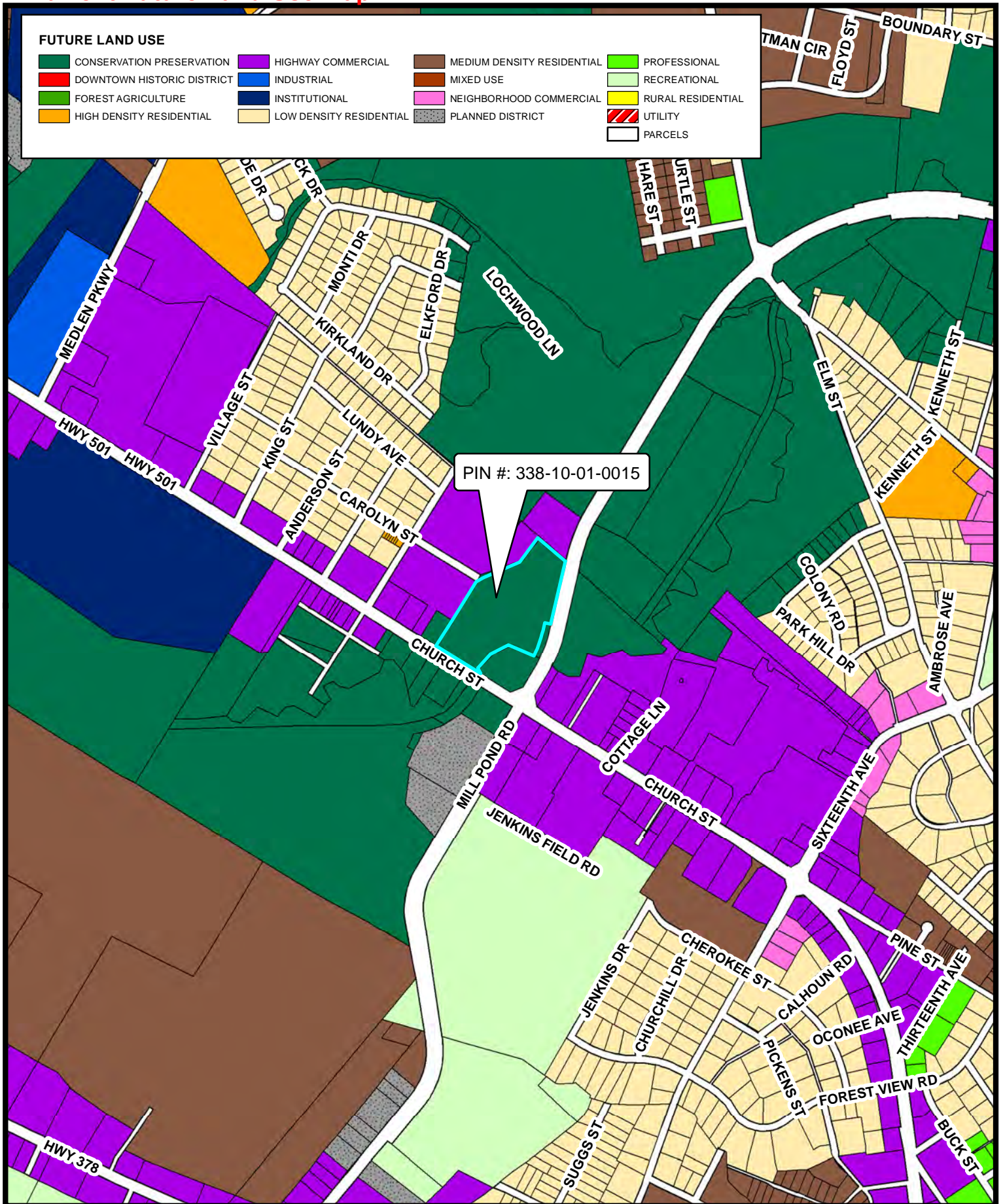


PROPOSED ZONING FOR
PIN #: 338-10-01-0015
MILL POND & HWY 501
(P23-0347)





Current Future Land Use Map

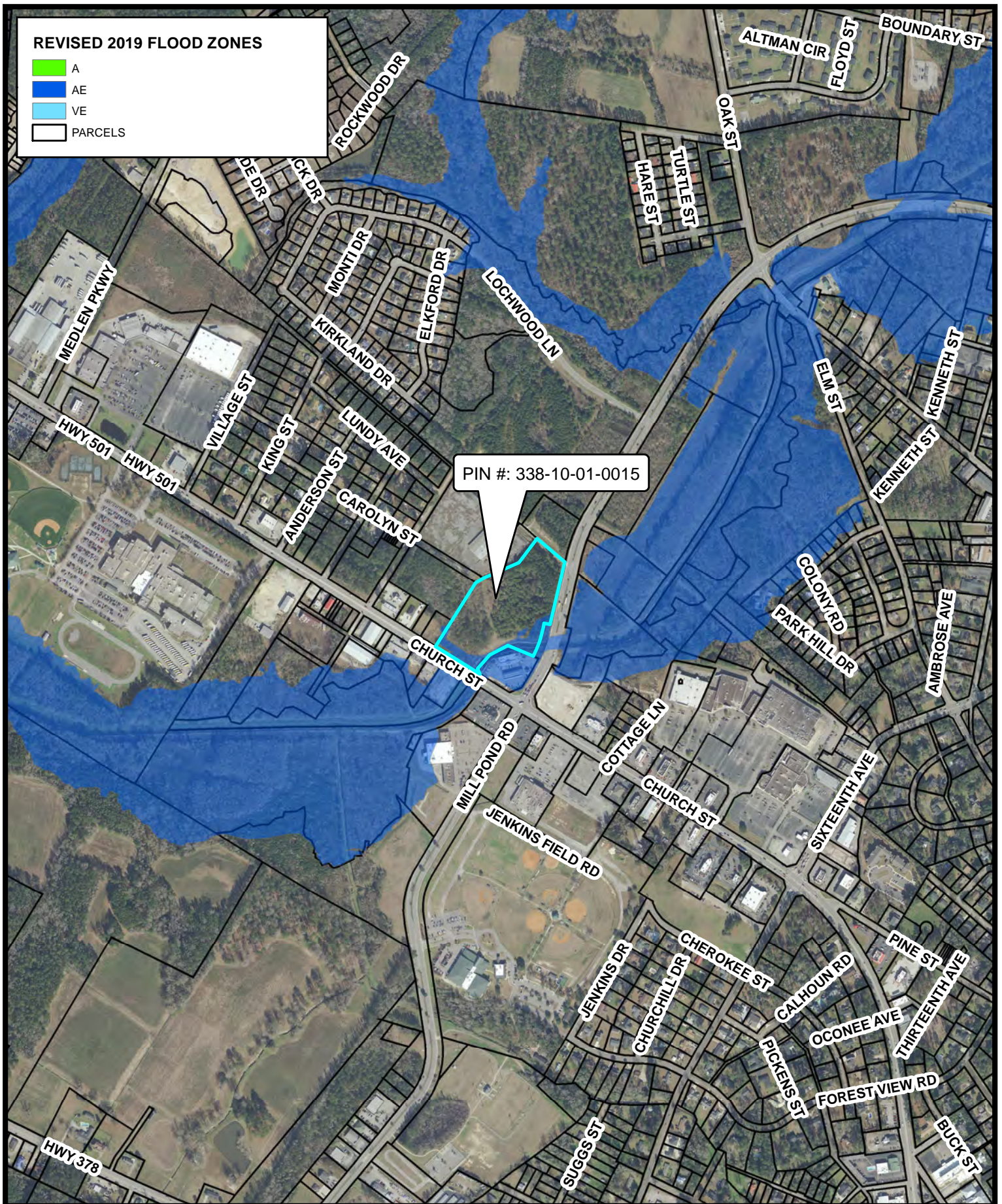


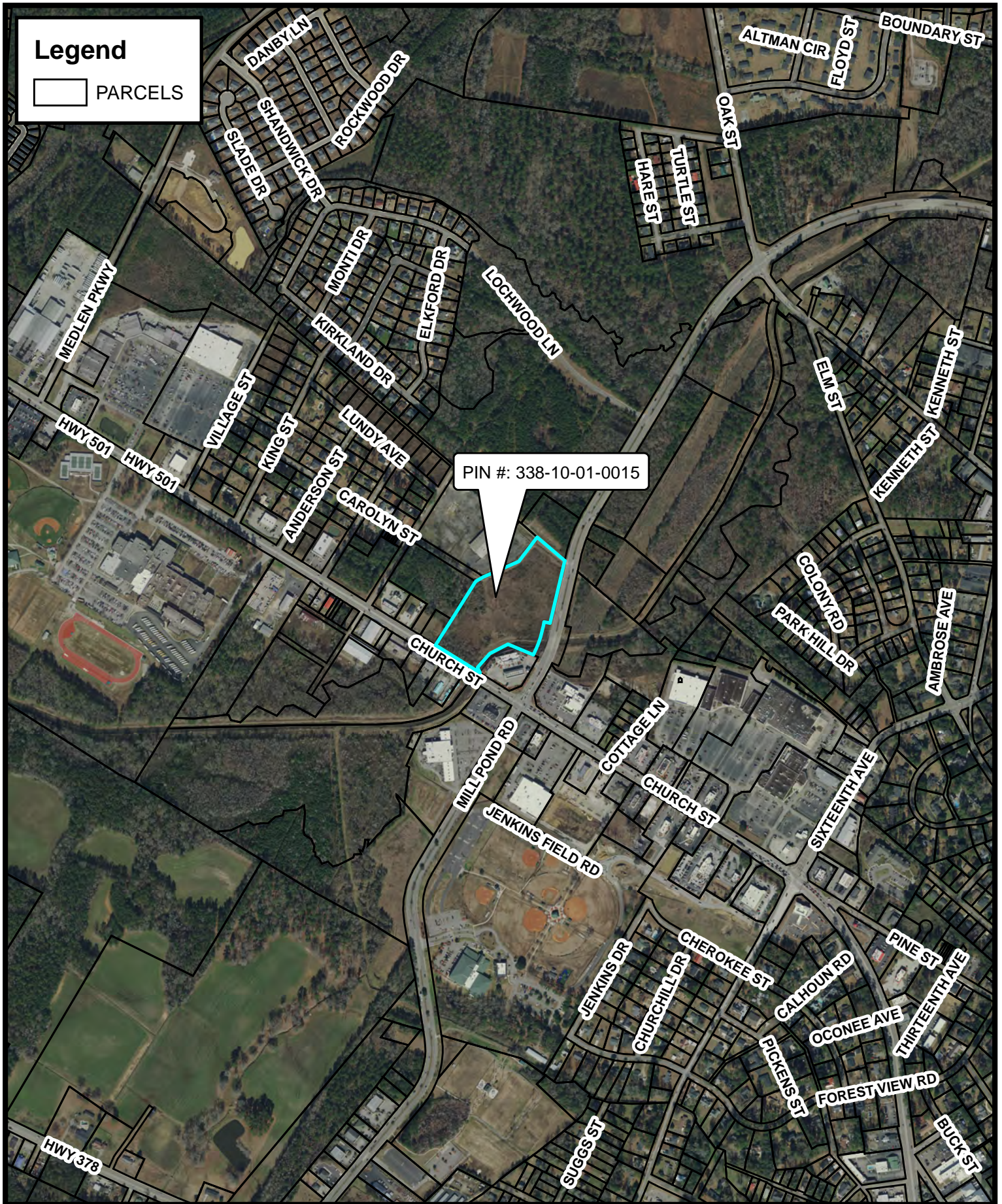
Disclaimer: This map is a graphic representation only. It is NOT a survey. All efforts have been made to ensure its accuracy. However, the City of Conway disclaims all responsibility & liability for the use of this map.



PIN #: 338-10-01-0015
MILL POND & HWY 501
(P23-0347)









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

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: W Highway 501

PIN: 33810010015 ACREAGE: 8.96

PROPERTY ADDRESS: Church Street, Conway, SC 29526

PROPERTY OWNER MAILING ADDRESS: 809 82nd Parkway, Myrtle Beach, SC 29572

PROPERTY OWNER TELEPHONE NUMBER: 843-692-1100

PROPERTY OWNER EMAIL: mark.sims@hcahealthcare.com

APPLICANT: Crunk Engineering LLC

APPLICANT'S EMAIL: adam@crunkeng.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)

Mark Sims
(Print)

Mark Sims
(Signature)

DATE: 11/28/2023

(Print)

(Signature)

DATE: _____



PETITION FOR ANNEXATION

Staff Use Only

Received: _____

BS&A #: _____

Is there a structure on the lot: No _____ Structure Type: N/A _____

Current Use: Undeveloped _____

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



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

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: W Highway 501 FEE PAID () YES () NO

AREA OF SUBJECT PROPERTY (ACREAGE): 8.96 PIN: 33810010015

CURRENT ZONING CLASSIFICATION: Horry County Highway Commercial (HC)

COMPREHENSIVE PLAN 2035 FUTURE LAND USE: Conservation Preservation

REQUESTED ZONING CLASSIFICATION: City of Conway Highway Commercial (HC)

NAME OF PROPERTY OWNER(S):

Mill Pond Conway LLC C/O HCA Health Services Inc. PHONE # 843-692-1100

PHONE # _____

MAILING ADDRESS OF PROPERTY OWNER(S):

809 82nd Avenue, Myrtle Beach, SC 29572

809 82nd Avenue, Myrtle Beach, SC 29572

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

Mark Simi
PROPERTY OWNER'S SIGNATURE(S)

11/28/2023

DATE

PROPERTY OWNER'S SIGNATURE(S)

DATE

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

DATE: FEBRUARY 5, 2024
ITEM: IV.B.

ISSUE:

Final reading of Ordinance #2024-02-05 (D) amending the Business License Ordinance to update the Class Schedule in accordance with the Business License Standardization Act.

BACKGROUND:

The Standardization Act requires that each municipality levying a business license tax must adopt, by ordinance, the latest Standardized Business License Class Schedule as recommended by the Municipal Association of South Carolina.

The Class Schedule is updated every two year.

RECOMMENDATION:

Approve final reading of Ordinance #2024-02-05 (D).

ORDINANCE #2024-02-05 (D)

**AMENDING THE BUSINESS LICENSE
ORDINANCE TO UPDATE THE CLASS SCHEDULE
AS REQUIRED BY STANDARDIZATION ACT 176 OF 2020**

WHEREAS, the CITY of CONWAY (the “Municipality”) is authorized by S.C. Code Section 5-7-30 and Title 6, Chapter 1, Article 3 to impose a business license tax on gross income;

WHEREAS, by Act No. 176 of 2020, known as the South Carolina Business License Tax Standardization Act and codified at S.C. Code Sections 6-1-400 to -420 (the “Standardization Act”), the South Carolina General Assembly imposed additional requirements and conditions on the administration of business license taxes;

WHEREAS, the Standardization Act requires that by December thirty-first of every odd year, each municipality levying a business license tax must adopt, by ordinance, the latest Standardized Business License Class Schedule as recommended by the Municipal Association of South Carolina (the “Association”) and adopted by the Director of the Revenue and Fiscal Affairs Office;

WHEREAS, following the enactment of the Standardization Act, the Municipality enacted Ordinance No. 2021-11-15(A), in order to comply with the requirements of the Standardization Act (the “Current Business License Ordinance”);

WHEREAS, the City Council of the Municipality (the “Council”) now wishes to amend the Current Business License Ordinance to adopt the latest Standardized Business License Class Schedule, as required by the Standardization Act, and to make other minor amendments as recommended by the Association; Therefore, be it

ORDAINED, by Conway City Council, in council duly assembled, that

SECTION 1. Amendments to Appendix A. Appendix A to the Current Business License Ordinance, the “Business License Rate Schedule,” is hereby amended as follows:

- (a) Class 8.3 is hereby amended by deleting the NAICS Codes and replacing them with NAICS 517111, 517112, 517122 – Telephone Companies.
- (b) Class 8.6 is hereby amended and restated in its entirety to read as follows: “**8.6 NAICS Code Varies – Billiard or Pool Tables**. A business that offers the use of billiard or pool tables shall be subject to business license taxation under its natural class for all gross income of the business excluding the gross income attributable

to the billiard or pool tables. In addition, the billiard or pool tables shall require their own separate business licenses pursuant to SC Code § 12-21-2746 and shall be subject to a license tax of \$5.00 per table measuring less than 3½ feet wide and 7 feet long, and \$12.50 per table longer than that.”

- (c) The NAICS codes corresponding to Classes 9.41 and 9.42 have been eliminated. Businesses that were previously classified into 9.41 or 9.42 shall be required to apply and pay for a business license in their natural class.

SECTION 2. Amendments to Appendix B. Appendix B to the Current Business License Ordinance, the “Business License Class Schedule,” is hereby amended as follows:

- (a) Classes 1 through 8 in Appendix B to the Current Business License Ordinance, the “Business License Class Schedule,” are hereby amended and restated as set forth on the attached Exhibit A.
- (b) Class 9 in Appendix B to the Current Business License Ordinance, the “Business License Class Schedule,” shall remain in full force and effect as set forth in the Current Business License Ordinance.
- (c) The NAICS codes corresponding to Classes 9.41 and 9.42 have been eliminated. Businesses that were previously classified into 9.41 or 9.42 shall be required to apply and pay for a business license in their natural class.

SECTION 3. Repealer, Effective Date. All ordinances in conflict with this ordinance are hereby repealed. This ordinance shall be effective with respect to the business license year beginning on May 1, 2024.

RATIFIED BY CITY COUNCIL, duly assembled, this 5 day of February, 2024.

Barbara Jo Blain-Bellamy, Mayor

Larry A. White, Mayor Pro Tem

Amanda Butler, Council Member

William M. Goldfinch IV, Council Member

Julie Ann Hardwick, Council Member

Beth Helms, Council Member

Justin D. Jordan, Council Member

ATTEST: Alicia Shelley, City Clerk

First Reading: January 16, 2024

Final Reading: February 5, 2024

**Exhibit A: Amendment to Classes 1 – 8 in Appendix B of the
Current Business License Ordinance**

**APPENDIX B
Classes 1 – 8: Business License Class Schedule by NAICS Codes**

NAICS Sector/Subsector	Industry Sector	Class
11	Agriculture, forestry, hunting and fishing	1
21	Mining	2
22	Utilities	1
31 - 33	Manufacturing	3
42	Wholesale trade	1
44 - 45	Retail trade	1
48 - 49	Transportation and warehousing	1
51	Information	4
52	Finance and insurance	7
53	Real estate and rental and leasing	7
54	Professional, scientific, and technical services	5
55	Management of companies	7
56	Administrative and support and waste management and remediation services	3
61	Educational services	3
62	Health care and social assistance	4
71	Arts, entertainment, and recreation	3
721	Accommodation	1
722	Food services and drinking places	2
81	Other services	4
Class 8	Subclasses	
23	Construction	8.1
482	Rail Transportation	8.2
517111	Wired Telecommunications Carriers	8.3
517112	Wireless Telecommunications Carriers (except Satellite)	8.3
517122	Agents for Wireless Telecommunications Services	8.3
5241	Insurance Carriers	8.4
5242	Insurance Brokers for non-admitted Insurance Carriers	8.4
713120	Amusement Parks and Arcades	8.51
713290	Nonpayout Amusement Machines	8.52
713990	All Other Amusement and Recreational Industries (pool tables)	8.6

2023 Class Schedule is based on a three-year average (2017 - 2019) of IRS statistical data.

CITY OF CONWAY
BUSINESS LICENSE ORDINANCE

Section 1. License Required. Every person engaged or intending to engage in any business, calling, occupation, profession, or activity engaged in with the object of gain, benefit, or advantage, in whole or in part within the limits of the City of Conway, South Carolina, is required to pay an annual license tax for the privilege of doing business and obtain a business license as herein provided.

Section 2. Definitions. The following words, terms, and phrases, when used in this ordinance, shall have the meaning ascribed herein. Defined terms are not capitalized when used in this ordinance unless the context otherwise requires.

“Business” means any business, calling, occupation, profession, or activity engaged in with the object of gain, benefit, or advantage, either directly or indirectly.

“Charitable Organization” means an organization that is determined by the Internal Revenue Service to be exempt from Federal income taxes under 26 U.S.C. Section 501(c)(3), (4), (6), (7), (8), (10) or (19).

“Charitable Purpose” means a benevolent, philanthropic, patriotic, or eleemosynary purpose that does not result in personal gain to a sponsor, organizer, officer, director, trustee, or person with ultimate control of the organization.

“Classification” means that division of businesses by NAICS codes subject to the same license rate as determined by a calculated index of ability to pay based on national averages, benefits, equalization of tax burden, relationships of services, or other basis deemed appropriate by the Council.

“Council” means the City Council of the City of Conway, South Carolina.

“Domicile” means a principal place from which the trade or business of a licensee is conducted, directed, or managed. For purposes of this ordinance, a licensee may be deemed to have more than one domicile.

“Gross Income” means the gross receipts or gross revenue of a business, received or accrued, for one calendar or fiscal year collected or to be collected from business done within the Municipality. If the licensee has a domicile within the Municipality, business done within the Municipality shall include all gross receipts or revenue received or accrued by such licensee. If the licensee does not have a domicile within the Municipality, business done within the Municipality shall include only gross receipts or revenue received or accrued within the Municipality. In all cases, if the licensee pays a business license tax to another county or municipality, then the licensee’s gross income for the purpose of computing the tax within the Municipality must be reduced by the amount of revenues or receipts taxed in the other county or municipality and fully reported to the Municipality. Gross income for business license tax purposes shall not include taxes collected for a governmental entity, escrow funds, or funds that are the property of a third party. The value of bartered goods or trade-in merchandise shall be

included in gross income. The gross receipts or gross revenues for business license purposes may be verified by inspection of returns and reports filed with the Internal Revenue Service, the South Carolina Department of Revenue, the South Carolina Department of Insurance, or other government agencies. In calculating gross income for certain businesses, the following rules shall apply:

- A. Gross income for agents shall be calculated on gross commissions received or retained, unless otherwise specified. If commissions are divided with other brokers or agents, then only the amount retained by the broker or agent is considered gross income.
- B. Except as specifically required by S.C. Code § 38-7-20, gross income for insurance companies shall be calculated on gross premiums written.
- C. Gross income for manufacturers of goods or materials with a location in the Municipality shall be calculated on the lesser of (i) gross revenues or receipts received or accrued from business done at the location, (ii) the amount of income allocated and apportioned to that location by the business for purposes of the business's state income tax return, or (iii) the amount of expenses attributable to the location as a cost center of the business. Licensees reporting gross income under this provision shall have the burden to establish the amount and method of calculation by satisfactory records and proof. Manufacturers include those taxpayers reporting a manufacturing principal business activity code on their federal income tax returns.

"License Official" means a person designated to administer this ordinance. Notwithstanding the designation of a primary license official, the Municipality may designate one or more alternate license officials to administer particular types of business licenses, including without limitation for business licenses issued to businesses subject to business license taxes under Article 20, Chapter 9, Title 58, and Chapters 7 and 45, Title 38, of the South Carolina Code.

"Licensee" means the business, the person applying for the license on behalf of the business, an agent or legal representative of the business, a person who receives any part of the net profit of the business, or a person who owns or exercises control of the business.

"Municipality" means the City of Conway, South Carolina.

"NAICS" means the North American Industry Classification System for the United States published under the auspices of the Federal Office of Management and Budget.

"Person" means any individual, firm, partnership, limited liability partnership, limited liability company, cooperative non-profit membership, corporation, joint venture, association, estate, trust, business trust, receiver, syndicate, holding company, or other group or combination acting as a unit, in the singular or plural, and the agent or employee having charge or control of a business in the absence of the principal.

Section 3. Purpose and Duration. The business license required by this ordinance is for the purpose of providing such regulation as may be required for the business subject thereto and for the purpose of raising revenue for the general fund through a privilege tax. Except as set forth below for business licenses issued to contractors with respect to specific construction projects, each yearly license shall be issued for the twelve-month period of May 1 to April 30. A business

license issued for a construction contract may, at the request of the licensee, be stated to expire at the completion of the construction project; *provided*, any such business license may require that the licensee file, by each April 30 during the continuation of the construction project, a statement of compliance, including but not limited to a revised estimate of the value of the contract. If any revised estimate of the final value of such project exceeds the amount for which the business license was issued, the licensee shall be required to pay a license fee at the then-prevailing rate on the excess amount. The provisions of this ordinance and the rates herein shall remain in effect from year to year as amended by the Council.

Section 4. Business License Tax, Refund.

- A. The required business license tax shall be paid for each business subject hereto according to the applicable rate classification on or before the due date of the 30th day of April in each year, except for those businesses in Rate Class 8 for which a different due date is specified. Late payments shall be subject to penalties as set forth in Section 12 hereof, except that admitted insurance companies may pay before June 1 without penalty.
- B. A separate license shall be required for each place of business and for each classification or business conducted at one place. If gross income cannot be separated for classifications at one location, the business license tax shall be computed on the combined gross income for the classification requiring the highest rate. The business license tax must be computed based on the licensee's gross income for the calendar year preceding the due date, for the licensee's twelve-month fiscal year preceding the due date, or on a twelve-month projected income based on the monthly average for a business in operation for less than one year. The business license tax for a new business must be computed on the estimated probable gross income for the balance of the license year. A business license related to construction contract projects may be issued on a per-project basis, at the option of the taxpayer. No refund shall be made for a business that is discontinued.
- C. A licensee that submits a payment greater than the amount owed may request a refund. To be considered, a refund request must be submitted in writing to the Municipality before the June 1 immediately following the April 30 on which the payment was due and must be supported by adequate documentation supporting the refund request. The Municipality shall approve or deny the refund request, and if approved shall issue the refund to the business, within thirty days after receipt of the request.

