



CITY COUNCIL MEETING (*REVISED*)
CITY HALL COUNCIL CHAMBERS
229 MAIN STREET, CONWAY, SC 29526
MONDAY, AUGUST 7, 2023 - 4:00 PM

PLEASE SILENCE ALL ELECTRONIC DEVICES

I. CALL TO ORDER

II. INVOCATION/PLEDGE OF ALLEGIANCE – Mike Roberts - St Anne’s Episcopal Church

III. APPROVAL OF AGENDA

IV. CONSENT AGENDA

- A. Final Reading of Ordinance #2023-08-07 (A) to amend the City of Conway Municipal Code to implement a new Industrial Incentive, which aims to provide economic incentives to the development of industrial use businesses in the City of Conway.
- B. Final Reading of Ordinance #2023-08-07 (B) to amend Title 1, Chapter 5, Article F of the Code of Ordinances, an incentive program which provides economic incentives for the development of family entertainment facilities in the City of Conway.
- C. Final Reading of Ordinance #2023-08-07 (C) to amend Title 1, Chapter 5, Article G of the Code of Ordinances, an incentive program which provides economic incentives for the redevelopment of existing vacant commercial buildings 25,000 sq. ft. or greater in the City of Conway.
- D. Final Reading of Ordinance #2023-08-07 (D) to amend Title 1, Chapter 5, Article H, of the Code of Ordinances, an incentive program which provides economic incentives to businesses occupying existing vacant buildings located in the Central Business District (CBD) in the City of Conway.
- E. Final Reading of Ordinance #2023-08-07 (E) to amend Title 1, Chapter 5, Article I, of the Code of Ordinances, the Redevelopment Enhancement Incentive Program, which provides economic incentives to develop or expand commercial businesses in the City of Conway.
- F. Final Reading of Ordinance #2023-08-07 (F) to amend Title 1, Chapter 5, Article J, of the Code of Ordinances, the Hotel / Short-term Rental Incentive Program, which provides economic incentives to develop hotels, motels, inns, and commercial short-term rentals in the City of Conway.

“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.”

- G. Final Reading of Ordinance #2023-08-07 (G) to amend Title 1, Chapter 8, Section 1-8-3(a)(2) of the Code of Ordinances, Nonpartisan elections; procedure, to update the fees for municipal elections in the City of Conway.
- H. Approval of Purchase of Water Meters for Public Utilities (budgeted)
- I. Special Event – First Baptist Church Back to School Bash – August 20, 2023
- J. Special Event – First Baptist Church Trunk or Treat – October 31, 2023
- K. Approval of July 17, 2023 Council Meeting Minutes

V. PUBLIC INPUT

VI. SPECIAL PRESENTATIONS

- A. Presentation of Longevity Awards – June 2023 – 5 Years: Robert Borgatta, Streets; 5 Years: Robert Bauman Jr, Beautification; 5 Years: Carla Major, Recreation; 5 Years: McKinley Sellers, Recreation; 35 Years: Kenneth McDowell, Construction Services
- B. Discussion of a request to annex approximately 4.48 acres of property located at 1136 Highway 501 Business (PIN 367-11-03-0003), and request to rezone from the Horry County Highway Commercial (HC) district to the City of Conway Highway Commercial (HC) district. (Hucks)
- C. Discussion of a request to annex approximately 1.46 acres (total) of property located at 610 and 624 Highway 544 (PIN's 382-05-01-0003 and 382-05-01-0004), and request to rezone from the Horry County Highway Commercial (HC) and Convenience & Auto-Related Services (RE3) districts to the City of Conway Highway Commercial (HC) district. (Hucks)
- D. Proclamation Recognizing National Health Center Week
- E. Proclamation Honoring Eagle Scout Christian Alan Price

VII. FIRST READING

- A. First Reading of Ordinance #ZA2023-08-21 (A) to annex approximately 7.18 acres of property located on Highway 501 (Church Street) (PIN's 338-09-02-0008, 338-09-02-0009, 338-09-02-0011, 338-09-02-0014) and .09 acres of property located on Highway 501 (Church Street) (PIN 338-09-02-0007), and rezone from the Horry County Highway Commercial (HC) district to the City of Conway Highway Commercial (HC) and Conservation Preservation (CP) districts. (Hucks)
- B. First Reading of Ordinance #ZA2023-08-21 (B) to annex approximately 1.32 acres of property located at 1701 and 1703 Radio Lane (PIN 337-13-01-0003), and rezone from the Horry County Commercial Forest Agriculture (CFA) district to the City of Conway Low/Medium-Density Residential (R-1) district. (Hucks)

"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. First Reading of Ordinance #ZA2023-08-21 (C) to rezone approximately 15.61 acres of property located at 300 Bellamy Ave (PIN 383-00-00-0381) from City of Conway Institutional (IN) district to City of Conway High-Density Residential (R-3) 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, initially approved as a six (6) month pilot program, to remove the pilot program status. (Hucks)
- B. Consideration of Approval of Service Area Adjustment located at Colonial Farms on Highway 548 (Friday)
- C. Consideration of Recommendation on Selection of Firm to Design/Build the Riverwalk Expansion (Hyman)

IX. CITY ADMINISTRATOR'S REPORT

X. COUNCIL INPUT

XI. BREAK

XII. WORKSHOP

XIII. EXECUTIVE SESSION

- A. Discussion of Contractual Negotiations Incident to the Potential Acquisition of Downtown Properties. [pursuant to SC Code §30-4-70 (A) (2)].
- B. Discussion of Contractual Negotiations Incident to the Potential Acquisition of a Parcel on Highway 378. [pursuant to SC Code §30-4-70 (A) (2)].

XIV. RECONVENE FROM EXECUTIVE SESSION

XV. POSSIBLE ACTION ON MATTERS DISCUSSED IN EXECUTIVE SESSION

XVI. 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 August 7, 2023. To assure proper recording of public comments left on the City's voicemail, callers are urged to clearly pronounce their names and addresses, preferably providing spelling for both.

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

ISSUE:

Final Reading of Ordinance #2023-08-07 (A) to amend the City of Conway Municipal Code to Implement a new Industrial Incentive, which aims to provide economic incentives to the development of industrial use businesses in the City of Conway.

BACKGROUND:

City staff has been approached and informed that there is a need and a market to attract more industrial business uses to the City of Conway.

Therefore, an incentive for industrial development would provide more of an incentive to these larger businesses to come to the City of Conway rather than a neighboring jurisdiction. This incentive would help in providing a more sustainable work force and produce economic development for our growing population.

To attract quality industrial style businesses throughout the City of Conway, the new **Industrial Incentive** program would include:

- Reimbursement of building permit fees
- Reimbursement of business license fees for the first 2 years
- Expedited review period of 15 days instead of 30 days
- A reduction in landscape requirements by 1 letter, unless abutting a residential zoning district.

Other incentives could be stacked with this one to offer reimbursements of capital recovery fees, hospitality fees, and property taxes.

The proposed ordinance is provided in your packet.

RECOMMENDATION:

Approve final reading of ordinance.

ORDINANCE #2023-08-07 (A)

**ARTICLE K, CHAPTER 5 – AN INDUSTRIAL INCENTIVE PROGRAM IN THE CITY
OF CONWAY**

WHEREAS, City staff was approached with the need for more industrial style businesses within the City of Conway and;

WHEREAS, The need for an increase in local employment, which would result in the expand of the tax base, and create new wealth opportunities in the community; and

WHEREAS, City Council created a new Industrial Incentive program that allows reimbursement of building permit fees, reimbursement of business license fees, landscape requirement reductions and expedited review period of 15 days instead of 30 days; and

WHEREAS, To attract these types of businesses, this new incentive could be stacked with existing incentives to additionally provide reimbursement of capital recovery fees, building permit fees, and business license fees; and

WHEREAS, City Council has determined it is in the best interest of the City and its citizens to amend the hotel incentive program: Therefore, be it

ORDAINED, by Conway City Council, in council duly assembled, that the City of Conway Municipal Code shall be amended after adoption as attached hereto.

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

DONE AND RATIFIED BY CITY COUNCIL duly assembled this 7 day of August, 2023.

Barbara Jo Blain-Bellamy, Mayor

Justin D. Jordan, Mayor Pro Tem

Autry Benton, Council Member

Amanda Butler, Council Member

William M. Goldfinch IV, Council Member

Beth Helms, Council Member

Larry A. White, Council Member

ATTEST: Alicia Shelley, City Clerk

First Reading: July 17, 2023

Final Reading: August 7, 2023

Article K Industrial Incentive

Sec. 1-5-131 Applicability.

This incentive applies to any person, firm or corporation establishing a new business or expanding an existing business in the City limits. It is the responsibility of the person, firm or corporation applying for the incentive to demonstrate that they are a new or expanding business to be eligible. All eligibility is subject to review and approval by City Council.

Sec. 1-5-132 Incentives.

City council, at its discretion, and on a case-by-case basis, may enter into an agreement to reimburse any person, firm or corporation any or all or any portion of the following fees:

- (1) The building permit fees collected by the City of Conway.
- (2) The Business license fees collected by the City of Conway for as many as two (2) years.
- (3) Expedited City of Conway review period of 15 days in lieu of the typical 30 days.
- (4) A reduction in landscape requirements by 1 letter, unless abutting residential zoning districts.

Sec. 1-5-133 Reimbursement.

City council shall set a reimbursement cap for any and all reimbursements on a case-by-case basis and the reimbursement clock shall begin on the date of the issuance of a business license. Reimbursement of building permit fees may be requested separately from the other applicable incentives using the Reimbursement Request Form. All other reimbursements for any calendar year shall be applied for by submitting the Reimbursement Request Form between May 1 and May 31 of the following year. Failure to provide a Reimbursement Request Form by the May 31 deadline shall result in forfeiture of reimbursements for that year as outlined in the agreement. Requests for reimbursement must contain proof of fees and or taxes paid in the previous calendar year. The city shall pay all reimbursement requests within 60 days of receiving the Reimbursement Request Form. Reimbursements shall be made only to the person, firm or corporation who is the agreement holder. No partial reimbursements will be made. The business in the subject building or storefront must be actively operating to receive reimbursement under this article.

Sec 1-5-134 Agreement required.

No reimbursement shall be made without an agreement signed by the interested person, firm or corporation and Conway City Council prepared in accordance with the terms outlined in this article. A signed agreement must be in place prior to the issuance of a certificate of occupancy (CO). No agreements may be applied retroactively.

Sec. 1-5-135 Transferability.

No reimbursement agreements entered into under this article are transferrable to any other person, firm, or corporation. If a business is established and an agreement is signed in accordance with this ordinance and the subject business closes, the agreement becomes null and void. The City shall not pay further reimbursements once the subject business has ceased to operate for a period exceeding 30 days.

Sec. 1-5-136 Severability.

The reimbursement of fees program and any participants in the program provided for herein shall be full subject to the impact of any changes in the tax laws of the City of Conway which may be imposed by the State of South Carolina or the United States. If any provisions of this article are deemed unenforceable or invalid, the remainder of the provisions herein shall remain in full force and effect. Conway City Council hereby declares that it would have adopted this article and each section, subsection, sentence, clause and provision herein without the section(s), subsection(s), sentence(s), clause(s), or provision(s) that are held to be enforceable or invalid.

Sec. 1-5-137 Conflict.

All ordinances or parts of ordinances in conflict herewith are repealed to the extent necessary to give the provisions of this article full force and effect.

Sec. 1-5-138 Effective date.

This article shall become effective upon adoption by the council of the City of Conway.

Table 9.1

Table 9.1 Required Landscaping type	Zoning of Adjacent Property						
	R RA RR R-1 R-2 R-3 R-4	P NC CC CBD WRD HC	IN	LI	HI	FA CP	MU PD
R-2	B	B	A	A	A	A	B
R-3							
R-4							
P	B	A	A	A	A	A	B
NC							
CC							
IN	B	A	A	A	A	A	B
HC	B	A	A	A	A	A	C
LI	C	B	B	A	A	B	C
HI	D	C	C	B	A	C	D
FA CP	A	A	A	A	A	A	A
Notes	1	Any R or R-1 zoned development shall be exempt from the buffering requirements herein.					
	2	Where a proposed development adjacent to a developed single-family detached dwelling, two-family dwelling, or semi-attached dwelling, the required Planting area shall be more strict and increased by one (1) letter (Ex: from A to B).					
	3	Landscape requirements for proposed MU, PD, and WRD developments shall be determined by the Planning Commission, Community Appearance Board, or City Council, depending on the location.					
	4	Where parcels zoned NC or HC are currently used for single-family residential uses in a legal nonconforming manner, adjacent NC or HC parcels shall install twice the required plant material in the same size buffer to adequately protect the residential use.					
	5	Residential developments containing lots with double frontage shall adhere to the Type B Landscape Buffer Requirements, or install a berm, as specified in Section 9.3.1, J. Buffer / berm must be located behind the lots that would otherwise have double frontage and be platted separately as a landscape buffer / berm, to be owned and maintained by the HOA/POA.					
	6	Stand-alone parking lots shall meet the buffering requirements in Section 5.1.33					
	7	Amphitheaters and/or band shells shall meet the buffering requirements in Section 5.1.34					

[Amended 6.15.15 #ZA2015-06-15 (D)]; [Amended 10.3.16 #ZA2016-10-3(D)]; [Amended 12.17.18 #ZA2018-12- 17(A)]

[Amended 9.21.20 #ZA2020-09-21 (B)]; [Amended 6.21.21 #ZA2021-06-21 (A)]; [Amended 7.6.21 #ZA2021-07-06(E)]

Table 9.2 Landscaping Rate Chart				
Landscaping Type	Minimum Width (ft.)	Canopy Tree Rate	Understory Tree Rate	Tall Shrub Rate
Street	8	2 per 100 linear feet**	N/A	15 per 100 linear feet
Parking Lot***	5	1 per 8 Parking Spaces**	N/A	25 per 100 linear feet
Type A	5	N/A	2 per 100 linear feet	18 per 100 linear feet
Type B	15*	2 per 100 linear feet**	3 per 100 linear feet	20 per 100 linear feet
Type C	25*	3 per 100 linear feet	5 per 100 linear feet	25 per 100 linear feet
Type D****	25	4 per 100 linear feet on center	8 per 100 linear feet on center	30 per 100 linear feet on center

*Walls and fences, a minimum of 5 feet in height (constructed of masonry, stone, pressure treated lumber) may be used to reduce the widths of landscaping by 5 feet in Type B and C landscaping.

**Understory trees may be substituted for canopy trees at the rate of two (2) understory trees for each required canopy tree in street yards, parking lots, and Type B yards.

*** Stand-alone parking lots shall meet the requirements in **Section 5.1.33**.

*** Amphitheaters and/or Band Shells shall meet the requirements in **Section 5.1.34**
[Amended 7.6.21 #ZA2021-07-06(E)]

Notes:

1. One understory tree may be substituted for each required canopy tree if the TRC determines that there would be a major conflict with overhead utility lines.
2. If a fence is used instead of a buffer, then the TRC may reduce the quantity of landscaping materials.
3. If the required parking lot landscaping type is located between the parking lot and any structure, canopy trees will not be required.

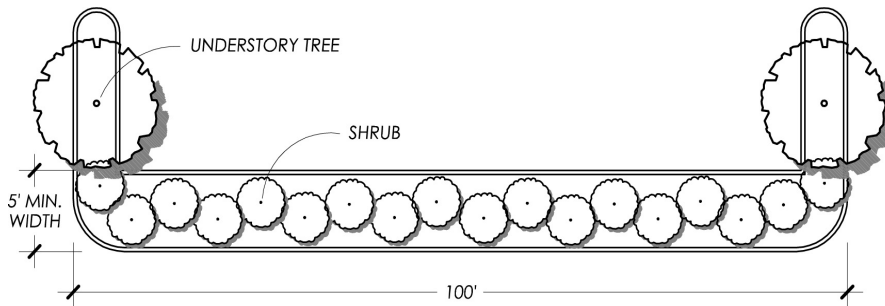
9.2.3 Landscaping Types

A. Type A Landscaping

Buffer width: 5' minimum buffer width, 10' maximum buffer width

Plantings: 2 Understory trees per 100 linear feet

18 shrubs per 100 linear feet



B. Type B Landscaping

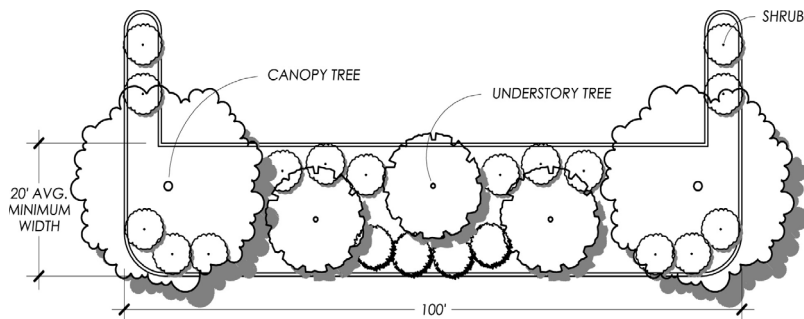
Buffer width: 15' minimum buffer width, 40' maximum buffer width

Plantings: 2 Canopy trees per 100 feet on center

3 Understory trees per 100 feet on center

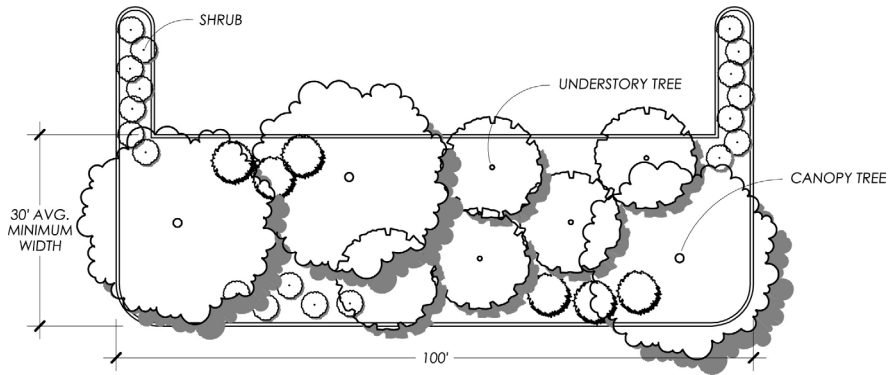
20 shrubs per 100 feet on center

Fencing: Optional

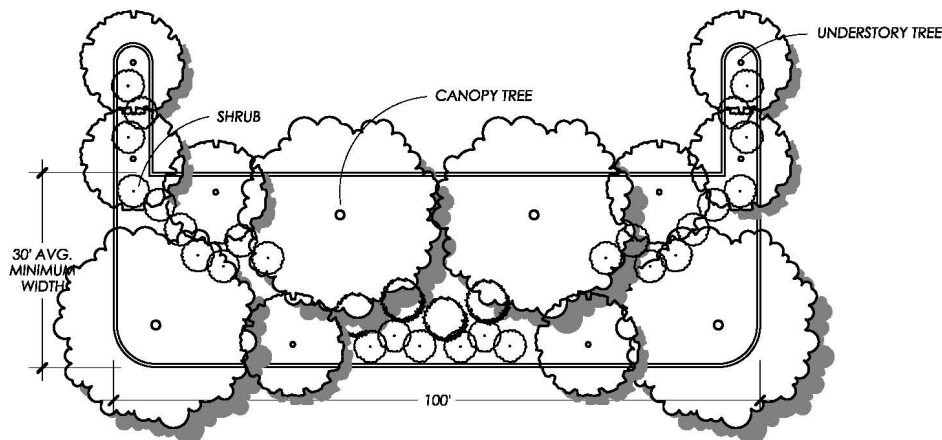


C. Type C Landscaping

Buffer width: 25' minimum, 50' maximum width
 Plantings: 3 canopy trees per 100 feet on center
 5 understory trees per 100 feet on center
 25 shrubs per 100 feet on center
 Fencing: Optional

**D. Type D Landscaping**

Buffer width: 25' minimum, 60' maximum
 Plantings: 4 canopy trees per 100' on center
 8 understory trees per 100' on center
 30 shrubs per 100' on center
 Fencing: Required



DATE: AUGUST 7, 2023

ITEM: IV.B.

ISSUE:

Final Reading of Ordinance #2023-08-07 (B) to amend the City of Conway Municipal Code to Update Article F, an incentive program which provides economic incentives for the development of family entertainment facilities in the City of Conway.

BACKGROUND:

City staff has identified some aspects within the current ordinance that needs better clarification to allow for a smoother process for both the applicants as well as city staff.

These clarifications include;

- Implementation of a **Reimbursement Request Form**.
- Adding clarification of when the time clock of the incentive begins.
- Allowing separate reimbursement requests within Article F.
- Clarifying who receives the reimbursement from the City of Conway.
- Correct the wording in Section 1-5-79 of Article F for agreement requirements.

All of these changes are included in your packet.

RECOMMENDATION:

Approve final reading of ordinance.

ORDINANCE #2023-08-07 (B)

**AMENDING ARTICLE F, CHAPTER 5 – CINEMAS, BOWLING CENTERS AND
OTHER FAMILY ENTERTAINMENT FACILITIES INCENTIVE OF THE CONWAY
MUNICIPAL CODE IN THE CITY OF CONWAY**

WHEREAS, The City of Conway, South Carolina, adopted a Cinemas, Bowling centers and other Family Entertainment Facilities Incentive in 2008 to lessen the burden of opening or expanding a new business endeavor and to help stimulate development of family entertainment establishments; and

WHEREAS, Since the creation of the ordinance, City staff has addressed inconsistencies within the ordinance in relation to the application of the intent of the incentives, and have added clarification on the start date for the reimbursement clock, the reimbursement request time frame, application and reimbursement request procedures; and

WHEREAS, City Council has determined it is in the best interest of the City and its citizens to amend the Cinemas, Bowling Centers and Family Entertainment Facilities incentive program: Therefore, be it

ORDAINED, by Conway City Council, in council duly assembled, that the City of Conway Municipal Code shall be amended after adoption as attached hereto.

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

DONE AND RATIFIED BY CITY COUNCIL duly assembled this 7 day of August, 2023.

Barbara Jo Blain-Bellamy, Mayor

Justin D. Jordan, Mayor Pro Tem

Autry Benton, Council Member

Amanda Butler, Council Member

William M. Goldfinch IV, Council Member

Beth Helms, Council Member

Larry A. White, Council Member

ATTEST: Alicia Shelley, City Clerk

First Reading: July 17, 2023

Final Reading: August 7, 2023

ARTICLE F
Cinemas, Bowling Centers and Other Family Entertainment Facilities Incentive Program

Sec. 1-5-76 Applicability.