Section 5. Registration Required.

- A. The owner, agent, or legal representative of every business subject to this ordinance, whether listed in the classification index or not, shall register the business and make application for a business license on or before the due date of each year; *provided*, a new business shall be required to have a business license prior to operation within the Municipality, and an annexed business shall be required to have a business license within thirty (30) days of the annexation. A license for a bar (NAICS 722410) must be issued in the name of the individual who has been issued the corresponding state alcohol, beer, or wine permit or license and will have actual control and management of the business.

- B. Application shall be on the then-current standard business license application as established and provided by the Director of the South Carolina Revenue and Fiscal Affairs Office and shall be accompanied by all information about the applicant, the licensee, and the business deemed appropriate to carry out the purpose of this ordinance by the license official. Applicants may be required to submit copies of portions of state and federal income tax returns reflecting gross receipts and gross revenue figures.
- C. The applicant shall certify under oath that the information given in the application is true, that the gross income is accurately reported (or estimated for a new business) without any unauthorized deductions, and that all assessments, personal property taxes on business property, and other monies due and payable to the Municipality have been paid.
- D. The Municipality shall allow application, reporting, calculation, and payment of business license taxes through the business license tax portal hosted and managed by the South Carolina Revenue and Fiscal Affairs Office, subject to the availability and capability thereof. Any limitations in portal availability or capability do not relieve the applicant or Licensee from existing business license or business license tax obligations.

Section 6. Deductions, Exemptions, and Charitable Organizations.

- A. No deductions from gross income shall be made except income earned outside of the Municipality on which a license tax is paid by the business to some other municipality or county and fully reported to the Municipality, taxes collected for a governmental entity, or income which cannot be included for computation of the tax pursuant to state or federal law. Properly apportioned income from business in interstate commerce shall be included in the calculation of gross income and is not exempted. The applicant shall have the burden to establish the right to exempt income by satisfactory records and proof.
- B. No person shall be exempt from the requirements of the ordinance by reason of the lack of an established place of business within the Municipality, unless exempted by state or federal law. The license official shall determine the appropriate classification for each business in accordance with the latest issue of NAICS. No person shall be exempt from this ordinance by reason of the payment of any other tax, unless exempted by state law, and no person shall be relieved of liability for payment of any other tax or fee by reason of application of this ordinance.
- C. Wholesalers are exempt from business license taxes unless they maintain warehouses or distribution establishments within the Municipality. A wholesale transaction involves a sale to an individual who will resell the goods and includes delivery of the goods to the reseller. It does not include a sale of goods to a user or consumer.
- D. A charitable organization shall be exempt from the business license tax on its gross income unless it is deemed a business subject to a business license tax on all or part of its gross income as provided in this section. A charitable organization, or any affiliate of a charitable organization, that reports income from for-profit activities or unrelated business income for federal income tax purposes to the Internal Revenue Service shall be deemed a business subject to a business license tax on the part of its gross income from such for-profit activities or unrelated business income.

- E. A charitable organization shall be deemed a business subject to a business license tax on its total gross income if (1) any net proceeds of operation, after necessary expenses of operation, inure to the benefit of any individual or any entity that is not itself a charitable organization as defined in this ordinance, or (2) any net proceeds of operation, after necessary expenses of operation, are used for a purpose other than a charitable purpose as defined in this ordinance. Excess benefits or compensation in any form beyond fair market value to a sponsor, organizer, officer, director, trustee, or person with ultimate control of the organization shall not be deemed a necessary expense of operation.

Section 7. False Application Unlawful. It shall be unlawful for any person subject to the provisions of this ordinance to make a false application for a business license or to give or file, or direct the giving or filing of, any false information with respect to the license or tax required by this ordinance.

Section 8. Display and Transfer.

- A. All persons shall display the license issued to them on the original form provided by the license official in a conspicuous place in the business establishment at the address shown on the license. A transient or non-resident shall carry the license upon his person or in a vehicle used in the business readily available for inspection by any authorized agent of the Municipality.
- B. A change of address must be reported to the license official within ten (10) days after removal of the business to a new location and the license will be valid at the new address upon written notification by the license official and compliance with zoning and building codes. Failure to obtain the approval of the license official for a change of address shall invalidate the license and subject the licensee to prosecution for doing business without a license. A business license shall not be transferable, and a transfer of controlling interest shall be considered a termination of the old business and the establishment of a new business requiring a new business license, based on old business income.

Section 9. Administration of Ordinance. The license official shall administer the provisions of this ordinance, collect business license taxes, issue licenses, make or initiate investigations and audits to ensure compliance, initiate denial or suspension and revocation procedures, report violations to the municipal attorney, assist in prosecution of violators, produce forms, undertake reasonable procedures relating to the administration of this ordinance, and perform such other duties as may be duly assigned.

Section 10. Inspection and Audits.

- A. For the purpose of enforcing the provisions of this ordinance, the license official or other authorized agent of the Municipality is empowered to enter upon the premises of any person subject to this ordinance to make inspections and to examine and audit books and records. It shall be unlawful for any such person to fail or refuse to make available the necessary books and records. In the event an audit or inspection reveals that the licensee has filed false information, the costs of the audit shall be added to the correct business license tax and late penalties in addition to other penalties provided herein. Each day of failure to pay the proper amount of business license tax shall constitute a separate offense.
- B. The license official shall have the authority to make inspections and conduct audits of businesses to ensure compliance with the ordinance. Financial information obtained by inspections and audits shall not be deemed public records, and the license official shall not release the amount of business license taxes paid or the reported gross income of any person by name without written permission of the licensee, except as authorized by this ordinance, state or federal law, or proper judicial order. Statistics compiled by classifications are public records.

Section 11. Assessments, Payment under Protest, Appeal.

- A. Assessments, payments under protest, and appeals of assessment shall be allowed and conducted by the Municipality pursuant to the provisions of S.C. Code § 6-1-410, as amended. In preparing an assessment, the license official may examine such records of the business or any other available records as may be appropriate and conduct such investigations and statistical surveys as the license official may deem appropriate to assess a business license tax and penalties as provided herein.
- B. The license official shall establish a uniform local procedure consistent with S.C. Code § 6-1-410 for hearing an application for adjustment of assessment and issuing a notice of final assessment; provided that for particular types of business licenses, including without limitation for business licenses issued to businesses subject to business license taxes under Article 20, Chapter 9, Title 58, and Chapters 7 and 45, Title 38, of the South Carolina Code, the Municipality, by separate ordinance, may establish a different procedure and may delegate one or more rights, duties, and functions hereunder to the Municipal Association of South Carolina.

Section 12. Delinquent License Taxes, Partial Payment.

- A. For non-payment of all or any part of the correct business license tax, the license official shall impose and collect a late penalty of five (5%) percent of the unpaid tax for each month or portion thereof after the due date until paid. Penalties shall not be waived. If any business license tax remains unpaid for sixty (60) days after its due date, the license official shall report it to the municipal attorney for appropriate legal action.
- B. Partial payment may be accepted by the license official to toll imposition of penalties on the portion paid; *provided*, however, no business license shall be issued or renewed until the full amount of the tax due, with penalties, has been paid.

Section 13. Notices. The license official may, but shall not be required to, mail written notices that business license taxes are due. If notices are not mailed, there shall be published a notice of the due date in a newspaper of general circulation within the Municipality three (3) times prior to the due date in each year. Failure to receive notice shall not constitute a defense to prosecution for failure to pay the tax due or grounds for waiver of penalties.

Section 14. Denial of License. The license official may deny a license to an applicant when the license official determines:

- A. The application is incomplete or contains a misrepresentation, false or misleading statement, or evasion or suppression of a material fact;
- B. The activity for which a license is sought is unlawful or constitutes a public nuisance *per se* or *per accidens*;
- C. The applicant, licensee, prior licensee, or the person in control of the business has been convicted within the previous ten years of an offense under a law or ordinance regulating business, a crime involving dishonest conduct or moral turpitude related to a business or a subject of a business, or an unlawful sale of merchandise or prohibited goods;
- D. The applicant, licensee, prior licensee, or the person in control of the business has engaged in an unlawful activity or nuisance related to the business or to a similar business in the Municipality or in another jurisdiction;
- E. The applicant, licensee, prior licensee, or the person in control of the business is delinquent in the payment to the Municipality of any tax or fee;
- F. A licensee has actual knowledge or notice, or based on the circumstances reasonably should have knowledge or notice, that any person or employee of the licensee has committed a crime of moral turpitude on the business premises, or has permitted any person or employee of the licensee to engage in the unlawful sale of merchandise or prohibited goods on the business premises and has not taken remedial measures necessary to correct such activity; or
- G. The license for the business or for a similar business of the licensee in the Municipality or another jurisdiction has been denied, suspended, or revoked in the previous license year.

A decision of the license official shall be subject to appeal as herein provided. Denial shall be written with reasons stated.

Section 15. Suspension or Revocation of License. When the license official determines:

- A. A license has been mistakenly or improperly issued or issued contrary to law;
- B. A licensee has breached any condition upon which the license was issued or has failed to comply with the provisions of this ordinance;
- C. A licensee has obtained a license through a fraud, misrepresentation, a false or misleading statement, or evasion or suppression of a material fact in the license application;
- D. A licensee has been convicted within the previous ten years of an offense under a law or ordinance regulating business, a crime involving dishonest conduct or moral turpitude

related to a business or a subject of a business, or an unlawful sale of merchandise or prohibited goods;

E. A licensee has engaged in an unlawful activity or nuisance related to the business; or

F. A licensee is delinquent in the payment to the Municipality of any tax or fee,

the license official may give written notice to the licensee or the person in control of the business within the Municipality by personal service or mail that the license is suspended pending a single hearing before Council or its designee for the purpose of determining whether the suspension should be upheld and the license should be revoked.

The written notice of suspension and proposed revocation shall state the time and place at which the hearing is to be held, and shall contain a brief statement of the reasons for the suspension and proposed revocation and a copy of the applicable provisions of this ordinance.

Section 16. Appeals to Council or its Designee.

- A. Except with respect to appeals of assessments under Section 11 hereof, which are governed by S.C. Code § 6-1-410, any person aggrieved by a determination, denial, or suspension and proposed revocation of a business license by the license official may appeal the decision to the Council or its designee by written request stating the reasons for appeal, filed with the license official within ten (10) days after service by mail or personal service of the notice of determination, denial, or suspension and proposed revocation.
- B. A hearing on an appeal from a license denial or other determination of the license official and a hearing on a suspension and proposed revocation shall be held by the Council or its designee within ten (10) business days after receipt of a request for appeal or service of a notice of suspension and proposed revocation. The hearing shall be held upon written notice at a regular or special meeting of the Council, or, if by designee of the Council, at a hearing to be scheduled by the designee. The hearing may be continued to another date by agreement of all parties. At the hearing, all parties shall have the right to be represented by counsel, to present testimony and evidence, and to cross-examine witnesses. The proceedings shall be recorded and transcribed at the expense of the party so requesting. The rules of evidence and procedure prescribed by Council or its designee shall govern the hearing. Following the hearing, the Council by majority vote of its members present, or the designee of Council if the hearing is held by the designee, shall render a written decision based on findings of fact and conclusions on application of the standards herein. The written decision shall be served, by personal service or by mail, upon all parties or their representatives and shall constitute the final decision of the Municipality.
- C. Timely appeal of a decision of Council or its designee does not effectuate a stay of that decision. The decision of the Council or its designee shall be binding and enforceable unless overturned by an applicable appellate court after a due and timely appeal.

- D. For business licenses issued to businesses subject to business license taxes under Article 20, Chapter 9, Title 58, and Chapters 7 and 45, Title 38, of the South Carolina Code, the Municipality may establish a different procedure by ordinance.

Section 17. Consent, franchise, or license required for use of streets.

- A. It shall be unlawful for any person to construct, install, maintain, or operate in, on, above, or under any street or public place under control of the Municipality any line, pipe, cable, pole, structure, or facility for utilities, communications, cablevision, or other purposes without a consent agreement or franchise agreement issued by the Council by ordinance that prescribes the term, fees, and conditions for use.
- B. The annual fee for use of streets or public places authorized by a consent agreement or franchise agreement shall be set by the ordinance approving the agreement and shall be consistent with limits set by state law. Existing franchise agreements shall continue in effect until expiration dates in the agreements. Franchise and consent fees shall not be in lieu of or be credited against business license taxes unless specifically provided by the franchise or consent agreement.

Section 18. Confidentiality. Except in accordance with proper judicial order or as otherwise provided by law, no official or employee of the Municipality may divulge or make known in any manner the amount of income or any financial particulars set forth or disclosed in any report or return required under this ordinance. Nothing in this section shall be construed to prohibit the publication of statistics so classified as to prevent the identification of particular reports or returns. Any license data may be shared with other public officials or employees in the performance of their duties, whether or not those duties relate to enforcement of this ordinance.

Section 19. Violations. Any person violating any provision of this ordinance shall be deemed guilty of an offense and shall be subject to a fine of up to \$500.00 or imprisonment for not more than thirty (30) days or both, upon conviction. Each day of violation shall be considered a separate offense. Punishment for violation shall not relieve the offender of liability for delinquent taxes, penalties, and costs provided for in this ordinance.

Section 20. Severability. A determination that any portion of this ordinance is invalid or unenforceable shall not affect the remaining portions. To the extent of any conflict between the provisions of this ordinance and the provisions of the South Carolina Business License Tax Standardization Act, as codified at S.C. Code §§ 6-1-400 *et seq.*, the standardization act shall control.

Section 21. Classification and Rates.

- A. The business license tax for each class of businesses subject to this ordinance shall be computed in accordance with the current business license rate schedule, designated as Appendix A to this ordinance, which may be amended from time to time by the Council.
- B. The current business license class schedule is attached hereto as Appendix B. Hereafter, no later than December 31 of each odd year, the Municipality shall adopt, by ordinance, the latest standardized business license class schedule as recommended by the Municipal Association of South Carolina and adopted by the Director of the South Carolina Revenue

and Fiscal Affairs Office. Upon adoption by the Municipality, the revised business license class schedule shall then be appended to this ordinance as a replacement Appendix B.

- C. The classifications included in each rate class are listed with NAICS codes, by sector, sub-sector, group, or industry. The business license class schedule (Appendix B) is a tool for classification and not a limitation on businesses subject to a business license tax. The classification in the most recent version of the business license class schedule adopted by the Council that most specifically identifies the subject business shall be applied to the business. The license official shall have the authority to make the determination of the classification most specifically applicable to a subject business.
- D. A copy of the class schedule and rate schedule shall be filed in the office of the municipal clerk.

APPENDIX A: BUSINESS LICENSE RATE SCHEDULE

RATE CLASS	INCOME: \$0 - \$2,000	INCOME OVER \$2,000
	BASE RATE	RATE PER \$1,000 OR FRACTION THEREOF
1	\$32.00	\$1.14
2	\$36.00	\$1.21
3	\$40.00	\$1.28
4	\$44.00	\$1.35
5	\$48.00	\$1.42
6	\$52.00	\$1.49
7	\$56.00	\$1.56
8.1	\$60.00	\$1.53
8.2	Set by state statute	
8.3	MASC Telecommunications	
8.4	MASC Insurance	
8.51	\$12.50 + \$12.50 per machine	
8.52	\$12.50 + \$180.00 per machine	
8.6	\$35.00 plus \$5.00 -OR- \$12.50 per table	\$1.35
9.1	\$60.00	\$1.56
9.2	\$60.00	\$3.05
9.3	\$60.00	\$0.61
9.41	\$35.00	\$1.35
9.42	\$35.00	\$1.35
9.5	\$60.00	\$1.56
9.6	\$60.00	\$1.56
9.7	\$120.00	\$3.05

NON-RESIDENT RATES

Unless otherwise specifically provided, all taxes and rates shall be doubled for nonresidents and itinerants having no fixed principal place of business within the Municipality.

DECLINING RATES

Declining rates apply for businesses properly classified under NAICS code **420000** (“Wholesale trade”) and **622110** (“General Medical and Surgical Hospitals”). Declining rates also apply for affiliates (subsidiary or related businesses) of businesses properly classified under NAICS code **622110**.

For the classification 420000, the minimum tax rate shall be \$32.00 for gross income to \$2,000.00, and \$1.14 for each \$1000.00 (rounded to the next \$1000.00) of gross income over \$2,000.00 up to \$20,000,000.00, plus \$0.12 for each \$1000 over \$20,000,000.00.

For the classification 622110 and affiliates, the minimum tax rate shall be \$44.00 for gross income to \$2,000.00, plus \$1.15 per thousand or fraction thereof for the next \$2,000,000.00, then

- \$1.00 per thousand for the next \$1,000,000.00
- \$0.90 per thousand for the next \$1,000,000.00
- \$0.80 per thousand for the next \$1,000,000.00
- \$0.60 per thousand for the next \$1,000,000.00
- \$0.50 per thousand for the next \$1,000,000.00
- \$0.40 per thousand for the next \$1,000,000.00
- \$0.30 per thousand for the next \$1,000,000.00
- \$0.20 per thousand for the next \$1,000,000.00
- \$0.10 per thousand for excess over \$10,000,000.00

CLASS 8 RATES

Each NAICS number designates a separate subclassification. The businesses in this section are treated as separate and individual subclasses due to provisions of state law, regulatory requirements, service burdens, tax equalization considerations, and other factors that are deemed sufficient to require individually determined rates. In accordance with state law, the Municipality also may provide for reasonable subclassifications for rates, described by an NAICS sector, subsector, or industry, that are based on particularized considerations as needed for economic stimulus or for the enhanced or disproportionate demands on municipal services or infrastructure.

Non-resident rates do not apply except where indicated.

8.1 NAICS 230000 – Contractors, Construction, All Types [Non-resident rates apply].

Resident rates, for contractors having a permanent place of business within the Municipality:

Minimum on first \$2,000	\$60.00 PLUS
Each additional 1,000.....	\$1.53

Non-resident rates apply to contractors that do not have a permanent place of business within the Municipality. A trailer at the construction site or structure in which the contractor temporarily resides is not a permanent place of business under this ordinance.

No contractor shall be issued a business license until all state and municipal qualification examination and trade license requirements have been met. Each contractor shall post a sign in plain view on each job identifying the contractor with the job.

Sub-contractors shall be licensed on the same basis as general or prime contractors for the same job. No deductions shall be made by a general or prime contractor for value of work performed by a sub-contractor.

No contractor shall be issued a business license until all performance and indemnity bonds required by the Building Code have been filed and approved. Zoning permits must be obtained when required by the Zoning Ordinance.

Each prime contractor shall file with the License Official a list of sub-contractors furnishing labor or materials for each project.

For licenses issued on a per-job basis, the total tax for the full amount of the contract shall be paid prior to commencement of work and shall entitle the contractor to complete the job without regard to the normal license expiration date. An amended report shall be filed for each new job and the appropriate additional license fee per \$1,000 of the contract amount shall be paid prior to commencement of new work. Only one base tax shall be paid in a license year. Licensees holding a per-job license shall file, by each April 30 during the continuation of the construction project, a statement of compliance, including but not limited to a revised estimate of the value of the contract. If any revised estimate of the final value of such project exceeds

the amount for which the business license was issued, the licensee shall be required to pay a license fee at the then-prevailing rate on the excess amount.

8.2 NAICS 482 – Railroad Companies (See S.C. Code § 12-23-210).

For the first 1000 inhabitants of the City\$25.00

For each additional 1000 inhabitants according to the last US census\$35.00

8.3 NAICS ~~517311, 517312~~, 517111, 517112, 517122 – Telephone Companies.

With respect to “retail telecommunications services” as defined in S. C. Code § 58-9-2200, the Municipality participates in a collections program administered by the Municipal Association of South Carolina. The Municipality has approved participation in the collections program by separate ordinance (the “Telecommunications Collections Ordinance”). The rates, terms, conditions, dates, penalties, appeals process, and other details of the business license applicable to retail telecommunications services are set forth in the Telecommunications Collections Ordinance.

8.4 NAICS 5241 and 5242 – Insurance Companies and Brokers:

Independent agents and their employees are subject to a business license tax based on their natural class. With respect to insurers subject to license fees and taxes under Chapter 7 of Title 38 and to brokers under Chapter 45 of Title 38, the Municipality participates in a collections program administered by the Municipal Association of South Carolina. The Municipality has approved participation in the collections program by separate ordinance (the “Insurers and Brokers Collections Ordinance”). The rates, terms, conditions, dates, penalties, appeals process, and other details of the business license applicable to insurers and brokers are set forth in the Insurers and Brokers Collections Ordinance.

8.51 NAICS 713120 – Amusement Machines, coin operated (except gambling). Music machines, juke boxes, kiddie rides, video games, pin tables with levers, and other amusement machines with or without free play feature licensed by SC Department of Revenue pursuant to S.C. Code §12-21-2720(A)(1) and (A)(2) **[Type I and Type II]**.

For operation of all machines (not on gross income), pursuant to S.C. Code §12-21-2746:

Per Machine \$12.50 PLUS

Business license \$12.50

Distributors that sell or lease machines and are not licensed by the state as an operator pursuant to §12-21-2728 are not subject to Subclass 8.51.

8.52 NAICS 713290 – Amusement Machines, coin operated, non-payout. Amusement machines of the non-payout type or in-line pin game licensed by SC Department of Revenue pursuant to S.C. Code §12-21-2720(A)(3) **[Type III]**.

For operation of all machines (not on gross income), pursuant to S.C. Code §12-21-2720(B):

Per Machine	\$180.00 PLUS
Business license	\$12.50

Distributors that sell or lease machines and are not licensed by the state as an operator pursuant to §12-21-2728 are not subject to Subclass 8.52.

8.6 NAICS 713990 – Billiard or Pool Rooms, all types. ~~(A) Pursuant to SC Code § 12-21-2746, license tax of \$5.00 per table measuring less than 3½ feet wide and 7 feet long, and \$12.50 per table longer than that; PLUS, (B) with respect to gross income from the entire business in addition to the tax authorized by state law for each table:~~ A business that offers the use of billiard or pool tables shall be subject to business license taxation under its natural class for all gross income of the business excluding the gross income attributable to the billiard or pool tables. In addition, the billiard or pool tables shall require their own separate business licenses pursuant to SC Code § 12-21-2746 and shall be subject to a license tax of \$5.00 per table measuring less than 3½ feet wide and 7 feet long, and \$12.50 per table longer than that.

Minimum on first \$2,000	\$35.00 PLUS
Per \$1,000, or fraction, over \$2,000.....	\$1.35

9.1] NAICS 423930 – Junk or Scrap Dealers [Non-resident rates apply].

Minimum on first \$2,000	\$60.00 PLUS
Per \$1,000, or fraction, over \$2,000.....	\$1.56

9.2 NAICS 522298 – Pawn Brokers [All Types].

Minimum on first \$2,000	\$60.00 PLUS
Per \$1,000, or fraction, over \$2,000.....	\$3.05

9.3 NAICS 4411, 4412 – Automotive, Motor Vehicles, Boats, Farm Machinery or Retail.

(except auto supply stores - see 4413)

Minimum on first \$2,000	\$60.00 PLUS
Per \$1,000, or fraction, over \$2,000.....	\$0.61

One sales lot not more than 400 feet from the main showroom may be operated under this license provided that proceeds from sales at the lot are included in gross receipts at the main office when both are operated under the same name and ownership.

Gross receipts for this classification shall include value of trade-ins. Dealer transfers or internal repairs on resale items shall not be included in gross income.

~~**NAICS 454390 – Peddlers, Solicitors, Canvassers, Door-To-Door Sales.**~~

~~Direct retail sales of merchandise. [Non-resident rates apply]~~

~~**9.41] Regular activities [more than two sale periods of more than three days each per year]**~~

~~Minimum on first \$2,000 \$35.00 PLUS~~

~~Per \$1,000, or fraction, over \$2,000 \$1.35~~

~~**9.42] Seasonal activities [not more than two sale periods of not more than three days each year, separate license required for each sale period]**~~

~~Minimum on first \$2,000 \$35.00 PLUS~~

~~Per \$1,000, or fraction, over \$2,000 \$1.35~~

~~Applicants for a license to sell on private property must provide written authorization from the property owner to use the intended location.~~

The NAICS codes corresponding to Classes 9.41 and 9.42 have been eliminated. Businesses that were previously classified into 9.41 or 9.42 shall be required to apply and pay for a business license in their natural class.

9.5 NAICS 713290 – Bingo halls, parlors.

Minimum on first \$2,000 \$60.00 PLUS

Per \$1,000, or fraction, over \$2,000 \$1.56

9.6 NAICS 711190 – Carnivals and Circuses.

Minimum on first \$2,000 \$60.00 PLUS

Per \$1,000, or fraction, over \$2,000 \$1.56

9.7 NAICS 722410 – Drinking Places, bars, lounges, cabarets (Alcoholic beverages consumed on premises).

Minimum on first \$2,000 \$120.00 PLUS

Per \$1,000, or fraction, over \$2,000 \$3.05

License must be issued in the name of the individual who has been issued a State alcohol, beer or wine permit or license and will have actual control and management of the business.