This incentive applies to any person, firm or corporation establishing a cinema, bowling center or other family entertainment facility in the city limits of Conway through annexation, redevelopment or new construction. All eligibility is subject to review and approval by city council. (Ord. No. 2008-12-08(C), 12/8/08)

Sec. 1-5-77 Incentives.

City council, at its discretion, and on a case-by-case basis, may enter into an agreement to reimburse any person, firm, or corporation any or all or any portion of the following fees:

1. The applicable water and sewer capital recovery fees up to one-half (½) of the total required fee paid.
2. The required building permit fee paid.
3. The business license fees collected by the City of Conway for as many as five (5) years.
4. The hospitality fees collected by the City of Conway for as many as five (5) years.
5. The property taxes collected by the City of Conway for as many as five (5) years. (Ord. No. 2008-12-08(C), 12/8/08)

Sec. 1-5-78 Reimbursement.

City council shall set a reimbursement cap for any and all reimbursements on a case-by-case basis **and the reimbursement clock shall begin on the date of the issuance of a business license.** ~~All reimbursements for any calendar year shall be applied for in writing between January 1 and January 31 of the following year. Failure to apply for reimbursement by the January 31 deadline shall result in forfeiture of reimbursements for that year as outlined in the agreement. The city shall pay all qualified reimbursement requests within 60 days of receipt.~~ **Reimbursement of building permit fees and capital recovery fees may be requested separately from the other applicable incentives using the Reimbursement Request Form. All other reimbursements for any calendar year shall be applied for by submitting the Reimbursement Request Form between May 1 and May 31 of the following year. Failure to provide a Reimbursement Request Form by the May 31 deadline shall result in forfeiture of reimbursements for that year as outlined in the agreement. Requests for reimbursement must contain proof of fees and or taxes paid in the previous calendar year. The city shall pay all reimbursement requests within 60 days of receiving the Reimbursement Request Form.** Reimbursements shall be made only to the person, firm or corporation who is ~~a party to the agreement holder. and only to the person, firm, or corporation who paid the applicable fee.~~ No partial reimbursements will be made. The business in the subject building or storefront must be actively operating to receive reimbursement under this article. (Ord. No. 2008-12-08(C), 12/8/08)

Sec. 1-5-79 Agreement required.

No reimbursement shall be made without an agreement signed by the interested person, firm or corporation and Conway City Council prepared in accordance with the terms outlined in this article. A signed agreement must be in place prior to the issuance of a ~~business license or building permit~~ **certificate of occupancy (CO)**. No agreements may be applied retroactively. (Ord. No. 2008-12-08(C), 12/8/08)

Sec. 1-5-80 Transferability.

No reimbursement agreements entered into under this article are transferrable to any other person, firm or corporation. If a business is established and an agreement **is** signed in accordance with this ordinance and the subject business closes, the agreement becomes null and void. The city shall not pay further reimbursements once the subject business has ceased to operate for a period exceeding 30 days. (Ord. No. 2008-12-08(C), 12/8/08)

Sec. 1-5-81 Severability.

The reimbursement of fees program and any participants in the program provided for herein shall be fully subject to the impact of any changes in the tax laws of the City of Conway which may be imposed by the State of South Carolina or the United States. If any provisions of this article are deemed unenforceable or invalid, the remainder of the provisions herein shall remain in full force and effect. Conway City Council hereby declares that it would have adopted this article and each section, subsection, sentence, clause and provision herein without the section(s), subsection(s), sentence(s), clause(s), or provisions(s) that are held to be enforceable or invalid. (Ord. No. 2008-12-08(C), 12/8/08)

Sec. 1-5-82 Conflict.

All ordinances or parts of ordinances in conflict herewith are repealed to the extent necessary to give the provisions of this article full force and effect. (Ord. No. 2008-12-08(C), 12/8/08)

Secs. 1-5-83—1-5-100. reserved.

ISSUE:

Final Reading of Ordinance #2023-08-07 (C) to amend the City of Conway Municipal Code to update Article G, an existing incentive program which provides economic incentives for the redevelopment of existing vacant commercial buildings 25,000 sq. ft. or greater in the City of Conway.

BACKGROUND:

City staff has identified some aspects within the current ordinance that needs better clarification to allow for a smoother process for both the applicants as well as city staff.

These clarifications include;

- Implementation of a Reimbursement Request Form.
- Adding clarification of when the time clock of the incentive begins.
- Allowing separate reimbursement requests within Article G.
- Clarifying who receives the reimbursement from the City of Conway.
- Correct the wording in Section 1-5-79 of Article G for signed agreement requirements.

All of these changes are included in your packet.

RECOMMENDATION:

Approve final reading of ordinance.

ORDINANCE #2023-08-07 (C)

**AMENDING ARTICLE G, CHAPTER 5 – REDEVELOPMENT OF EXISTING
VACANT COMMERCIAL BUILDINGS 25,000 SQUARE FEET OR GREATER
INCENTIVE OF THE CONWAY MUNICIPAL CODE IN THE CITY OF CONWAY**

WHEREAS, The City of Conway, South Carolina, adopted a Redevelopment of Existing Vacant Commercial Buildings 25,000 square feet or greater incentive in 2009 to lessen the burden of opening or expanding a new business endeavor to help stimulate development or redevelopment in larger vacant commercial buildings; and

WHEREAS, Since the creation of the ordinance, City staff has addressed inconsistencies within the ordinance in relation to the application of the intent of the incentives, and have added clarification on the start date for the reimbursement clock, the reimbursement request time frame, application and reimbursement request procedures; and

WHEREAS, City Council has determined it is in the best interest of the City and its citizens to amend the redevelopment of existing vacant commercial buildings 25,000 square feet or greater incentive program: Therefore, be it

ORDAINED, by Conway City Council, in council duly assembled, that the City of Conway Municipal Code shall be amended after adoption as attached hereto.

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

DONE AND RATIFIED BY CITY COUNCIL duly assembled this 7 day of August, 2023.

Barbara Jo Blain-Bellamy, Mayor

Justin D. Jordan, Mayor Pro Tem

Autry Benton, Council Member

Amanda Butler, Council Member

William M. Goldfinch IV, Council Member

Beth Helms, Council Member

Larry A. White, Council Member

ATTEST: Alicia Shelley, City Clerk

First Reading: July 17, 2023

Final Reading: August 7, 2023

ARTICLE G
Redevelopment of Existing Vacant Commercial Buildings 25,000 Square Feet or Greater Incentive Program

Sec. 1-5-101 Applicability.

This incentive program applies to any person, firm or corporation redeveloping and fully occupying an existing vacant commercial building or storefront 25,000 square feet and greater in the city limits of Conway. A vacant building shall be defined as any building or storefront which has been vacant for a period exceeding six (6) continuous months. It is the responsibility of the person, firm or corporation applying for the incentive to show that the vacancy requirement has been met. In order to be eligible for this program, the building and lot must meet all applicable current Conway Zoning Ordinance. All eligibility is subject to review and approval by city council. (Ord. No. 2008-12-08(D), 12/8/08)

Sec. 1-5-102 Incentives.

City council, at its discretion, and on a case-by-case basis, may enter into an agreement to reimburse any person, firm, or corporation any or all or any portion of the following fees:

1. The applicable water and sewer capital recovery fees up to one-half (½) of the total required fee paid.
2. The required building permit fee paid.
3. The business license fees collected by the City of Conway for as many as five (5) years.
4. The hospitality fees collected by the City of Conway for as many as five (5) years.
5. The property taxes collected by the City of Conway for as many as five (5) years. (Ord. No. 2008-12-08(D), 12/8/08)

Sec. 1-5-103 Reimbursement.

City council shall set a reimbursement cap for any and all reimbursements on a case-by-case basis and the reimbursement clock shall begin on the date of the issuance of a business license. All reimbursements for any calendar year shall be applied for in writing between January 1 and January 31 of the following year. Failure to apply for reimbursement by the January 31 deadline shall result in forfeiture of reimbursements for that year as outlined in the agreement. The city shall pay all qualified reimbursement requests within 60 days of receipt. Reimbursement of building permit fees and capital recovery fees may be requested separately from the other applicable incentives using the Reimbursement Request Form. All other reimbursements for any calendar year shall be applied for by submitting the Reimbursement Request Form between May 1 and May 31 of the following year. Failure to provide a Reimbursement Request Form by the May 31 deadline shall result in forfeiture of reimbursements for that year as outlined in the agreement. Requests for reimbursement must contain proof of fees and or taxes paid in the previous calendar year. The city shall pay all reimbursement requests within 60 days of receiving the Reimbursement Request Form. Reimbursements shall be made only to the person, firm or corporation who is a party to the agreement holder, and only to the person, firm, or corporation who paid the

~~applicable fee.~~ No partial reimbursements will be made. The business in the subject building or storefront must be actively operating to receive reimbursement under this article. (Ord. No. 2008-12-08(D), 12/8/08)

Sec. 1-5-104 Agreement required.

No reimbursement shall be made without an agreement signed by the interested person, firm or corporation and Conway City Council prepared in accordance with the terms outlined in this article. A signed agreement must be in place prior to the issuance of a ~~business license or building permit~~ **certificate of occupancy (CO)**. No agreements may be applied retroactively. (Ord. No. 2008-12-08(D), 12/8/08)

Sec. 1-5-105 Transferability.

No reimbursement agreements entered into under this article are transferrable to any other person, firm or corporation. If a business is established and an agreement **is** signed in accordance with this ordinance and the subject business closes, the agreement becomes null and void. The city shall not pay further reimbursements once the subject business has ceased to operate for a period exceeding 30 days. (Ord. No. 2008-12-08(D), 12/8/08)

Sec. 1-5-106 Severability.

The reimbursement of fees program and any participants in the program provided for herein shall be fully subject to the impact of any changes in the tax laws of the City of Conway which may be imposed by the State of South Carolina or the United States. If any provisions of this article are deemed unenforceable or invalid, the remainder of the provisions herein shall remain in full force and effect. Conway City Council hereby declares that it would have adopted this article and each section, subsection, sentence, clause and provision herein without the section(s), subsection(s), sentence(s), clause(s), or provision(s) that are held to be enforceable or invalid. (Ord. No. 2008-12-08(D), 12/8/08)

Sec. 1-5-107 Conflict.

All ordinances or parts of ordinances in conflict herewith are repealed to the extent necessary to give the provisions of this article full force and effect. (Ord. No. 2008-12-08(D), 12/8/08)

DATE: AUGUST 7, 2023

ITEM: IV.D.

ISSUE:

Final Reading of Ordinance #2023-08-07 (D) to amend the City of Conway Municipal Code to update Article H, an incentive program which provides economic incentives to businesses occupying existing vacant buildings located in the Central Business District (CBD) in the City of Conway.

BACKGROUND:

City staff has identified some aspects within the current ordinance that needs better clarification to allow for a smoother process for both the applicants as well as city staff.

These clarifications include;

- Implementation of a Reimbursement Request Form.
- Adding wording to be consistent with other incentives.
- Allowing separate reimbursement requests within Article H.
- Clarifying who receives the reimbursement from the City of Conway.
- Implementation of Agreement requirement to be consistent with other incentives.
- With the addition of this section all subsequent sections will all but amended to be numerically correct.
- Updates to the transferability sections to include clarification on requirements for the incentive including when the agreement would or could become null and void.

All of these changes are included in your packet.

RECOMMENDATION:

Approve final reading of ordinance.

ORDINANCE #2023-08-07 (D)

**AMENDING ARTICLE H, CHAPTER 5 – REDEVELOPMENT OF EXISTING
VACANT BUILDINGS LOCATED IN THE CENTRAL BUSINESS DISTRICT
INCENTIVE OF THE CONWAY MUNICIPAL CODE IN THE CITY OF CONWAY**

WHEREAS, The City of Conway, South Carolina, adopted a Redevelopment of Existing Vacant Buildings located in the Central Business District Incentive in 2009 to lessen the burden of opening or expanding a new business endeavor within a building that had been vacant for more than 3 months in the Central Business Districts to help stimulate development or redevelopment in the downtown area; and

WHEREAS, Since the creation of the ordinance, City staff has addressed inconsistencies within the ordinance in relation to the application of the intent of the incentives, and have added clarification on the start date for the reimbursement clock, the reimbursement request time frame, application and reimbursement request procedures; and

WHEREAS, City Council has determined it is in the best interest of the City and its citizens to amend the redevelopment of existing vacant buildings in the Central Business District incentive program: Therefore, be it

ORDAINED, by Conway City Council, in council duly assembled, that the City of Conway Municipal Code shall be amended after adoption as attached hereto.

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

DONE AND RATIFIED BY CITY COUNCIL duly assembled this 7 day of August, 2023.

Barbara Jo Blain-Bellamy, Mayor

Justin D. Jordan, Mayor Pro Tem

Autry Benton, Council Member

Amanda Butler, Council Member

William M. Goldfinch IV, Council Member

Beth Helms, Council Member

Larry A. White, Council Member

ATTEST: Alicia Shelley, City Clerk

First Reading: July 17, 2023

Final Reading: August 7, 2023

ARTICLE H

An Incentive Program to Reimburse Certain Fees in Connection with Occupancy in Existing Vacant Buildings Located in the Central Business District

Sec. 1-5-108 Applicability.

This incentive applies to any person, firm, or corporation establishing a new business in a previously vacant building in the central business district. The central business district shall be defined as any property in the central business district zone as shown on the city's official zoning map. A vacant building shall be defined as any building or storefront which has been vacant and ready for occupancy for a period exceeding three (3) months. It is the responsibility of the person, firm or corporation applying for the incentive to show that the vacancy requirement has been met. All eligibility is subject to review and approval by the city administrator.

Incentives: The city administrator on behalf of the City of Conway may reimburse any person, firm, or corporation the following fees:

1. The required building permit fees.
2. The business license fees collected by the City of Conway for two (2) years. (Ord. No. 2008-08-10(A), 8/10/09)

Sec. 1-5-109 Reimbursement.

City council shall set a reimbursement cap for any and all reimbursements on a case-by-case basis and the reimbursement clock shall begin on the date of the issuance of a business license. ~~All fees shall be reimbursed within 60 days of payment~~ Reimbursement of building permit fees may be requested separately from the other applicable incentive(s) using the Reimbursement Request Form. All other reimbursements for any calendar year shall be applied for by submitting the Reimbursement Request Form between May 1 and May 31 of the following year. Failure to provide a Reimbursement Request Form by the May 31 deadline shall result in forfeiture of reimbursements for that year as outlined in the agreement. Requests for reimbursement must contain proof of fees and or taxes paid in the previous calendar year. The city shall pay all reimbursement requests within 60 days of receiving the Reimbursement Request Form. Reimbursements shall be made only to the person, firm, or corporation who paid the applicable fee ~~is the agreement holder~~. No partial reimbursements will be made. The business in the subject building or storefront must be actively operating in the central business district to receive reimbursement under this article. (Ord. No. 2008-08-10(A), 8/10/09)

Sec. 1-5-110 Agreement required.

No reimbursement shall be made without an agreement signed by the interested person, firm or corporation and the City of Conway prepared in accordance with the terms outlined in this article. A signed agreement must be in place prior to the issuance of a certificate of occupancy (CO). No agreements may be applied retroactively. (Ord. No. 2008-12-08(D), 12/8/08)

Sec. 1-5-110~~1~~ Transferability.

No reimbursement ~~agreements entered into provided~~ under this article are transferrable to any other person, firm, or corporation. ~~If a business is established and an agreement is signed in accordance with this ordinance and the subject business closes, the agreement becomes null and void.~~ The city shall not pay further reimbursements once the subject business has ceased to operate for a period exceeding 30 days. (Ord. No. 2008-08-10(A), 8/10/09)

Sec. 1-5-111~~2~~ Severability.

The reimbursement of fees program and any participants in the program provided for herein shall be fully subject to the impact of any changes in the tax laws of the City of Conway which may be imposed by the State of South Carolina or the United States. If any provisions of this article are deemed unenforceable or invalid, the remainder of the provisions herein shall remain in full force and effect. Conway City Council hereby declares that it would have adopted this article and each section, subsection, sentence, clause and provision herein without the section(s), subsection(s), sentence(s), clause(s), or provision(s) that are held to be enforceable or invalid. (Ord. No. 2008-08-10(A), 8/10/09)

Sec. 1-5-112~~3~~ Conflict.

All ordinances or parts of ordinances in conflict herewith are repealed to the extent necessary to give the provisions of this article full force and effect. (Ord. No. 2008-08-10(A), 8/10/09)

Sec. 1-5-113~~4~~ Effective date.

This article shall become effective upon adoption by the Council of the City of Conway. (Ord. No. 2008-08-10(A), 8/10/09)

DATE: AUGUST 7, 2023

ITEM: IV.E.

ISSUE:

Final reading of Ordinance #2023-08-07 (E) to amend the City of Conway Municipal Code to update Article I, the Redevelopment Enhancement Incentive Program, which provides economic incentives to develop or expand commercial businesses in the City of Conway.

BACKGROUND:

The request today is to end the Redevelopment Enhancement Incentive prior to the expiration date only within the Waccamaw River Districts (WRD-1 and WRD-2), Central Business District (CBD) and Core Commercial (CC) zoning districts. Staff also requests to amend the ordinance to include an agreement requirement as well as update the wording in the ordinance to be consistent with other Incentive Ordinances and processes.

This program allows the City to reimburse any person, firm, or corporation up to 100 percent of the capital recovery fees. This incentive was originally implementing in 2016 and has since been renewed twice. Each renewal granted an extension of three additional years. The first renewal was in 2019 and the most recent was in 2022 placing the expiration date as February 21, 2025.

Through this incentive the City has reimbursed roughly \$333,411 in capital recovery fees. There are existing agreements in place that have not yet been collected on as construction is still underway or is pending approvals.

Staff feels that this incentive has accomplished its original intent in the downtown districts by incentivizing businesses to occupy storefronts and in doing so has reached the extent of its purpose and design within these districts. Staff also feels that allowing this incentive to remain in place along Hwy 378 (Wright Blvd) and Hwy 701 (Main St/4th Ave) will allow these corridors the opportunity to grow a flourish through redevelopment just as the downtown districts have.

In addition to this staff is requesting to amend the ordinance to provide clarification on the reimbursement processes and require a signed agreement to remain consistent with all other incentives offered.

- Implementation of a Reimbursement Request Form.
- Wording clean ups to be consistent with other incentives, and clarification on who reimbursements are to be made to.
- Update the wording to coincide with the approved districts of eligibility.
- The implementation of a signed agreement to be consistent with other incentives.

All of these updates are included in your packet.

RECOMMENDATION:

Approve final reading of ordinance.

ORDINANCE #2023-08-07 (E)

**AMENDING ARTICLE I, CHAPTER 5 – REDEVELOPMENT ENCHANCEMENT
INCENTIVE OF THE CONWAY MUNICIPAL CODE IN THE CITY OF CONWAY**

WHEREAS, The City of Conway, South Carolina, adopted a Redevelopment Enhancement Incentive in 2016 to lessen the burden of opening or expanding a new business endeavor within commercial zoning districts that have shown a need for a boost to help stimulate development or redevelopment; and

WHEREAS, This development incentive program was renewed for 3 years in 2019, and 2022; and

WHEREAS, In Spring 2023, City Council determined, due to the success of the incentive, to amend the ordinance to exclude the Central Business District (CBD), Core Commercial (CC), and Waccamaw River Districts 1 and 2 (WRD1, WRD2) from the applicable zoning districts; and

WHEREAS, Since the last amendment, City staff has addressed inconsistencies within the ordinance in relation to the application of the intent of the incentives, and have added clarification on the reimbursement request time frame, application and reimbursement request procedures; and

WHEREAS, To allow the incentive to apply to the commercial properties located on Highway 378 (Wright Blvd) and Highway 701 (Main Street/4th Avenue); and

WHEREAS, City Council has determined it is in the best interest of the City and its citizens to amend the redevelopment enhancement incentive program: Therefore, be it

ORDAINED, by Conway City Council, in council duly assembled, that the City of Conway Municipal Code shall be amended after adoption as attached hereto.

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

DONE AND RATIFIED BY CITY COUNCIL duly assembled this 7 day of August, 2023.

Barbara Jo Blain-Bellamy, Mayor

Justin D. Jordan, Mayor Pro Tem

Autry Benton, Council Member

Amanda Butler, Council Member

William M. Goldfinch IV, Council Member

Beth Helms, Council Member

Larry A. White, Council Member

ATTEST: Alicia Shelley, City Clerk

First Reading: July 17, 2023

Final Reading: August 7, 2023

ARTICLE I

Redevelopment Enhancement Incentive

Sec. 1-5-1145 Applicability.

This incentive applies to any person, firm, or corporation establishing a new business or expanding an existing business in ~~a the Central Business District (CBD), Core Commercial (CC) or commercial property fronting Highway 378 (Wright Boulevard) or Highway 701 (Main Street/4th Avenue), and Waccamaw River Districts (WRD 1 and WRD 2).~~ These locations shall be defined as any property ~~in the Central Business District zone, Core Commercial zone or any property~~ with a commercial zoning designation with frontage on Highway 378 (Wright Blvd) or Highway 701 (Main Street/4th Avenue) as shown on the city's official zoning map. It is the responsibility of the person, firm or corporation applying for the incentive to demonstrate that they are a new or expanding business to be eligible. All eligibility is subject to review and approval by city council.

Incentives: The city administrator, on behalf of the City of Conway, may reimburse any person, firm, or corporation 100 percent of capital recovery fees.

Sec. 1-5-1156 Reimbursement.

~~All fees shall be reimbursed within 60 days of payment.~~ **Reimbursement shall be made within 60 days of receiving a Reimbursement Request Form.** Reimbursements shall be made only to the person, firm, or corporation who **is the agreement holder.** ~~paid the applicable fee.~~ No partial reimbursements will be made. The applicant or business must be actively operating in the **qualifying** ~~Central Business District, Core Commercial District or on~~ commercially zoned property fronting Highway 378 (Wright Boulevard) or Highway 701 (Main Street/4th Avenue) to receive reimbursement under this article.

Sec. 1-5-1167 Expiration.

The incentive offering shall expire on the third anniversary of the passing of final reading of this article unless renewed or otherwise amended by city council prior to expiration.

(Ord. No. 2016-04-04(D), 4/18/16)

Sec. 1-5-118 Agreement required.

No reimbursement shall be made without an agreement signed by the interested person, firm or corporation and the City of Conway prepared in accordance with the terms outlined in this article. A signed agreement must be in place prior to the issuance of a certificate of occupancy (CO). No agreements may be applied retroactively. (Ord. No. 2008-12-08(D), 12/8/08)

Sec. 1-5-1179 Transferability.

No reimbursement agreements entered into ~~provided~~ under this article are transferrable to any other person, firm, or corporation. If a business is established and an agreement is signed in accordance with this ordinance and the subject business closes, the agreement becomes null and void. The city shall not pay further reimbursements once the subject business has ceased to operate for a period exceeding 30 days.

(Ord. No. 2016-04-04(D), 4/18/16)

Sec. 1-5-118~~20~~ Severability.

The reimbursement of fees program and any participants in the program provided for herein shall be fully subject to the impact of any changes in the tax laws of the City of Conway which may be imposed by the State of South Carolina or the United States. If any provisions of this article are deemed unenforceable or invalid, the remainder of the provisions herein shall remain in full force and effect. Conway City Council hereby declares that it would have adopted this article and each section, subsection, sentence, clause and provision herein without the section(s), subsection(s), sentence(s), clause(s), or provision(s) that are held to be enforceable or invalid.

(Ord. No. 2016-04-04(D), 4/18/16)

Sec. 1-5-119~~21~~ Conflict.

All ordinances or parts of ordinances in conflict herewith are repealed to the extent necessary to give the provisions of this article full force and effect.

(Ord. No. 2016-04-04(D), 4/18/16)

Sec. 1-5-120~~22~~ Effective date.

This article shall become effective upon adoption by the council of the City of Conway.

(Ord. No. 2016-04-04(D), 4/18/16)

DATE: AUGUST 7, 2023

ITEM: IV.F.

ISSUE:

Final reading of Ordinance #2023-08-07 (F) Article J, to amend the City of Conway Municipal Code to update Article J, the Hotel/Short-term Rental Incentive Program, which provides economic incentives to develop hotels, motels, inns, and commercial short-term rentals in the City of Conway.

BACKGROUND:

City staff has identified some aspects within the current ordinance that need better clarification to allow for a smoother process for both the applicants as well as city staff.

These clarifications include;

- Implementation of a Reimbursement Request Form. With the updates requested each of the ordinances will require written documentation for reimbursement. To provide consistent documentation for each aspect of the incentives. This will provide a faster process and better record keeping while providing a simplified request for the applicant for all approved reimbursements. The Reimbursement Request Form is included in your packet.
- Adding clarification of when the time clock of the incentive begins.
- Staff is proposing alternative language to change the reimbursement request dead line be changed to May, which will coincide with the business license renewal period and will be easier to track.
- Clarifying who receives the reimbursement from the City of Conway.
- Correct the wording in Section 1-5-126 of Article J to prevent any delays in the review progress. Staff requests to amend the incentive to allow the expedited review period be redeemable upon council's decision of eligibility.

All of these changes are included in your packet.

RECOMMENDATION:

Approve final reading of ordinance.

ORDINANCE #2023-08-07 (F)

**AMENDING ARTICLE J, CHAPTER 5 – A HOTEL INCENTIVE PROGRAM OF THE
CITY OF CONWAY MUNICIPAL CODE WHICH PROVIDES ECONOMIC
INCENTIVES TO DEVELOP HOTELS AND SHORT-TERM RENTALS IN THE CITY
OF CONWAY**

WHEREAS, City Council has expressed the need to attract more hotels in Conway, and more specifically, in the downtown in the Central Business District (CBD) and Core Commercial (CC) zoning districts; and

WHEREAS, Hotel developments would increase local employment, expand the tax base, and create new wealth opportunities in the community; and

WHEREAS, In Spring 2022, City Council created a new Hotel Incentive program that allows reimbursement of property taxes, reimbursement of hospitality taxes, and expedited review period of 15 days instead of 30 days; and

WHEREAS, To attract hotels downtown, this new incentive could be stacked with existing incentives to additionally provide reimbursement of capital recovery fees, building permit fees, and business license fees; and

WHEREAS, Since approval, the Conway Chamber of Commerce has met with hotel developers. From these meetings, a few amendments have been suggested, including 7 years of reimbursement for the first year of the program, and clarification on the start date for the reimbursement clock; and

WHEREAS, Since the last amendment, City staff has addressed inconsistencies within the ordinance in relation to the application of the intent of the incentives, and have added clarification on the start date for the reimbursement clock, the reimbursement request time frame, application and reimbursement request procedures; and

WHEREAS, City Council has determined it is in the best interest of the City and its citizens to amend the hotel incentive program: Therefore, be it

ORDAINED, by Conway City Council, in council duly assembled, that the City of Conway Municipal Code shall be amended after adoption as attached hereto.

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

DONE AND RATIFIED BY CITY COUNCIL duly assembled this 7 day of August, 2023.

Barbara Jo Blain-Bellamy, Mayor

Justin D. Jordan, Mayor Pro Tem

Autry Benton, Council Member

Amanda Butler, Council Member

William M. Goldfinch IV, Council Member

Beth Helms Council Member

Larry A. White, Council Member

ATTEST: Alicia Shelley, City Clerk

First Reading: July 17, 2023

Final Reading: August 7, 2023

ARTICLE J

Hotel Incentive

Sec. 1-5-121~~3~~3 Applicability.

This incentive applies to any person, firm or corporation establishing a hotel or commercial short-term rentals with a minimum of eight (8) units in the City of Conway. All eligibility is subject to review and approval by city council.

Sec. 1-5-122~~4~~4 Incentives.

City council, at its discretion, and on a case-by-case basis, may enter into an agreement to reimburse any person firm, or corporation any or all or any portion of the following fees (city council expressed the desire to provide more incentives for boutique hotels):

- (1) The hospitality fees collected by the City of Conway for as many as seven (7) years. On the first anniversary of the passing of final reading of this article, the hospitality fees collected by the City of Conway will convert to hospitality fees collected for as many as five (5) years.
- (2) The property taxes collected by the City of Conway for as many as seven (7) years. On the first anniversary of the passing of final reading of this article, the hospitality fees collected by the City of Conway will convert to property taxes collected for as many as five (5) years.
- (3) Expedited City of Conway review period of 15 days in lieu of the typical 30 days.

Sec. 1-5-123~~5~~5 Reimbursement.

City council shall set a reimbursement cap for any and all reimbursements on a case-by- case basis and the reimbursement clock shall begin on the date of the **issuance of a business license, certificate of occupancy (CO) with the exception of Section 1-5-124 (3) of this ordinance.** ~~All reimbursements for any calendar year shall be applied for in writing between January 1 and January 31 of the following year. Applications for reimbursement will contain proof of taxes paid in the previous calendar year. Failure to apply for reimbursement by the January 31 deadline shall result in forfeiture of reimbursements for that year as outlined in the agreement. The city shall pay all qualified reimbursement requests within 60 days of receipt.~~ **Reimbursements for any calendar year shall be applied for by submitting the Reimbursement Request Form between May 1 and May 31 of the following year. Failure to provide a Reimbursement Request Form by the May 31 deadline shall result in forfeiture of reimbursements for that year as outlined in the agreement. Requests for reimbursement must contain proof of taxes paid in the previous calendar year. The city shall pay all reimbursement requests within 60 days of receiving the Reimbursement Request Form.** Reimbursements shall be made only to the person, firm or corporation who is a ~~party to the agreement~~ **holder**. No partial reimbursements will be made. The hotel or short-term rental units must be actively operating to receive reimbursement under this article.

Sec. 1-5-124~~6~~6 Agreement required.

No reimbursement shall be made without an agreement signed by the interested person, firm or corporation and Conway City Council prepared in accordance with the terms outlined in this article, **with the exception of Section 1-5-124 (3).** A signed agreement must be in place prior to the issuance of a ~~business license or certificate of occupancy (CO).~~ No agreements may be applied retroactively. (Ord. No. 2008-12-08(D), 12/8/08)

Sec. 1-5-1257 Transferability.

No reimbursement ~~agreements entered into~~ provided under this article are transferrable to any other party, person, firm, or corporation. ~~If a business is established and na agreement is signed in accordance with this ordinance and the subject business closes, the agreement becomes null and void.~~ The city shall not pay further reimbursements once the subject business has ceased to operate for a period exceeding 30 days.

Sec. 1-5-1268 Severability.

The reimbursement of fees program and any participants in the program provided for herein shall be fully subject to the impact of any changes in the tax laws of the City of Conway which may be imposed by the State of South Carolina or the United States. If any provisions of this article are deemed unenforceable or invalid, the remainder of the provisions herein shall remain in full force and effect. Conway City Council hereby declares that it would have adopted this article and each section, subsection, sentence, clause and provision herein without the section(s), subsection(s), sentence(s), clause(s), or provision(s) that are held to be enforceable or invalid.

Sec. 1-5-1279 Conflict.

All ordinances or parts of ordinances in conflict herewith are repealed to the extent necessary to give the provisions of this article full force and effect.

Sec. 1-5-12830 Effective date.

This article shall become effective upon adoption by the council of the City of Conway.

DATE: AUGUST 7, 2023
ITEM: IV.G.

ISSUE:

Final Reading of Ordinance #2023-08-07 (G) to amend Title 1, Chapter 8, Section 1-8-3(a)2 of the Code of Ordinances, Nonpartisan elections; procedure, to update the fees for municipal elections.

BACKGROUND & ANALYSIS:

During the 2023 Budget Retreat, council conducted a review of various fees charged by the City. Included in that analysis was a review of filing fees for municipal elections. Currently, it costs \$560 to run for mayor and \$325 to run for council. Those fees have not been changed in at least 12 years. Council indicated during the retreat that their preference was to raise the filing fees for the office of Mayor to \$700, while raising the fees for Council to \$425.

Both of these adjustments represent an increase slightly below the rate of inflation since the last ordinance update in 2011.

RECOMMENDATION

Approve final reading of Ordinance #2023-08-07 (G)

ORDINANCE #2023-08-07 (G)

AMENDING TITLE 1, CHAPTER 8, SECTION 1-8-3 (a) (2), NONPARTISAN ELECTIONS, PROCEDURE, OF THE CODE OF ORDINANCES, CITY OF CONWAY

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

WHEREAS, upon review of various fees charged by the City, the council determined that municipal election filing fees need adjustment relative to inflation; Therefore, be it

ORDAINED, that Title 1, Chapter 8, Section 1-8-3 (a) (2), Nonpartisan elections; procedure, is hereby amended as follows:

RATIFIED BY CITY COUNCIL, duly assembled, this 7 day of August, 2023.

Barbara Jo Blain-Bellamy, Mayor

Justin D. Jordan, Mayor Pro Tem

K. Autry Benton Jr., Council Member

Amanda Butler, Council Member

William M. Goldfinch IV, Council Member

Beth Helms, Council Member

Larry A. White, Council Member

ATTEST: Alicia Shelley, City Clerk

First Reading: July 17, 2023

Final Reading: August 7, 2023

Sec. 1-8-3 Nonpartisan elections; procedure.

(a) All regular and special elections for the offices of mayor and city council for the city held after adoption of this code shall be nonpartisan elections using the nonpartisan election and runoff election method pursuant to section 5-15-60 of the 1976 Code of Laws of South Carolina.

(1) Candidate qualifications. A candidate filing for municipal office must be a registered voter and shall have resided within the city for at least four months prior to the date of the election in which he is a candidate. The candidate shall offer proof of such residency as may be required by the municipal election commission at the time of filing.

(2) Filing fees. Filing fees for municipal offices shall be ~~\$560~~ **\$700** for mayor and ~~\$325~~ **\$425** for council and shall be turned in to the city clerk at the time the statement of candidacy is submitted.

DATE: AUGUST 7, 2023
ITEM: IV.H.

ISSUE:

Purchase of Water Meters by the Public Utilities Department

BACKGROUND:

The Public Utilities Department is requesting approval to purchase water meters for FY 23-24. Water meters are necessary for the Department to maintain the city's growth and departmental revenue. In order to keep up with the demand of new houses, replacing defected meters, and meters needed for the change out program, the department has to maintain an adequate stock of meters.

Water meters manufactures cannot keep up with the market demand for various reasons. There is a nationwide four to six-month back order on water meters.

The Utility Department is requesting permission to purchase as needed throughout the year. \$750,000 has been budgeted for water meters purchases during FY 23-24.

RECOMMENDATION:

Approve the purchase of water meters for FY 23-24.

DATE: AUGUST 7, 2023
ITEM: IV.I.

ISSUE:

Special Event Request – Back to School Bash, August 20, 2023 – First Baptist Church from 9:00 a.m. to 4:00 p.m.

BACKGROUND:

First Baptist Church requests approval of a Special Event Permit for a Back to School Bash to be held August 20, 2023 at 603 Elm Street. The event will run from 9:00 a.m. – 4:00 p.m.

The applicant is requesting road closure on 6th Avenue between Beaty Street and Elm Street.

RECOMMENDATION:

Approve the special event permit as presented.

RECEIVED
7/25/2023



For Office Use Only
Permit Application

- ☐ Approved
- ☐ Disapproved
- ☐ Charges required in the amount of _____

Signature

Date

SPECIAL EVENT PERMIT APPLICATION

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

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

Name of the event: Back to school Bash

Name of permit holder: First Baptist Church of Conway

Address of permit holder: 603 Elm Street

City: Conway State: SC Zip: 29526

Telephone number of permit holder: 843 248 4067 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: First Baptist Church of Conway

Address of organization: 603 Elm Street, Conway, SC 29526

Telephone number of organization: 843 248 4067

What is the purpose of the activity? celebrating end of summer and start of the school year

What is the proposed date(s) of the activity? August 20, 2023

What are the proposed times of the activity? 9am - 4pm

What are the plans for the event? families will attend to take part in activities and have refreshments.

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

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

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

6th avenue between Elm Street and Beaty Street

What is the approximate number of participants?

250

What is the approximate number of vendors?

1

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:

inflatables

Are you requesting any road blockades? (charges may apply)

☒ Yes ☐ No

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

Are you requesting any police assistance? (charges may apply)

☐ Yes ☒ No

Are you requesting to set up tents or temporary structures? (charges may apply)

☒ Yes ☐ No

If yes, please attach a drawing showing the locations and sizes of all auxiliary structures.

Are you requesting any fire/medical standby assistance? (charges may apply)

☐ Yes ☒ No

Will supplementary utility services such as power and water be used in addition to what is available in the area? If yes, describe in detail the specific utilities and location. Any additional utilities must be provided by the applicant.

☐ Yes ☒ No

Have you requested or obtained a permit from any other jurisdiction (city or county) within which the activity shall commence, terminate or occur in part?

☐ Yes ☒ No

How do you plan to remove garbage?

Will existing restroom facilities be adequate?

☒ Yes ☐ No

If not, describe plans to augment available sanitary facilities:

Please include any additional information that may be useful:

Does any of the following apply to the proposed activity: _____ Fireworks Display _____ Other (live band, band, loudspeakers, sound amplifiers, etc.). Please specify: N/A

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.

N/A
N/A

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

N/A

Times for alcohol to be served: From _____ To _____

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

The following does not apply to restaurants:

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

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

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

Applicant's Signature:  Date: 7/24/23



SPECIAL EVENTS

ALCOHOL CONTROL POLICY

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

1. Hard alcohol (liquor) may not be present, possessed, consumed and/or served at any permitted special event. *Section 7-2-2 (b) (1) states "The sale of alcohol within the designated area of a special event is limited to beer and wine."*
2. Public consumption of alcohol as authorized by the special event permit shall not begin before the designated event start time. There shall be no open containers of alcohol allowed in the event area before this designated time. The event organizers and all participating restaurants must discontinue alcohol distribution for public consumption within the event area at a minimum of 30 minutes prior to the end of the event. All alcohol must be cleared from the event site at the end of the event.
3. At no other time may alcohol be present, possessed, served, and consumed in the public area. The event organizer is responsible for informing participating restaurants of the event hours for compliance and to make certain that no one leaves restaurant premises with alcohol except during the time of the special event.
4. It is a violation to permit or knowingly allow a person under 21 years of age to purchase or possess or consume liquor, beer or wine. The seller of beer or wine must clearly display signs stating that the purchase or possession of beer or wine by a person under the age of 21 is unlawful.
5. Signs informing participants that alcohol beverages are prohibited on City streets and sidewalks beyond the boundaries of the designated special event area will be posted by the City.
6. No alcohol may be in 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:

Jodee Carroll

843 248 4067

7/24/23

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: Back to School Bash Date(s) Aug 20 2023

Sponsoring Organization: First Baptist Church

Application completed by: Jodee Carroll Contact No.: 843 248-4061 Date: July 24 2023

<input checked="" type="checkbox"/> Recommend approval	<input type="checkbox"/> Recommend disapproval
<u>7/31/2023</u> Date	
Police Department	
Fees or charges associated with this event: _____	
Special Conditions/Comments: <u>see attached</u>	

Police Officers	\$40.00/hour per officer

<input checked="" type="checkbox"/> Recommend approval	<input type="checkbox"/> Recommend disapproval
<u>7/31/2023</u> Date	
Fire Department	
Fees or charges associated with this event: _____	
Special Conditions/Comments: <u>see attached</u>	

Fire Inspector/Fire-Rescue Officers	\$40.00/hour per officer

<input checked="" type="checkbox"/> Recommend approval	<input type="checkbox"/> Recommend disapproval
<u>7/31/2023</u> Date	
Public Works Department	
Fees or charges associated with this event: _____	
Special Conditions/Comments: <u>see attached</u>	

<u>Residential & Non Residential Street Closure</u>	
Barricades	\$20.00 each
Public Works Employee	\$25.00/hour per employee

<input type="checkbox"/> Recommend approval	<input type="checkbox"/> Recommend disapproval
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	7/31/2023 Date
Special Conditions/Comments: <u>see attached</u>	

<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	7/31/2023 Date
Special Conditions/Comments: <u>See attached</u>	

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

A back to school bash will take place on the lawn of 508 Beauty Street. The road needs blocked to ensure safety for pedestrians crossing.

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:

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.

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.

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.

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.

49

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.

BM (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.

BM (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.

BM (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.

BM (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:

First Baptist Church

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

NAME: Brian Hoffman TITLE: Pastor

SIGNATURE: Brian Hoffman DATE: 7/24/23

FACILITY USE AGREEMENT AND RELEASE/INDEMNIFICATION
City of Conway

- A. In consideration for being permitted to use the facilities of the City of Conway, First Baptist church of Conway
(hereinafter "Applicant") agrees to indemnify and hold harmless, City of Conway its officers, employees, insurers, and SCMIT/SCMIRF Insurance Programs, from and against all liability, claims, and demands, which are incurred, made, or brought by any person or entity, on account of damage, loss, or injury, including without limitation claims arising from property loss or damage, bodily injury, personal injury, sickness, disease, death, or any other loss of any kind whatsoever, which arise out of or are in any manner connected with the use of the facilities, whether any such liability, claims, and demands result from the act, omission, negligence, or other fault on the part of the City of Conway, its officers, or its employees, or from any other cause whatsoever.
- B. By signing below, Applicant agrees that, in the event of any damage, loss, or injury to the facilities or to any property or equipment therein, the City of Conway may require reimbursement for the full amount of such damage, loss, or injury and all costs associated therewith upon billing by City of Conway.
- C. In addition, in consideration for being permitting to use the facilities, Applicant, on behalf of itself, and its officers, employees, members, and invitees, hereby expressly exempts and releases the City of Conway, its officers, employees, insurers, and self-insurance pool, from and against all liability, claims, and demands, on account of injury, loss, or damage, including without limitation claims arising from property loss or damage, bodily injury, personal injury, sickness, disease, or death, that Applicant may incur as a result of such use, whether any such liability, claims, and demands result from the act, omission, negligence, or other fault on the part of the City of Conway, its officers, or its employees, or from any other cause whatsoever.