APPENDIX B

2021 BUSINESS LICENSE CLASS SCHEDULE BY NAICS CODE

NAICS Sector/Subsector	Industry Sector	Class
11	Agriculture, forestry, hunting and fishing	2.00
21	Mining	4.00
23	Construction	8.10
31-33	Manufacturing	2.00
42	Wholesale trade	1.00
423930	Recyclable Material Merchant Wholesalers (Junk)	9.10
44-45	Retail trade	1.00
4411	Automobile Dealers	9.30
4412	Other Motor Vehicle Dealers	9.30
454390	Other Direct Selling Establishments (Peddlers)	9.41
48	Transportation and warehousing	2.00
485310	Taxi service	9.90
49	Transportation and warehousing	2.00
482	Rail Transportation	8.20
51	Information	4.00
517311	Wired Telecommunications Carriers	8.30
517312	Wireless Telecommunications Carriers (except Satellite)	8.30
52	Finance and insurance	7.00
522298	Pawnshops	9.20
5241	Insurance Carriers	8.40
5242	Insurance Brokers for non-admitted Insurance Carriers	8.40
53	Real-estate and rental and leasing	7.00
54	Professional, scientific, and technical services	5.00
55	Management of companies	7.00
56	Administrative and support and waste management and remediation services	4.00
61	Educational services	4.00
62	Health care and social assistance	4.00
71	Arts, entertainment, and recreation	3.00
711190	Other Performing Arts Companies (Carnivals and Circuses)	3.00
713120	Amusement Parks and Arcades	8.51
713290	Nonpayout Amusement Machines	8.52
713290	Bingo Halls	9.50
713990	All Other Amusement and Recreational Industries (pool tables)	8.60
721	Accommodation	3.00
722	Food services and drinking places	1.00
722410	Drinking Places (Alcoholic Beverages)	9.70
722411	Food services and drinking places	1.00
81	Other services	5.00

Note: Class Schedule is based on 2017 IRS data.

**Exhibit A: Amendment to Classes 1 – 8 in Appendix B of the
Current Business License Ordinance**

**APPENDIX B
Classes 1 – 8: Business License Class Schedule by NAICS Codes**

NAICS Sector/Subsector	Industry Sector	Class
11	Agriculture, forestry, hunting and fishing	1
21	Mining	2
22	Utilities	1
31 - 33	Manufacturing	3
42	Wholesale trade	1
44 - 45	Retail trade	1
48 - 49	Transportation and warehousing	1
51	Information	4
52	Finance and insurance	7
53	Real estate and rental and leasing	7
54	Professional, scientific, and technical services	5
55	Management of companies	7
56	Administrative and support and waste management and remediation services	3
61	Educational services	3
62	Health care and social assistance	4
71	Arts, entertainment, and recreation	3
721	Accommodation	1
722	Food services and drinking places	2
81	Other services	4
Class 8	Subclasses	
23	Construction	8.1
482	Rail Transportation	8.2
517111	Wired Telecommunications Carriers	8.3
517112	Wireless Telecommunications Carriers (except Satellite)	8.3
517122	Agents for Wireless Telecommunications Services	8.3
5241	Insurance Carriers	8.4
5242	Insurance Brokers for non-admitted Insurance Carriers	8.4
713120	Amusement Parks and Arcades	8.51
713290	Nonpayout Amusement Machines	8.52
713990	All Other Amusement and Recreational Industries (pool tables)	8.6

2023 Class Schedule is based on a three-year average (2017 - 2019) of IRS statistical data.

DATE: FEBRUARY 5, 2024
ITEM: IV.C.

ISSUE:

Approval of Special Event Permit – Groovin’ on the Green May Days – May 3rd, 10th, 17th, 24th, and 31st, 2024 - Conway Downtown Alive (Howard)

BACKGROUND:

Conway Downtown Alive requests approval of a Special Event Permit for Groovin’ on the Green May Days to be held on three consecutive Friday’s in May from 7:00 p.m. to 9:30 p.m. for concerts on the Town Green, classic car show, and food vendors.

The request includes road closures of Laurel Street from Second Avenue to Third Avenue, Laurel Street Second Avenue to Elm Street, parking spaces around Town Green and old Planning Dept parking lot and parking lot behind Peanut Warehouse from 3:00 p.m. to 10:00 p.m. on each event day.

There will be approximately 1500 participants and 5 vendors plus Farmers Market vendors. CDA also requests police assistance, and will be setting up tents or other temporary structures.

CDA requests use of 12 pelican cans and 5 blue recycling cans from the City. Also requested are picnic tables, power use at Town Green, City stage and lights, including festoon nights. Comfort stations will be provided.

RECOMMENDATION:

Approve the Special Event Permit for Groovin’ on the Green May Days.

RECEIVED
1/10/2024



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: Groovin' on the Green

Name of permit holder: Conway Downtown Alive

Address of permit holder: 428 Main Street

City: Conway State: SC Zip: 29526

Telephone number of permit holder: 248 6260 Cell 450 6241

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

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

Name of organization: Conway Downtown Alive

Address of organization: 428 Main Street Conway, SC 29526

Telephone number of organization: 248 6260

What is the purpose of the activity? Concert Series

What is the proposed date(s) of the activity? May 3, 10, 17, 24, 31, 2024

What are the proposed times of the activity? 7:00 PM – 9:30 PM

What are the plans for the event? Concert on Town Green, Car Show, Food Vendors, & Farmers Market Vendors

What is the location or route of the activity? **(Please attach any necessary route maps.)** _____
Laurel Street from 2nd-3rd Avenue, Laurel Street 2nd Ave to Elm Street, and Town Green

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.

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

3:00-10 PM Each Day-Laurel Street 3rd Ave. to 2nd Avenue & Laurel Street 2nd Ave to Elm Street

Parking Spaces around Town Green and Court Building parking lot

parking lot behind Peanut Warehouse

What is the approximate number of participants? 1500 Daily

What is the approximate number of vendors? 5 Food + Farmers Market vendors

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: _____

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)

If yes, please attach a drawing showing the locations and sizes of all auxiliary structures. (Participating farmers will bring their market 10x10 tents) ☒ Yes ☐ No

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

Utilizing power on-site

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?

Request 12 pelican cans and 5 blue recycling

From City of Conway

Will existing restroom facilities be adequate? ☒ Yes ☐ No

If not, describe plans to augment available sanitary facilities: _____

Please include any additional information that may be useful: Request use of picnic tables, power use at Town Green, City Stage & lights, Festoon Lights,

Does any of the following apply to the proposed activity: Fireworks Display Other (live band, band, loudspeakers, sound amplifiers, etc.). Please specify: live band and PA system,

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.

No on-site vendors

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

All restaurants with valid license in CBD and WRD1

Times for alcohol to be served: From 6:00 PM To 9 PM

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
(CR Promotions Vendor to apply for license)

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): CNA Insurance

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: _____

Hilleg Howard

Date: 1/9/2024



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:
Hillary Howard	248 6260	1/9/2024

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: Groovin' on the Green

Date(s) May 3, 10, 17, 24, & 31
2024

Sponsoring Organization: Conway Downtown Alive

Application completed by:

Hillary Howard

Contact No.:

843 248-6260

Date:

January 9 2024

☐ Recommend approval

☐ Recommend disapproval

Police Department

Date

Fees or charges associated with this event:

Special Conditions/Comments:

Police Officers

\$40.00/hour per officer

☒ Recommend approval

☐ Recommend disapproval

Fire Department

Date

Fees or charges associated with this event:

Special Conditions/Comments:

Fire Inspector/Fire-Rescue Officers

\$40.00/hour per officer

☒ Recommend approval

☐ Recommend disapproval

Public Works Department

Date

Fees or charges associated with this event:

Special Conditions/Comments:

Residential & Non Residential Street Closure

Barricades

\$20.00 each

Public Works Employee

\$25.00/hour per employee

pproval Recommend a ☐ ☐ Recommend disapproval

Parks & Rec. Department _____ Date _____

Fees or charges associated with this event: _____

Special Conditions/Comments: _____

Parks & Rec. Employee \$25.00/hour per employee

☒ Recommend approval ☐ Recommend disapproval

_____ 1/11/2024 _____

Planning Department Date

Special Conditions/Comments: see attached

☐ License(s) obtained for _____ vendor(s) ☒ License(s) not required

Has general liability and liquor liability insurance (if applicable) listing the City of Conway as additional insured been secured? ☐ Yes ☐ No

_____ 1/10/2024 _____

Business License Department Date

Special Conditions/Comments: see attached

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:

Conway Downtown Alive Groovin' on the Green

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:
-
-

HAH (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.

HAH (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.

HAH (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.

HAH (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.

HAH (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.

HAH (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.

HAH (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.

HAH (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.

HAH (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 Downtown Alive

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

NAME: Hillary Howard **TITLE:** Executive Director

SIGNATURE: Hillary Howard **DATE:** 1/9/2024

FACILITY USE AGREEMENT AND RELEASE/INDEMNIFICATION
City of Conway

- A. In consideration for being permitted to use the facilities of the City of Conway, _____
Conway Downtown Alive _____
(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 Downtown Alive

NAME OF PERSON/ORGANIZATION



SIGNATURE OF PERSON/ORGANIZATION REPRESENTATIVE

1/9/2024

DATE

Natasha Sherman

From: Phillip L. Hendrick, Jr.
Sent: Wednesday, January 10, 2024 10:24 AM
To: Natasha Sherman
Subject: RE: Groovin' on the Green

Fire is good.

From: Natasha Sherman <nsherman@cityofconway.com>
Sent: Wednesday, January 10, 2024 10:22 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: Groovin' on the Green

Please review for approval and email me back.

Natasha Sherman

Executive Assistant
City of Conway

From: cityhallprinter@cityofconway.com <cityhallprinter@cityofconway.com>
Sent: Tuesday, July 18, 2023 2:45 AM
To: Natasha Sherman <nsherman@cityofconway.com>
Subject: Message from KM_C450i

Natasha Sherman

From: Business License
Sent: Wednesday, January 10, 2024 12:00 PM
To: Natasha Sherman
Subject: RE: Groovin' on the Green

Good with business license

Bradley Todd

City of Conway
Business License Inspector
196 Laurel Street : PO Drawer 1075, Conway, SC 29528
Contact | P: 843-488-7631 | C: 843-504-5740 | F: 843-248-1718 | E: btodd@cityofconway.com



From: Natasha Sherman
Sent: Wednesday, January 10, 2024 10:22 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: Groovin' on the Green

Please review for approval and email me back.

Natasha Sherman

Executive Assistant
City of Conway

From: cityhallprinter@cityofconway.com <cityhallprinter@cityofconway.com>
Sent: Tuesday, July 18, 2023 2:45 AM
To: Natasha Sherman <nsherman@cityofconway.com>
Subject: Message from KM_C450i

Natasha Sherman

From: Brandon Harrelson
Sent: Thursday, January 11, 2024 8:06 AM
To: Natasha Sherman
Subject: RE: Groovin' on the Green

We are good.

Brandon Harrelson
Public Works Director
City of Conway | 2940 Jerry Barnhill Blvd, Conway, SC 29527
Phone: 843.397.2494 | Fax: 843.488.9890



From: Natasha Sherman
Sent: Wednesday, January 10, 2024 10:22 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: Groovin' on the Green

Please review for approval and email me back.

Natasha Sherman

Executive Assistant
City of Conway

From: cityhallprinter@cityofconway.com <cityhallprinter@cityofconway.com>
Sent: Tuesday, July 18, 2023 2:45 AM
To: Natasha Sherman <nsherman@cityofconway.com>
Subject: Message from KM_C450i

Natasha Sherman

From: Katie Dennis
Sent: Thursday, January 11, 2024 10:13 AM
To: Natasha Sherman
Subject: RE: Groovin' on the Green

Ok with planning

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



From: Natasha Sherman <nsherman@cityofconway.com>
Sent: Wednesday, January 10, 2024 10:22 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: Groovin' on the Green

Please review for approval and email me back.

Natasha Sherman

Executive Assistant
City of Conway

From: cityhallprinter@cityofconway.com <cityhallprinter@cityofconway.com>
Sent: Tuesday, July 18, 2023 2:45 AM
To: Natasha Sherman <nsherman@cityofconway.com>
Subject: Message from KM_C450i

DATE: FEBRUARY 5, 2024
ITEM: IV.D.

ISSUE:

Request from Coastal Carolina University for Gullah Geechee Community Day on February 24, 2024 from 9:00 a.m. to 5:00 p.m.

BACKGROUND:

This is a collaboration between the City of Conway, Conway Downtown Alive, and Coastal Carolina University. CCU is requesting to permission to hold its Gullah Geechee Community Day to celebrate the region's Gullah Geechee and African Diaspora Culture and heritage through performances, vendors and historical presentations.

This event will be held throughout the downtown area. A trolley will run between locations at City Hall, 5th & Main, The Hut, and Horry County Museum.

There will be genealogical workshops, food trucks, a market place, historical talks and seminars, musical and choir performances and a live band on the Town Green.

CCU is requesting police assistance with traffic at the museum and picnic tables and garbage cans at Town Green. There will be a workshop on City Hall terrace during the event.

CCU anticipates 500 participants and 25 vendors.

RECOMMENDATION:

Approve the special event permit as presented.



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: Gullah Geechee Community Day
Name of permit holder: COASTAL CAROLINA UNIVERSITY
Address of permit holder: PO BOX 261954
City: CONWAY State: SC Zip: 29528
Telephone number of permit holder: 843-349-2947 Cell _____

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: COASTAL CAROLINA UNIVERSITY
Address of organization: SAME AS ABOVE
Telephone number of organization: 843-349-2947

What is the purpose of the activity? Celebrate this region's Gullah Geechee and African Diaspora culture & heritage through performances, vendors and historical presentations

What is the proposed date(s) of the activity? Saturday, February 24, 2024

What are the proposed times of the activity? 9 am - 5 pm

What are the plans for the event? Gullah Geechee market place musical performances, historical talks and seminars, food trucks.

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

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.

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

What is the approximate number of participants?

500

What is the approximate number of vendors?

25

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:

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

we ask for 2 police to assist in directing traffic at the museum, picnic tables & garbage cans at the City Green

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 collect garbage at each venue and location, will remove garbage in accordance to operational procedures at each venue

Will existing restroom facilities be adequate?

☐ Yes ☒ No

If not, describe plans to augment available sanitary facilities:

we will request 3 comfort station 3 and one handicap on the Green Square

Please include any additional information that may be useful:

This is a collaboration between the City of Conway, Conway Downtown Alive and Coastal Carolina University. A Trolley will run between the locations attached.

Does any of the following apply to the proposed activity: NO Fireworks Display

Other

(live band, band, loudspeakers, sound amplifiers, etc.). Please specify: Live Band on outdoor stage. amplified sound, loudspeakers -- all locations on City Green.

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.

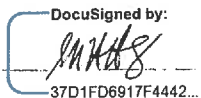
The following does not apply to restaurants:

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: _____

DocuSigned by:

37D1FD6917F4442...

Date: January 11, 2024



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.

Karen Diane Williams

From: nobi514@aol.com
Sent: Friday, January 5, 2024 11:21 AM
To: Karen Diane Williams
Subject: Fw: Permission to use the Bryan House

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

----- Forwarded Message -----

From: John B. Burroughs <ben@coastal.edu>
To: Ashlyn Pope <apope1@coastal.edu>
Cc: nobi514@aol.com <nobi514@aol.com>
Sent: Thursday, December 14, 2023 at 08:58:13 AM PST
Subject: RE: Permission to use the Bryan House

Ashlyn and Zenobia,

The Horry County Historical Society Board of Directors met Monday night, Dec. 11 and your request was presented to them. They agreed to allow CCU to use the Bryan House on Feb. 24, 2024 as they have in the past, however, they are concerned about several potential safety situations at the building.

First of all, CCU must be fully responsible for any damages to the house and its contents and for any injuries that may occur to anyone, inside and outside, on that day.

Some of our concerns are:

The porch and steps are in need of repairs at various spots. We recently replaced the handicap ramp and some step railings, but there are parts of the porch that have loose or damaged boards.

There are no railings around the porch and people must be careful not to step off the edges.

Also, the inside stairs leading to the second floor could be dangerous especially on the turns. Therefore the second story and stairs are off limits to visitors.

We are planning to address those problems next year as funds become available.

Any insurance policy that CCU has on that property must include everything and name the HCHS as a co-insured.

Please let me know if all of our concerns can be met and if so we will be happy to let you use the property on that day.

Sincerely,

Ben Burroughs

HCHS Board of Directors, Chairman - 2023

DocuSign Envelope ID: 73E29D95-32EF-4416-92CE-9418F6052687
From: Ashlyn Pope <apope1@coastal.edu>
Sent: Monday, December 4, 2023 2:33 PM
To: John B. Burroughs <ben@coastal.edu>
Cc: nobi514@aol.com
Subject: Permission to use the Bryan House

Hi Ben,

I hope your semester is winding down on a good note. I am responding in place for Zenobia about use of the Bryan house. We would like to use the space for small lectures and or readings of work like plays or books like we have in the past. We didn't want to change up how we used the space as it has always been a popular location for the events we held in there prior. Please let me know if you have any other questions and I would be glad to answer them for you.

Thank you,

Ashlyn

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 606 Main St, Conway, SC 29526 (address), give permission for COASTAL CAROLINA UNIVERSITY to hold a special event on my/our property.

Date 1-8-2023
 Signature [Signature]
 Witness [Signature]
 Printed Witness Name Terobita G. Harper

Signature J. Benjamin Bunsen (for HCHS)
 Address 606 Main St., Conway, SC 29526
 Telephone Number 843-902-3608

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

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 THE HUT and FIRST United Methodist,
1001 5th Ave. Conway, SC 29526 (address),
 give permission for Coastal Carolina University to hold a special event on
 my/our property.

Date: 11/8/24
 Signature: [Signature]
 Witness: [Signature]
 Printed Witness Name: Benita G. Harper

Signature: [Signature]
 Address: 1001 5th Ave. Conway, SC 29526
 Telephone Number: 843-488-1315

INSURANCE REQUIREMENTS FOR SPECIAL EVENTS HELD ON CITY PROPERTY

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Application completed by:

Contact No.:

Date:

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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: Gullah Geechee Community Date(s) February 24 2024Sponsoring Organization: Coastal Carolina UniversityApplication completed by: Sara Hottinger Contact No.: 843 349-2941 Date: January 11 2024☐ Recommend approval ☐ Recommend disapproval

Police Department

Date

Fees or charges associated with this event: _____

Special Conditions/Comments: _____

Police Officers

\$40.00/hour per officer

☒ Recommend approval ☐ Recommend disapproval

Fire Department

Date

Fees or charges associated with this event: _____

Special Conditions/Comments: _____

See attached

Fire Inspector/Fire-Rescue Officers

\$40.00/hour per officer

☒ Recommend approval ☐ Recommend disapproval

Public Works Department

Date

Fees or charges associated with this event: _____

Special Conditions/Comments: _____

See attached**Residential & Non Residential Street Closure**

Barricades

\$20.00 each

Public Works Employee

\$25.00/hour per employee

<input type="checkbox"/> Recommend approval	<input type="checkbox"/> Recommend disapproval
Parks & Rec. Department	Date
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
Planning Department	1/11/2024 Date
Special Conditions/Comments: see attached	

<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	
Business License Department	1/11/2024 Date
Special Conditions/Comments: see attached	

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)

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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:

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

NAME: Sara Hottinger TITLE: Interim Provost

SIGNATURE:  DATE: January 11, 2024

DocuSigned by:

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FACILITY USE AGREEMENT AND RELEASE/INDEMNIFICATION
City of Conway

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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/SCMIRE 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.~~

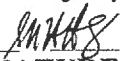
B. By signing below, Applicant agrees that, in the event of any damage, loss, or injury to the facilities or to any property or equipment therein, the City of Conway may require reimbursement for the full amount of such damage, loss, or injury and all costs associated therewith upon billing by City of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

Sara Hottinger CCU

NAME OF PERSON/ORGANIZATION

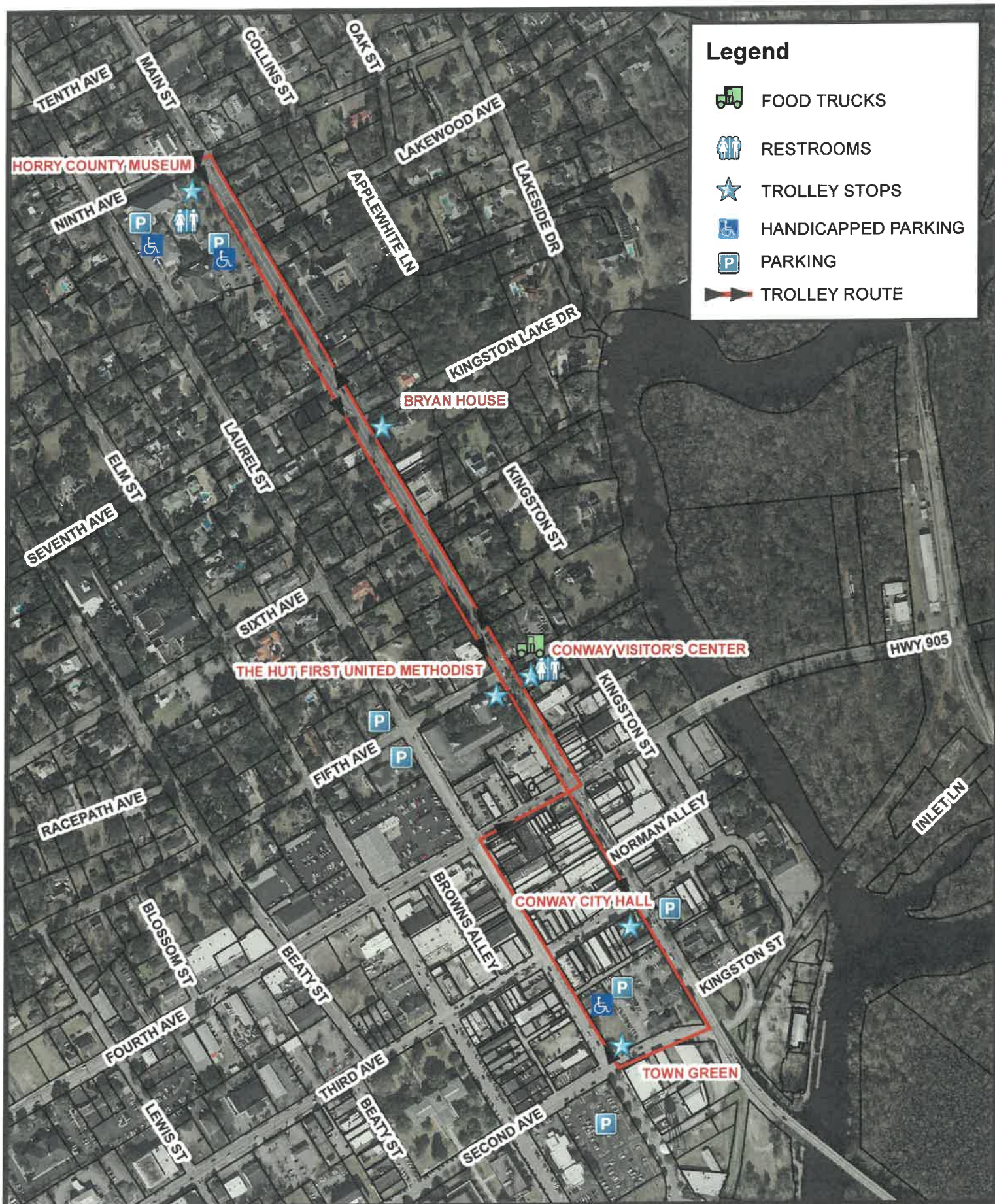
DocuSigned by:



SIGNATURE OF PERSON/ORGANIZATION REPRESENTATIVE

January 11, 2024

DATE



Natasha Sherman

From: Business License
Sent: Thursday, January 11, 2024 2:41 PM
To: Natasha Sherman
Subject: RE: Gullah Geechee Community Day

Good with business license

Bradley Todd

City of Conway
Business License Inspector
196 Laurel Street : PO Drawer 1075, Conway, SC 29528
Contact | P: 843-488-7631 | C: 843-504-5740 | F: 843-248-1718 | E: btodd@cityofconway.com



From: Natasha Sherman
Sent: Thursday, January 11, 2024 2:17 PM
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: Gullah Geechee Community Day

Please review for approval and email me back.

Natasha Sherman

Executive Assistant
City of Conway

From: cityhallprinter@cityofconway.com <cityhallprinter@cityofconway.com>
Sent: Wednesday, July 19, 2023 6:39 AM
To: Natasha Sherman <nsherman@cityofconway.com>
Subject: Message from KM_C450i

Natasha Sherman

From: Phillip L. Hendrick, Jr.
Sent: Thursday, January 11, 2024 2:19 PM
To: Natasha Sherman
Subject: RE: Gullah Geechee Community Day

Fire is good.

From: Natasha Sherman <nsherman@cityofconway.com>
Sent: Thursday, January 11, 2024 2:17 PM
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: Gullah Geechee Community Day

Please review for approval and email me back.