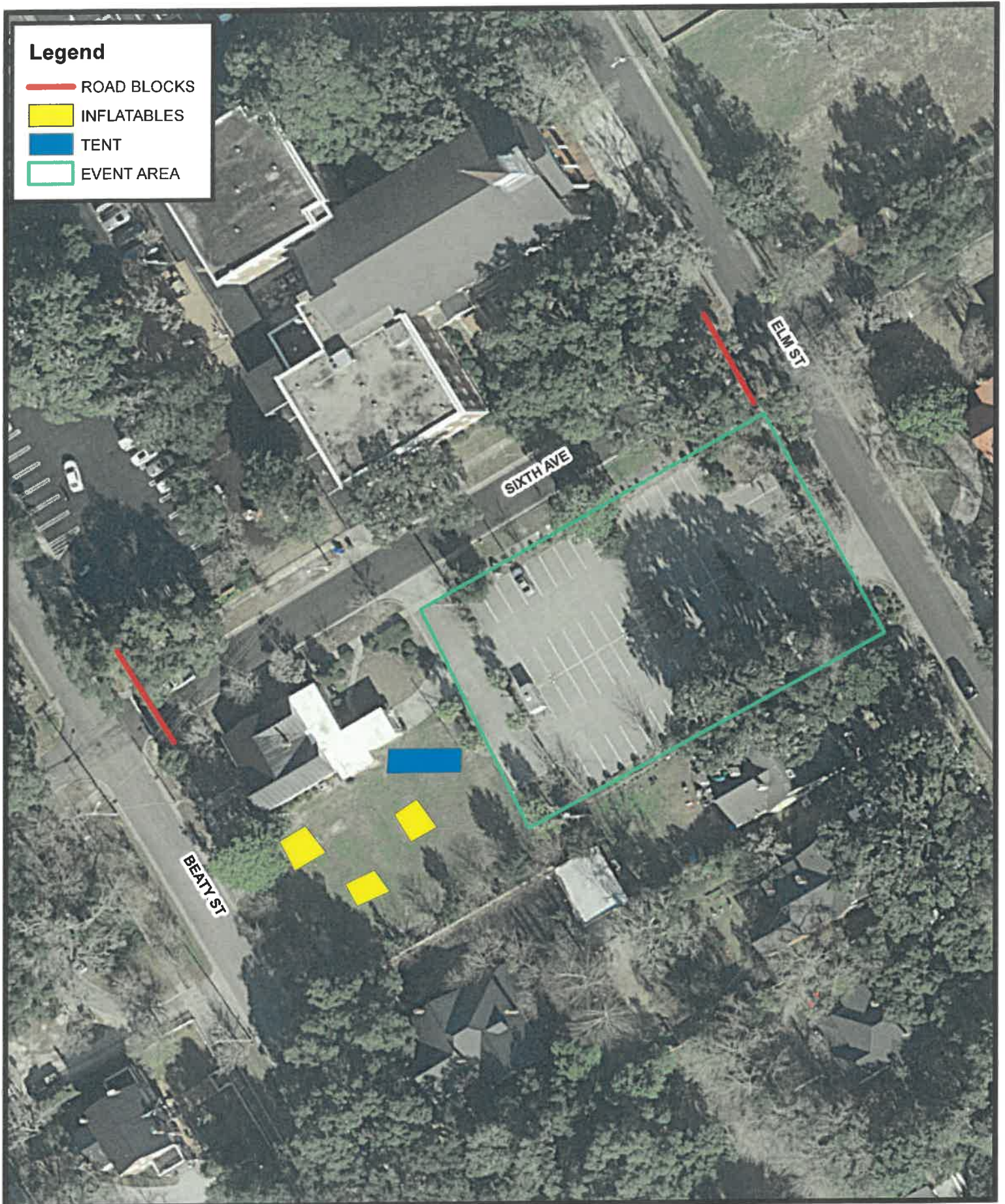
First Baptist church
NAME OF PERSON/ORGANIZATION

B. H. H.
SIGNATURE OF PERSON/ORGANIZATION REPRESENTATIVE

7/24/23
DATE

Legend

- ROAD BLOCKS
- INFLATABLES
- TENT
- EVENT AREA





CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
7/24/2023

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER SOUTHERN MUTUAL CHURCH INSURANCE COMPANY PO BOX 9346 COLUMBIA SC 29290	CONTACT NAME: SOUTHERN MUTUAL CHURCH INSURANCE COMPANY	
	PHONE (A/C, No. Ext): 800-922-5332 OR 803-776-9365	FAX (A/C, No): 803-776-4260
INSURED FIRST BAPTIST CHURCH OF CONWAY 603 ELM STREET CONWAY SC 29526	E-MAIL ADDRESS:	
	INSURER(S) AFFORDING COVERAGE	NAIC #
	INSURED A: Southern Mutual Church Insurance Company 26468	
	INSURER B:	
	INSURER C:	
	INSURER D:	
	INSURER E:	
INSURER F:		

COVERAGES**CERTIFICATE NUMBER:****REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN. THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	COMMERCIAL GENERAL LIABILITY CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC OTHER			SMP 0068894	12/15/2022	12/15/2023	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000 MED EXP (Any one person) \$ 15,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 3,000,000 PRODUCTS - COMP/OP AGG \$ 1,000,000
	AUTOMOBILE LIABILITY ANY AUTO ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS HIRED AUTOS <input type="checkbox"/> NOW-OWNED AUTOS						COMBINED SINGLE LIMIT (Each accident) \$ BODILY INJURY (Per Person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input type="checkbox"/> RETENTIONS \$						EACH OCCURRENCE \$ AGGREGATE \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? <input type="checkbox"/> Y/N (Mandatory in NH) If yes, describe under DESCRIPTIONS OF OPERATIONS below	N/A					PER STATUTE OTHER \$ E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE FOR LIABILITY FOR BACK TO SCHOOL BASH ON 8/20/23.

CERTIFICATE HOLDERCITY OF CONWAY
196 LAUREL STREET
CONWAY SC 29526**CANCELLATION**

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE, THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

CAROL SANTILLI, UNDERWRITER

Carol A. Santilli

© 1988-2013 ACORD CORPORATION. All Rights reserved.

Natasha Sherman

From: Business License
Sent: Monday, July 31, 2023 8:39 AM
To: Natasha Sherman
Subject: RE: First Baptist Back to School Bash

Good with business license.

From: Natasha Sherman
Sent: Monday, July 31, 2023 8:34 AM
To: Adam Emrick <aemrick@cityofconway.com>; Alicia Shelley <ashelley@cityofconway.com>; Anne Bessant <abessant@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>; 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: First Baptist Back to School Bash

Please review for approval and email me back.

Natasha Sherman
Executive Assistant
City of Conway

From: cityhallprinter@cityofconway.com <cityhallprinter@cityofconway.com>
Sent: Saturday, July 1, 2023 6:37 PM
To: Natasha Sherman <nsherman@cityofconway.com>
Subject: Message from KM_C450i

Natasha Sherman

From: Katie Dennis
Sent: Monday, July 31, 2023 8:42 AM
To: Natasha Sherman
Subject: RE: First Baptist Back to School Bash

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: Monday, July 31, 2023 8:34 AM
To: Adam Emrick <aemrick@cityofconway.com>; Alicia Shelley <ashelley@cityofconway.com>; Anne Bessant <abessant@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>; 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: First Baptist Back to School Bash

Please review for approval and email me back.

Natasha Sherman
Executive Assistant
City of Conway

From: cityhallprinter@cityofconway.com <cityhallprinter@cityofconway.com>
Sent: Saturday, July 1, 2023 6:37 PM
To: Natasha Sherman <nsherman@cityofconway.com>
Subject: Message from KM_C450i

Natasha Sherman

From: Phillip L. Hendrick, Jr.
Sent: Monday, July 31, 2023 8:45 AM
To: Natasha Sherman
Subject: RE: First Baptist Back to School Bash

Fire is good. We will need to inspect the inflatables.

From: Natasha Sherman <nsherman@cityofconway.com>
Sent: Monday, July 31, 2023 8:34 AM
To: Adam Emrick <aemrick@cityofconway.com>; Alicia Shelley <ashelley@cityofconway.com>; Anne Bessant <abessant@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>; 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: First Baptist Back to School Bash

Please review for approval and email me back.

Natasha Sherman
Executive Assistant
City of Conway

From: cityhallprinter@cityofconway.com <cityhallprinter@cityofconway.com>
Sent: Saturday, July 1, 2023 6:37 PM
To: Natasha Sherman <nsherman@cityofconway.com>
Subject: Message from KM_C450i

Natasha Sherman

From: Dale Long
Sent: Monday, July 31, 2023 11:23 AM
To: Natasha Sherman; Adam Emrick; Alicia Shelley; Brandon Harrelson; Braxton Fleming; Business License; Jessica Hucks; John Rogers; June Wood; Katie Dennis; Mary Catherine Hyman; Phillip L. Hendrick, Jr.; Tammy Carter; Timmy Williams; Tyres Nesmith
Subject: RE: First Baptist Back to School Bash

OK for PD. They will need barricades dropped off for them to place to close the short section of 6th Avenue.

From: Natasha Sherman <nsherman@cityofconway.com>
Sent: Monday, July 31, 2023 8:34 AM
To: Adam Emrick <aemrick@cityofconway.com>; Alicia Shelley <ashelley@cityofconway.com>; Anne Bessant <abessant@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>; 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: First Baptist Back to School Bash

Please review for approval and email me back.

Natasha Sherman
Executive Assistant
City of Conway

From: cityhallprinter@cityofconway.com <cityhallprinter@cityofconway.com>
Sent: Saturday, July 1, 2023 6:37 PM
To: Natasha Sherman <nsherman@cityofconway.com>
Subject: Message from KM_C450i

Natasha Sherman

From: Brandon Harrelson
Sent: Monday, July 31, 2023 3:52 PM
To: Natasha Sherman
Subject: RE: First Baptist Back to School Bash

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: Monday, July 31, 2023 8:34 AM
To: Adam Emrick <aemrick@cityofconway.com>; Alicia Shelley <ashelley@cityofconway.com>; Anne Bessant <abessant@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>; 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: First Baptist Back to School Bash

Please review for approval and email me back.

Natasha Sherman
Executive Assistant
City of Conway

From: cityhallprinter@cityofconway.com <cityhallprinter@cityofconway.com>
Sent: Saturday, July 1, 2023 6:37 PM
To: Natasha Sherman <nsherman@cityofconway.com>
Subject: Message from KM_C450i

DATE: AUGUST 7, 2023
ITEM: IV.J.

ISSUE:

Special Event Request – Trunk or Treat, October 31, 2023 – First Baptist Church from 6:00 p.m. to 7:30 p.m.

BACKGROUND:

First Baptist Church requests approval of a Special Event Permit for Trunk or Treat to be held October 31, 2023 at 603 Elm Street. The event will run from 6:00 p.m. – 7:30 p.m.

The applicant is requesting road closure on 6th Avenue between Beaty Street and Elm Street.

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: Trunk or Treat
Name of permit holder: First Baptist Church of Conway
Address of permit holder: 603 Elm Street
City: Conway State: SC Zip: 29526
Telephone number of permit holder: 843 248 4067 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: First Baptist Church of Conway
Address of organization: 603 Elm Street, Conway, SC 29526
Telephone number of organization: 843 248 4067
What is the purpose of the activity? Trunk or treat for children

What is the proposed date(s) of the activity? Oct 31, 2023
What are the proposed times of the activity? 6pm to 7:30pm
What are the plans for the event? Cars will be parked in the parking lot on the corner of Elm Street and 6th Ave for trunk or treating.
What is the location or route of the activity? (Please attach any necessary route maps.)
Please see map

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:

please close 6th ave between Beatty Street
and Elm Street from 3pm to 9pm on Oct. 31, 2023

What is the approximate number of participants? 500

What is the approximate number of vendors? 0

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

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

If yes, please explain:

cars will be parked with
trunks open

Are you requesting any road blockades? (charges may apply)

☒ Yes ☐ No

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

Are you requesting any police assistance? (charges may apply)

☐ Yes ☒ No

Are you requesting to set up tents or temporary structures? (charges may apply)

☐ Yes ☒ No

If yes, please attach a drawing showing the locations and sizes of all auxiliary structures.

Are you requesting any fire/medical standby assistance? (charges may apply)

☐ Yes ☒ No

Will supplementary utility services such as power and water be used in addition to what is available in the area? If yes, describe in detail the specific utilities and location. Any additional utilities must be provided by the applicant.

☐ Yes ☒ No

Have you requested or obtained a permit from any other jurisdiction (city or county) within which the activity shall commence, terminate or occur in part?

☐ Yes ☒ No

How do you plan to remove garbage?

Will existing restroom facilities be adequate?

☒ Yes ☐ No

If not, describe plans to augment available sanitary facilities:

Please include any additional information that may be useful:

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

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.

N/A

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

N/A

Times for alcohol to be served: From _____ To _____

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

The following does not apply to restaurants:

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

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

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

Applicant's Signature: _____

Date: _____

7/24/23



SPECIAL EVENTS

ALCOHOL CONTROL POLICY

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

1. Hard alcohol (liquor) may not be present, possessed, consumed and/or served at any permitted special event. *Section 7-2-2 (b) (1) states "The sale of alcohol within the designated area of a special event is limited to beer and wine."*
2. Public consumption of alcohol as authorized by the special event permit shall not begin before the designated event start time. There shall be no open containers of alcohol allowed in the event area before this designated time. The event organizers and all participating restaurants must discontinue alcohol distribution for public consumption within the event area at a minimum of 30 minutes prior to the end of the event. All alcohol must be cleared from the event site at the end of the event.
3. At no other time may alcohol be present, possessed, served, and consumed in the public area. The event organizer is responsible for informing participating restaurants of the event hours for compliance and to make certain that no one leaves restaurant premises with alcohol except during the time of the special event.
4. It is a violation to permit or knowingly allow a person under 21 years of age to purchase or possess or consume liquor, beer or wine. The seller of beer or wine must clearly display signs stating that the purchase or possession of beer or wine by a person under the age of 21 is unlawful.
5. Signs informing participants that alcohol beverages are prohibited on City streets and sidewalks beyond the boundaries of the designated special event area will be posted by the City.
6. No alcohol may be in 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:
<u>Jodee Carroll</u>	<u>843 248 4067</u>	<u>7/24/23</u>

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: Trunk or Treat Date(s) Oct 31 2023

Sponsoring Organization: 1st Baptist Church

Application completed by: Jodee Carroll Contact No.: 843 248-4061 Date: July 24 2023

☒ Recommend approval ☐ Recommend disapproval

7/31/2023
Date

Police Department

Fees or charges associated with this event: _____

Special Conditions/Comments: See attached

Police Officers

\$40.00/hour per officer

☒ Recommend approval ☐ Recommend disapproval

7/31/2023
Date

Fire Department

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

7/31/2023
Date

Public Works Department

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	<div style="text-align: center; font-size: 1.2em;">7/31/2023</div> Date
Special Conditions/Comments: _____	
<div style="font-size: 1.2em; color: blue;">see attached</div>	

<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	<div style="text-align: center; font-size: 1.2em;">7/31/2023</div> Date
Special Conditions/Comments: _____	
<div style="font-size: 1.2em; color: blue;">see attached</div>	

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:

Trunk or treating will take place in the church's parking lot, so 6th ave needs to be blocked to ensure safe crossing for pedestrians.

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:

trunk or treating

MM (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.

MM (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.

MM (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.

MM (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.

MM (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.

BM (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.

BM (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.

BM (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.

BM (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:

First Baptist Church of Conway

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

NAME:

Brian Hoffman

TITLE:

Pastor

SIGNATURE:

Brian Hoffman

DATE:

7/24/23

FACILITY USE AGREEMENT AND RELEASE/INDEMNIFICATION
City of Conway

- A. In consideration for being permitted to use the facilities of the City of Conway, First Baptist Church of Conway
(hereinafter "Applicant") agrees to indemnify and hold harmless, City of Conway its officers, employees, insurers, and SCMIT/SCMIRF Insurance Programs, from and against all liability, claims, and demands, which are incurred, made, or brought by any person or entity, on account of damage, loss, or injury, including without limitation claims arising from property loss or damage, bodily injury, personal injury, sickness, disease, death, or any other loss of any kind whatsoever, which arise out of or are in any manner connected with the use of the facilities, whether any such liability, claims, and demands result from the act, omission, negligence, or other fault on the part of the City of Conway, its officers, or its employees, or from any other cause whatsoever.
- B. By signing below, Applicant agrees that, in the event of any damage, loss, or injury to the facilities or to any property or equipment therein, the City of Conway may require reimbursement for the full amount of such damage, loss, or injury and all costs associated therewith upon billing by City of Conway.
- C. In addition, in consideration for being permitting to use the facilities, Applicant, on behalf of itself, and its officers, employees, members, and invitees, hereby expressly exempts and releases the City of Conway, its officers, employees, insurers, and self-insurance pool, from and against all liability, claims, and demands, on account of injury, loss, or damage, including without limitation claims arising from property loss or damage, bodily injury, personal injury, sickness, disease, or death, that Applicant may incur as a result of such use, whether any such liability, claims, and demands result from the act, omission, negligence, or other fault on the part of the City of Conway, its officers, or its employees, or from any other cause whatsoever.

First Baptist Church
NAME OF PERSON/ORGANIZATION

B. M.
SIGNATURE OF PERSON/ORGANIZATION REPRESENTATIVE

7/24/23
DATE



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
7/24/2023

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER SOUTHERN MUTUAL CHURCH INSURANCE COMPANY PO BOX 9346 COLUMBIA SC 29290	CONTACT NAME: SOUTHERN MUTUAL CHURCH INSURANCE COMPANY
	PHONE (A/C, No. Ext): 800-922-5332 OR 803-776-9365 FAX (A/C, No): 803-776-4260
INSURED FIRST BAPTIST CHURCH OF CONWAY 603 ELM STREET CONWAY SC 29526	E-MAIL ADDRESS:
	INSURER(S) AFFORDING COVERAGE
	INSURED A: Southern Mutual Church Insurance Company
	INSURER B:
	INSURER C:
	INSURER D:
	INSURER E:
	INSURER F:

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN. THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC <input type="checkbox"/> OTHER			SMP 0068894	12/15/2022	12/15/2023	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000 MED EXP (Any one person) \$ 15,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 3,000,000 PRODUCTS - COMP/OP AGG \$ 1,000,000
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NOW-OWNED AUTOS						COMBINED SINGLE LIMIT (Each accident) \$ BODILY INJURY (Per Person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input type="checkbox"/> RETENTIONS \$						EACH OCCURRENCE \$ AGGREGATE \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? <input type="checkbox"/> Y/N (Mandatory in NH) If yes, describe under DESCRIPTIONS OF OPERATIONS below	N/A					PER STATUTE <input type="checkbox"/> OTHER <input type="checkbox"/> \$ E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE FOR LIABILITY FOR TRUNK OR TREAT ON 10/31/2023.

CERTIFICATE HOLDER

CANCELLATION

CITY OF CONWAY 196 LAUREL STREET CONWAY SC 29526	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE, THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE CAROL SANTILLI, UNDERWRITER <i>Carol A. Santilli</i>

Legend

ROAD BLOCKS

EVENT AREA



Natasha Sherman

From: Business License
Sent: Monday, July 31, 2023 8:39 AM
To: Natasha Sherman
Subject: RE: First Baptist Trunk or Treat

Good with business license.

From: Natasha Sherman
Sent: Monday, July 31, 2023 8:33 AM
To: Adam Emrick <aemrick@cityofconway.com>; Alicia Shelley <ashelley@cityofconway.com>; Anne Bessant <abessant@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>; 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: First Baptist Trunk or Treat

Please review for approval and email me back.

Natasha Sherman
Executive Assistant
City of Conway

From: cityhallprinter@cityofconway.com <cityhallprinter@cityofconway.com>
Sent: Saturday, July 1, 2023 6:37 PM
To: Natasha Sherman <nsherman@cityofconway.com>
Subject: Message from KM_C450i

Natasha Sherman

From: Katie Dennis
Sent: Monday, July 31, 2023 8:41 AM
To: Natasha Sherman
Subject: RE: First Baptist Trunk or Treat

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: Monday, July 31, 2023 8:33 AM
To: Adam Emrick <aemrick@cityofconway.com>; Alicia Shelley <ashelley@cityofconway.com>; Anne Bessant <abessant@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>; 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: First Baptist Trunk or Treat

Please review for approval and email me back.

Natasha Sherman
Executive Assistant
City of Conway

From: cityhallprinter@cityofconway.com <cityhallprinter@cityofconway.com>
Sent: Saturday, July 1, 2023 6:37 PM
To: Natasha Sherman <nsherman@cityofconway.com>
Subject: Message from KM_C450i

Natasha Sherman

From: Phillip L. Hendrick, Jr.
Sent: Monday, July 31, 2023 8:46 AM
To: Natasha Sherman
Subject: RE: First Baptist Trunk or Treat

Fire is good.

From: Natasha Sherman <nsherman@cityofconway.com>
Sent: Monday, July 31, 2023 8:33 AM
To: Adam Emrick <aemrick@cityofconway.com>; Alicia Shelley <ashelley@cityofconway.com>; Anne Bessant <abessant@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>; 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: First Baptist Trunk or Treat

Please review for approval and email me back.

Natasha Sherman
Executive Assistant
City of Conway

From: cityhallprinter@cityofconway.com <cityhallprinter@cityofconway.com>
Sent: Saturday, July 1, 2023 6:37 PM
To: Natasha Sherman <nsherman@cityofconway.com>
Subject: Message from KM_C450i

Natasha Sherman

From: Brandon Harrelson
Sent: Monday, July 31, 2023 3:52 PM
To: Natasha Sherman
Subject: RE: First Baptist Trunk or Treat

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: Monday, July 31, 2023 8:33 AM
To: Adam Emrick <aemrick@cityofconway.com>; Alicia Shelley <ashelley@cityofconway.com>; Anne Bessant <abessant@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>; 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: First Baptist Trunk or Treat

Please review for approval and email me back.

Natasha Sherman
Executive Assistant
City of Conway

From: cityhallprinter@cityofconway.com <cityhallprinter@cityofconway.com>
Sent: Saturday, July 1, 2023 6:37 PM
To: Natasha Sherman <nsherman@cityofconway.com>
Subject: Message from KM_C450i

Natasha Sherman

From: Dale Long
Sent: Monday, July 31, 2023 11:24 AM
To: Natasha Sherman; Adam Emrick; Alicia Shelley; Brandon Harrelson; Braxton Fleming; Business License; Jessica Hucks; John Rogers; June Wood; Katie Dennis; Mary Catherine Hyman; Phillip L. Hendrick, Jr.; Tammy Carter; Timmy Williams; Tyres Nesmith
Subject: RE: First Baptist Trunk or Treat

OK for PD. They will need barricades dropped off to close the short section of 6th Avenue.

From: Natasha Sherman <nsherman@cityofconway.com>
Sent: Monday, July 31, 2023 8:33 AM
To: Adam Emrick <aemrick@cityofconway.com>; Alicia Shelley <ashelley@cityofconway.com>; Anne Bessant <abessant@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>; 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: First Baptist Trunk or Treat

Please review for approval and email me back.

Natasha Sherman
Executive Assistant
City of Conway

From: cityhallprinter@cityofconway.com <cityhallprinter@cityofconway.com>
Sent: Saturday, July 1, 2023 6:37 PM
To: Natasha Sherman <nsherman@cityofconway.com>
Subject: Message from KM_C450i

CITY OF CONWAY
CITY COUNCIL MEETING
BUILDING & PLANNING DEPARTMENT
196 LAUREL STREET, CONWAY
MONDAY, JULY 17, 2023 - 4:00 P.M.

PRESENT: Mayor Barbara Jo Blain-Bellamy, Mayor Pro Tem Justin Jordan, Autry Benton, Amanda Butler, Beth Helms, Larry White. **ABSENT:** William Goldfinch

STAFF: Adam Emrick, City Administrator; John Rogers, Deputy City Administrator; June Wood, Public Information Officer; Dale Long, Chief of Police; Jeff Leveille, Technology Services Director; Allison Williams, Finance Director; Timmy Williams, Hospitality & Beautification Director; Kayla Fleming, Associate Judge; Brandon Harrelson, Public Works Director; Reggie Jenerette, Solid Waste Director; Lynn Smith, Human Resource Director; Rock Rabon, Fleet Maintenance Director; Jasmine Waites Parker, City Attorney; James Friday, Public Utilities Director; Jessica Hucks, Planning and Development Director; Kym Wilkerson, Deputy Planning Director/Zoning Administrator; Katie Dennis, Planning Concierge; Le Hendrick, Fire Chief; Ashley Smith, Recreation Director; Rosanne Dates, Grants Supervisor; Robert Cooper, Construction Services Director; David Crotts, Assistance Finance Director; Maegean Hurley, Human Resource Generalist; and Alicia Shelley, City Clerk.

OTHERS: Judge Hyman, Hillary Howard, Harold Phillips and approximately 50 others. Sign in sheet is attached.

CALL TO ORDER: Mayor Blain-Bellamy called the meeting to order. Robert Bannon, Kingston Presbyterian gave the invocation and led the Pledge of Allegiance.

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

Blain-Bellamy read a note from Goldfinch stating that he is healthy, but apologized for not being at the meeting due to a prior family obligation. Goldfinch also welcomed and congratulated Benton.

ADMINISTRATION OF OATH OF OFFICE: Autry Benton was sworn into office by The Honorable Alex Hyman and was accompanied by his wife and family.

There was a brief recess for a welcome reception for Council Member Benton.

APPROVAL OF AGENDA: **Motion:** White made a motion, seconded by Blain-Bellamy, to approve the July 17, 2023 meeting agenda and requested to move up item VIII.A before Public Input. **Vote:** Unanimous. Motion carried.

CONSENT AGENDA:

- A. Final Reading of Ordinance #ZA2023-07-17 (B) amending Article 2 – Definitions, Article 4 – Use Tables, and Article 5 – Specific Use Regulations, of the City of Conway Unified Development Ordinance (UDO), regarding shooting ranges and armories.**

- B. Final Reading of Ordinance #ZA2023- 07-17 (C) to annex approximately 1.44 acres located at 2643 Long Ave Ext (PIN 324-16-03-0023) and rezone from Horry County Residential, no mobile homes allowed (SF20) to City of Conway Low/Medium Residential (R-1).**
- C. Final Reading of Ordinance #2023-07-17 (D) to amend Title 7, Chapter 4, Article F, Section 7-4-82.7 Towing and Storage Charges, of the Code of Ordinances, City of Conway.**
- D. Final Reading of Ordinance 2023-07-17 (E) to amend Title 8, Chapter 2, Section 8-2-3, Two-Hour Parking, of the Code of Ordinances, City of Conway.**
- E. Approval of a Resolution to Accept a Letter of Credit for Wild Wing Phase 5B**
- F. Approval of Bid for Replacement of Trucks in the Solid Waste Department (Budgeted)**
- G. Special Event – Rivertown Reindeer Run – December 2, 2023**
- H. Approval of a Resolution to Appoint Goldfinch to the Capital Project Sales Tax Act Commission**
- I. Approval of June 20, 2023 Council Meeting Minutes**

APPROVAL OF CONSENT AGENDA: **Motion:** Jordan made a motion, seconded by Blain-Bellamy to approve the July 17, 2023 consent agenda with the exception of moving Item VI.D down on the Agenda to Consideration. **Vote:** Unanimous. Motion carried.

SPECIAL PRESENTATION:

- A. Presentation Honoring the Conway All Stars 12U Softball Team as the South Carolina State Champions** – Blain-Bellamy presented the 12U Softball Team and coaches with a Resolution honoring them as the South Carolina State Champions.

PUBLIC INPUT:

Cheryl Moore Adamson spoke on behalf of the Whittemore Racepath Historical Society and told about her recent visit to the Mary McLeod Bethune Learning Center and Art Gallery in Mayesville, SC. Adamson said that she would keep Council updated on ideas for the Whittemore Elementary and Whittemore Middle School sites.

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

SPECIAL PRESENTATION:

- B. Presentation of Proclamation Recognizing SGM Butler** – Blain-Bellamy presented a Proclamation celebrating and congratulating SGM Butler for 30 years in the US Army, and proclaiming July 18, 2023 as SGM KaJuan Butler Day in the City of Conway.
- C. Presentation of the Jane Mackey Food Drive Department Competition** – Smith and Mackey presented the Police Department with a runner up trophy and the Municipal Court as the winner of the annual Jane Mackey Food Drive Department competition.
- D. Presentation of Longevity Awards – June 2023 – 25 Years: James Ward, Public Works** – Ward was not present.
- E. Presentation of Employee of the Month for July 2023 – Public Service** – Smith presented Meagean Hurley, Human Resource Generalist as the Public Service Employee of the Month for July 2023.
- F. Presentation on Future Plans of Scarborough Alley and the Town Green** – Hyman stated that the recently completed 2022 Riverfront and Downtown Master Plan provided a conceptual re-design of the Town Green, and recommended a detailed study to reconfigure the parking lot and to make Scarborough more pedestrian while servicing surrounding businesses. The Plan also included the design of a new ERF and outdoor restrooms to serve the community. Scarborough Alley is no longer used as an alley, it is used as a road which causes conflict between pedestrians, vehicles, and loading/unloading the rear of businesses. Earlier this year, the issue was discussed during a City Council meeting, and staff recommended a plan to close or one-way the alley. As a “science experiment”, City Council directed staff to close the alley for a week to identify potential issues. Many of the business owners were in support of the closure. During this time, it was noted that the traffic cleared out within 15 minutes. At City Council budget retreat, City Council directed staff to move forward with a design for one-way. Since that time, staff has been working with Hanna Engineering to create a design that: reconfigures the parking lot, reduces the width of Scarborough by making it one-way flow only from Laurel Street to Main Street, adds sidewalks, adds parallel parking, adds landscaping, adds an ERF, adds public restrooms, redesigns the Town Green, including landscaping, seating, splash pad, and permanent Christmas tree, extends the Garden Walk by adding a delineated pathway along the east side of the Town Green with a speed table to connect the existing Garden Walk, and relocates Ike Long door for increased security.

Hyman said that CAB gave final approval last week on this plan and that staff hopes to receive engineering drawings next week and completion before the Holidays.

There was some discussion regarding parking spots and who specifically parks in this area.

PUBLIC HEARING AND FIRST READING

- A. Public Hearing and First Reading of Ordinance #2023-08-07 (A) to amend the City of Conway Municipal Code to implement a new Industrial Incentive, which aims to provide economic incentives to the development of industrial use businesses in the City of Conway.** Dennis informed Council that this incentive is a new Industrial Incentive that aims to provide economic incentives to industrial style businesses within

the City. The proposed incentives include: reimbursement of building permit fees, business license fees for 2 years, expedited review period of 15 days rather than 30, and a reduction in landscape requirements by 1 letter, unless abutting a residential zoning district. Dennis stated that the Myrtle Beach Regional Economic Development Corporation (MBREDC) has expressed the need for an incentive of this nature to draw these types of businesses and workforce opportunities to our City.

Sandy Davis, President and CEO of the MBREDC spoke in favor of this incentive.

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

Benton asked if the incentive was available anywhere in Conway. Dennis said as long as the property is zoned properly and meets the requirements.

Motion: Jordan made a motion, seconded by Blain-Bellamy, to approve first reading of this ordinance. **Vote:** Unanimous. Motion carried.

Blain-Bellamy stated that Items IX.B – IX.F will be combined.

- B. Public Hearing and First Reading of Ordinance #2023-08-07 (B) to amend Title 1, Chapter 5, Article F of the Code of Ordinances, an incentive program which provides economic incentives for the development of family entertainment facilities in the City of Conway.** Dennis stated that the incentives, Agenda Items IX.B-IX.F, need to be updated to provide a more uniform structure and to amend the wording to provide better clarity to the applicants and staff. The proposed updates include: implementation of a reimbursement request form and new request time frame from May 1 – May 31, clarification on when the clock starts for each incentive on the issuance of a business license, allow the opportunity for reimbursements to be separate, clarification on who receives the reimbursement from the City, implement incentive agreement requirements for all incentives, allowance for the expedited review period to be granted upon council approval, and for Article I (Agenda Item IX.E.) to update the eligible zoning districts to exclude CBD, CC and WRD1 and 2 districts. This Article would keep the Highway 378/Wright Blvd and Hwy 701/Main Street/Fourth Avenue in place. These incentives could be stacked with existing incentives as well.

White asked if the businesses on Racepath were included in this program. Dennis said only if the property is zoned Highway Commercial and faces 378/Wright Blvd.

Motion: Blain-Bellamy made a motion, seconded by Helms, to close public input. **Vote:** Unanimous. Motion carried.

Benton recommended offering the incentives to all of Conway. Dennis said that all businesses can apply, except Article I as that incentive has a different eligibility requirement, so long as they are zoned properly and meet the requirements.

Emrick then gave the history of the Redevelopment Enhancement Incentive.

Motion: White made a motion, seconded by Butler, to approve first reading of Items IX.B-F. **Vote:** Unanimous. Motion carried.

- C. Public Hearing and First Reading of Ordinance #2023-08-07 (C) to amend Title 1, Chapter 5, Article G of the Code of Ordinances, an incentive program which provides economic incentives for the redevelopment of existing vacant commercial buildings 25,000 sq. ft. or greater in the City of Conway.**
- D. Public Hearing and First Reading of Ordinance #2023-08-07 (D) to amend Title 1, Chapter 5, Article H, of the Code of Ordinances, an incentive program which provides economic incentives to businesses occupying existing vacant buildings located in the Central Business District (CBD) in the City of Conway.**
- E. Public Hearing and First Reading of Ordinance #2023-08-07 (E) to amend Title 1, Chapter 5, Article I, of the Code of Ordinances, the Redevelopment Enhancement Incentive Program, which provides economic incentives to develop or expand commercial businesses in the City of Conway.**
- F. Public Hearing and First Reading of Ordinance #2023-08-07 (F) to amend Title 1, Chapter 5, Article J, of the Code of Ordinances, the Hotel / Short-term Rental Incentive Program, which provides economic incentives to develop hotels, motels, inns, and commercial short-term rentals in the City of Conway.**

FIRST READING:

- A. First Reading of Ordinance #2023-08-07 (G) to amend Title 1, Chapter 8, Section 1-8-3(a)(2) of the Code of Ordinances, Nonpartisan elections; procedure, to update the fees for municipal elections in the City of Conway.** Rogers stated that during the budget retreat, council conducted a review of various fees charged by the City. Included in that analysis was a review of filing fees for municipal elections. Those fees have not been changed in at least 12 years. Council proposed raising the filing fees for the office of Mayor from \$560 to \$700, and the fees for Council from \$325 to \$425. Both of these adjustments represent an increase slightly below the rate of inflation since the last ordinance update in 2011.

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

- B. First Reading of Ordinance #ZA2023-08-07 (H) to annex a 1.17-acre tract and 1.21-acre tract of property, totaling 2.38 acres, located at (and adjacent to) 588 Hwy 544 (parcel B-1: PIN 382-04-04-0001 and parcel B-2: PIN 382-05-01-0001), and rezone from the Horry County Highway Commercial (HC) district to the City of Conway Low-Density Residential (R) district.** Hucks stated that this annexation application was made as a requirement to connect to city utilities. The applicant owns the adjacent property which abuts the student housing development, which is contiguous, thus making this parcel B-2 contiguous also. Section 4-1-12 (E) of the City's Code of Ordinances says, "Any person, firm, corporation, or subdivider requesting an extension of water and/or sewer connection for land outside the corporate limits of the city as a condition of service of water

and/or sewer shall be required to annex said land and all property of the owner contiguous to said land into the city.” There is an existing single-family structure on the property and it is zoned Horry County HC. The applicants are requesting to annex as R. The Future Land Use Map of the Comprehensive Plan identifies this property as HC. The requested zoning classification, R is neither consistent with the surrounding properties or the City’s Future Land Use Map, which classifies both parcels as HC. The R zoning classification is better suited for Parcel B-1, based on the current use of the property, as the HC district does not permit residential uses. If annexed into the city as HC, the existing home would become a legal nonconforming use and structure on the property, no expansion could occur, and would be subject to the requirements of Article 12 – Nonconformities, of the UDO. Hucks said that staff supports the zoning shown on the City’s Future Land Use Map of the Comprehensive Plan, which is designated as HC. If Council chooses to annex the property as HC, Planning Commission must hold a public hearing on the request and provide a recommendation to Council. Hucks said that staff does note that the applicant does not wish to annex into the City of Conway.

There was some discussion regarding options for annexing the parcel into the City as HC, annexing the parcel as R, and denying the annexation.

Motion: Blain-Bellamy made a motion, seconded by Benton, to deny annexation for this request.

Jordan asked for benefits of bringing the parcel in as HC. Hucks explained that the vacant parcel could be developed as HC and the parcel with the single-family home could remain in perpetuity, but not expand, and if the parcel ceased to be a single-family home, then HC development could occur. Hucks stated that if Council wishes to bring as HC, that would be staff’s recommendation and that it would then go to Planning Commission for a recommendation and come back to Council.

Amended Motion: Blain-Bellamy amended her motion, seconded by Benton to annex the property into the City as HC. **Vote:** Unanimous. Motion carried.

CONSIDERATION:

- A. Consideration of approval of name for a new single-family development, located on Hwy 548 – “Colonial Farms.”** Hucks said that the proposed development is currently being reviewed by the Technical Review Committee. The preliminary plans call for this development to consist of 131 single family homes and 97 town homes. The applicant has requested to name the proposed subdivision “Colonial Farms” upon approval. According to Section 10.3.18 of the City of Conway UDO, all subdivision names must be reviewed and adopted by Conway City Council.

Motion: White made a motion, seconded by Helms, to approve the naming of the subdivision, Colonial Farms. **Vote:** Unanimous. Motion carried.

- B. Consideration of a Hotel and Short-Term Rental Incentive application for Cypress Inn Property, LLC, located on PIN 367-01-04-0042.** Dennis stated that this request is for the property located beside the existing Cypress Inn and the applicant is seeking

approval of a Hotel/Short Term Rental Incentive for a period of 7 years for the proposed 22 room hotel. The applicant appeared before CAB for Conceptual review and will return to CAB on July 26. The applicants hope to receive Council approval to provide much needed accommodations in the downtown area.

Motion: White made a motion, seconded by Helms, to approve the Hotel and Short-Term Rental Incentive application for Cypress Inn. **Vote:** Unanimous. Motion carried

Moved from Consent Agenda - Final Reading of Ordinance 2023-07-17 (E) to amend Title 8, Chapter 2, Section 8-2-3, Two-Hour Parking, of the Code of Ordinances, City of Conway. Rogers stated that this is second reading to amend the two-hour parking code in the downtown business district.

Motion: Jordan made a motion, seconded by Helms, to approve final reading of this ordinance, amending it to remove Saturday, Sunday and Federal Holidays:

There was some discussion regarding enforcement methods and the transition period.

The Motion was then amended to **Motion:** Jordan made a motion, seconded by Helms, to approve final reading of this ordinance, amending it to remove Saturday, Sunday and Federal Holidays and directed staff to continue today's method of enforcement and strictly enforce when the technology and signs are in place. **Vote:** Unanimous. Motion carried.

CITY ADMINISTRATOR'S REPORT:

Emrick informed Council of the following:

- MASC Annual Meeting is July 26-29
- As of July 1, the City's Fire Department is classified as a BLS Rapid Responder, non-transport agency. This is due to the majority of the department being certified at the EMT level. Congratulations to Chief Hendrick for this accomplishment. Chief Hendrick asked that the credit go to Captain Perzan and his staff for their hard work and determination.
- The Fire Training Facility will have a ribbon cutting for the new facility on August 22 at 9 a.m. and a more formal invitation will be sent out soon.
- The Hospitality and Beautification Department worked last week at 2 a.m. to remove the trees and clean out the center medians on 501 Bypass. They will plant wildflowers in the median to allow them to grow more naturally and still be pretty.
- The Hospitality and Beautification Department also planted wildflowers at the Whittemore site to reduce some of the maintenance burden, improve the appearance and add pollinators for the late summer/fall season.
- This morning, Conway was designated as the very first Trail Town in South Carolina. While this designation is incredibly welcomed, Emrick said he feels it is a bit premature. The City does have a few amazing trails, the Riverwalk, the Crabtree Greenway, the trails at Waccamaw River Park, and the City has a fantastic plan that is being implemented. But, has a lot of work to do to earn this title. Fortunately, the City has some trails on the near horizon that will certainly put the City in a position to have earned this recognition.

- The Cop on Top Fundraiser for the Special Olympics is July 27 and 28 from 7 a.m. until 9 p.m. on day one and until 10 p.m. on day two. This annual fundraiser is a partnership of the City of Conway Police and the Special Olympics.
- Tonight, there are a few workshop items but first we have department head reports from Jessica Hucks and David Crotts in Procurement.
- The 12U Softball team was the same teams that won the 10U championships as well.

Planning and Development Department – Hucks stated that so far 2023 has proven to be a very busy yet productive year for the Planning and Development team, which consists of 9 people, with 6 people dedicated to Planning & Zoning, 2 GIS Staff who assist multiple departments within the City, and the Arborist, who handles all protected tree removal permits and is involved with several city beautification projects. Some of the numbers in this report are up to June 2023. When the next department report is provided, later this year, staff will include June's numbers in the report.

Staff has or is currently working on the following:

- **Text amendments:** 20 in progress; 4 that have been passed by council
- **Annexations:** 27 annexations processed.
- **Rezoning requests:** 7 requests for rezoning; and 11 requests for annexation and rezoning were submitted and considered by Planning Commission.
- **Planning Commission:** has considered 46 items
- **CAB:** reviewed 48 requests.
- **BZA:** considered 19 requests for variances or appeals.
- **Accessory structure permits** (zoning reviews for pools, fences, sheds, etc.) 235
- **Single-family residential zoning reviews:** 104
- **Business License reviews** (zoning approval): 108
- **Zoning Violations** (letters, phone calls, site visits): 80
- **Zoning Verification letters:** 7
- **Illegal signs removed:** 443
- **Mobile Vending permits** (*i.e.* food trucks, franchise agreements): 16
- **GIS:** Created close to 1,000 maps, Calculated stormwater fees for 33 businesses, 412 new address points given since January, 1,281 new, updated or upgraded water meters (added to GIS) since January, and Updated GIS layers to reflect restrictive covenants for an additional 64 properties.
- **Minor platting actions:** 53
- **Onsite inspections** (related to plan review/ CO): 78
- **Commercial plan submittals** (including resubmittals): 65
- **Residential development plan submittals:** 28
- In April, GIS staff updated a Conway Growth map which provides data related to residential development in the city limits of Conway at various stages, including preliminary plan review, final plat review, anticipated submittals, and developments under construction. These numbers include: **4,287 Single-family lots and 1,340 multifamily / 1,758 townhomes** - These numbers could change significantly depending on market conditions and whether or not many of the projects under review continue with the review process.

Helms stated that she watched the Planning Commission meeting, and appreciates staff for their hard work.

Procurement Department - Crotts stated that currently, the Procurement Department consists of two employees who handle the majority of the purchasing for the City. Vehicles have been the biggest challenge so far. The vehicle shortage is expected to persist until 2025. The Department recently ordered five garbage/recycle trucks for the Solid Waste Department. The wait time is 18 months on these vehicles.

COUNCIL INPUT:

Benton thanked everyone that prepared anything to make tonight special. Benton said that he was honored to have Judge Hyman back in Chambers, what a great man to follow and he always says Conway does the most with the least. Benton sees that and agrees. Benton then told his fellow Council members what he could learn from each of them. Benton thanked staff for being superstars and told of some interactions with some staff members along the way. Benton said that he looked forward to working with staff and the City. Benton stated that he was elected by the citizens to lead and give direction, and he is not here on a special agenda or financial gain, but is here to serve Conway. Benton said he desires to work hard and wants to be a person to be known that came to sit at this table every meeting with his own thoughts, no agenda, and to do what is right for Conway. Benton went on to say that he is excited and is looking forward to serving the city.

Helms asked that we revisit the scooters as she thinks they are a great idea but has gotten calls about them not being put back where they are supposed to go. Helms said that she was asked if the City could get a dog reader/chip so that the Police may be able to get the dog back to their owner. Animal Control Officer Brown told Council that Horry County has chip readers and he would inquire about purchasing one from them or getting one of the City's own. Helms said that the Ask the Administrator is great and that answers a lot of questions that doesn't come to Council. Helms said that Tonka Hemingway would be the Gamecock representation at the SEC meeting today and that is a big deal.

White asked how many dogs can a person have in their yard. Emrick said there is not a set number. White told a story of a resident that had 6 dogs in their yard, one got loose and charged at him. White would like to address the issue regarding the number of dogs one can have as the neighbors are scared one will get loose. White thanked staff for the planting of the wild flowers on Highway 501.

Jordan said he never pictured White as an Olympic sprinter and thanked Helms for congratulating a Gamecock. Jordan followed up on Emrick's statement about the girl's softball and said that was a remarkable feat and Conway High School needs to be prepared to keep these girls together. Jordan welcomed and congratulated Benton.

Butler received another concern regarding Racepath Avenue and would like staff to look back at the traffic and speed on this road.

Blain-Bellamy piggy backed on Helms regarding the scooters and wants them to succeed, but she is also getting complaints about them being left all over town. Also, Blain-Bellamy wants us to

keep our eyes open to not put our citizens in harms way if there isn't enough room between them and the scooters. Blain-Bellamy said that this past week it was announced of the agreement between Conway Parks and Recreation and the Conway Medical Center to bring healthcare offerings to our community. CMC's clinic for rehabilitation services for physical therapy will be available at the Sports and Fitness Center with construction beginning in September and she is excited to see two of the city's strongest wellness partners continue their great work to benefit the residents. Blain-Bellamy also followed up on what Emrick spoke of and that is the designation of the City of Conway as the inaugural Trail Town and said that at the Chamber this morning there were lots of guests. Blain-Bellamy congratulated Benton and said that she was very happy that he has joined Council and she thinks that they will continue to be a fantastic group. Blain-Bellamy said that she knows Benton loves Conway and she thinks that is the biggest eligibility requirement.

Blain-Bellamy called for a brief break.

WORKSHOP:

Public Works

Grass Cutting on Highway 701 – Harrelson informed Council that the Public Works Department receives a vast amount of complaints pertaining to overgrown shrubbery, trees, grass on sidewalks, and non-maintained grass strips between the sidewalk. Majority of the complaints received are along 701 S/N, US 378, and US 501. These routes are all owned and maintained by SCDOT. Unfortunately, SCDOT only cuts grass twice a season thus leaving overgrown shrubs, trees, and sidewalks unattended to. Public Works does respond to all complaints and currently takes care of any line of sight or safety issues as quickly as possible while also notifying the local SCDOT office. Emails and telephone work orders have been sent to SCDOT, but due to their policy these areas are not maintained as they should be. Public Works does not have the ability to maintain rights-of-way along 501 and 378 with the exception of the occasional safety issue due the vast size of the ROW. 701 N/S does not require as much maintenance.

Benton recommended inviting delegation to a City workshop.

After much discussion it was determined that the City does not have the resources to cut as they are not our roads and staff would continue to do as done in the past by taking care of any sight or safety issues.

Council also discussed the Main Street Bridge and the Highway 501 Bridge at Lake Busbee, both SCDOT bridges that are in the City that need repair or replacement but are not on SCDOT's list of projects. After much discussion, Council will draft a letter and present to the League of Cities in hopes of their support.