Natasha Sherman
Executive Assistant
City of Conway

From: cityhallprinter@cityofconway.com <cityhallprinter@cityofconway.com>
Sent: Wednesday, July 19, 2023 6:39 AM
To: Natasha Sherman <nsherman@cityofconway.com>
Subject: Message from KM_C450i

Natasha Sherman

From: Brandon Harrelson
Sent: Thursday, January 11, 2024 3:18 PM
To: Natasha Sherman
Subject: RE: Gullah Geechee Community Day

We are good.

Brandon Harrelson

Public Works Director
City of Conway | 2940 Jerry Barnhill Blvd, Conway, SC 29527
Phone: 843.397.2494 | Fax: 843.488.9890



From: Natasha Sherman

Sent: Thursday, January 11, 2024 2:17 PM

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 <bflaming@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: Gullah Geechee Community Day

Please review for approval and email me back.

Natasha Sherman

Executive Assistant
City of Conway

From: cityhallprinter@cityofconway.com <cityhallprinter@cityofconway.com>
Sent: Wednesday, July 19, 2023 6:39 AM
To: Natasha Sherman <nsherman@cityofconway.com>
Subject: Message from KM_C450i

Natasha Sherman

From: Jessica Hucks
Sent: Thursday, January 11, 2024 4:26 PM
To: Natasha Sherman
Cc: Katie Dennis
Subject: RE: Gullah Geechee Community Day

Ok w/ Planning

Sincerely,

Jessica Hucks, AICP
City of Conway Planning & Development

From: Natasha Sherman <nsherman@cityofconway.com>
Sent: Thursday, January 11, 2024 2:17 PM
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: Gullah Geechee Community Day

Please review for approval and email me back.

Natasha Sherman

Executive Assistant
City of Conway

From: cityhallprinter@cityofconway.com <cityhallprinter@cityofconway.com>
Sent: Wednesday, July 19, 2023 6:39 AM
To: Natasha Sherman <nsherman@cityofconway.com>
Subject: Message from KM_C450i

DATE: FEBRUARY 5, 2024
ITEM: IV.E.

ISSUE:

Approve Memorandum of Understanding/ Mutual Aid Agreement

Our working agreements with other local agencies are presented as Memorandum of Understanding or Mutual Aid Agreements.

DATA

See attached handouts.

RECOMMENDATION

Authorize approval of Memorandum of Understanding with Georgetown County Sheriff's Office.

adopted by a responding party's jurisdiction shall not be deemed extended into areas of operation that are located outside the geopolitical territorial limits of that party.

2. REQUEST FOR ASSISTANCE

The responding law enforcement officers may be requested in response to any public safety function across jurisdictional lines, such as multijurisdictional task forces, criminal investigations, patrol services, crowd control, traffic control and safety, and other emergency service situations. Assistance provided in this Agreement includes, but is not limited to:

- A. Emergency Situations;
- B. Civil Disorders;
- C. Natural or Manmade Disasters;
- D. Mass Processing of Arrests;
- E. Transporting of Prisoners;
- F. Operating Temporary Detention Facilities & Housing Inmates;
- G. Arrests;
- H. Pursuits of Criminal Suspects;
- I. Location of Missing Persons;
- J. Traffic Control and Safety;
- K. Criminal Investigations; or
- L. Any Other Matter Handled by Law Enforcement for that Particular Jurisdiction.

3. PRIMARY RESPONSIBILITY

It is agreed and understood that the primary responsibility of the parties to this Agreement is to provide law enforcement services within the geographical boundaries of their respective jurisdictions. Therefore, it is agreed that the law enforcement agency whose assistance is requested shall be the sole judge as to whether or not it can respond and to what extent it can comply with the request for assistance from the other agency.

4. PROCEDURE FOR REQUESTING LAW ENFORCEMENT ASSISTANCE

- A. Request. A request for assistance shall only be made by **Dale Long, Conway Police Department**, or his/her designee, or the **Carter Weaver, Georgetown County Sheriff's Office**, or his/her designee. This request shall include a description of the situation creating the need for assistance, the specific aid needed, the approximate number of law enforcement officers requested, the location to which law enforcement personnel are to be dispatched, and the officer in charge of such location.
- B. Reply. A reply to any request for assistance shall only be made by **the Dale Long, Conway Police Department**, or his/her designee, or **Carter Weaver, Georgetown County Sheriff's Office**, or his/her

designee. If the request is granted, the requesting law enforcement agency shall be immediately informed of the number of law enforcement officers to respond.

- C. Officer in Charge. The responding law enforcement officers shall report to the officer in charge of the requesting law enforcement agency at the designated location and shall be subject to the lawful orders and commands of that officer. The responding law enforcement officer shall exert their best efforts to cooperate with, and aid, the requesting law enforcement agency. The responding law enforcement officers shall be responsible at all times for acting within the policies and procedures set forth in the policy and procedure manual of the law enforcement agency by which they are regularly employed.
- D. Release. The responding law enforcement officers shall be released by the officer in charge when their services are no longer required or when they are needed to respond to a situation within the geographic boundaries of their own jurisdiction; provided however, the responding law enforcement officers shall use their best efforts to complete the requested service prior to being released.

5. PERSONNEL, COSTS AND RECORDS

Except as otherwise agreed among the parties, each party shall maintain control over its personnel. Except as otherwise provided herein, each party shall bear its own costs incurred in the performance of its obligations hereunder, and shall keep its own personnel and other usual records as to its assigned officers.

Any and all records of law enforcement activities conducted pursuant to this Agreement shall be the property of and maintained by the agency conducting the activity, including any incident reports, citations, photographs, or other images captured on any photographic or digital media. Nothing contained herein prohibits or precludes any participating agency from making or maintaining a copy of any such records referenced above.

6. REQUESTS FOR INFORMATION PURSUANT TO THE SOUTH CAROLINA FREEDOM OF INFORMATION ACT

Upon receipt, each agency participating in this Agreement must respond to requests for information pursuant to the South Carolina Freedom of Information Act.

7. COMPENSATION

This Agreement shall in no manner affect or reduce the compensation, pension, or retirement rights of any responding officer. Except as otherwise agreed, each party shall bear its own costs and expenses incurred in complying with this Agreement.

8. INSURANCE

Each party shall maintain such insurance coverage for general liability, workers' compensation, and other such coverage as may be required by law or deemed advisable by individual parties.

9. EMPLOYMENT STATUS

Nothing herein shall be construed or interpreted to imply that the law enforcement officers responding in accordance with this Agreement shall be the employees of the law enforcement agency requesting such assistance.

10. MODIFICATION OR AMENDMENT

This Agreement shall not be modified, amended, or changed in any manner except upon express written consent of the parties to this Agreement.

11. RESPONSIBILITY TO RESPECTIVE GOVERNING BODIES

Each party is responsible for any approval requirements to their respective governing body as may be required under South Carolina law.

12. SEVERABILITY

Should any part of this Agreement be found to be unenforceable by any court or other competent authority, then the rest shall remain in full force and effect.

13. BINDING SUCCESSORS IN OFFICE

All parties agree that any and all successors in interest to their offices will be similarly bound by the terms of this agreement without necessitating execution of any amendment.

14. NO INDEMNIFICATION OR THIRD PARTY RIGHTS

To the extent provided by law, the parties shall be solely responsible for the acts and omissions of their respective employees, officers, and officials, and for any claims, lawsuits and payment of damages that arise from activities of its officers. No right of indemnification is created by this agreement and the parties expressly disclaim such. The provisions of this agreement shall not be deemed to give rise to or vest any rights or obligations in favor of any rights or obligations in favor of any party or entity not a party to this agreement.

15. TERMINATION

This Agreement shall be terminated at any time upon written notice to the other party to this Agreement.

16. TERM AND RENEWAL

This Agreement is effective as to each party at the date and time of signing and will automatically renew each anniversary date, year to year, and term to term unless a party exercises its right to terminate as further described herein.

17. USE OF EQUIPMENT AND FACILITIES

Each party shall be responsible for the maintenance of its own equipment and shall be responsible for the procurement of facilities unless otherwise agreed upon by the parties.

IN WITNESS WHEREOF, these parties have set their hands and seals at the date set forth above.

Georgetown County Sheriff's Office

WITNESSES

Carter Weaver, Sheriff
Georgetown County Sheriff's Office

Witness

Conway Police Department

WITNESSES

Dale Long, Chief of Police
Conway Police Department

Witness

City of Conway

WITNESSES

Adam Emrick, City Administrator
City of Conway

Witness

DATE: FEBRUARY 5, 2024
ITEM: IV.F.

ISSUE

Declare that the State of Emergency relative to the January 2024 severe weather event has ended

BACKGROUND

On January 8, 2024, a cold front producing severe storms moved across the Eastern United States. With forecasts predicting the possibility of exceptionally strong winds, City Council held an emergency meeting during which they declared a state of emergency relative to the event.

While there was major damage in some nearby communities, Conway came through the event relatively unscathed. There should be no more action needed relative to this event. The state of emergency is set to expire on March 8, but council may declare the state of emergency closed at any time prior.

RECOMMENDATION

Declare that a state of emergency no longer exists in the City of Conway relative to the January 2024 severe weather event

CITY OF CONWAY
CITY COUNCIL MEETING
CONWAY CITY HALL
229 MAIN STREET, CONWAY
TUESDAY, JANUARY 16, 2024 - 4:00 P.M.

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

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

OTHERS: There were approximately 40 others in attendance.

CALL TO ORDER: Mayor Blain-Bellamy called the meeting to order. Matt Wilson, Ekklesia 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.

ADMINISTRATION OF OATHS OF OFFICE: Larry White, re-elected in the November 2023 election, was sworn in and his Oath of Office was administered.

APPROVAL OF AGENDA: **Motion:** White made a motion, seconded by Butler, to **approve** the January 16, 2024 meeting agenda. **Vote:** Unanimous. Motion carried.

CONSENT AGENDA:

- A. **Final Reading of Ordinance #ZA2024-01-16 (A), to annex approximately 0.14 acres located at 127 Quail Run (PIN 383-09-04-0077), and rezone from the Horry County Residential, no mobile homes allowed (SF10) district to the City of Conway Low/Medium-Density Residential (R-1) district.**
- B. **Final Reading of Ordinance #ZA2024-01-16 (D), to annex approximately 9.24 acres of property located at 2325 Hwy 501 East (PIN 383-11-01-0004), and rezone from the Horry County Highway Commercial (HC) district to the City of Conway Highway Commercial (HC) district.**
- C. **Final Reading of Ordinance #ZA2024-01-16 (F) of an amendment to Article 2 – Definitions and Article 5 – Specific Use Regulations, of the City of Conway Unified Development Ordinance (UDO), regarding the requirements for Electric Vehicle Charging Stations (EVCS) and associated equipment.**

D. Approval of the 2024 Risk Management Resolution

E. Approval of Bid for Purchase of Vehicles in the Public Utilities Department (Budgeted)

F. Approval of January 8, 2024 Council Emergency Meeting Minutes

G. Approval of January 2, 2024 Council Meeting Minutes

APPROVAL OF CONSENT AGENDA: **Motion:** Goldfinch made a motion, seconded by Blain-Bellamy to **approve** the January 16, 2024 consent agenda. **Vote:** Unanimous. Motion carried.

ELECTION OF MAYOR PRO TEM FOR 2024: **Motion:** Jordan made a motion, seconded by Goldfinch to elect Larry White as Mayor Pro Tem for 2024 by Acclamation. There was no objection and the motion carried unanimously.

PUBLIC INPUT:

- Brian Von, owner of Palmetto Taps spoke in opposition of the ERF being built at the corner of Fourth Avenue and Kingston Street.
- Priscilla Fuller thanked the Mayor for attending the press conference regarding the cross burning, MLK Day celebration, and for supporting a proposed hate crime law. She then thanked all of Council for their work.
- Phyllis Nye spoke on behalf of the McMillan's, who own the Jerry Cox building, regarding the placement of the ERF proposed at the corner of Fourth Avenue and Kingston Street and said that she sent an email to Council regarding new locations.
- Greg Bryson spoke regarding the proposed Tributary Planned Development District.

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

SPECIAL PRESENTATION:

Presentation of Employee of the Month for January 2024 – Pubic Service – A. Smith presented Veronica Ricardo as Employee of the Month.

PUBLIC HEARING AND FIRST READING:

Public Hearing and First Reading of Ordinance #ZA2024-02-05 (A), of a request by Lennar Carolinas, LLC and Thomas & Hutton, to enter into a Development Agreement with the City of Conway for property located at or near the corner of HWY 378 & Juniper Bay Rd, Hwy 378 & Airport Rd, Dayton Drive, and Dunn Shortcut Rd (PIN's 336-00-00-0043, -

0044, -0045, 336-13-04-0006, 336-14-04-0011, 336-15-03-0003, 337-00-00-0009, -0011, -0012, 337-08-01-0004, 370-00-00-0011, and 370-04-01-0004)

Motion: Goldfinch made a motion, seconded by White, to **combine** items IX. and X.A regarding the property located at or near the corner of HWY 378 & Juniper Bay Rd, Hwy 378 & Airport Rd, Dayton Drive, and Dunn Shortcut Rd and **hold the Public Hearing** as advertised.

Vote: Unanimous. Motion carried.

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

Motion: Goldfinch made a motion, seconded by Butler, to **defer** these items to a Workshop at a later date. **Vote:** Unanimous. Motion carried.

FIRST READING:

- A. First Reading of Ordinance #ZA2024-02-05 (B), to annex approximately 486 +/- acres of property, located at or near the corner of HWY 378 & Juniper Bay Rd, Hwy 378 & Airport Rd, Dayton Drive, and Dunn Shortcut Rd (PIN's 336-00-00-0043, -0044, -0045, 336-13-04-0006, 336-14-04-0011, 336-15-03-0003, 337-00-00-0009, -0011, -0012, 337-08-01-0004, 370-00-00-0011, and 370-04-01-0004), and rezone from the Horry County Commercial Forest Agriculture (CFA), Horry County Highway Commercial (HC), Horry County Residential, no mobile homes allowed (SF40), the City of Conway Heavy Industrial (HI), City of Conway Low/Medium-Density Residential (R-1), and City of Conway High-Density Residential (R-3) districts to the City of Conway Planned Development (PD) district.**

See previous motions.

- B. First Reading of Ordinance #ZA2024-02-05 (C), to annex approximately 8.96 acres of property located at/near the intersection of Mill Pond Road and Highway 501 (Church Street) (PIN 338-10-01-0015), and rezone from the Horry County Highway Commercial (HC) to the City of Conway Highway Commercial (HC) zoning district.**

Hucks stated that this property is located between parcels that are all within the city limits, all of which are zoned Highway Commercial (HC). The property is currently zoned Horry County HC, and the applicant has requested to be zoned City of Conway HC upon annexation. Surrounding uses include vacant property, a gas station/convenience store, and is across from a coffee shop and a restaurant. The city's future land use map of the comprehensive plan identifies the entire property as Conservation Preservation (CP), due to the existence of the AE flood zone and a floodway on a small portion of the property. If first reading is approved, a future land use map amendment will also be brought forward for consideration, which has already been to Planning Commission. The proposed use is medical; specifically, a freestanding ER. However, specific uses are not typically considered when a rezoning is requested. All uses that are permitted in the HC district could be permitted on this property if the request is approved.

Hucks said that an amendment to the Unified Development Ordinance was adopted last year regarding the split zoning of parcels, which in general, prohibits split zoning of parcels, but the amendment carved out an exception for properties that contained environmentally sensitive areas, such as wetlands, flood zones, or floodways, in that the portions containing the environmentally sensitive areas could be zoned Conservation Preservation upon annexation.

Hucks stated that the Planning Commission recommended approval of the request to rezone the property as HC upon annexation, but also recommended that the portions within a floodway or the AE flood zone be zoned CP upon annexation. Staff recommends the same, as a majority of the property would be zoned HC and the applicant intends to combine this property with the adjacent property, already in the city limits and zoned HC. Should council approve the request as recommended by Planning Commission and staff, the ordinance will be updated to reflect the split zoning of the property upon second reading.

Motion: Goldfinch made a motion, seconded by Blain-Bellamy, to **approve** first reading of Ordinance #ZA2024-02-05 (C) as recommended by Planning Commission and staff.

Vote: Unanimous. Motion carried.

C. First Reading of Ordinance #2024-02-05 (D) amending the Business License Ordinance to update the Class Schedule in accordance with the Business License Standardization Act (2020 ACT No. 176).

Williams stated that the Standardization Act requires that each municipality levying a business license tax must adopt, by ordinance, the latest Standardized Business License Class Schedule as recommended by the Municipal Association of South Carolina. Williams said that staff recommends approval of first reading of ordinance.

Motion: Blain-Bellamy made a motion, seconded by Jordan, to **approve** first reading of Ordinance #ZA2024-02-05 (D). **Vote:** Unanimous. Motion carried.

CONSIDERATION:

A. Consideration of a Special Event – Running with my Peeps – April 13, 2024

Rogers informed Council that this 5K is a request from A Fathers Place. The set-up and registration will begin at 7:00 a.m. and clean-up should be complete by 10:30 a.m.

Several Council members supports the run but had concerns with the closing of both Laurel and Elm, and the blocking off of the Marina.

Motion: Blain-Bellamy made a motion, seconded by Jordan, to **defer** the request so that staff can work with the applicant on the route. **Vote:** Unanimous. Motion carried.

B. Recommendation on selection of firm to complete Nomination Package(s) for the National Register District Boundary Increase for the Conway Downtown Historic

District and Waccamaw River Warehouse Historic District located in downtown Conway, SC.

Hyman said that these are two of the National Historic Districts that are located in the City of Conway and that in the last few years staff has had a lot of inquiries from property owners about expanding these districts. With that it gives the businesses opportunities to apply for certain tax credits and the honor of saying that you are part of a national historic district. Hyman said that the good thing about these downtown properties is that they already have to go through the Community Appearance Board for review, so this is not added an extra level that they don't already have with that review process of the Community Appearance Board. This was discussed at Budget Retreat last year and funding was put towards it. Since that time staff has advertised for proposals and received 3 that staff has scored, with Rogers Lewis Law Firm scoring the highest. Hyman said that staff recommends the selection of Rogers Lewis Law.

Motion: Blain-Bellamy made a motion, seconded by White, to approve the hiring of Rogers Lewis Law Firm to complete the nomination package for the National Register District Boundary Increase for the Conway Downtown Historic District and Waccamaw River Warehouse Historic District. **Vote:** Unanimous. Motion carried.

CITY ADMINISTRATOR'S REPORT:

Emrick informed Council of the following:

- The City weathered last week's storm events very well. Expect some very cold temperatures for the remainder of the week. Everyone is looking forward to warm, dry weather ahead.
- Staff received the local market update from Coastal Carolina Association of Realtors today. Over the last year, the housing market has cooled slightly, but housing prices have not. New listings are down by 4.5%, closed sales are down by almost 12% and the days on the market until sold are up by a little over 6%. But the median sales price grew by 1.8%. As interest rate hikes stop and maybe begin to fall, this should lead to some renewed energy in the housing market. All forecasts still predict our area to grow exponentially over the coming years.
- During the month of December, the City had nearly 110,000 people visit our downtown, the most visitors we've ever had in any December. The majority of these guests do not live in the City of Conway. For comparison purposes, in 2019, pre-Covid we had 73,000 visitors in the same time period.
- During the month of October, the City had 123,000 people visit our downtown. For that same comparison, in 2019, we had 79,000 visitors.
- Emrick said that he brought these numbers up with optimism in mind and staff is going to try something new. Everyone knows that Conway is pretty awesome, but have you thought about Conway as the best place in the area for date night? Beginning soon, Conway will be your Valentine's Day destination. February is traditionally a slow month for our downtown, but hopefully not this year. The Father Daughter Dance at the Sports and Fitness Center has already sold out. Beginning next Friday, the 26th, appropriately

themed movies will begin at the Terrace including Lady and the Tramp, Valentine's Day and more. And of course, there will be places for you to get your new profile pic on every corner.

- Spring sports registration is now open.
- The Ride IV discussion has moved to public information meetings. There will be one of these meetings at our Planning and Construction Services meeting room on 1/23 at 4 pm.
- The Jr. Mayor will report on activities of the Mayor's Youth Advisory Council at the next Council meeting.
- Staff is in full swing budget planning mode now. Emrick asked Council if they had anything that they would like to see included or any topics to be researched, please get them to staff as soon as possible to include in the retreat discussions.
- Tonight, there are department head reports from Chief Dale Long and Rock Rabon.

Fleet Maintenance – Rabon, Director of Fleet Maintenance reported that the Fleet Maintenance Department has a total of 8 employees, including Bobby Wallace, Deputy Director; Krista Bruce, Administrative Support Specialist 1; Tony Collins, Brandon Danser, Billy Brewer, Shaun Nunn, Automotive Mechanics; and Esteban Cruz-Turner, Welder/Fabricator. The Fleet Maintenance Department is responsible for the repairing of all City vehicles and equipment. Rabon said that Esteban was hired from the Palm Charter program and is working out well. Rabon stated that more parts are available now than during the Covid Pandemic and the costs are leveling off some but still are more expensive than pre-pandemic. The Maintenance Shop does an average of approximately 185 work orders per month. The outside labor cost for this budget year so far has dropped \$128,000 for the 22/23 budget year and \$36,000 so far for 23/24 budget year.

Police Department – Chief Long informed Council that the language for a proposed hate crime ordinance is being reviewed by the City Attorney and a version will be available soon for consideration.

Chief Long stated the following for the City of Conway Police Department:

- Call for Service for 2023 held steady at 26,335. In 2022 there was 393 more.
- Part 1 crimes were down in every category except B&E Autos, which were up from 45 to 62.
- Overall larcenies were down from 559 to 449.
- Aggravated assaults were down from 107 to 72.
- Stolen vehicles dropped from 63 to 38.
- The City went from 3 homicides to none. One case from December is still under investigation, but all evidence currently appears to be a self-defense incident.
- Lost 12 officers in 2023 and were able to hire 8 to replace them. The department has 1 starting 1/29, and possibly 2 others depending on the last testing phase they undergo next week. Our Class 1 staffing is 59, with 5 Class 3 Basic Officers, a Victim Advocate, and 4 civilian staff.
- Lt. Chris Williamson completed his bachelor's degree from Liberty University.
- Lt. Johnathan McAllister completed his master's degree from Lander University.
- The Police Department has several more employees attending HGTC.

- On December 8, 2023, The Conway Police Department was awarded the Santee Cooper Excellence in Law Enforcement Award.

COUNCIL INPUT:

Hardwick thanked the departments that presented to Council and said that it is always good to hear what the City is doing. Hardwick said that she is excited about Valentines and that there were some great events over the weekend with the MLK Holiday. Hardwick said that the proactive stands that Council takes such as the Hate Crime and acknowledging and talking about these things is a bridge to prevent disasters that are seen in other communities. Hardwick said that she is very proud to be a part of Council and a member of this City.

Jordan thanked staff and the hours that were put in this past week as the City dodged a bullet with the storm, and the sanitation workers for working all day Saturday to catch the route up were very much appreciated.

Goldfinch thanked Larry and Amanda as they are on the Committee that did the program yesterday, and said it was not only about celebrating MLK but also informative, as the lady that spoke at the beginning gave history that Goldfinch said he had never heard. Goldfinch said that he hoped they would continue the trend to not only celebrate but educate. Goldfinch said that the first Public Information meeting regarding the RIDE IV program will be held next Tuesday, January 23rd at 4:00 p.m. at the Planning and Construction Services Conference Room. Goldfinch said this is an opportunity for everyone to hear what is different this time regarding the infrastructure projects that are needed in this community. Goldfinch then gave a brief background on RIDE IV and an update, including a 25-year transportation plan. Goldfinch said that he is excited about Valentines and he appreciates staff doing one more thing. Goldfinch said he had much rather be in a position to have to tell Administration no, or not yet, or we are not ready, or that is too much tone it down, than to have an Administrative team that has no creativity or vision. Goldfinch thanked staff.

White said that he received the email from Mr. Nye and would love for the City to consider his recommendation on moving the ERF if possible, and the wall height. White said that bringing the road through the Macala area will produce more cars going through the community and then asked if it would go through the City shop. Emrick said that would be discussed at the next workshop. White said that at Bethel next Monday at 4:30 p.m. there will be a Community Interfaith meeting and he invited all to attend. White invited all of Council to the League of Cities meeting on Thursday at 6:00 p.m. at Fifth and Main. White said that his concern at the meeting will be the Hate Crime as a result of the cross burning and encouraged other communities to attend as well.

Blain-Bellamy also encouraged all of Council to attend the League of Cities meeting that is being held on Thursday at 6 p.m. at Fifth and Main.

There was a short break.

WORKSHOP:

Estate Lots

Hucks told Council that estate lots are large lots within a development or subdivision, known for their generous size, often with custom built luxury homes built on them. Estate lots are designed to provide property owners with exclusive and prestigious living environments. Estate lots typically feature upscale amenities, such as gated entrances, private roads, landscaping, and community facilities like parks and trails. Estate lots are typically found in both urban and suburban areas, and are often in proximity to amenities like golf courses, country clubs, or waterfronts.