Planning and Development

Hucks stated that at budget retreat earlier this year, staff presented several amendments that were proposed, including a clean-up or rewrite of several articles of the City's Unified Development Ordinance. Article 10 of the UDO includes the City's land development regulations, which includes items such as plan approval levels, and submittal requirements, subdivision design

standards, parks and open space requirements, requirements for wastewater pump facilities, financial guarantee requirements, road design standards, and conservation subdivision design standards....to name just a few.

Hucks presented the following items to Council:

- **Letter of credit approval authority** - Currently, council must approve the acceptance of a letter of credit for any remaining infrastructure within a development. Staff already reviews the estimate for a letter of credit from the engineer, and the cost listed within the estimate is reviewed and approved from all appropriate departments. There are times when the approval of a final plat can be held up for several weeks waiting for the item to be placed on a council agenda. Staff proposes to revise Section 10.6.2 – Duration of Financial Guarantees, to state that TRC would approve the initial duration, and TRC may also review and renew them for an additional year. After that, Planning Commission is required to approval a renewal.
- **Parks & Open Space requirements** - This amendment would address guidelines from the National Recreation and Park Association to determine the need for new parks in the city. Some of the options presented included allowing developments that are more than 2 miles from publicly owned parks to provide adequate area adjacent to the development to be deeded to the city (once park improvements are installed), with conditions and with council's approval; and Amending the amount of the open space fee-in-lieu amounts to add an additional 25% fee to the assessed fee-in-lieu amounts for developments that are seeking the fee-in-lieu option or that are required to pay the fee-in-lieu (where less than 1 acre is required) to account for rising costs associated with park equipment and property acquisitions.
- **Wastewater pump station requirements (Sec. 10.3.17 of the UDO)** – The lot size requirements for pump stations is now 50-ft; however, the UDO still says the required lot size is 25-ft. Staff also feels it is necessary to specify that the requirements are applicable to City pump station facilities, as GSWSA may have different standards that developments shall adhere to.
- **Conservation Subdivision ordinance. Section 10.4.1 of the UDO** - Provides the standards for conservation subdivision designs. The first time this ordinance was put into practice and came to fruition was with the approval of the Collins Jollie Conservation Subdivision, earlier this year, which as you may recall, required a development agreement. Several tracts within the Collins Jollie conservation subdivision are currently under review, and during the review process, staff noticed there are a few inconsistencies that need to be addressed, not only for the Collins Jollie C.S., but also for future ones that staff will review. Conservation subdivisions are permitted by right in the CP, RR, RA, R, R1, and R2 zoning districts. The uses allowed under a conservation subdivision design include single-family detached, single-family attached – which would be considered townhomes, and conservation areas. To use as an example, the Collins Jollie development has 9 individual tracts to be developed. Currently being developed is Tracts A and D. There has been interest in development of Tract G, which is the proposed single-family “attached” parcel. The entire development – all tracts – are zoned R-1. R-1 only allows single-family “detached” development. The conservation subdivision allows single-family attached or detached. It is staff's interpretation that even though property can be developed as a conservation subdivision, the underlying zoning district should take precedent. Rather than

requiring this tract within the conservation subdivision to be rezoned, staff prefers to amend the UDO to add an exception to the R-1 district that where properties are intended to be developed as a conservation subdivision, single-family attached dwellings may be permitted and would be subject to the dimensional standards for the R-2 district for single-family attached dwellings.

- **Amend the design options section of the Conservation Subdivision ordinance, which includes requirements for single neighborhood designs as well as multiple neighborhood designs** - While single neighborhood designs would be better able to comply with the open space management and requirements for permanent protection of the open space and conservation areas – being that only one neighborhood is included, in instances where there are multiple neighborhoods, all owned and/or developed by different entities, staff recognizes that not all neighborhoods that are within the overall conservation subdivision will propose to utilize the same instrument of permanent protection. There are 3 different options that may be utilized, and in order to ensure that development of one tract is not prevented until the instrument of permanent protection is in place across all tracts – keeping in mind that ownership is different, and may not be developed at the same time – staff would like to include the ability for different options where the different ownerships / neighborhoods occur.
- **Height limit in the Waccamaw Riverfront District (WRD)** - This was proposed in 2021 in conjunction with the height limit amendment in the Central Business District, which was ultimately amended from 45’ to 60’. Staff proposed at that time to amend the height limit in WRD, but at that time, council chose to move forward with amending the height in CBD only. WRD currently has a height limit of 35’. Staff has been approached by a few property owners in the WRD district who have shown interest in growing the riverfront; one of which is the Cypress Inn. The owners are proposing to construct a new building that will exceed the 35-ft height limit. Due to the presence of flood zones along the riverfront, the height limit could potentially take away from the height limitations with the building height used to meet elevation and flood proofing requirements, taking away usable space of the building. Staff proposes to increase the height limit in the WRD districts from 35’ to 50’. If council is amenable to moving forward with an amendment, the amendment will need to be advertised, and a recommendation will be required from Planning Commission and review from CAB.

After some discussion, Council recommended increasing the height in the WRD districts to 60.’

EXECUTIVE SESSION: Motion: White 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 Contractual Negotiations Incident to the Potential Acquisition of Downtown Properties. [pursuant to SC Code §30-4-70 (A) (2)]; C. Discussion of Contractual Negotiations Incident to the Potential Acquisition of a Parcel on Highway 378. [pursuant to SC Code §30-4-70 (A) (2)]; and D. Discussion Regarding a Potential Legal Matter. [pursuant to SC Code §30-4-70 (A) (2)]. **Vote:** Unanimous. Motion carried.

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

POSSIBLE ACTION ON MATTERS DISCUSSED IN EXECUTIVE SESSION: **Motion:** Blain-Bellamy made a motion, seconded by Butler authorizing the Administrator to make an offer on the rail line. **Vote:** Unanimous. Motion carried.

Motion: Blain-Bellamy made a motion, seconded by Jordan directing the City Administrator to send a letter to the Horry County School District regarding the possible acquisition of Whittemore Middle School. **Vote:** Unanimous. Motion carried.

Motion: Blain-Bellamy made a motion, seconded by White to approve the appointment of George Ulrich to the Community Appearance Board to fill the unexpired term of Autry Benton ending December 31, 2024. **Vote:** Unanimous. Motion carried.

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

APPROVAL OF MINUTES: Minutes approved by City Council this 7 day of August, 2023.

Alicia Shelley, City Clerk

DATE: AUGUST 7, 2023

ITEM: VI.A.

Presentation of Longevity Awards – June 2023 – 5 Years: Robert Borgatta, Streets; 5 Years: Robert Bauman Jr, Beautification; 5 Years: Carla Major, Recreation; 5 Years: McKinley Sellers, Recreation; 35 Years: Kenneth McDowell, Construction Services

DATE: AUGUST 7, 2023

ITEM: VI.B.

ISSUE:

Discussion of a request by GHG Investments, Inc. to annex approximately 4.48 acres located at 1136 HWY 501 Business, and rezone from the Horry County Highway Commercial (HC) district to the City of Conway Highway Commercial (HC) district (PIN 367-11-03-0003).

BACKGROUND:

On July 6, the applicant submitted an annexation and rezoning application for the subject property, located on HWY 501 Business. The property is currently in Horry County's jurisdiction, zoned Highway Commercial (HC). The proposed use of the property has not yet been disclosed.

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 (behind the subject property) zoned City of Conway Forest Agriculture (FA). Other adjacent uses include a gas station (zoned County HC), a vacant parcel (zoned County CFA), and a dental office (zoned County HC), all of which are currently in the county's jurisdiction.

CITY OF CONWAY COMPREHENSIVE PLAN:

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

NEXT STEPS AND DATES/ESTIMATES:

August 21, 2023 Request to be considered for First Reading by City Council.

PLANNING COMMISSION:

Planning Commission is scheduled to hold a public hearing on the request at their August 3rd meeting, and provide a recommendation to City Council. Staff will provide their recommendation with First Reading of the request.

STAFF RECOMMENDATION:

Staff recommends that Planning Commission give a thorough review of the request and make an informed recommendation to City Council.

ATTACHMENTS:

Application;

GIS Maps;

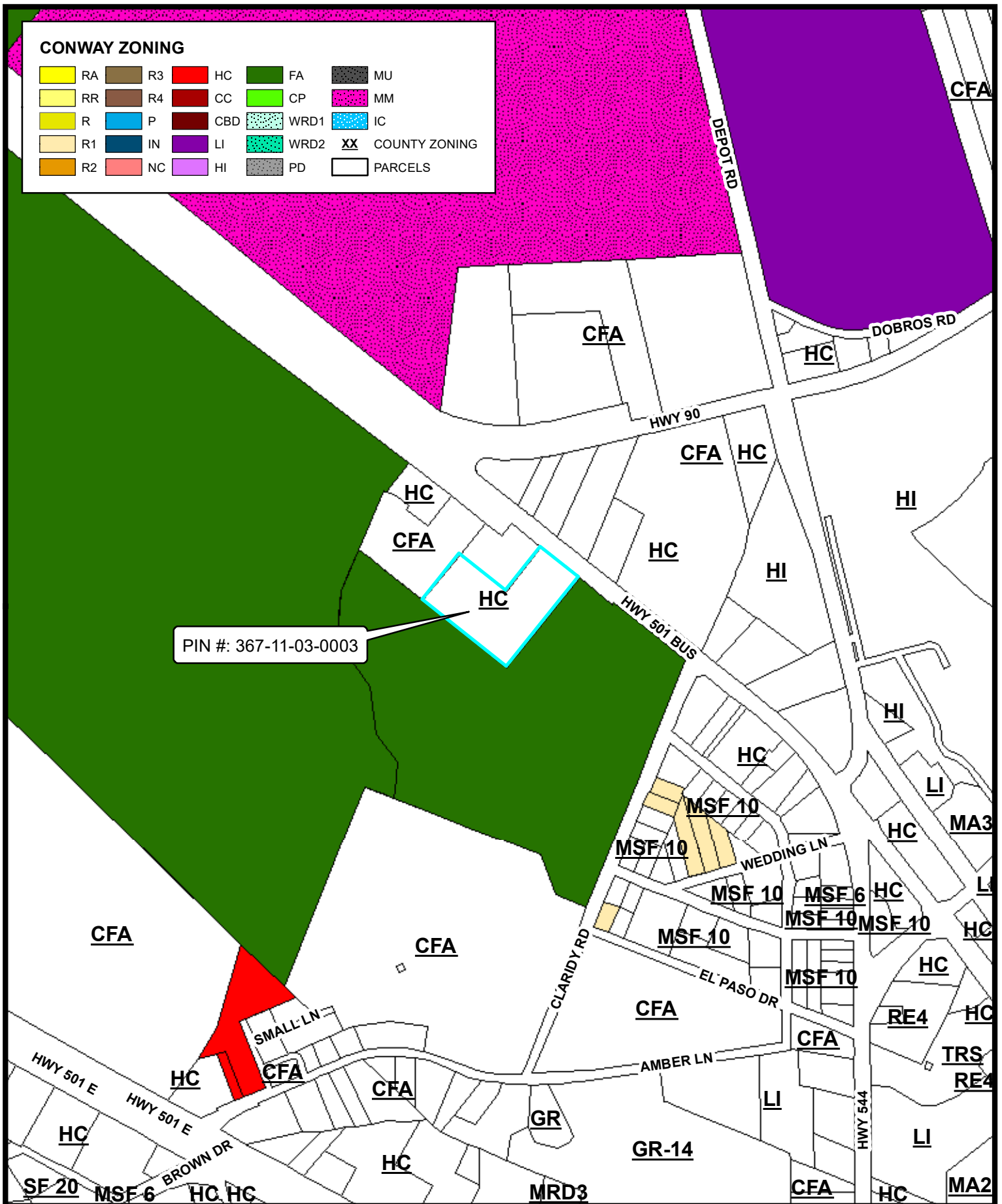
Wetland Determination & Maps

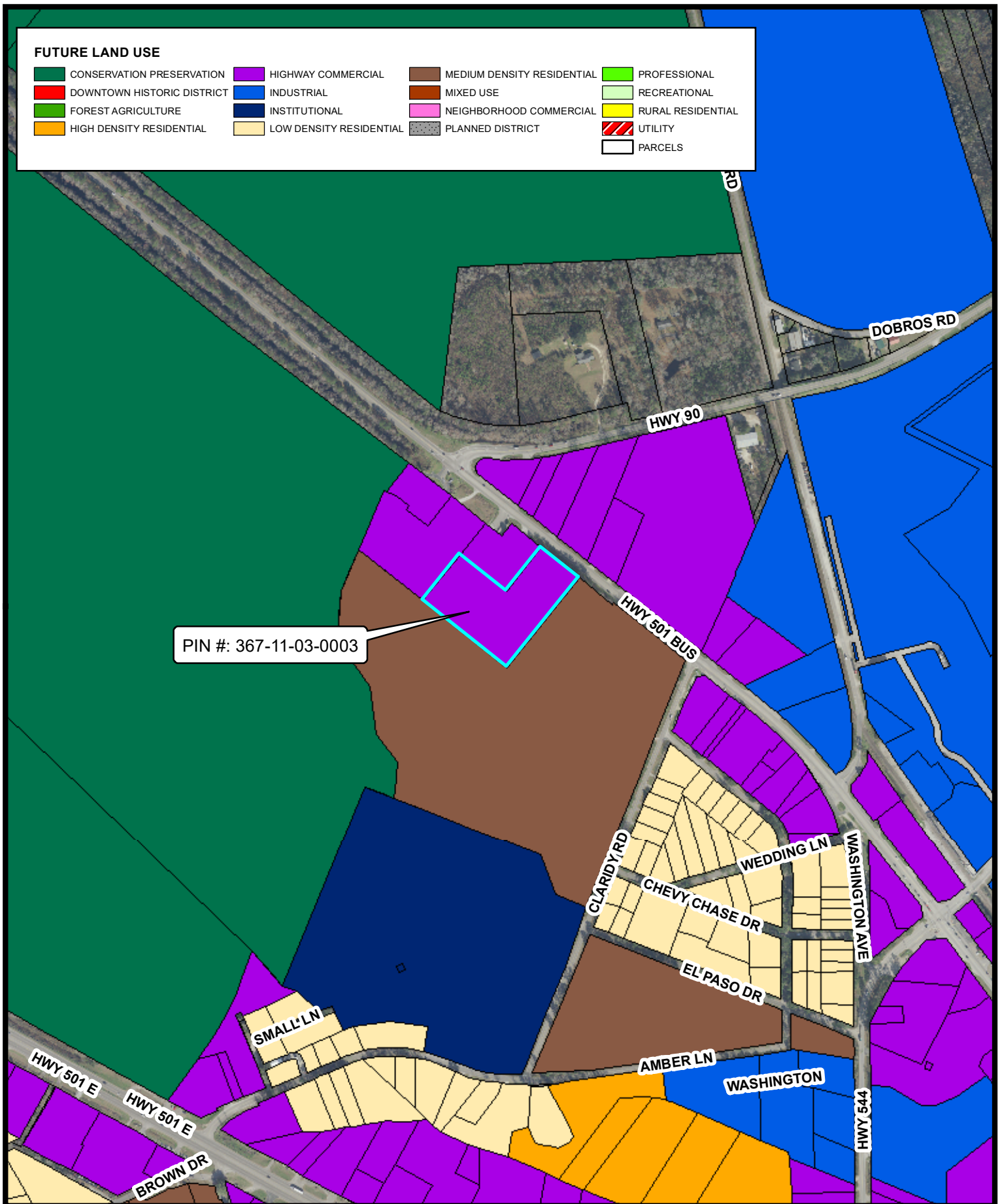


Legend






PARCELS

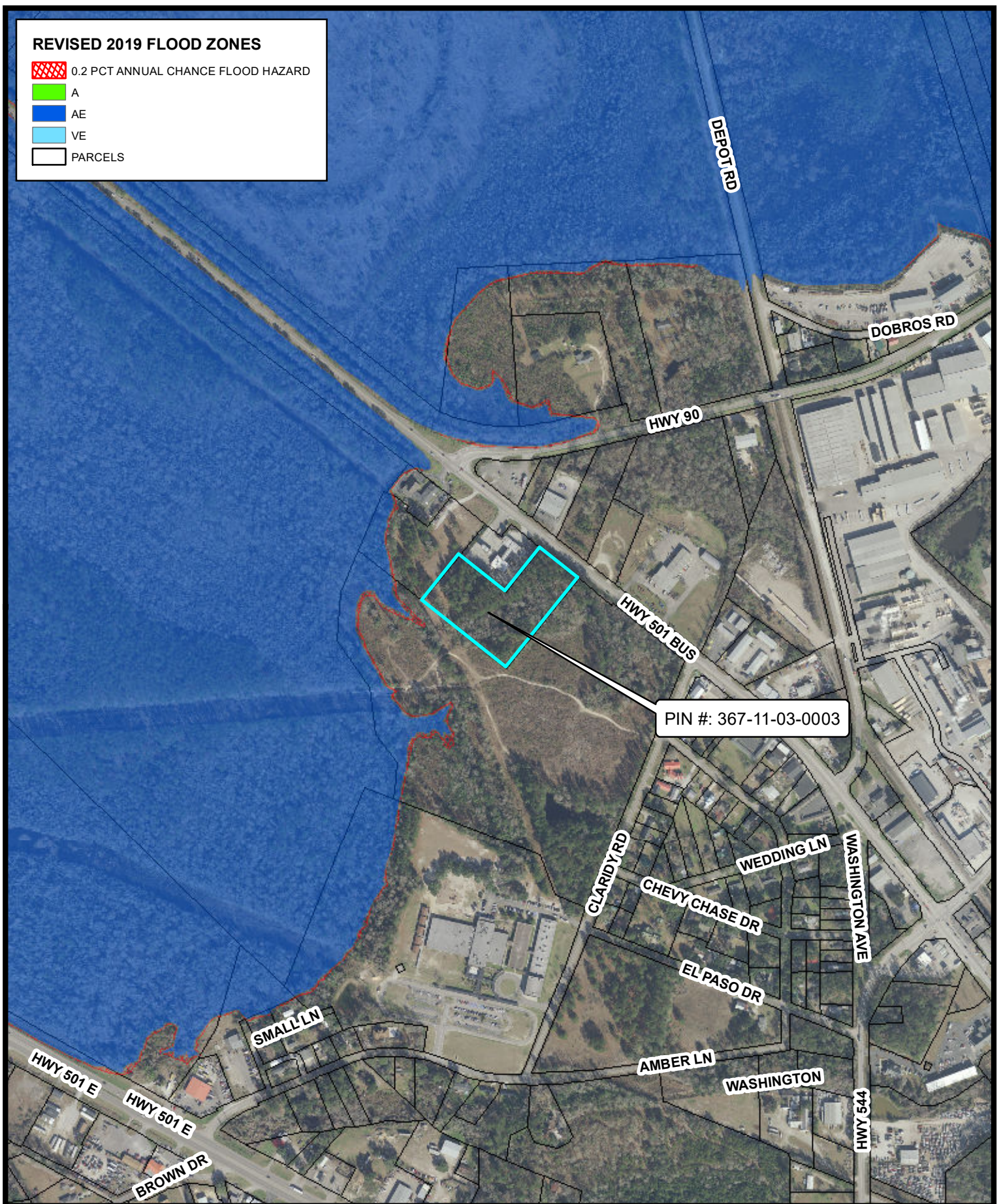






REVISED 2019 FLOOD ZONES

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





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: Approximately 0.13 miles SE of Hwy 90 & Hwy 501 (on Hwy 501)
PIN: 36711030003 ACREAGE: 4.48
PROPERTY ADDRESS: U.S. Hwy 501 Business
PROPERTY OWNER MAILING ADDRESS: GHG Investments LLC, P.O. Box 1549, Conway, SC 29528
PROPERTY OWNER TELEPHONE NUMBER: 843-241-2356
PROPERTY OWNER EMAIL: ngasphalt@yahoo.com
APPLICANT: GHG Investments, LLC (Nick Godwin)
APPLICANT'S EMAIL: permit@g3engineering.org & ngasphalt@yahoo.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)

Nick Godwin

(Print)

[Signature]
(Signature)

DATE: 7/6/23

(Print)

(Signature)

DATE: _____



PETITION FOR ANNEXATION

Staff Use Only

Received: _____
BS&A #: _____

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

Current Use: Vacant land

Are there any wetlands on the property?

CIRCLE: YES ☒ NO ☐

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

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

CIRCLE: YES ☐ NO ☒

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

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: Approximately 0.13 miles SE of Hwy 90 & Hwy 501 (on Hwy 501) FEE PAID () YES () NO

AREA OF SUBJECT PROPERTY (ACREAGE): 4.48 PIN: 36711030003

CURRENT ZONING CLASSIFICATION: HC

COMPREHENSIVE PLAN 2035 FUTURE LAND USE: _____

REQUESTED ZONING CLASSIFICATION: HC

NAME OF PROPERTY OWNER(S):

GHG Investments LLC, Nick Godwin PHONE # 843-241-2356

PHONE # _____

MAILING ADDRESS OF PROPERTY OWNER(S):

P.O Box 1549, Conway, SC. 29528

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

 7/6/23
PROPERTY OWNER'S SIGNATURE(S) DATE

PROPERTY OWNER'S SIGNATURE(S) DATE

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

Southern Palmetto Environmental

Forest Management - Wetland Consulting - Wildlife Management

March 22, 2023

Rob Huff
U.S. Army Corps of Engineers
1949 Industrial Park Road, Room 140
Conway, SC 29526

RE: Schumann 501 Bus Tract (4.48 +/- ac)
Request for Delineation Concurrence (DC)
Horry County TMS# 137-00-02-088
Horry County, South Carolina

Mr. Huff:

We have completed a routine wetland determination of the above referenced project. Based on a field reconnaissance conducted on March 22, 2023, the study area was determined to contain areas subject to the jurisdiction of your office. The site contains one wetland with an unnamed tributary that is connected to the Waccamaw River Swamp.

The site is located along US Business 501 on the edge of Conway in the Red Hill community of Horry County, South Carolina. The project area is 4.48+/- acres and is completely wooded and is made up of mature timber inclusive of pine and hardwood species. The understory is well stocked and contains several different forest communities from one end to the other. The wetlands are defined with saturated soils, evidence of primary and secondary hydrology indicators, and a well developed wetland plant community, including mature hardwoods in the bottomlands. Soils in wetlands are mapped as mostly Johnston and the uplands are mapped as Kenansville. The upland areas are dominated by loblolly pine and lack hydric soil indicators and have a plant community that is normally considered an upland community within this area of Horry County. The uplands contain mostly loblolly pine, sweet gum, horse sugar and some other upland preferred species. Hydrology indicators are absent in the upland areas as they contain moderately well drained to well drained soils. This tract is found within a suburban area of Horry County very close to Conway.