Hucks said that staff was able to find some counties or cities with ordinances that mentioned “estate” in their definition of a zoning district, but included rural, as in rural estate lots, in their code. For instance, Greenville County has a “Rural Estate Lot Development Option”, which is not necessarily a “zoning district” as much as it is a development design, similar to the city’s option of a Conservation Subdivision Design. Some places have zoning districts classified as Rural Estates which are intended for single-family detached units on large “estate” lots. These types of districts are typically reserved for truly rural areas. Horry County has a “Rural Estates” zoning district that was created for rural family farms with restrictions on housing types and agricultural uses.

Hucks said that this has come about a couple of times over the past year; particularly with regard to one property in particular: Collins Jollie Conservation Subdivision. Tract H is located on Randall Rd, currently unimproved. The City has been approached about allowing estate lots, 5 acres or greater in size, in the Collins Jollie development, which is also bound by a development agreement.

After discussing some options, and while any new ordinance would not necessarily benefit the tract in the Collins Jollie development, staff wanted to bring the issue to council to see if there was an interest in developing either a Rural Estates zoning district, OR drafting an ordinance for Rural Estates Lot Development, which could be similar to the conservation subdivision design ordinance. Some of the things that could incentivize development as a rural estates design could be less roadway standards, with the requirement to pave being maintained, but not requiring curb/gutter or sidewalks for the road internal to the subdivision. Additionally, exempting street trees could be another incentive, as the overall intent of having the design choice is to encourage large lots with large areas remaining undeveloped or undisturbed.

Another option discussed was to allow residential development in the conservation preservation district, which currently is only permitted if done as a conservation subdivision, but the ordinance could be amended to allow single family detached units on 5 acres and greater in CP.

After much discussion, Council asked staff to move forward with an estate lot design.

EXECUTIVE SESSION: Motion: Goldfinch made a motion, seconded by Jordan to enter into Executive Session for the following: A. Consideration of appointments to boards, commissions and committees [pursuant to SC Code §30-4-70(A) (1)]; B. Discussion of Employment of City Administrator [pursuant to SC Code §30-4-70 (A)(1)]. **Vote:** Unanimous. Motion carried.

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

POSSIBLE ACTION ON MATTERS DISCUSSED IN EXECUTIVE SESSION: **Motion:** Blain-Bellamy made a motion, seconded by Goldfinch to reappoint Jacquelyn Taylor to the Water Quality and Drainage Commission. **Vote:** Unanimous. Motion carried.

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

APPROVAL OF MINUTES: Minutes approved by City Council this ____ 5 ____ day of
____ February _____, 2024.

Alicia Shelley, City Clerk

DATE: FEBRUARY 5, 2024
ITEM: V.I.A.

Presentation of Longevity Awards – January 2024 – 5 Years: David Fassbender, Police

DATE: FEBRUARY 5, 2024
ITEM: VI.B.

Report on Activities of the Mayor's Youth Advisory Council (Hernandez)

DATE: FEBRUARY 5, 2024

ITEM: VI.C.

ISSUE:

Special presentation of a request by Bethlehem Lodge No. 327, applicant, to rezone approximately 0.43 acres located at 1904 Rose Hill Road from Medium Density Residential (R-2) to Highway Commercial (HC) (PIN 338-16-03-0005).

BACKGROUND:

On January, 3 2024, the applicant submitted a rezoning application for the subject property, located 1904 Rose Hill Road. The property is currently zoned Medium Density Residential (R-2). The property currently contains one structure. It is not a requirement for an applicant to disclose any future plans for a property, however, it is staff's understanding that this property would be included in a Parker's Kitchen design plan.

The applicant is requesting to rezone the property to Highway Commercial (HC), and plans to combine this parcel with the adjacent parcels that also have frontage on Hwy 378; which were rezoned to HC last year.

Per Section 3.2.10 of the UDO, the intent of the (City of Conway) Highway Commercial (HC) district is to *provide compatible locations to serve the automobile-oriented commercial activities in harmony with major highway developments, reduce traffic congestions and to enhance the aesthetic atmosphere of the City.*

CITY OF CONWAY COMPREHENSIVE PLAN:

The future land use map of the *Comprehensive Plan* identifies the property as Medium Density Residential (R-2). The Unified Development Ordinance (UDO) defines Medium Density Residential as follows:

3.2.4 Medium Density Residential (R-2)

The intent of the R-2 District is to provide areas for medium density attached, detached, semi-attached and multifamily residential development in the City of Conway, and to prohibit uses that would substantially interfere with the development or coordination of residential structures in the District.

Surrounding Uses / Zoning Districts:

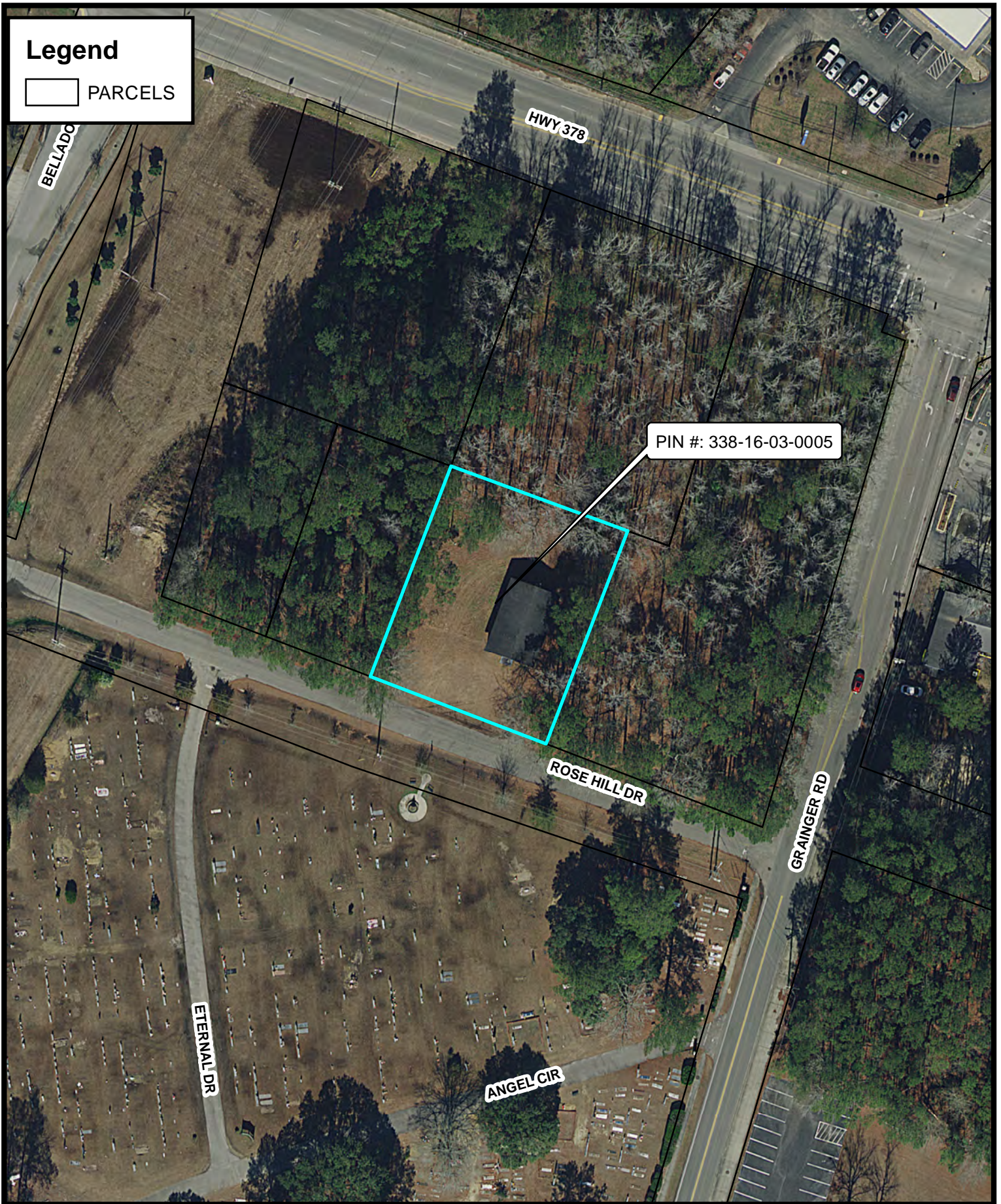
The subject property is surrounded by several different zoning districts and uses, including Highway Commercial (HC), and Medium Density Residential (R-2). Uses include a cemetery (across the street), and wooded lots.

PLANNING COMMISSION:

Planning Commission will consider the request and hold a public hearing at their February 1st meeting. Staff will notify Council during special presentation of this item the recommendation of PC that will be forwarded with the request. A Future Land Use Map (FLUM) amendment will accompany this request at 1st reading.

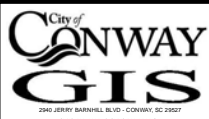
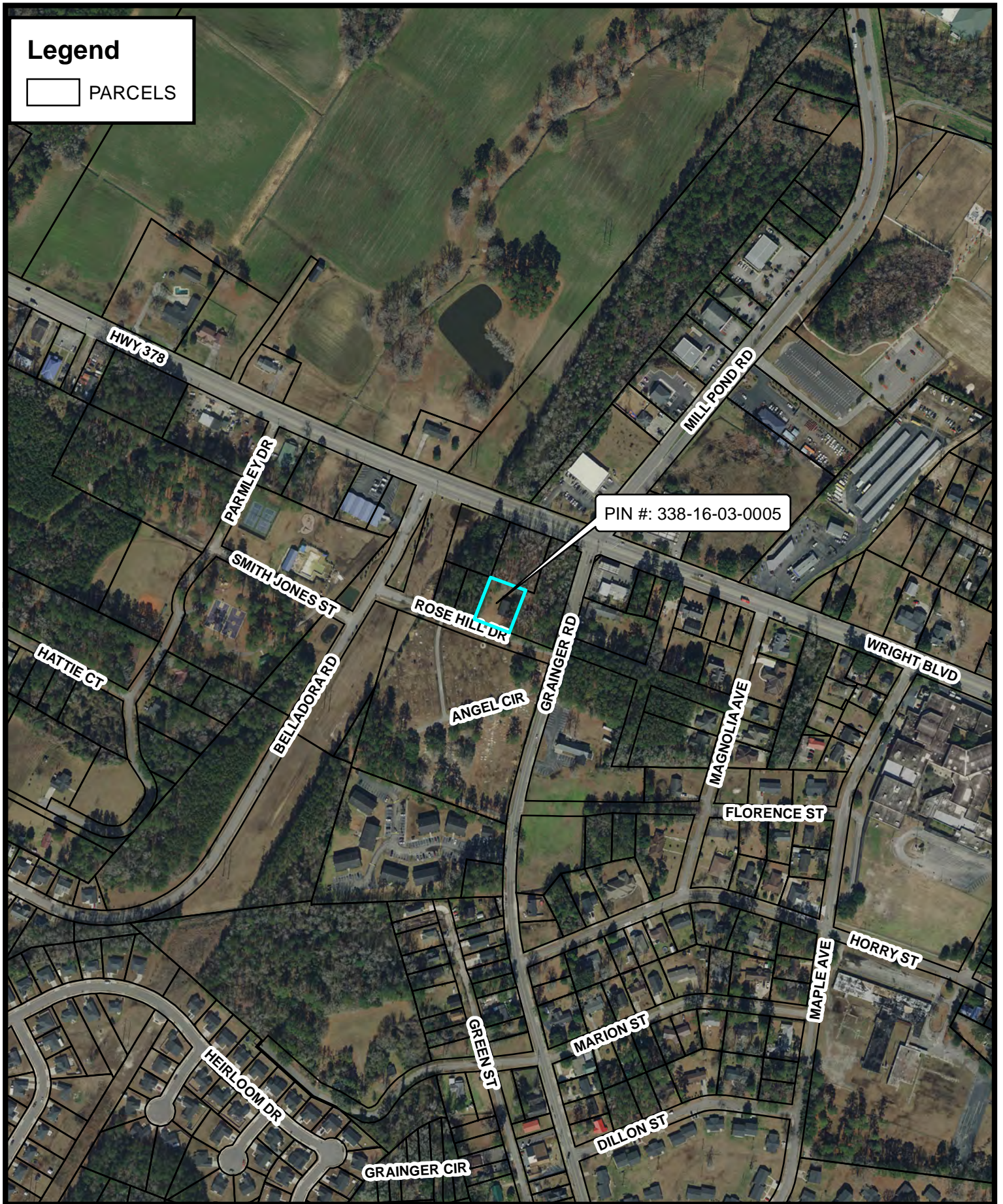
ATTACHMENTS:

Application;
GIS Maps



Legend

 PARCELS



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.

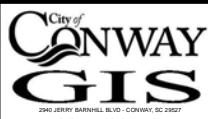
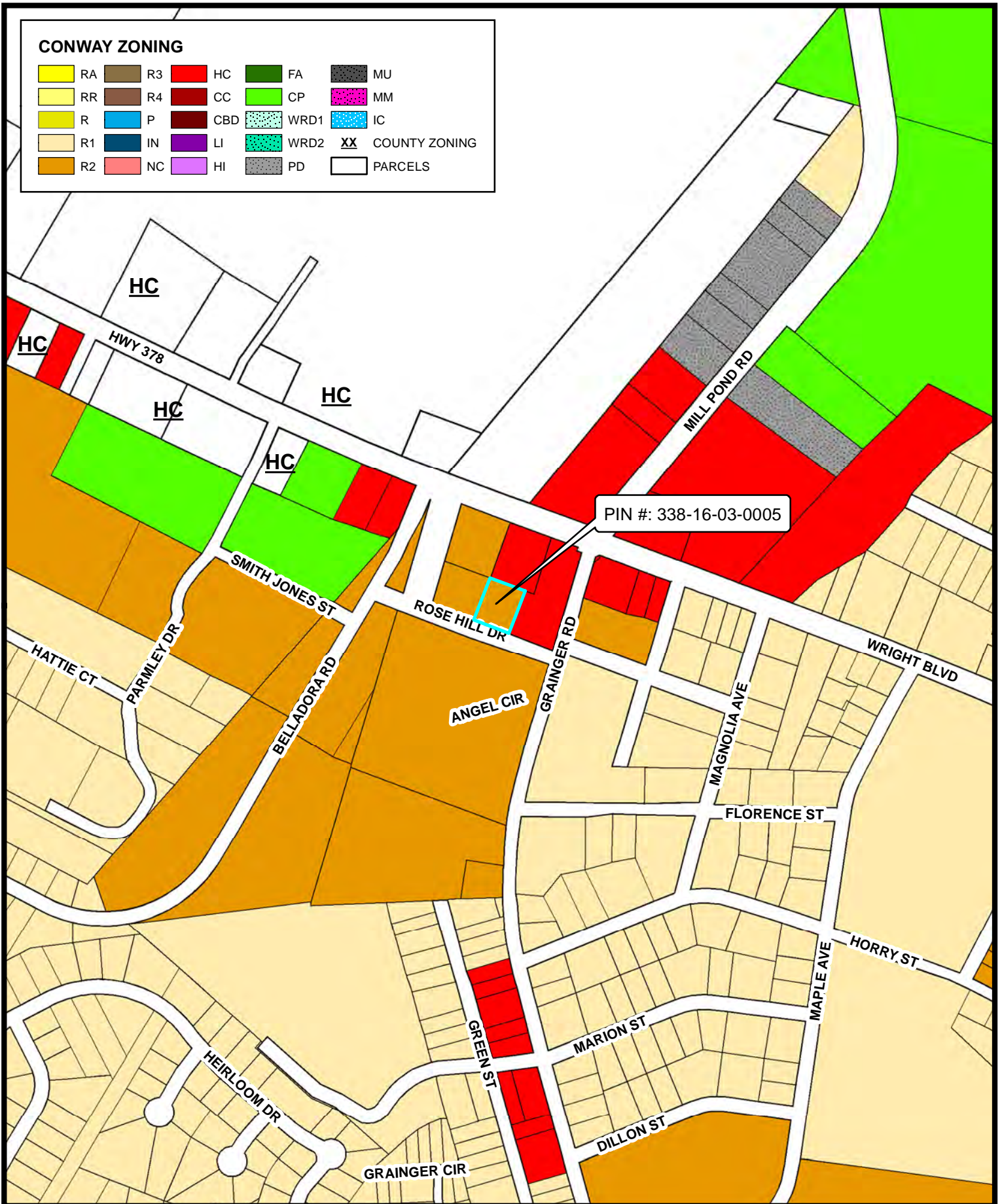


PIN #: 338-16-03-0005
TMS #: 136-04-11-021
1904 ROSEHILL DR
(P24-0005)



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



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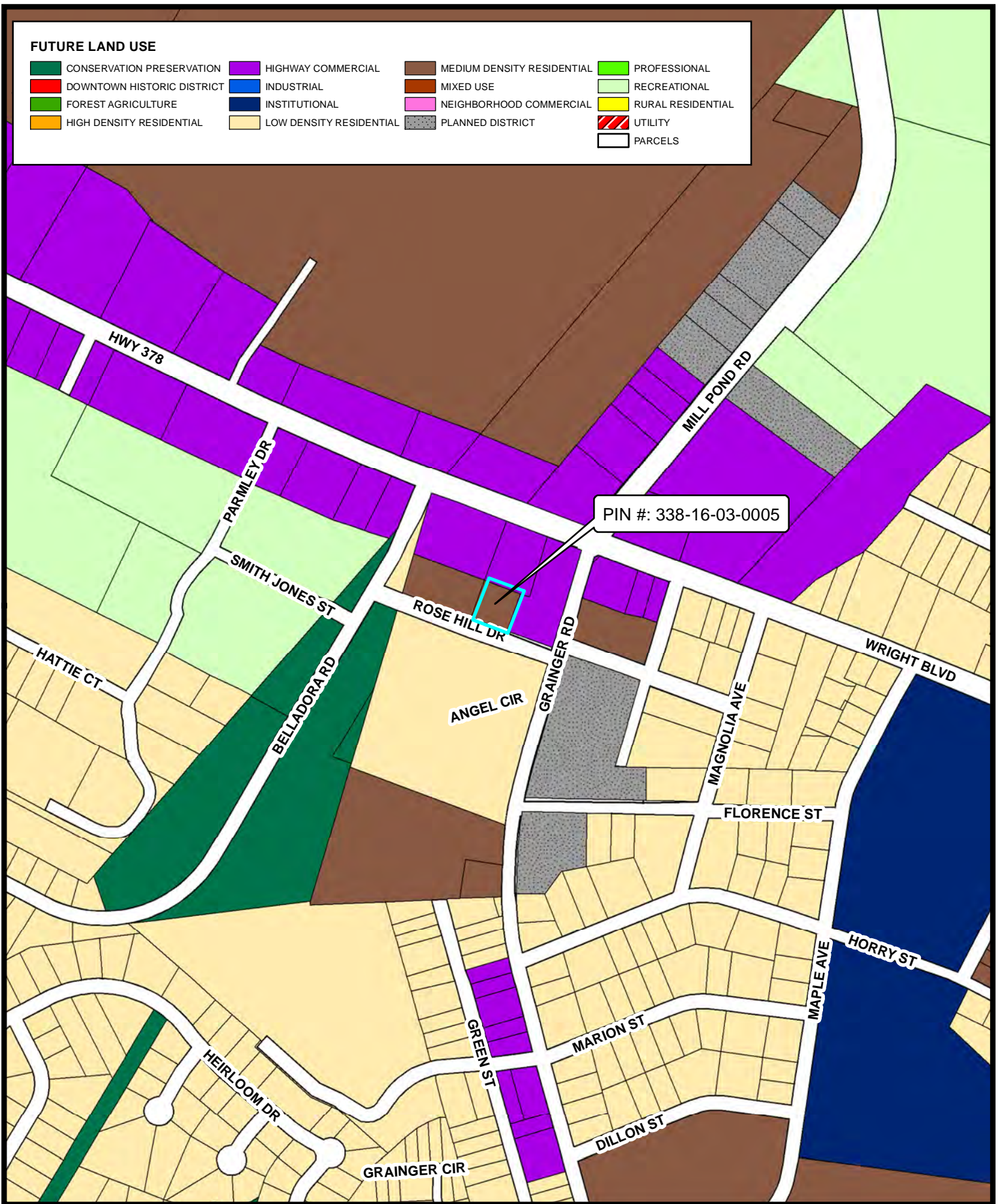


PIN #: 338-16-03-0005
TMS #: 136-04-11-021
1904 ROSEHILL DR
(P24-0005)








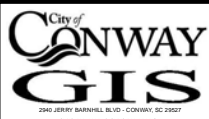
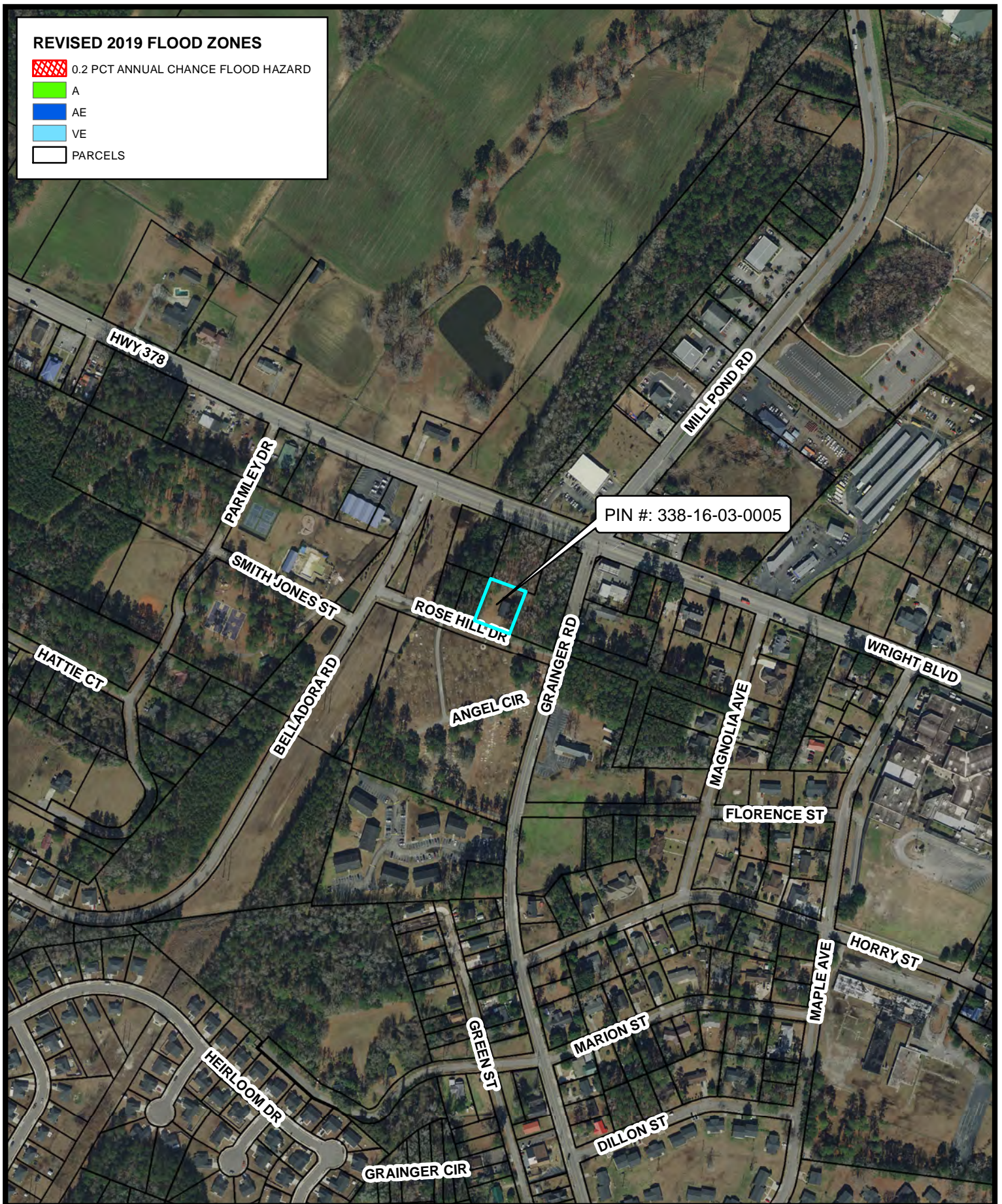
FUTURE LAND USE

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



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 #: 338-16-03-0005
TMS #: 136-04-11-021
1904 ROSEHILL DR
(P24-0005)





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

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: 1904 Rose Hill Drive FEE PAID ☒ YES ☐ NO

AREA OF SUBJECT PROPERTY (ACREAGE): 0.43 AC PIN: 33816030005

CURRENT ZONING CLASSIFICATION: Medium Density Residential (R2)

COMPREHENSIVE PLAN 2035 FUTURE LAND USE: Medium Density Residential

REQUESTED ZONING CLASSIFICATION: Highway Commercial

NAME OF PROPERTY OWNER(S):

Bethlehem Lodge No 327

PHONE # 843 902 4825

PHONE # _____

MAILING ADDRESS OF PROPERTY OWNER(S):

1719 Ward Cir, Conway, SC 29527

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

Bennett, Flynn, J. S.
PROPERTY OWNER'S SIGNATURE(S)

1/3/24
DATE

PROPERTY OWNER'S SIGNATURE(S)

DATE

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

DATE: FEBRUARY 5, 2024
ITEM: VI.D.