Any further data on this site can be obtained from the mapping information, datasheets, and from a scheduled field visit.

Acting as agent for the applicant, we hereby request this wetland determination be reviewed by your office and a wetland verification letter be issued after having concurred with our findings. Enclosed please find a "Request for Verification" form along with the following:

- Location Map & USGS Maps
- Soil Survey & CIR
- NWI
- 2010 DEM
- Wetland Determination Sheets & Site Photographs
- Wetland Determination Map

Since all wetland areas are contiguous and have a connection to hydrologic features connected to the Waccamaw River and its swamp, we are requesting a **Delineation Concurrence** from included map. There will not be a wetland survey for this project. Please notify us when you schedule your on-site inspection so we can be available to accompany you. Should you have any questions or require additional information to facilitate your review, please email me at southernpalmetto@yahoo.com or feel free to call me at (843) 685-2408.

Sincerely,

Jeff Burleson

Jeff Burleson, R.F., C.W.B
Project Manager

N.C. Registered Forester #1433
S.C. Registered Forester #1692
Certified Wildlife Biologist

File#: 144-22011

www.southernpalmettoenvironmental.com

8300 Parasol Court - Myrtle Beach, SC 29579 - (843) 685-2408

U.S. Army Corps of Engineers – Charleston District - Regulatory Division
REQUEST FOR CORPS JURISDICTIONAL DETERMINATION (JD) / DELINEATION
(For Jurisdictional Status and Identifying Wetlands and Other Aquatic Resources)

I. PROPERTY AND AGENT INFORMATION

A. Site Details/Location:

Site Name: Schumann 501 Bus. Tract Date: 3/22/2023
City/Township/Parish: Horry County: Horry
Latitude/Longitude: N 33.8179 W 79.0231 Acreage: 4.48+/-
Tax Map Sequence (TMS) #(s): TMS# 137-00-02-088
Property Address(es): TBD HWY 501 Business, Conway, SC 29526

☒ Please attach a survey/plat map and vicinity map identifying location and review area for the JD/delineation.
An accurate depiction of the review area must be provided (survey, tax map, or GPS coordinates). Tax maps may only be used if the site includes the entire tax map parcel.

B. Requestor of Jurisdictional Determination/Delineation (if there are multiple property owners, please attach additional pages)

Name: Nick Godwin
Company Name (if applicable): NG Asphalt
Address: P. O. Box 1594, Conway, SC 29528
Phone: _____ Email: ngasphalt@yahoo.com
Check one: ☒ I currently own this property
☐ I plan to purchase this property
☐ Other, please explain _____

C. Agent/Environmental Consultant Acting on Behalf of the Requestor (if applicable):

Consultant/Agent Name: Jeff Burleson
Company Name: Southern Palmetto Environmental Consulting LLC
Address: 8300 Parasol Court, Myrtle Beach, SC 29579 Phone: 843-685-2408
Email: southernpalmetto@yahoo.com

II. REASON FOR REQUEST (check all that apply)

- ☐ I intend to construct/develop a project or perform activities on this site which would be designed to avoid all aquatic resources.
- ☐ I intend to construct/develop a project or perform activities on this site which would be designed to avoid all jurisdictional aquatic resources under Corps authority.
- ☒ I intend to construct/develop a project or perform activities on this site which may require authorization from the Corps, and the Jurisdictional Determination would be used to avoid and minimize impacts to jurisdictional aquatic resources and as an initial step in a future permitting process.
- ☐ I intend to construct/develop a project or perform activities on this site which may require authorization from the Corps; this request is accompanied by my permit application and the jurisdictional determination is to be used in the permitting process.
- ☐ I intend to construct/develop a project or perform activities in a navigable water of the U.S. which is subject to the ebb and flow of the tide.
- ☒ A Corps jurisdictional determination is required in order to obtain my local/state authorization.
- ☐ I intend to contest jurisdiction over a particular aquatic resource and the request the Corps to confirm that jurisdiction does/does not exist over the aquatic resource on the parcel.
- ☐ I believe that the site may be comprised entirely of dry land.
- ☐ Other: _____

Charleston Office: US Army Corps of Engineers Regulatory Division 69A Hagood Avenue Charleston, SC 29403 (ph) 843-329-8044 SAC.RD.Charleston@usace.army.mil	Columbia Office: US Army Corps of Engineers Regulatory Office 1835 Assembly Street, Room 865 B-1 Columbia, SC 29201 (ph) 803-253-3444 SAC.RD.Columbia@usace.army.mil	Conway Office: US Army Corps of Engineers Regulatory Office 1949 Industrial Park Road, Room 140 Conway, SC 29526 (ph) 843-365-4239 SAC.RD.Conway@usace.army.mil	Greenville Office: US Army Corps of Engineers Regulatory Office 150 Executive Center Drive, Suite 205 Greenville, SC 29615 (ph) 864-609-4326 SAC.RD.Greenville@usace.army.mil
--	---	--	--

*Authorities: Rivers and Harbors Act, Section 10, 33 USC 403; Clean Water Act, Section 404, 33 USC 1344; Marine Protection, Research, and Sanctuaries Act, Section 103, 33 USC 1413; Regulatory Program of the U.S. Army Corps of Engineers; Final Rule for 33 CFR Parts 320-332.

Principal Purpose: The information that you provide will be used in evaluating your request to determine whether there are any aquatic resources within the project area subject to federal jurisdiction under the regulatory authorities referenced above.

Routine Uses: This information may be shared with the Department of Justice and other federal, state, and local government agencies, and the public, and may be made available as part of a public notice as required by federal law. Your name and property location where federal jurisdiction is to be determined will be included in the approved jurisdictional determination (AJD), which will be made available to the public on the District's website and on the Headquarters USACE website.

Disclosure: Submission of requested information is voluntary; however, if information is not provided, the request for an jurisdictional determination cannot be evaluated nor can a jurisdictional determination be issued.

III. TYPE OF REQUEST:

- ☒ **Delineation Concurrence¹**
- ☐ **Approved² Jurisdictional Determination (AJD) Only**
- ☐ **Preliminary³ Jurisdictional Determination (PJD) Only**
- ☐ **Approved Jurisdictional Determination (AJD)** with submittal of a Pre-Construction Notification or Department of the Army permit application
- ☐ **Preliminary Jurisdictional Determination (PJD)** with submittal of a Pre-Construction Notification or Department of the Army permit application
- ☐ **Delineation of Wetlands and/or Other Aquatic Resources Only Conducted By Agent/Environmental Consultant** with submittal of a Pre-Construction Notification or Department of the Army permit application (No jurisdictional determination requested)
- ☐ I request that the **Corps delineate** the wetlands and/or other aquatic resources that may be present on my property with the attached **Pre-Construction Notification or Department of the Army permit application**
- ☐ I request that the **Corps delineate** the wetlands and/or other aquatic resources that may be present on my property **with a Delineation Only, an AJD or PJD**
- ☐ **"No Permit Required" (NPR) Letter** as I believe my proposed activity is not regulated⁴
- ☐ **Unclear** as to which jurisdictional determination I would like to request and require additional information to inform my decision

¹ Delineation Concurrence (DC) – A DC provides concurrence that the delineated boundaries of wetlands on a property are a reasonable representation of the aquatic resources on-site. A DC does not address the jurisdictional status of the aquatic resources.

² Approved – An AJD is defined in Corps regulations at 33 CFR 331.2. As explained in further detail in RGL 16-01, an AJD is used to indicate that this office has identified the presence or absence of wetlands and/or other aquatic resources on a site, including their accurate location(s) and boundaries, as well as their jurisdictional status. AJDs are valid for 5 years.

³ Preliminary – A PJD is defined in Corps regulations at 33 CFR 331.2. As explained in further detail in RGL 16-01, a PJD is used to indicate that this office has identified the approximate location(s) and boundaries of wetlands and/or other aquatic resources on a site that are presumed to be subject to regulatory jurisdiction of the Corps of Engineers. Unlike an AJD, a PJD does not represent a definitive, official determination that there are, or that there are not, jurisdictional aquatic resources on a site, and does not have an expiration date.

⁴ "No Permit Required" (NPR) Letter– A NPR letter may be provided by the Corps to notify the requestor that an activity will not require a permit (authorization) from the Corps; this letter can only be used if the proposed activity is not a regulated activity, regardless of where the activity may occur. A NPR letter cannot be used to indicate the presence or absence of wetlands and/or other aquatic resources, nor can it be used to determine their jurisdictional status.

IV. LEGAL RIGHT OF ENTRY

By signing below, I am indicating that I have the authority, or am acting as the duly authorized agent of a person or entity with such authority, to and do hereby grant U.S. Army Corps of Engineers personnel right of entry to legally access the property(ies) subject to this request for the purposes of conducting on-site investigations (e.g., digging and refilling shallow holes) and issuing a jurisdictional determination. I acknowledge that my signature is an affirmation that I possess the requisite property rights to request a jurisdictional determination on the properties subject to this request.

8300 Parasol Court Myrtle Beach, SC 29579

Mailing Address

southernpalmetto@yahoo.com

Email Address

Jeff Burleson

Digitally signed by Jeff Burleson
Date: 2020.08.24 16:19:57 -04'00'

*Signature:

TMS# 137-00-02-088

Property Address / TMS #(s)

843-685-2408

Daytime Phone Number

Jeff Burleson 3/22/2023

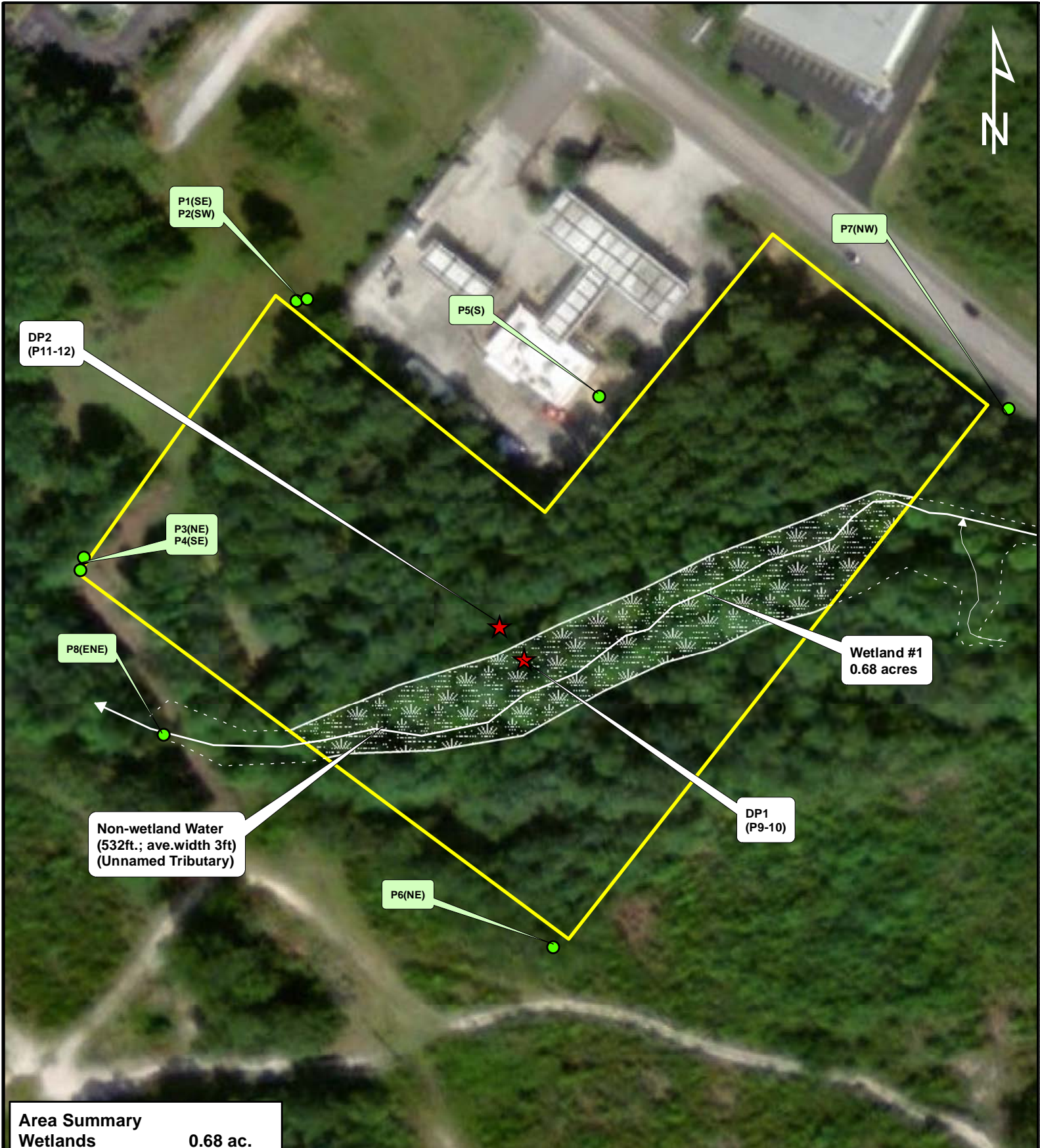
Printed Name and Date

*Authorities: Rivers and Harbors Act, Section 10, 33 USC 403; Clean Water Act, Section 404, 33 USC 1344; Marine Protection, Research, and Sanctuaries Act, Section 103, 33 USC 1413; Regulatory Program of the U.S. Army Corps of Engineers; Final Rule for 33 CFR Parts 320-332.

Principal Purpose: The information that you provide will be used in evaluating your request to determine whether there are any aquatic resources within the project area subject to federal jurisdiction under the regulatory authorities referenced above.

Routine Uses: This information may be shared with the Department of Justice and other federal, state, and local government agencies, and the public, and may be made available as part of a public notice as required by federal law. Your name and property location where federal jurisdiction is to be determined will be included in the approved jurisdictional determination (AJD), which will be made available to the public on the District's website and on the Headquarters USACE website.

Disclosure: Submission of requested information is voluntary; however, if information is not provided, the request for an jurisdictional determination cannot be evaluated nor can a jurisdictional determination be issued.



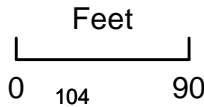
Area Summary

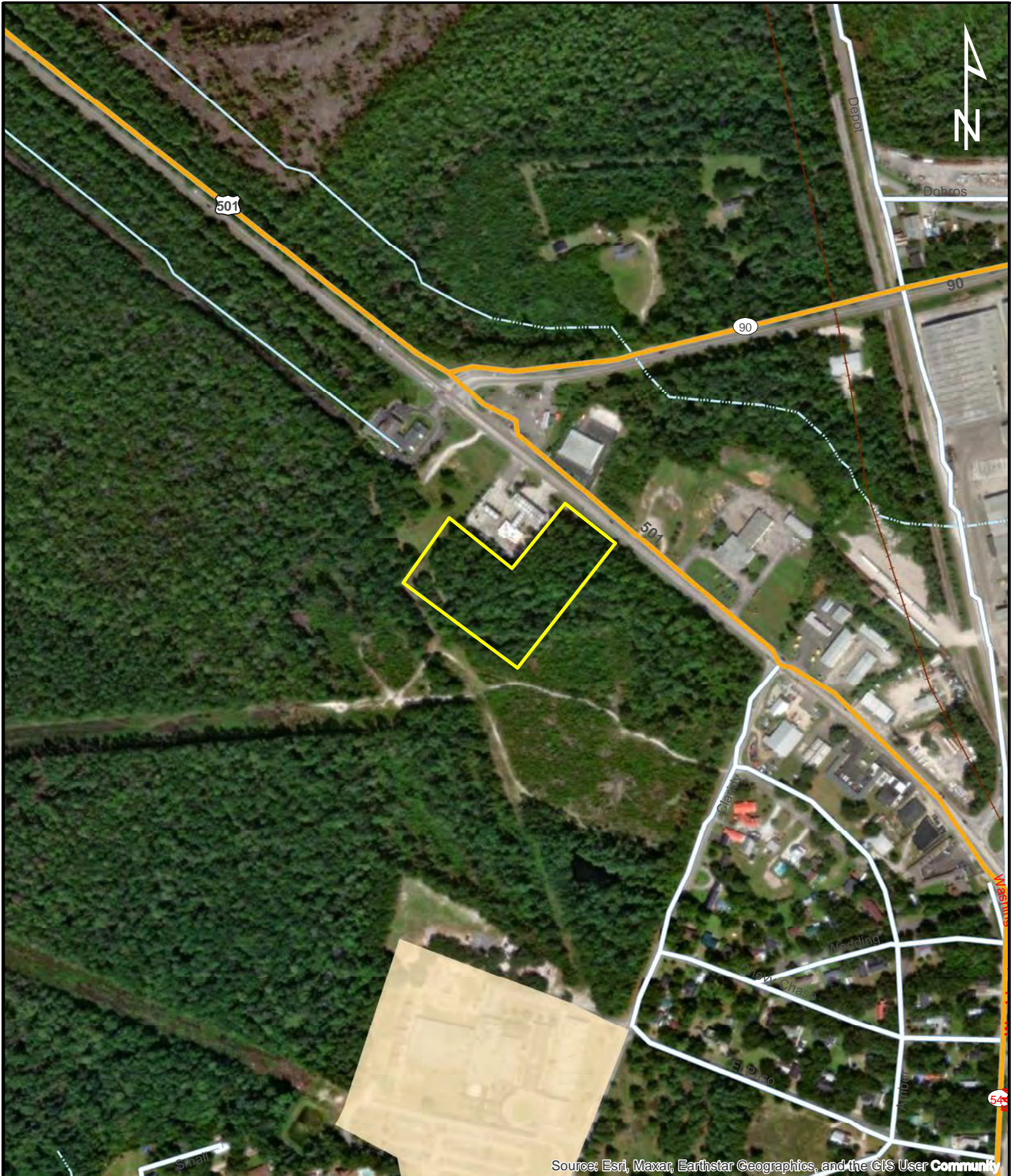
Wetlands	0.68 ac.
Uplands	3.80 ac.
Total Area	4.48 ac.

Disclaimer: Potential wetland/non-wetland areas depicted here have not been verified by the U.S. Army Corps of Engineers. Areas depicted as potential wetlands were derived from interpretation of available remote sensing information and an onsite investigation. Prior to any land disturbing activities, a final letter of jurisdictional determination should be obtained from the U.S. Army Corps of Engineers.

Wetland Delineation

Schumann 501 Bus Tract (4.48+/- ac)
TMS# 137-00-02-088
Horry County, South Carolina
March 22, 2023





Location Map

Schumann 501 Bus Tract (4.48+/- ac)
TMS# 137-00-02-088
Horry County, South Carolina
March 22, 2023