ISSUE:

Special presentation of a request by Founders National Golf, LLC, applicants, to annex approximately 11.47 acres of property located at/near the intersection of Gardner Lacy Rd and Hwy 501 (PIN 399-00-00-0403), and rezone from the Horry County Highway Commercial (HC) to the City of Conway Highway Commercial (HC) zoning district.

BACKGROUND:

On January 5th, the applicant submitted a rezoning application for the subject property, located at the intersection of Gardner Lacy Rd and Hwy 501. The property is currently zoned Horry County Highway Commercial (HC), and is currently vacant, with the exception of signage. The application to rezone does not specify the proposed use of the property, and it is not required that the use be provided. Any use in the requested zoning district would be permitted should the request be approved.

Per *Section 3.2.10* of the UDO, the intent of the Highway Commercial (HC) district is to *provide compatible locations to serve the automobile-oriented commercial activities in harmony with major highway developments, reduce traffic congestions and to enhance the aesthetic atmosphere of the City.*

Surrounding uses/Zoning Districts:

The property abuts parcels zoned City of Conway Light Industrial (LI). Other adjacent zoning classifications are Horry County Light Industrial (LI) and Horry County Highway Commercial (HC). Uses include a both vacant property and a gas station (zoned HC), the property also abuts properties with manufacturing facilities (zoned County LI), and distribution centers (zoned LI).

CITY OF CONWAY COMPREHENSIVE PLAN:

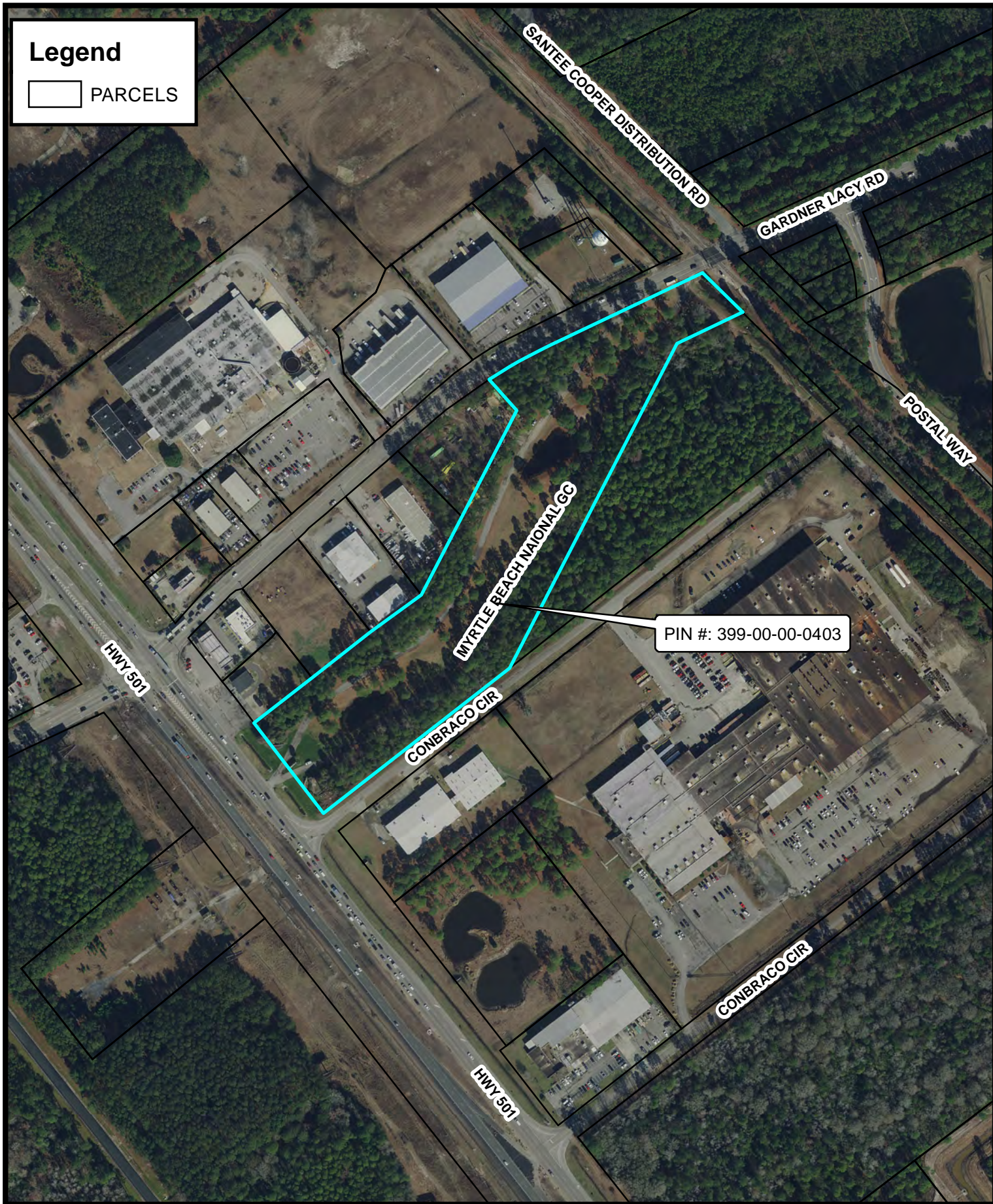
The future land use map of the *Comprehensive Plan* also identifies the entire parcel as *Highway Commercial (HC)*.

PLANNING COMMISSION:

Planning Commission is scheduled to consider the request and hold a public hearing at their February 1st meeting. Staff will notify Council of their recommendation during special presentation of this item.

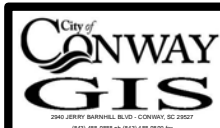
ATTACHMENTS:

Application;
GIS Maps



Legend

PARCELS

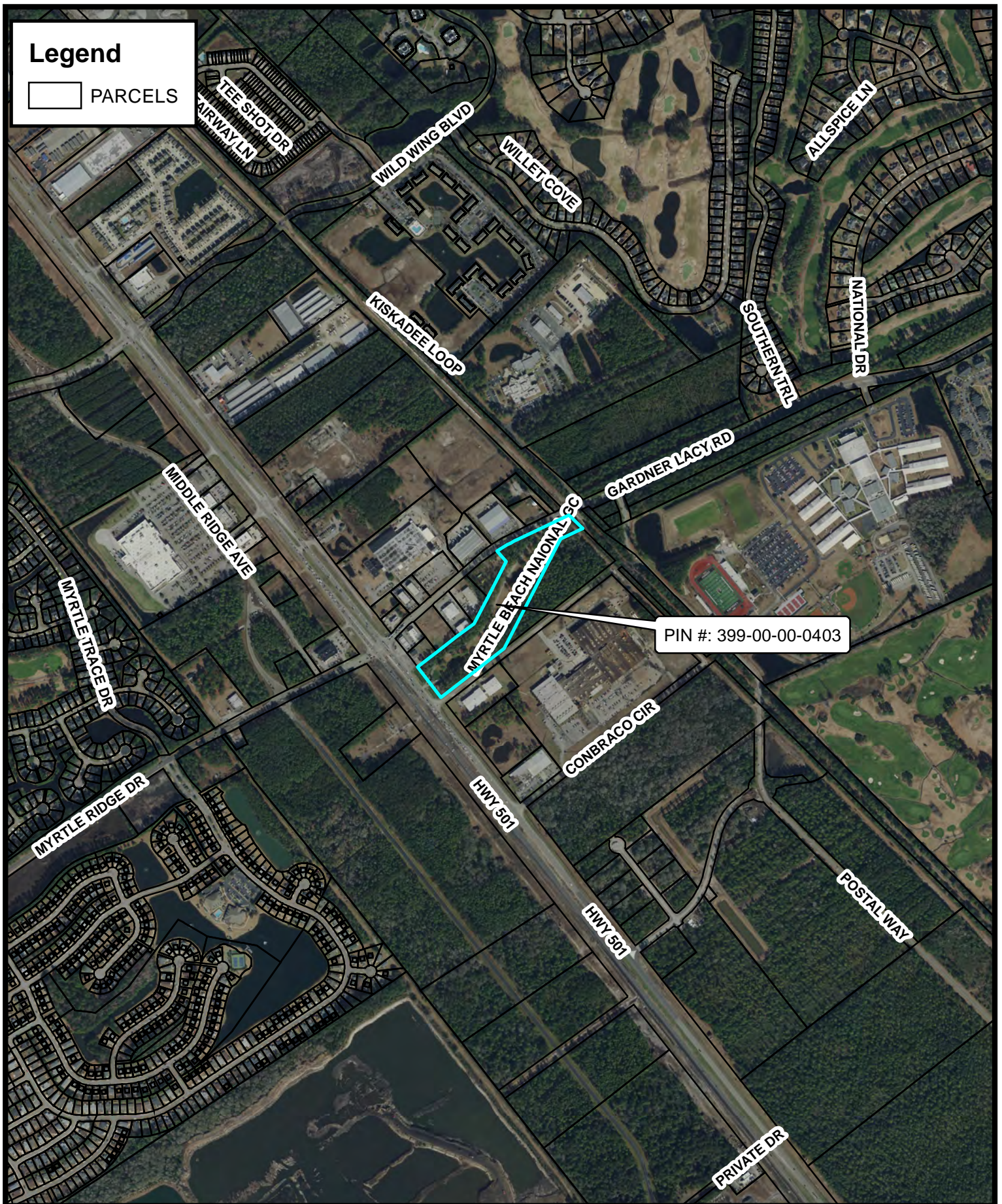


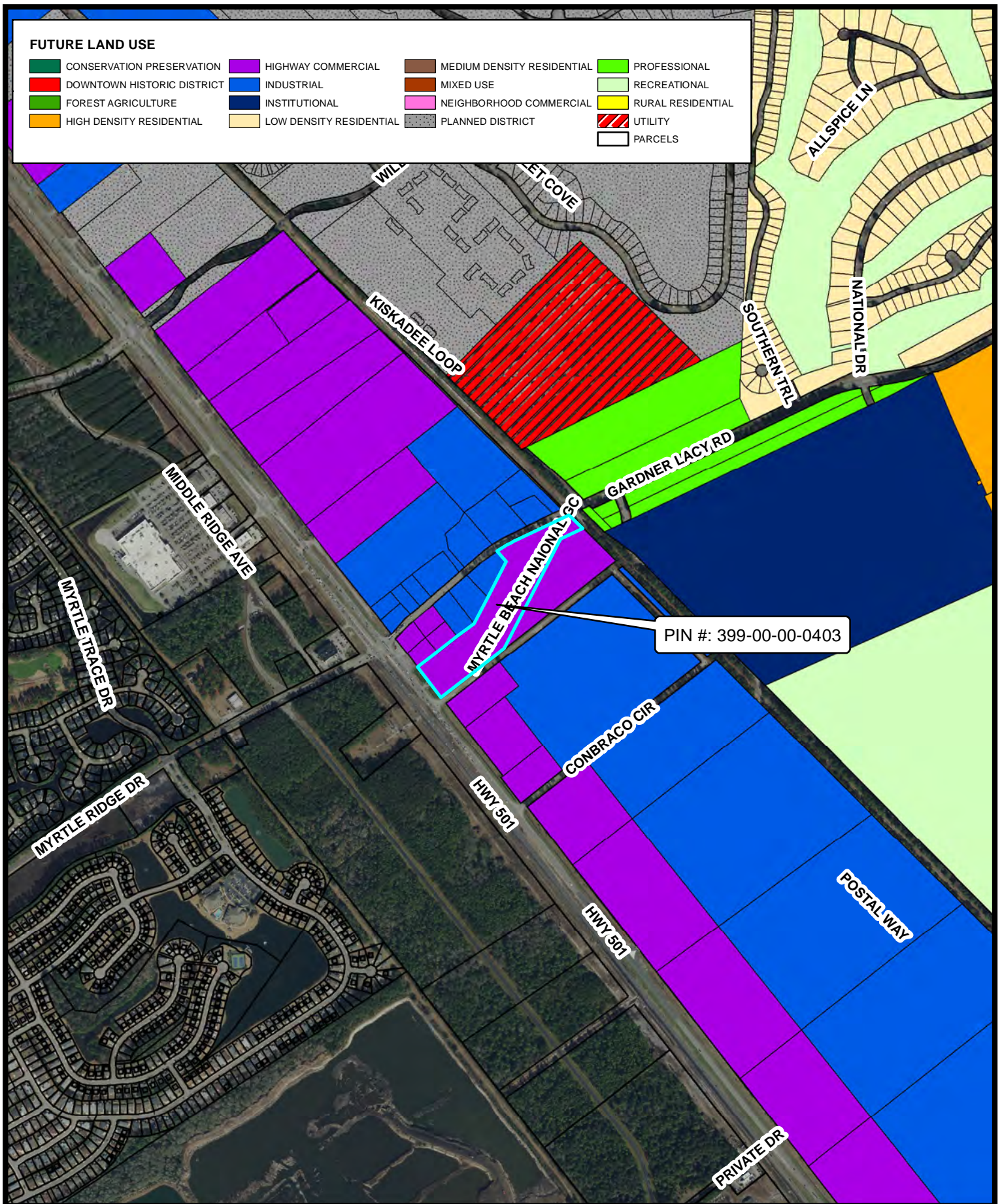
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PIN #: 399-00-00-0403
TMS #: 151-00-03-043
FOUNDERS NATIONAL GOLF LLC
(P24-0007)

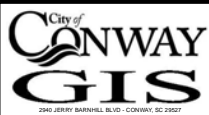
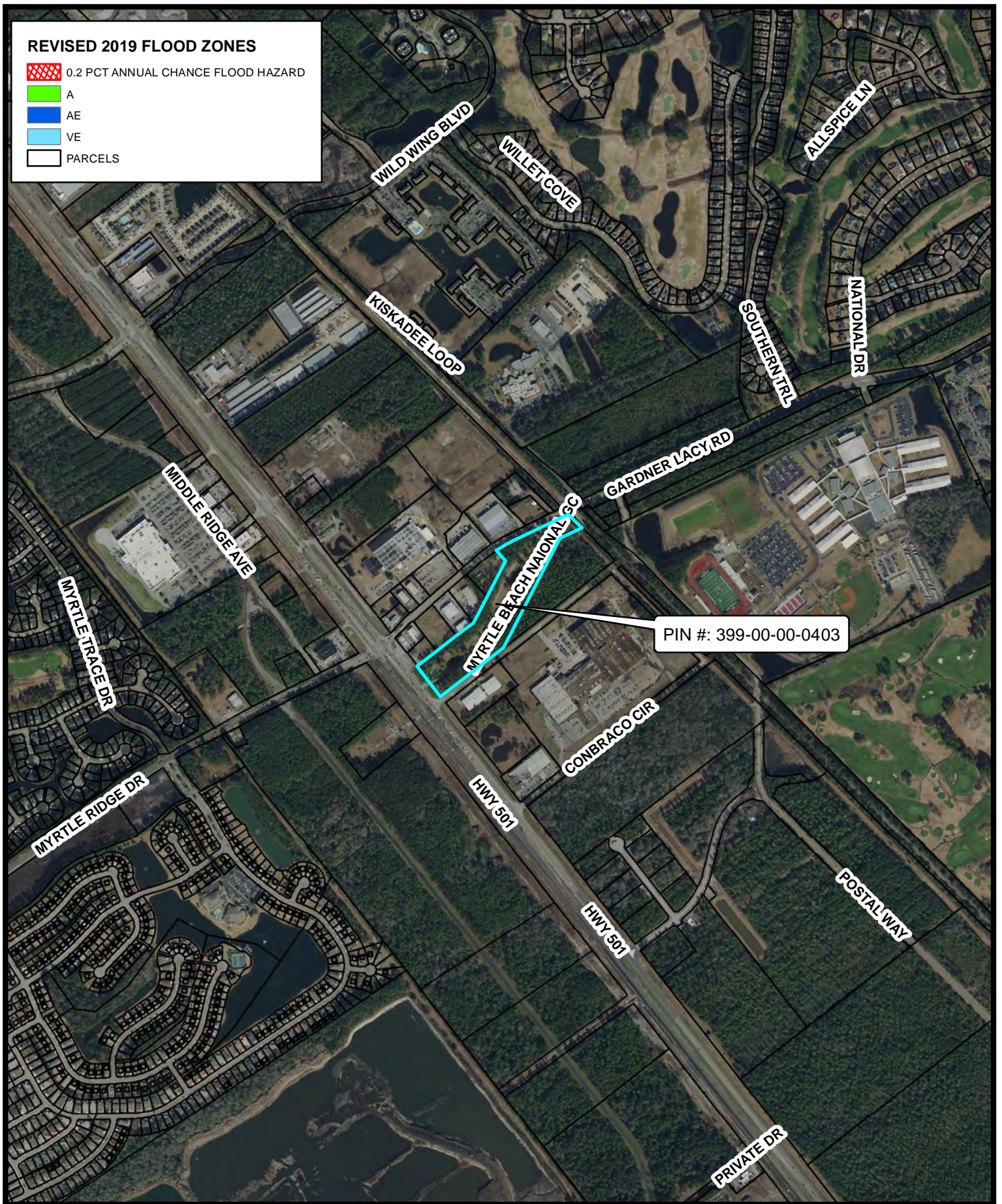






REVISED 2019 FLOOD ZONES

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



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PIN #: 399-00-00-0403
TMS #: 151-00-03-043
FOUNDERS NATIONAL GOLF LLC
(P24-0007)



LETTER OF AGENCY

To: City of Conway

Re: Horry County PIN No.: 399-00-00-0403

Property Location: U.S. Highway 501 and Gardner Lacy Road (Myrtle Beach National Entrance)

Fee Owner: Founders National Golf, LLC

In connection with the above referenced property, I hereby appoint the person shown below as my agent for purposes of filing such applications for zoning and zoning amendments, zoning variances, design modifications, future land use plan amendments, site plans, and subdivision plats for the above referenced properties as may be required.

Authorized Agent: Robert S. Guyton of Robert S. Guyton, P.C.

Agent's Address: Guyton: 4605 B Oleander Drive, Suite 202
Myrtle Beach, SC 29577

Agent's Telephone: Guyton: (843) 839-2100

FEE OWNER:

FOUNDERS NATIONAL GOLF, LLC, a South
Carolina limited liability company

By: 

Dean J. Karavan, its Authorized Agent

Address: 2000 World Tour Blvd.
Myrtle Beach, SC 29579

Phone: (843) 222-1118



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

Instructions:

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

STATE OF SOUTH CAROLINA)

)

PETITION FOR ANNEXATION

COUNTY OF HORRY)

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: U.S. Highway 501/Gardner Lacy Road

PIN: 399-00-00-0403 ACREAGE: 11.47

PROPERTY ADDRESS: Between Seaboard and U.S. Highway 501

PROPERTY OWNER MAILING ADDRESS: 4605 B Oleander Dr., Ste. 202, Myrtle Beach, SC 29577

PROPERTY OWNER TELEPHONE NUMBER: 843-839-2100

PROPERTY OWNER EMAIL: rsguyton@guytonlawfirm.com

APPLICANT: Robert S. Guyton

APPLICANT'S EMAIL: rsguyton@guytonlawfirm.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)

See Letter of Agency DATE: _____
(Print) (Signature)

(Print) (Signature) DATE: _____



PETITION FOR ANNEXATION

Staff Use Only

Received: _____
BS&A #: _____

Is there a structure on the lot: No Structure Type: _____

Current Use: Undeveloped

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



Zoning Map Amendment Application

Incomplete applications will not be accepted.

Staff Use Only

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BS&A #: _____

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PHYSICAL ADDRESS OF PROPERTY: U.S. Hwy 501/Gardner Lacy FEE PAID () YES () NO

AREA OF SUBJECT PROPERTY (ACREAGE): 11.47 AC PIN: 399-00-00-0403

CURRENT ZONING CLASSIFICATION: Horry County HC

COMPREHENSIVE PLAN 2035 FUTURE LAND USE: HC

REQUESTED ZONING CLASSIFICATION: HC

NAME OF PROPERTY OWNER(S):

Founders National Golf, LLC applicant Robert S. Guyton PHONE # 843-839-2111

PHONE # _____

MAILING ADDRESS OF PROPERTY OWNER(S):

4605 B Oleander Dr., Ste. 202, Myrtle Beach, SC 29577

4605 B Oleander Dr., Ste. 202, Myrtle Beach, SC 29577

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

Applicant: _____

PROPERTY OWNER'S SIGNATURE(S)

DATE

1/5/24

PROPERTY OWNER'S SIGNATURE(S)

DATE

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



PETITION FOR ANNEXATION

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Department 196 Laurel Street, 29526

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Conway, South Carolina

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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:

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PROPERTY LOCATION/SUBDIVISION: U.S. Highway 501/Gardner Lacy Road

PIN: 399-00-00-0403 ACREAGE: 11.47

PROPERTY ADDRESS: Between Seaboard and U.S. Highway 501

PROPERTY OWNER MAILING ADDRESS: 4605 B Oleander Dr., Ste. 202, Myrtle Beach, SC 29577

PROPERTY OWNER TELEPHONE NUMBER: 843-839-2100

PROPERTY OWNER EMAIL: rsguyton@guytonlawfirm.com

APPLICANT: Robert S. Guyton

APPLICANT'S EMAIL: rsguyton@guytonlawfirm.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)

(Print) See Letter of Agency DATE: _____
(Signature)

(Print) DATE: _____
(Signature)



PETITION FOR ANNEXATION

Staff Use Only

Received: _____

BS&A #: _____

Is there a structure on the lot: No Structure Type: _____

Current Use: Undeveloped

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



Zoning Map Amendment Application

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Staff Use Only

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196 Laurel Street, 29526

Phone: (843) 488-9888
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PHYSICAL ADDRESS OF PROPERTY: U.S. Hwy 501/Gardner Lacy FEE PAID () YES () NO

AREA OF SUBJECT PROPERTY (ACREAGE): 11.47 AC PIN: 399-00-00-0403

CURRENT ZONING CLASSIFICATION: Horry County HC

COMPREHENSIVE PLAN 2035 FUTURE LAND USE: HC

REQUESTED ZONING CLASSIFICATION: HC

NAME OF PROPERTY OWNER(S):

Founders National Golf, LLC applicant Robert S. Guyton PHONE # 843-839-2111

PHONE # _____

MAILING ADDRESS OF PROPERTY OWNER(S):

4605 B Oleander Dr., Ste. 202, Myrtle Beach, SC 29577

4605 B Oleander Dr., Ste. 202, Myrtle Beach, SC 29577

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

Applicant: _____

PROPERTY OWNER'S SIGNATURE(S)

DATE

1/5/24

PROPERTY OWNER'S SIGNATURE(S)

DATE

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

DATE: FEBUARY 2, 2024
ITEM: VII.

ISSUE:

First Reading of Ordinance #ZA2024-02-19 to annex approximately 0.51 acres located at 3310 Betty Street (PIN 369-12-02-0034), and rezone from the Horry County Residential District (SF 20), no mobile homes allowed to the City of Conway Low/Medium Residential (R-1) district.

BACKGROUND:

The annexation application was submitted by Annaliese Edwards on January 19, 2024, as a requirement to connect to water and/or sewer utilities. According to Horry County Land Records, the property was transferred into the applicant's names on January 18, 2024. The property is within the Sam Johnson subdivision, located between Donald Street and Johnson Street. There is an existing single-family residence on the property. Restrictive covenants were recorded for this property at the time annexation was applied for, on April 27, 1987.

Council has annexed approximately eight properties within the Sam Johnson Subdivision since 2019. Four additional properties located off of Cates Bay Highway, directly behind the subject property also have been annexed in recent years.

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:

If it is the long-term goal of Council to annex the area, staff recommends continued annexation of properties in the area, and **approval of First Reading of Ordinance #ZA2024-02-19**.

ORDINANCE #ZA2024-02-19

**AN ORDINANCE TO ANNEX APPROXIMATELY 0.51 ACRES OF PROPERTY
LOCATED AT 3310 BETTY STREET (PIN 369-1202-0034), AND REQUEST TO
REZONE FROM THE HORRY COUNTY RESIDENTIAL DISTRICT (SF20), NO
MOBILE HOMES ALLOWED 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 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 0.51 acres of property located at 3310 Betty Street (PIN 369-12-02-0034), and request to rezone from the Horry County Residential District (SF 20), no mobile homes allowed 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 _____, 2024.

Barbara Jo Blain-Bellamy, Mayor

Larry A. White, Mayor Pro Tem

Amanda Butler, Council Member

William M. Goldfinch IV, Council Member

Julie Ann Hardwick, Council Member

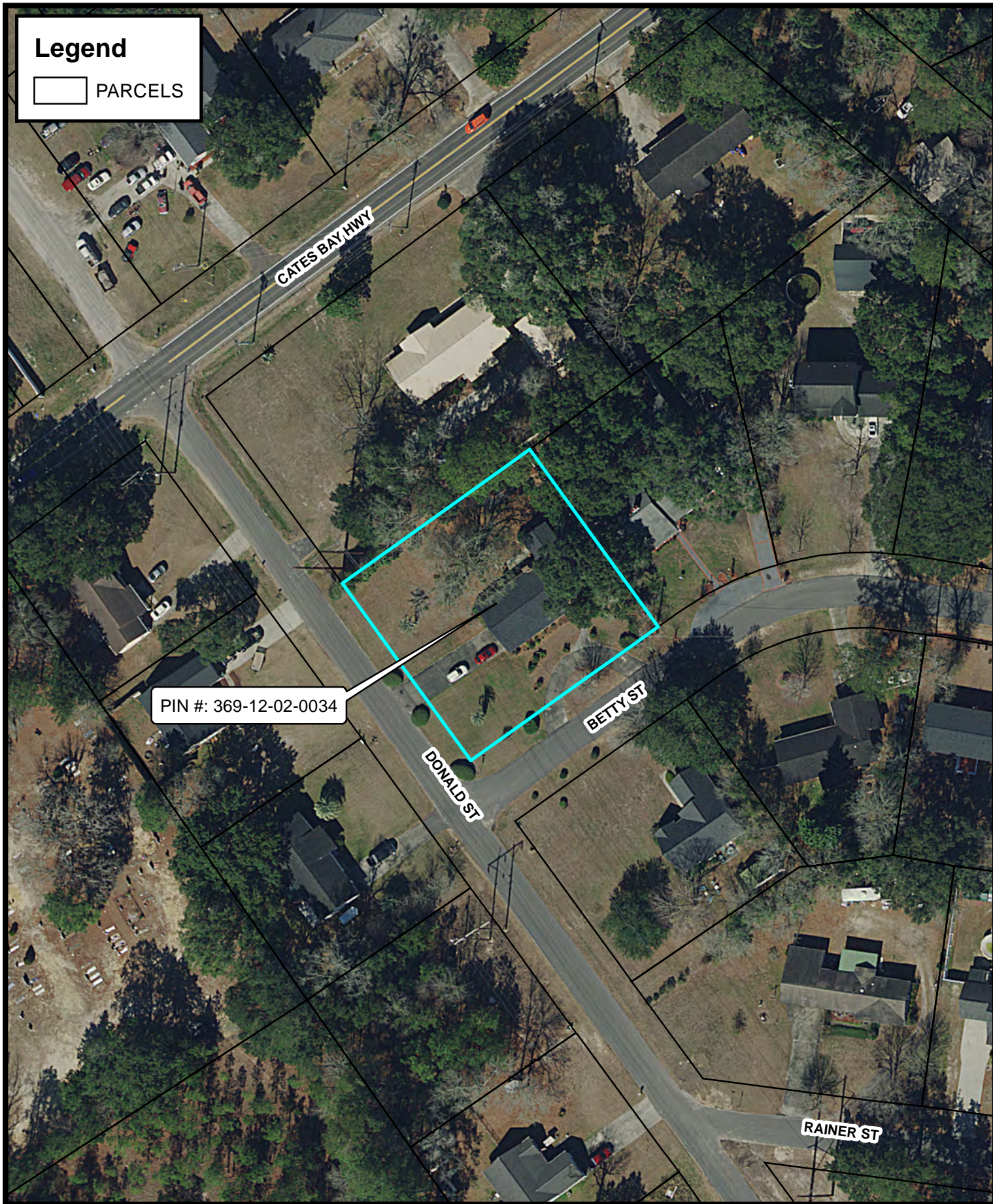
Beth Helms, Council Member

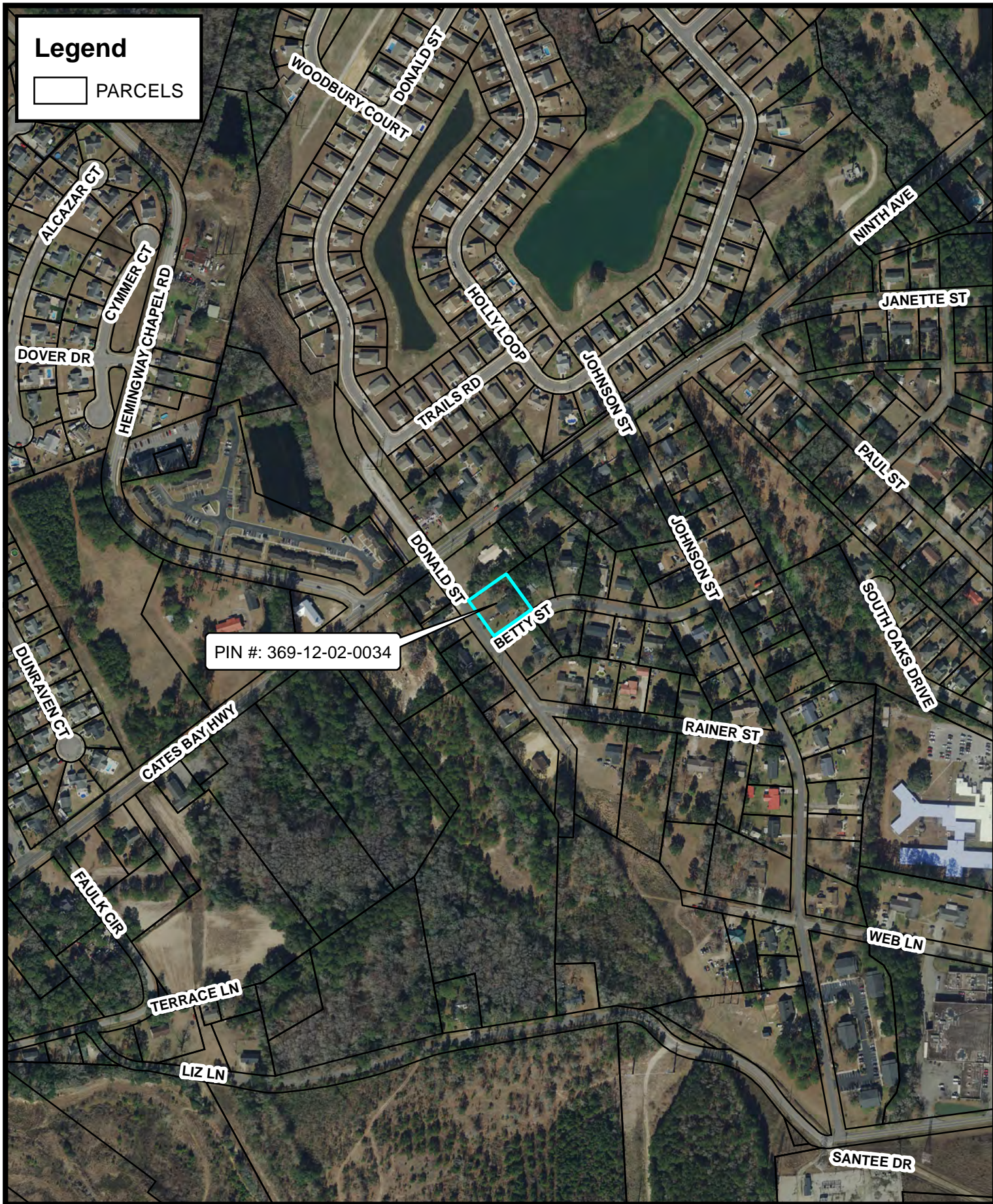
Justin D. Jordan, Council Member

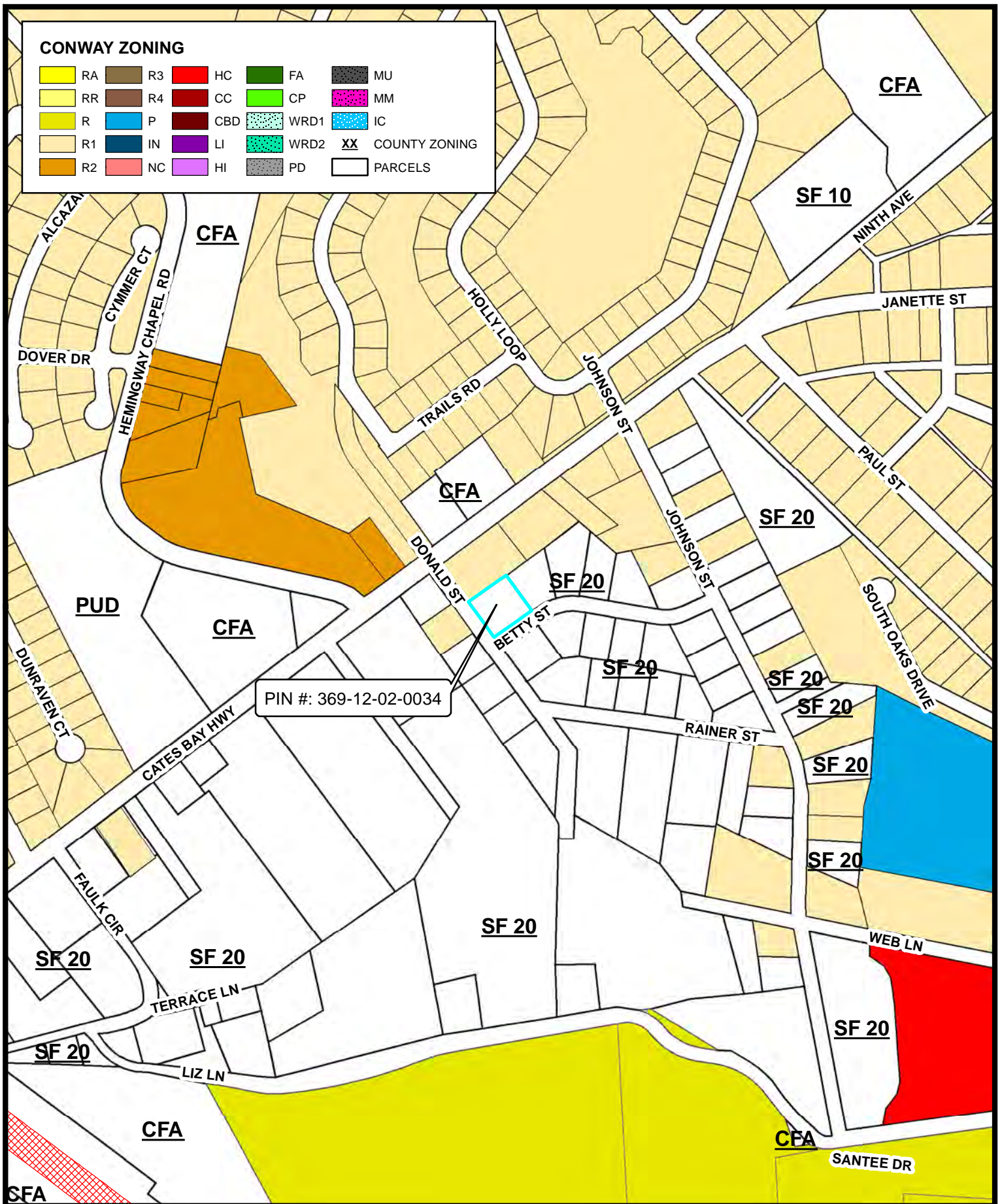
ATTEST: Alicia Shelley, City Clerk

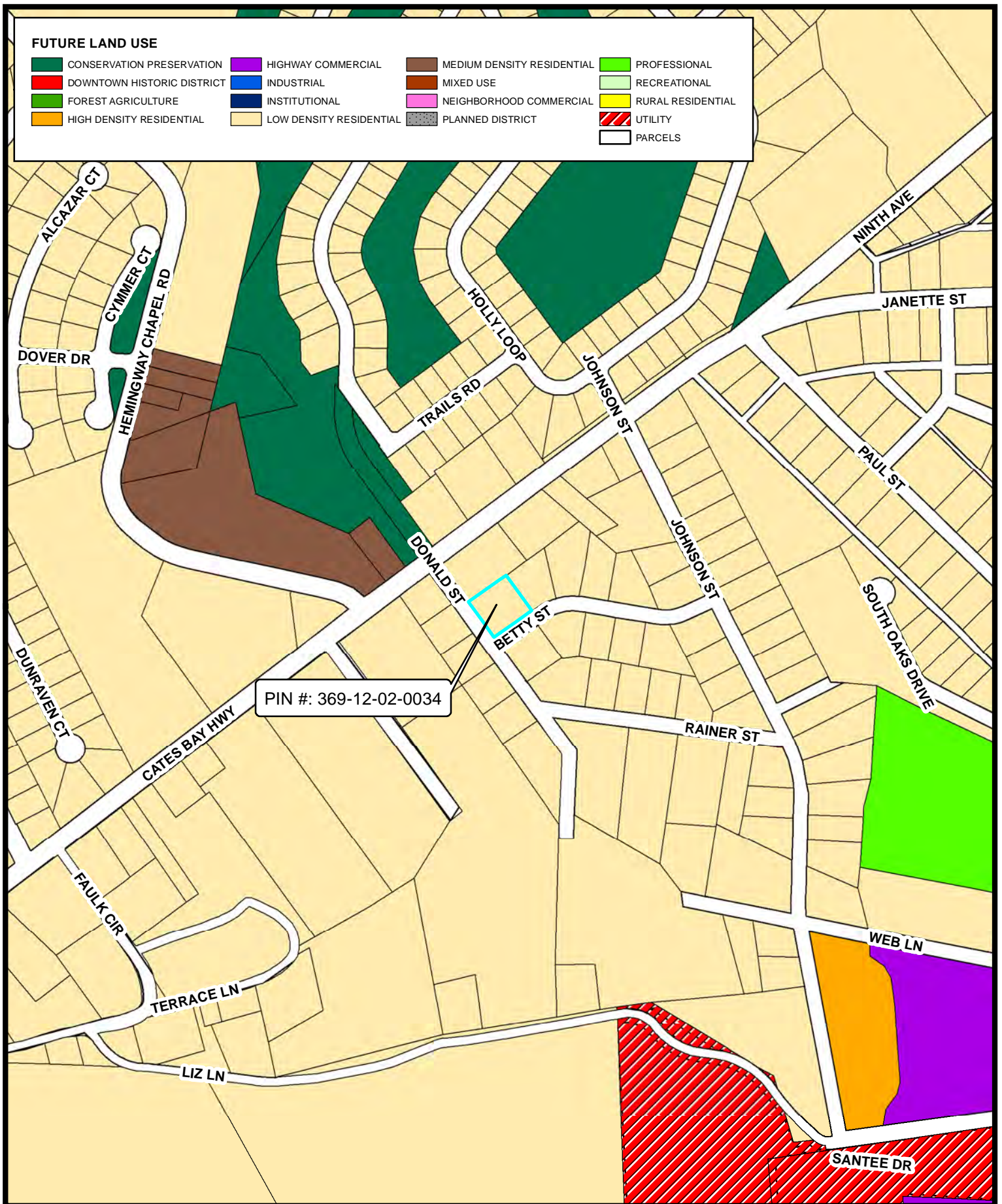
First Reading: _____

Final Reading: _____








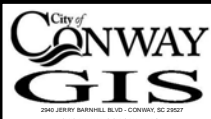
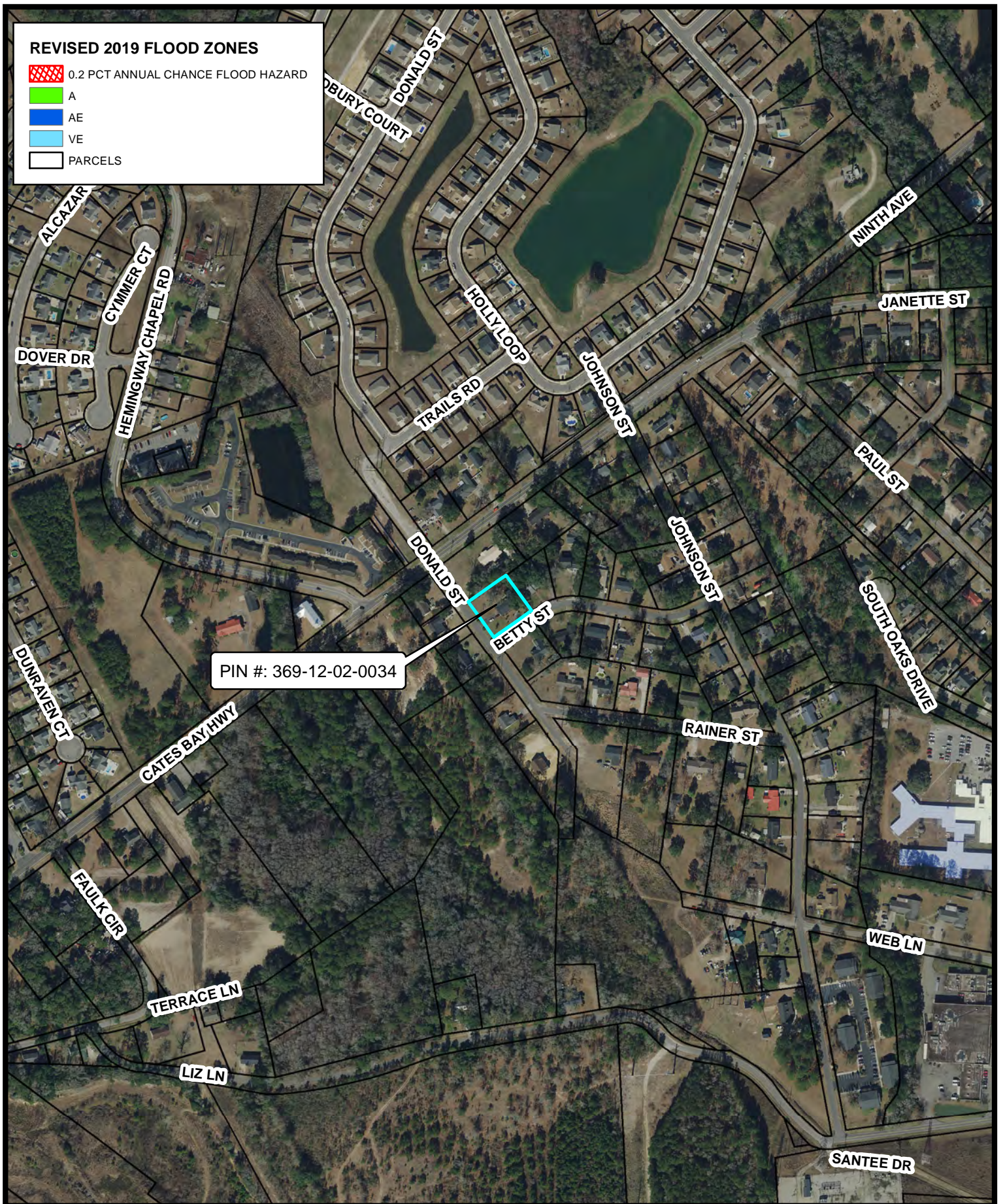






REVISED 2019 FLOOD ZONES

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



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 #: 369-12-02-0034
TMS #: 136-11-04-007
3310 BETTY ST
(P24-0017)



DATE: April 27, 1987

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 3310 Betty Street, Conway, S.C. 29526
(Lot 4, Blk. B, Sam Johnson Subdivision). 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.

Littig & Blanton
Property Owner(s)

Paid: _____

Date Installed: _____

GENERAL INSTRUCTIONS

PAID
APR 27 1987
CITY OF CONWAY
SOUTH CAROLINA

STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)

RESTRICTIVE COVENANT

Littlejohn Blanton (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. 136-11-04-007, and located at 3310 Betty St., Conway, S.C.. Said property was conveyed by deed recorded in Deed Book 1126, at Page 201, 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 be 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 27th of April, 1987.

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

Dianne B. Rabon

Littlejohn Blanton
Grantor Name

Wade Blanton
Witnesses

Grantor Name

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 27th
DAY OF April, 1987.

Wade Blanton
Witness

Dianne B. Rabon
NOTARY PUBLIC FOR SOUTH CAROLINA

MY COMMISSION EXPIRES: 8/15/88

FILED
HORRY COUNTY
1987 APR 27 PM 2:38
BILLIE G. RICHARDSON
CLERK OF COURT



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

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: Sam Johnson
PIN: 369 12 02 0034 ACREAGE: _____
PROPERTY ADDRESS: 3310 Betty St. Conway SC 29527
PROPERTY OWNER MAILING ADDRESS: 3310 Betty St. Conway SC 29527
PROPERTY OWNER TELEPHONE NUMBER: 646 675 9251
PROPERTY OWNER EMAIL: annaliese524@gmail.com
APPLICANT: Annaliese Edwards
APPLICANT'S EMAIL: annaliese524@gmail.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)

Annaliese Edwards [Signature]
(Print) (Signature)

DATE: 01-19-24

(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: Residential

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



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

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: 3310 Betty St. FEE PAID () YES () NO

AREA OF SUBJECT PROPERTY (ACREAGE): 0.51 PIN: 369 12 02 0034

CURRENT ZONING CLASSIFICATION: SF20

COMPREHENSIVE PLAN 2035 FUTURE LAND USE: R1

REQUESTED ZONING CLASSIFICATION: R1

NAME OF PROPERTY OWNER(S):

Annaliese Edwards PHONE # 646 675 9251
Jeffrey Edwards PHONE # 843 333 5246

MAILING ADDRESS OF PROPERTY OWNER(S):

3310 Betty St. Conway SC 29527

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

[Signature] 01-19-24
PROPERTY OWNER'S SIGNATURE(S) DATE

[Signature] 19-Jan-24
PROPERTY OWNER'S SIGNATURE(S) DATE

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

DATE: FEBRUARY 5, 2024
ITEM: VIII.A.

ISSUE:

Consideration of the non-exclusive Franchise Agreement between the City of Conway and Antonio Knight, d.b.a. “*Peel Scooters*”, Ord. #ZA2023-02-20, to remove the pilot program status from the agreement.

BACKGROUND:

Antonio Knight was granted a non-exclusive franchise agreement with the City of Conway to rent scooters from Riverwalk Park to Collins Park as a Pilot Program in February of 2023. He was approved to use the public property of Collins Park, Riverwalk Park, Kingston Park, the Town Green, Conway Downtown Alive, the parking lot across from City Hall (*Third Ave & Main St*) and the parking lot adjacent the Riverwalk (*near Bon Fire*).

As a condition of the pilot program the applicant is subject to reconsideration for the agreement to continue. A franchise is the extension of a privilege to use the streets, parking and other City owned amenities for which the franchisee does not have a legal right to do without permission of the governing body. The franchise agreement allows the franchisee to use City property in the requested manner which exceeds or differs from the customary uses. The franchise agreement is a contract between the City and the franchisee which governs the use of the City property. A franchise agreement does not give exclusive use to the franchisee.

The agreement states that after the 6-month Pilot Program the agreement shall be reviewed. Since the approval of the pilot program, there have been some complaints of the scooter’s being left in parking spaces, in the right of way of the pedestrian sidewalks, on properties not approved within the agreement, and that the scooters are not being picked up regularly and replaced in the designated areas. Staff have also received requests that the applicant be informed that no scooter use is permitted on the sidewalks.

CITY COUNCIL (AUGUST 7, 2023 MTG.):

Council discussed the issues that have arisen since the start of the franchise agreement with the applicant. The applicant stated they picked the scooters up each night and brought them back each morning. There was also discussion regarding time restrictions in which the scooters could be rented as well as the possibility of obtaining a docking station. After much discussion, **Council opted to extend the pilot program for another six months and revisit after the six-month period has elapsed.**

RECOMMENDATION:

Consider removing the pilot program status from the franchise agreement.

At the August 2023 Council meeting, staff had included some options to discuss with the applicant should the pilot program status be removed from the agreement:

1. Add a condition stating that in addition to termination of the agreement, violations of the agreement may result in the issuance of a fine and citation to appear in Municipal Court.
2. Inquire as to whether the scooters can be shut down by a certain time to mitigate any nuisance there may be to residential areas;
3. Enforcement **condition #8** of the agreement, which states “scooters are to be gathered each evening and delivered to the approved sites each morning. Scooters are not to remain on City of Conway property overnight.”

Other conditions that are part of the existing franchise agreement, in addition to condition #8 (above), include:

- **#9:** Vendor shall not store, park, or leave any equipment overnight on any public property;
- **#10:** Vendor shall ensure that all walkways in use by customers begin and end their use clear and free of obstruction to allow pedestrian flow at all times.

Attachments:

Franchise Agreement;

Ord. #ZA2023-02-20;

Peel Scooters Presentation from February 2023



CITY OF CONWAY
FRANCHISE AGREEMENT
****PILOT PROGRAM****

1. This agreement is being made between the **City of Conway**, hereinafter referred to as “*City*” and **Antonio Knight dba Peel Scooters**, hereinafter referred to as “*Vendor*” for the operation of **Scooter Rentals** from **Collins Park, Riverwalk Park, Kingston Park, the Town Green, Conway Downtown Alive**, the **parking lot across from City Hall** (*Third Ave & Main St*), the property at the **corner of Fourth Ave and Kingston Street** (*parking area*) and the **parking lot adjacent the Riverwalk** (*near Bon Fire*). The agreement shall be effective beginning on **February 20, 2023** and continuing for a period of **six (6) months**, expiring on **August 20, 2023**. This agreement shall be reviewed at the end of the six (6) month period by the City to assure that the health, safety and welfare of its citizenry are adequately protected. If it is determined that modifications are required, the City may request said amendments at that time. **This agreement may be terminated upon 30 days written notice by either party.**
2. The authorized contact for the City shall be the City Administrator or his designee.
3. Vendor shall obtain and possess a valid **City of Conway business license** at all times during the course of this agreement.
4. The Vendor shall remit a **payment of \$50 as a Franchise Fee** upon execution of this Franchise Agreement and annually thereafter by the anniversary of the agreement. Failure to remit said payment in a timely manner may result in the immediate termination of this agreement.
5. Payments - All payments shall be made payable to the City of Conway. Payment may be hand delivered to the City of Conway Planning Department, 196 Laurel Street, or mailed to the City of Conway Planning Department, PO Box 1075, Conway, SC 29528.
6. Prior to operating, Vendor shall provide an annual driving history and criminal background check for all additional personnel. This shall be completed by the City of Conway’s Police Department.
7. Names, addresses and phone numbers of the Vendor and all additional Vendor personnel shall be submitted to the City and updated annually.

8. The City authorizes Vendor to offer **Scooter Rentals** within the City of Conway. The scooters are to be **gathered each evening and delivered to the approved sites each morning**. Scooters are **not** to remain on City of Conway property overnight.
9. **Vendor shall not store, park, or leave any equipment overnight on any public property.**
10. Vendor shall ensure that all walkways in use by customers begin and end their use as clear and free of obstruction to allow safe pedestrian flow at all times.
11. Vendor shall post the franchise permit at all times while in operation.
12. Vendor will provide proof of insurance.

The VENDOR will indemnify and hold harmless the CITY and their agents and employees from and against all claims, damages, losses and expenses, including attorney's fees arising out of or resulting from the performance of the WORK provided that any such claims, damage, loss, or expense is attributable to bodily injury, sickness, disease or death, injury to or destruction of, tangible property including the loss of use resulting there from and is caused in whole or in part by any negligent or willful act or omission of the VENDOR, and anyone directly or indirectly employed by him or anyone for whose acts any of them may be liable.

In any and all claims against the CITY or any of their agents or employees by an employee of the VENDOR, and anyone directly or indirectly employed by any of them, or anyone for whose acts any of them may be liable, the indemnification obligation shall not be limited in any way on the amount or type of damages, compensation or benefits payable by or for the VENDOR under the workman's compensation acts, disability benefit acts, or other employee benefits acts.

The obligation of the VENDOR under this paragraph shall not extend to the liability of the CITY OF CONWAY or its agents or employees arising out of the reports, survey, change orders, designs, or specifications.

Antonio Knight dba Peel Scooters

Franchise Name

PO Box 351, Kannapolis, NC 28082-0351

Address

(704) 918-0220

(833) 940-6122

Work Phone

Cell Phone


peel@peelscooters.com

Email

Antonio Knight


Name and Title of Vendor's Representative who will service contract

For City of Conway


3/9/23

Date

For Applicant


03/09/2023

Date

Attest: 

ORDINANCE #ZA2023-02-20

**AN ORDINANCE APPROVING A NON-EXCLUSIVE FRANCHISE AGREEMENT
BETWEEN THE CITY OF CONWAY AND ANTONIO KNIGHT, D.B.A. PEEL SCOOTERS,
FOR THE RENTAL OF ELECTRIC SCOOTERS IN DOWNTOWN CONWAY FROM THE
RIVERWALK TO COLLINS PARK**

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

WHEREAS the downtown area of the City of Conway has numerous offerings including restaurants, shops and a Riverwalk as well as civic and business offices; and,

WHEREAS an electric scooter is a common form of urban transportation; and,

WHEREAS creating a vibrant downtown and encouraging public use of the many businesses is of interest to the City of Conway; and,

WHEREAS an electric scooter is a diverse form of transportation; and,

WHEREAS scooters are rented via a smartphone app making it convenient and easy for the public; and

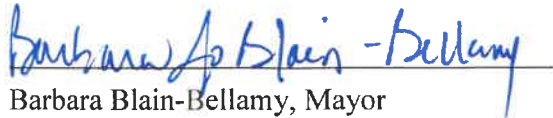
WHEREAS the rental rates are extremely reasonable; and,

WHEREAS the use of electric scooters will maximize the number of parking spaces available; and,

WHEREAS the City Council sees the benefit in providing a non-exclusive Franchise Agreement to allow electric scooter rental in the City, supplementing public transit options; Therefore:

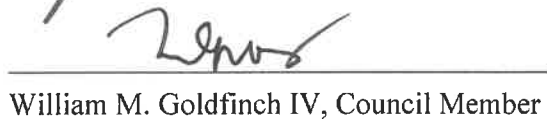
BE IT ORDAINED, that the Conway City Council in council duly assembled does hereby approve the attached non-exclusive Franchise Agreement between the City of Conway and Peel Scooters – as a *pilot program, for a six (6) month period from the date of this ordinance*, effective this 20 day of February, 2023.

DONE AND RATIFIED BY CITY COUNCIL duly assembled this 20 day of February, 2023.

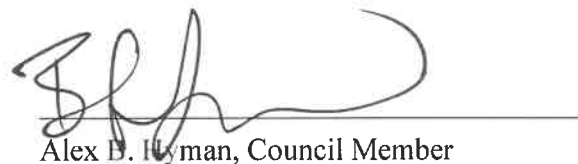

Barbara Blain-Bellamy, Mayor


Justin D. Jordan, Mayor Pro-Tem

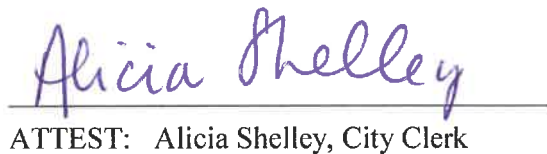

Amanda Butler, Council Member


William M. Goldfinch IV, Council Member


Beth Helms, Council Member


Alex B. Hyman, Council Member


Larry A. White, Council Member


ATTEST: Alicia Shelley, City Clerk

First Reading: February 6, 2023

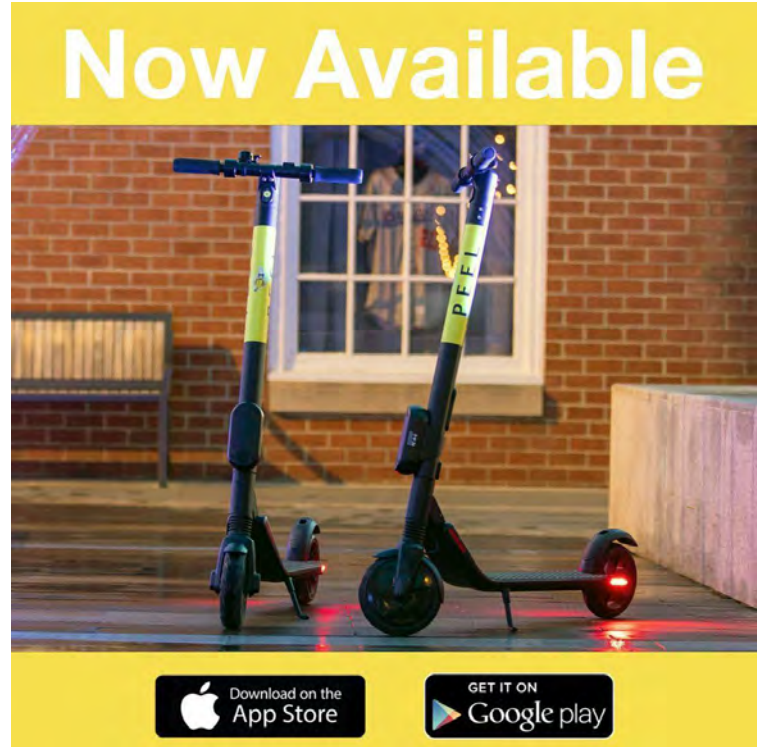
Final Reading: February 20, 2023

Welcome



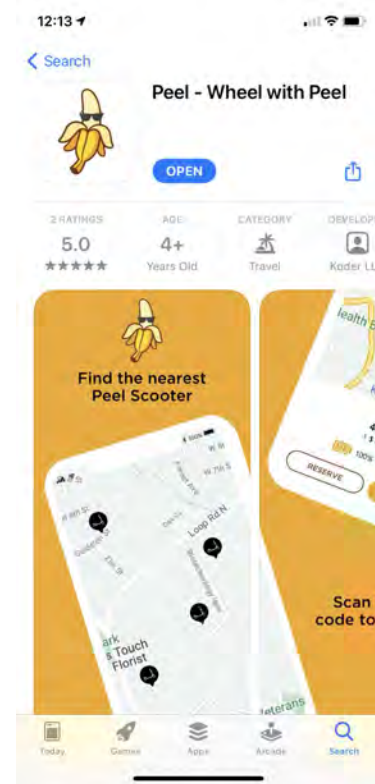
What is Peel

- Electric micro-mobility vehicle sharing company.
- Diversify your transportation and take part in the electric vehicle movement.
- Ride a Peel scooter!




How it Works

- The Peel smartphone app will greet users with a tutorial on how to use the app, direct users to a scooter, unlock the scooter and start their ride, fees are based on an unlock fee and a use per minute model.



Peel Scooter

Manufacturer:	
Lifespan:	3yr+
Weight:	30 pounds



Unique ID



43FSOJN

Vehicle Rates

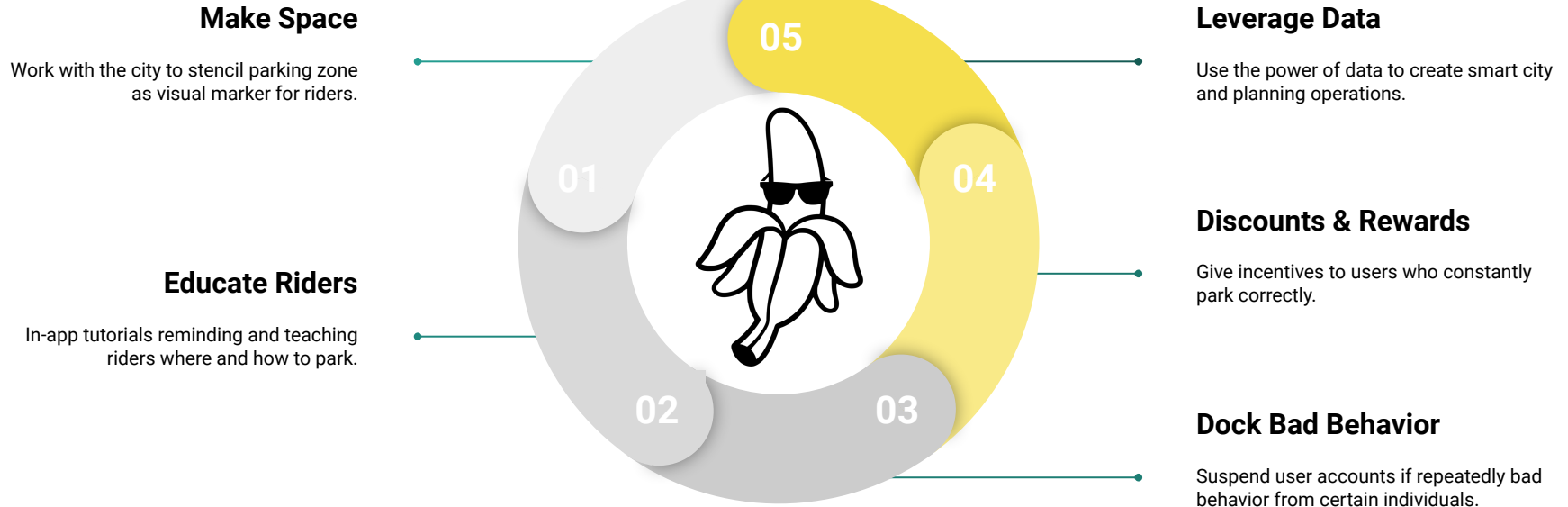
Initial fee: \$1 to unlock .35¢ per min.

Pause fee: \$2 to pause .10¢ per min.

Reserve fee: \$5 to reserve up to 15 mins.



Addressing Clutter



Program Benefits

- No cost micro mobility solutions for Universities/Cities.
- Significant power up for communities.
- Provides sustainable, transportation options.
- Reduce carbon emissions & congestion.
- Supplemental to public transit options.
- Key transportation during events.



Local Fleet Management

We hire the best **local logistics partner** from the community to manage the fleet on ground.

How community benefits:

Local Touch :

- Deep community connection, pride, fast resolution.
- Advanced knowledge on best deployment area.
- Economic Opportunity

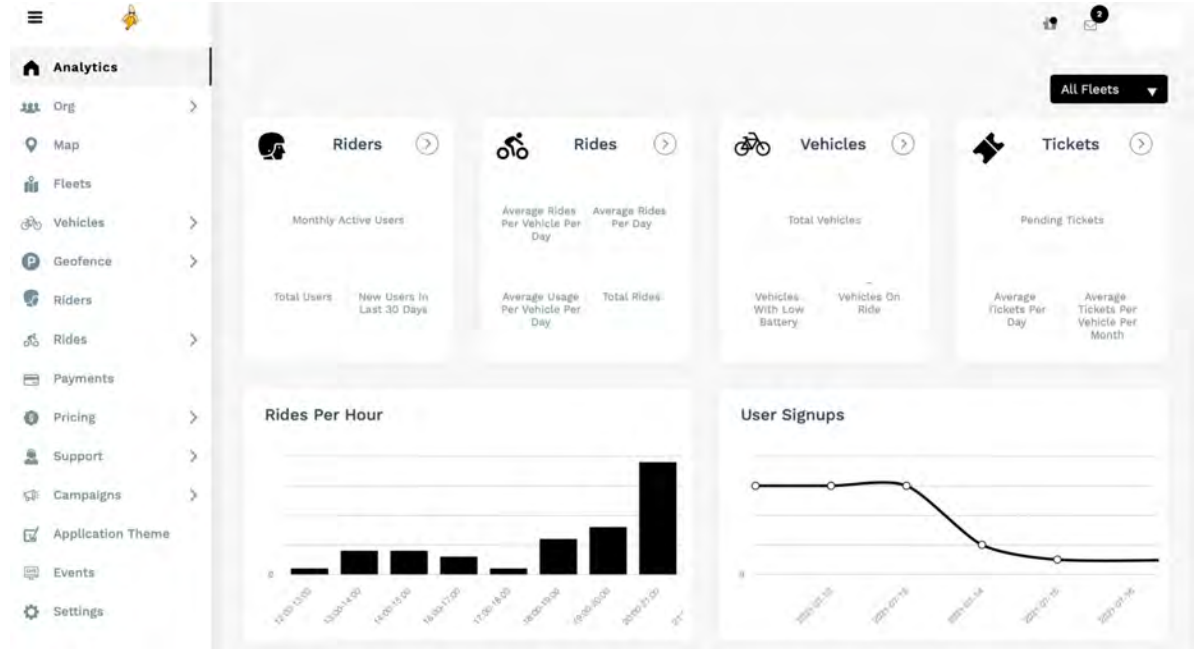
Backed by brand :

- Always operating the safest scooters
- World-class technology & management tools.
- Informative guides (Repair instructions).



Backend

- Report summary
- Heat map view
- Rider logs
- etc..



Customer Service - 24/7



Direct phone
support to
fleet manager

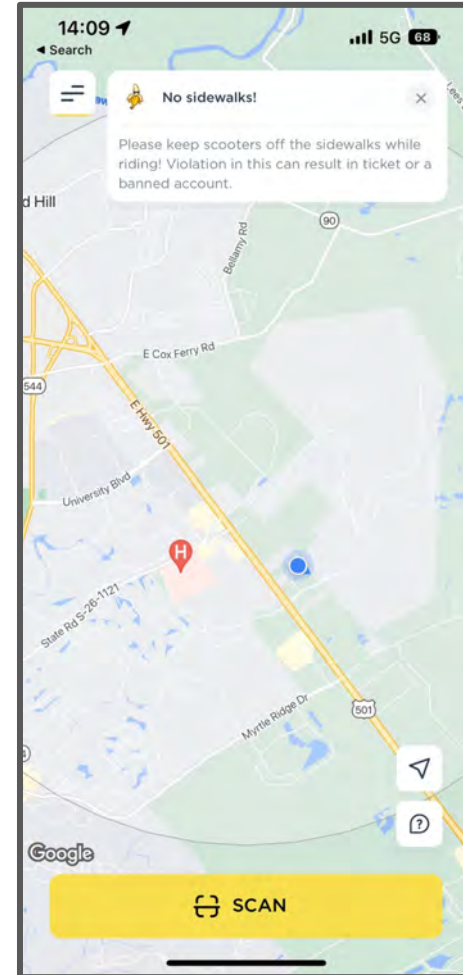
Ratings
- 5 star review
after every ride

In-app support ticket
- Offers quick issue alerts

Active Banners

Were able to provide active banners to users who open the app.

- Helps aid parking.
- Provide local updates.
- Friendly reminders.



8 views

Published seconds ago

SHARE

EDIT



Scooter boundary



Boundary



Drop locations



PIN: 33813030019



PIN: 36701010066



PIN: 36701010052



PIN: 33811020050



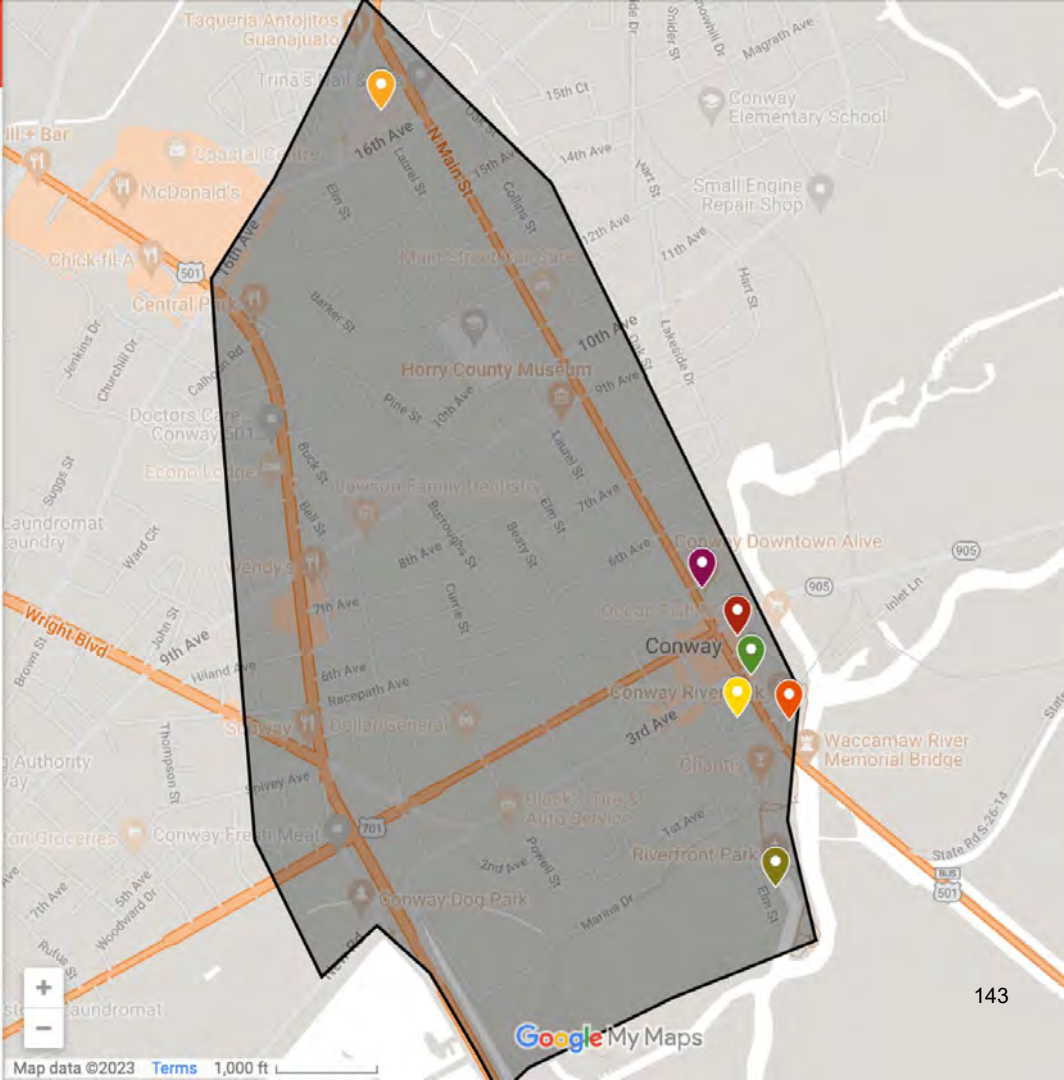
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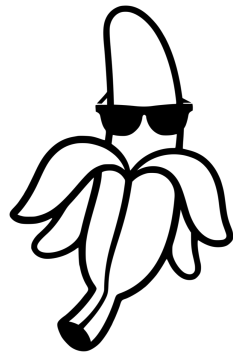


PIN: 36708010003



PIN: 36701010039





Thank You

Peel,

Website: peelscooters.com

Email: Peel@Peelscooters.com



@Peelscooters



@Peelscooters

Resources

Deployment Examples



Fleet Manager Example



Geo-Fencing Examples



DATE: FEBRUARY 5, 2024
ITEM: VIII.B.

ISSUE

Recommendation on selection of Engineering Firm to design and develop water ground storage tank.

BACKGROUND

The City of Conway is growing at a rapid pace. The city only has one large water main feeding the majority of the system which is supplied by Grand Strand Water and Sewer. In order to be somewhat more self-sufficient and meet the growing needs of our water system, the city needs to build a water ground storage tank. This will help with water pressure, Fire flows and be an emergency back-up if needed. We issued an RFQ for the design and engineering for the ground storage tank.

On December 18, 2023 we received RFQ'S from Goodwyn Mills, MBD, Hanna Engineering and W.K. Dickson. The four engineering firms were ranked by city staff based on the following criteria:

1. Statement of Qualifications (Max. 25 points)
2. Project Approach (Max 25 points)
3. Similar Project Experience (Max. 25 points)
4. References (Max. 25 points)

Firms submitting proposals and their respective scores are listed below (average of scores from the review team):

1. Goodwyn Mills: 91
2. MBD Engineering: 94
3. Hanna Engineering: 78
4. W.K. Dickson: 96

Staff reviewed and scored the submittals on December 19, 2023. Based upon these reviews, W.K. Dickson scored the highest. Should City council approve the hiring of W.K. Dickson, the city would enter into negotiations for a contract for services.

RECOMMENDATION

Staff recommends the selection of W.K. Dickson to design and engineer the Ground Storage Tank and to authorize the City Administrator to enter into a contract.

DATE: JANUARY 5, 2024
ITEM: VIII.C.

ISSUE:

Consideration of demolition of remaining structure on the Whittemore Elementary site.

BACKGROUND:

The buildings that once housed Whittemore Elementary School stand at the southeast corner of the intersection of Horry Street and Maple Avenue in Conway, South Carolina. The main school was built circa 1953 as an equalization school, and the stand-alone addition was built in 1961. It was one of many built across the Southern United States in an attempt to meet the “separate but equal” standard of racial segregation. The purpose of the “equalization” effort was to avoid striking down that standard in the then-pending *Brown v. Board of Education* lawsuit. Additional classroom space was added circa 1961. The building operated as a school until 1977 and as offices for Horry County Schools until it received catastrophic roof damage from Hurricane Matthew on October 8, 2016. The building was decommissioned by the district and given to the City of Conway soon after.

In 2017, the Conway City Council appropriated Community Development Block Grant funds for the repair and rehab of the buildings. In 2018 and 2019, the City faced multiple roadblocks to initiating work on the project. In 2020, the City defederalized the project and began exploring different opportunities for clearing the blight that currently exists, developing the property, and assuring that the wishes of the community are fulfilled at the site.

After community outcry in 2020 over the City’s planned demolition of the Whittemore Elementary School Buildings, City Council approved the offering of an RFP to obtain a viable solution to preserving the school. In response, the City received one application from the Whittemore Racepath Historical Society, who partnered with a low-income housing developer from Atlanta. The City reviewed the proposal but made no offering to WRHS.

On March 13, 2023, City Council ordered the demolition of the primary building at the Whittemore Elementary School site, following a fire the previous week. The stand-alone addition was unharmed in the fire, and staff immediately installed a fence around the building for safeguarding from harm.

At the May 1, 2023 City Council meeting, City Council voted to end the RFP process without issuing an award of the RFP. This was done in part to regroup following the fire and demolition and in part due to the potential availability of Whittemore Middle School and how that may factor into future planning for the entirety of the facility, rather than piece meal.

At the August 21, 2023 City Council meeting, and after making a formal request to Horry County Schools for the Middle School property, Mayor Blain-Bellamy requested that a Task Force be formed to begin preparation for not just the acceptance of the Middle School, but also what should be done with the Elementary School property and remaining building.

In September 2023, City Council created the Whittemore Task Force with the following goals and objectives:

1. Determine the best use for the building and 10 acres owned by the City
2. Alternatively, and in addition, determine the best use for the 10 acres owned by the City and the additional facility and land owned by Horry County Schools and operating as Whittemore Middle School if HCS gives the property to the City
3. Present a comprehensive plan for the property to City Council no later than June 3rd, 2024
4. The recommendations of the Task Force should be implementable within five years
5. The history of the site should be properly recognized

The Whittemore Task Force has met 6 times from October 2023-January 2024, with more meetings planned in the coming months. During that time, they have focused on the stated goals and objectives, discussed future plans for the site and community, and toured the existing remaining building. At the January 24, 2024 meeting, the Task Force recommended demolition of the existing remaining building on the site, and requested that the bricks be saved for potential re-use if possible.

BACKGROUND:

Staff recommends that per the Task Force's request, the remaining building be removed from the site and the brick saved for potential re-use.