Feet
0 105 380



Copyright:© 2013 National Geographic Society, i-cubed

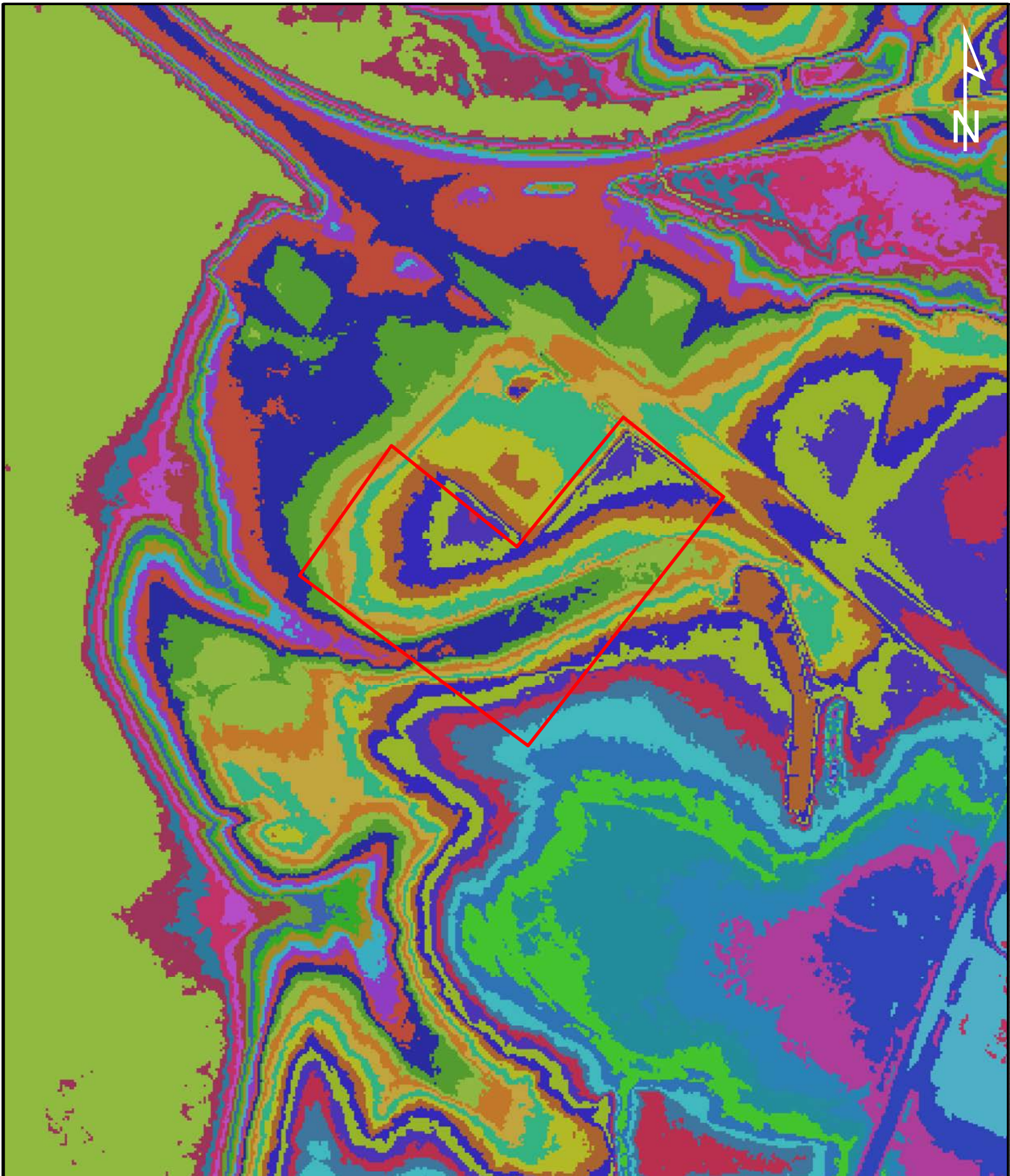
Southern Palmetto

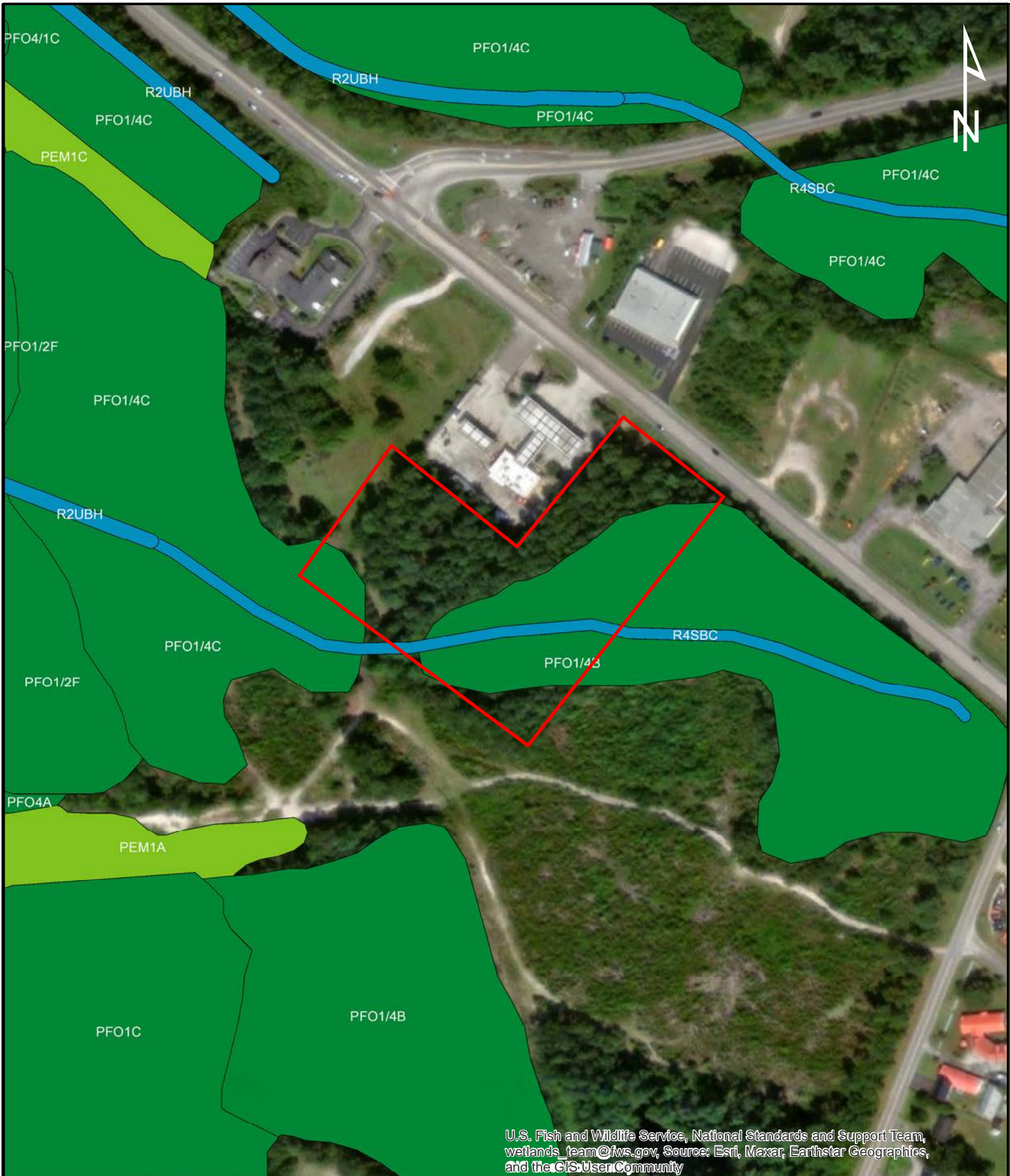
Environmental
Forestry - Wetlands - Wildlife

USGS Topography Map
Schumann 501 Bus Tract (4.48+/- ac)
TMS# 137-00-02-088
Horry County, South Carolina
March 22, 2023

Feet
0 106 380









Representative Photos of the Site

Schumann 501 Bus. Tract

March 22, 2023



Photo #1: Facing SE



Photo #2: Facing SW



Photo #3: Facing NE



Photo #4: Facing SE



Photo #5: Facing S



Photo #6: Facing NE



Photo #7: Facing NW



Photo #8: Facing ENE (in wetland off property)



Photo's #9-10: Datapoint DP1 & Soil Representation





Photo's #11-12: Datapoint DP2 & Soil Representation



WETLAND DETERMINATION DATA FORM - Atlantic and Gulf Coastal Plain Region

Project/Site: Schumann 501 Business Tract City/County: Conway/Horry Sampling Date: 22-Mar-23
 Applicant/Owner: Nick Godwin State: SC Sampling Point: DP1
 Investigator(s): JB Section, Township, Range: S T R
 Landform (hillslope, terrace, etc.): Lowland Local relief (concave, convex, none): concave Slope: 0.0 % / 0.0 °
 Subregion (LRR or MLRA): LRR T Lat.: N 33.8174 Long.: W 79.0239 Datum: wgs84
 Soil Map Unit Name: Mapped as Johnston NWI classification: PFOR

Are climatic/hydrologic conditions on the site typical for this time of year? Yes ☒ No ☐ (If no, explain in Remarks.)
 Are Vegetation ☐ , Soil ☐ , or Hydrology ☐ significantly disturbed? Are "Normal Circumstances" present? Yes ☒ No ☐
 Are Vegetation ☐ , Soil ☐ , or Hydrology ☐ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS - Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes <input checked="" type="radio"/> No <input type="radio"/>	Is the Sampled Area within a Wetland? Yes <input checked="" type="radio"/> No <input type="radio"/>
Hydric Soil Present? Yes <input checked="" type="radio"/> No <input type="radio"/>	
Wetland Hydrology Present? Yes <input checked="" type="radio"/> No <input type="radio"/>	
Remarks: Datapoint located along a drainageway near a tributary and the datapoint contains all required indicators to be classified as a wetland.	

HYDROLOGY

Wetland Hydrology Indicators: Primary Indicators (minimum of one required; check all that apply) <input type="checkbox"/> Surface Water (A1) <input type="checkbox"/> Aquatic Fauna (B13) <input type="checkbox"/> High Water Table (A2) <input type="checkbox"/> Marl Deposits (B15) (LRR U) <input checked="" type="checkbox"/> Saturation (A3) <input type="checkbox"/> Hydrogen Sulfide Odor (C1) <input type="checkbox"/> Water Marks (B1) <input type="checkbox"/> Oxidized Rhizospheres along Living Roots (C3) <input type="checkbox"/> Sediment Deposits (B2) <input type="checkbox"/> Presence of Reduced Iron (C4) <input type="checkbox"/> Drift Deposits (B3) <input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6) <input type="checkbox"/> Algal Mat or Crust (B4) <input type="checkbox"/> Thin Muck Surface (C7) <input type="checkbox"/> Iron Deposits (B5) <input type="checkbox"/> Other (Explain in Remarks) <input type="checkbox"/> Inundation Visible on Aerial Imagery (B7) <input checked="" type="checkbox"/> Water-Stained Leaves (B9)		Secondary Indicators (minimum of 2 required) <input type="checkbox"/> Surface Soil Cracks (B6) <input type="checkbox"/> Sparsely Vegetated Concave Surface (B8) <input type="checkbox"/> Drainage Patterns (B10) <input type="checkbox"/> Moss Trim Lines (B16) <input type="checkbox"/> Dry Season Water Table (C2) <input type="checkbox"/> Crayfish Burrows (C8) <input type="checkbox"/> Saturation Visible on Aerial Imagery (C9) <input type="checkbox"/> Geomorphic Position (D2) <input type="checkbox"/> Shallow Aquitard (D3) <input checked="" type="checkbox"/> FAC-Neutral Test (D5) <input type="checkbox"/> Sphagnum moss (D8) (LRR T, U)
Field Observations: Surface Water Present? Yes <input type="radio"/> No <input checked="" type="radio"/> Depth (inches): _____ Water Table Present? Yes <input type="radio"/> No <input checked="" type="radio"/> Depth (inches): _____ Saturation Present? (includes capillary fringe) Yes <input checked="" type="radio"/> No <input type="radio"/> Depth (inches): <u>6</u>		Wetland Hydrology Present? Yes <input checked="" type="radio"/> No <input type="radio"/>
Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available: 		
Remarks: Primary and secondary indicators of wetland hydrology present.		

VEGETATION (Five/Four Strata) - Use scientific names of plants.

Tree Stratum (Plot size: 0.10ac)					Dominant Species?	Indicator Status	Sampling Point: <u>DP1</u>	
	Absolute % Cover	Rel. Strat. Cover						
1. <u>Liquidambar styraciflua</u>	40	<input checked="" type="checkbox"/> 44.4%			FAC	Dominance Test worksheet: Number of Dominant Species That are OBL, FACW, or FAC: <u>12</u> (A) Total Number of Dominant Species Across All Strata: <u>12</u> (B) Percent of dominant Species That Are OBL, FACW, or FAC: <u>100.0%</u> (A/B)		
2. <u>Pinus taeda</u>	20	<input checked="" type="checkbox"/> 22.2%			FAC			
3. <u>Nyssa biflora</u>	20	<input checked="" type="checkbox"/> 22.2%			OBL			
4. <u>Fraxinus pennsylvanica</u>	10	<input type="checkbox"/> 11.1%			FACW			
5. _____	0	<input type="checkbox"/> 0.0%						
6. _____	0	<input type="checkbox"/> 0.0%						
7. _____	0	<input type="checkbox"/> 0.0%						
8. _____	0	<input type="checkbox"/> 0.0%						
50% of Total Cover: <u>45</u> 20% of Total Cover: <u>18</u> 90 = Total Cover						Prevalence Index worksheet: Total % Cover of: _____ Multiply by: _____ OBL species <u>40</u> x 1 = <u>40</u> FACW species <u>25</u> x 2 = <u>50</u> FAC species <u>100</u> x 3 = <u>300</u> FACU species <u>0</u> x 4 = <u>0</u> UPL species <u>0</u> x 5 = <u>0</u> Column Total s: <u>165</u> (A) <u>390</u> (B) Prevalence Index = B/A = <u>2.364</u>		
Sapling or Sapling/Shrub Stratum (Plot size: 0.10ac)								
1. <u>Acer rubrum</u>	20	<input checked="" type="checkbox"/> 50.0%			FAC			
2. <u>Nyssa biflora</u>	10	<input checked="" type="checkbox"/> 25.0%			OBL			
3. <u>Liquidambar styraciflua</u>	10	<input checked="" type="checkbox"/> 25.0%			FAC			
4. _____	0	<input type="checkbox"/> 0.0%						
5. _____	0	<input type="checkbox"/> 0.0%						
6. _____	0	<input type="checkbox"/> 0.0%						
50% of Total Cover: <u>20</u> 20% of Total Cover: <u>8</u> 40 = Total Cover						Hydrophytic Vegetation Indicators: <input type="checkbox"/> 1 - Rapid Test for Hydrophytic Vegetation <input checked="" type="checkbox"/> 2 - Dominance Test is > 50% <input checked="" type="checkbox"/> 3 - Prevalence Index is ≤3.0 ¹ <input type="checkbox"/> Problematic Hydrophytic Vegetation ¹ (Explain) ¹ Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.		
Shrub Stratum (Plot size: _____)								
1. _____	0	<input type="checkbox"/> 0.0%						
2. _____	0	<input type="checkbox"/> 0.0%						
3. _____	0	<input type="checkbox"/> 0.0%						
4. _____	0	<input type="checkbox"/> 0.0%						
5. _____	0	<input type="checkbox"/> 0.0%						
6. _____	0	<input type="checkbox"/> 0.0%						
50% of Total Cover: <u>0</u> 20% of Total Cover: <u>0</u> 0 = Total Cover						Definition of Vegetation Strata: Tree - Woody plants, excluding woody vines, approximately 20 ft (6 m) or more in height and 3 in. (7.6 cm) or larger in diameter at breast height (DBH). Sapling - Woody plants, excluding woody vines, approximately 20 ft (6 m) or more in height and less than 3 in. (7.6 cm) DBH. Sapling/Shrub - Woody plants, excluding vines, less than 3 in. DBH and greater than 3.28 ft (1m) tall. Shrub - Woody plants, excluding woody vines, approximately 3 to 20 ft (1 to 6 m) in height. Herb - All herbaceous (non-woody) plants, including herbaceous vines, regardless of size, and woody plants, except woody vines, less than approximately 3 ft (1 m) in height. Woody vine - All woody vines, regardless of height.		
Herb Stratum (Plot size: 0.10ac)								
1. <u>Leucothoe axillaris</u>	10	<input checked="" type="checkbox"/> 33.3%			FACW			
2. <u>Woodwardia areolata</u>	5	<input checked="" type="checkbox"/> 16.7%			OBL			
3. <u>Osmunda regalis</u>	5	<input checked="" type="checkbox"/> 16.7%			OBL			
4. <u>Acer rubrum</u>	5	<input checked="" type="checkbox"/> 16.7%			FAC			
5. <u>Panicum anceps</u>	5	<input checked="" type="checkbox"/> 16.7%			FAC			
6. _____	0	<input type="checkbox"/> 0.0%						
7. _____	0	<input type="checkbox"/> 0.0%						
8. _____	0	<input type="checkbox"/> 0.0%						
9. _____	0	<input type="checkbox"/> 0.0%						
10. _____	0	<input type="checkbox"/> 0.0%						
11. _____	0	<input type="checkbox"/> 0.0%						
12. _____	0	<input type="checkbox"/> 0.0%						
50% of Total Cover: <u>15</u> 20% of Total Cover: <u>6</u> 30 = Total Cover						Hydrophytic Vegetation Present? Yes <input checked="" type="radio"/> No <input type="radio"/>		
Woody Vine Stratum (Plot size: 0.10ac)								
1. <u>Smilax laurifolia</u>	5	<input checked="" type="checkbox"/> 100.0%			FACW			
2. _____	0	<input type="checkbox"/> 0.0%						
3. _____	0	<input type="checkbox"/> 0.0%						
4. _____	0	<input type="checkbox"/> 0.0%						
5. _____	0	<input type="checkbox"/> 0.0%						
50% of Total Cover: <u>2.5</u> 20% of Total Cover: <u>1</u> 5 = Total Cover								

 Remarks: (If observed, list morphological adaptations below).
 criteria met

*Indicator suffix = National status or professional decision assigned because Regional status not defined by FWS.

SOIL

Sampling Point: DP1

[illegible]

WETLAND DETERMINATION DATA FORM - Atlantic and Gulf Coastal Plain Region

Project/Site: Schumann 501 Business Tract City/County: Conway/Horry Sampling Date: 22-Mar-23
 Applicant/Owner: Nick Godwin State: SC Sampling Point: DP2
 Investigator(s): JB Section, Township, Range: S T R
 Landform (hillslope, terrace, etc.): Hillside Local relief (concave, convex, none): rolling Slope: 0.0 % / 0.0 °
 Subregion (LRR or MLRA): LRR T Lat.: N 33.8176 Long.: W 79.0240 Datum: wgs84
 Soil Map Unit Name: Mapped as Kenansville NWI classification: none

Are climatic/hydrologic conditions on the site typical for this time of year? Yes ☒ No ☐ (If no, explain in Remarks.)
 Are Vegetation ☐ , Soil ☐ , or Hydrology ☐ significantly disturbed? Are "Normal Circumstances" present? Yes ☒ No ☐
 Are Vegetation ☐ , Soil ☐ , or Hydrology ☐ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS - Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes <input checked="" type="radio"/> No <input type="radio"/>	Is the Sampled Area within a Wetland? Yes <input type="radio"/> No <input checked="" type="radio"/>
Hydric Soil Present? Yes <input type="radio"/> No <input checked="" type="radio"/>	
Wetland Hydrology Present? Yes <input type="radio"/> No <input checked="" type="radio"/>	
Remarks: Datapoint found along a well drained hillside lacking sufficient indicators for wetland classification	

HYDROLOGY

Wetland Hydrology Indicators: Primary Indicators (minimum of one required; check all that apply) <input type="checkbox"/> Surface Water (A1) <input type="checkbox"/> Aquatic Fauna (B13) <input type="checkbox"/> High Water Table (A2) <input type="checkbox"/> Marl Deposits (B15) (LRR U) <input type="checkbox"/> Saturation (A3) <input type="checkbox"/> Hydrogen Sulfide Odor (C1) <input type="checkbox"/> Water Marks (B1) <input type="checkbox"/> Oxidized Rhizospheres along Living Roots (C3) <input type="checkbox"/> Sediment Deposits (B2) <input type="checkbox"/> Presence of Reduced Iron (C4) <input type="checkbox"/> Drift Deposits (B3) <input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6) <input type="checkbox"/> Algal Mat or Crust (B4) <input type="checkbox"/> Thin Muck Surface (C7) <input type="checkbox"/> Iron Deposits (B5) <input type="checkbox"/> Other (Explain in Remarks) <input type="checkbox"/> Inundation Visible on Aerial Imagery (B7) <input type="checkbox"/> Water-Stained Leaves (B9)		Secondary Indicators (minimum of 2 required) <input type="checkbox"/> Surface Soil Cracks (B6) <input type="checkbox"/> Sparsely Vegetated Concave Surface (B8) <input type="checkbox"/> Drainage Patterns (B10) <input type="checkbox"/> Moss Trim Lines (B16) <input type="checkbox"/> Dry Season Water Table (C2) <input type="checkbox"/> Crayfish Burrows (C8) <input type="checkbox"/> Saturation Visible on Aerial Imagery (C9) <input type="checkbox"/> Geomorphic Position (D2) <input type="checkbox"/> Shallow Aquitard (D3) <input type="checkbox"/> FAC-Neutral Test (D5) <input type="checkbox"/> Sphagnum moss (D8) (LRR T, U)
Field Observations: Surface Water Present? Yes <input type="radio"/> No <input checked="" type="radio"/> Depth (inches): _____ Water Table Present? Yes <input type="radio"/> No <input checked="" type="radio"/> Depth (inches): _____ Saturation Present? (includes capillary fringe) Yes <input type="radio"/> No <input checked="" type="radio"/> Depth (inches): _____		Wetland Hydrology Present? Yes <input type="radio"/> No <input checked="" type="radio"/>
Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available: 		
Remarks: Insufficient hydrology indicators		

VEGETATION (Five/Four Strata) - Use scientific names of plants.

Tree Stratum (Plot size: 0.10ac)					Dominant Species?	Indicator Status	Sampling Point: DP2	
	Absolute % Cover	Rel.Strat. Cover						
1. <u>Pinus taeda</u>	50	<input checked="" type="checkbox"/>	83.3%	FAC	Dominance Test worksheet: Number of Dominant Species That are OBL, FACW, or FAC: <u>10</u> (A) Total Number of Dominant Species Across All Strata: <u>11</u> (B) Percent of dominant Species That Are OBL, FACW, or FAC: <u>90.9%</u> (A/B) Prevalence Index worksheet: <div style="display: flex; justify-content: space-between;"> Total % Cover of: Multiply by: </div> <div style="display: flex; justify-content: space-between;"> <div>OBL species <u>0</u> x 1 = <u>0</u></div> <div>FACW species <u>5</u> x 2 = <u>10</u></div> </div> <div style="display: flex; justify-content: space-between;"> <div>FAC species <u>140</u> x 3 = <u>420</u></div> <div>FACU species <u>20</u> x 4 = <u>80</u></div> </div> <div style="display: flex; justify-content: space-between;"> <div>UPL species <u>0</u> x 5 = <u>0</u></div> <div>Column Total s: <u>165</u> (A) <u>510</u> (B)</div> </div> <div style="text-align: right;">Prevalence Index = B/A = <u>3.091</u></div>			
2. <u>Quercus alba</u>	10	<input type="checkbox"/>	16.7%	FACU				
3. _____	0	<input type="checkbox"/>	0.0%					
4. _____	0	<input type="checkbox"/>	0.0%					
5. _____	0	<input type="checkbox"/>	0.0%					
6. _____	0	<input type="checkbox"/>	0.0%					
7. _____	0	<input type="checkbox"/>	0.0%					
8. _____	0	<input type="checkbox"/>	0.0%					
50% of Total Cover: <u>30</u> 20% of Total Cover: <u>12</u> <u>60</u> = Total Cover								
Sapling or Shrub Stratum (Plot size: 0.10ac)								
1. <u>Ilex opaca</u>	10	<input checked="" type="checkbox"/>	18.2%	FAC				
2. <u>Symplocos tinctoria</u>	10	<input checked="" type="checkbox"/>	18.2%	FAC				
3. <u>Morella cerifera</u>	10	<input checked="" type="checkbox"/>	18.2%	FAC				
4. <u>Liquidambar styraciflua</u>	10	<input checked="" type="checkbox"/>	18.2%	FAC				
5. <u>Ligustrum sinense</u>	10	<input checked="" type="checkbox"/>	18.2%	FAC				
6. <u>Persea borbonia</u>	5	<input type="checkbox"/>	9.1%	FACW				
7. _____	0	<input type="checkbox"/>	0.0%					
8. _____	0	<input type="checkbox"/>	0.0%					
50% of Total Cover: <u>27.5</u> 20% of Total Cover: <u>11</u> <u>55</u> = Total Cover								
Shrub Stratum (Plot size: _____)								
1. _____	0	<input type="checkbox"/>	0.0%					
2. _____	0	<input type="checkbox"/>	0.0%					
3. _____	0	<input type="checkbox"/>	0.0%					
4. _____	0	<input type="checkbox"/>	0.0%					
5. _____	0	<input type="checkbox"/>	0.0%					
6. _____	0	<input type="checkbox"/>	0.0%					
50% of Total Cover: <u>0</u> 20% of Total Cover: <u>0</u> <u>0</u> = Total Cover								
Herb Stratum (Plot size: 0.10ac)								
1. <u>Pteridium aquilinum</u>	10	<input checked="" type="checkbox"/>	28.6%	FACU				
2. <u>Rubus argutus</u>	10	<input checked="" type="checkbox"/>	28.6%	FAC				
3. <u>Liquidambar styraciflua</u>	5	<input type="checkbox"/>	14.3%	FAC				
4. <u>Pinus taeda</u>	5	<input type="checkbox"/>	14.3%	FAC				
5. <u>Ilex opaca</u>	5	<input type="checkbox"/>	14.3%	FAC				
6. _____	0	<input type="checkbox"/>	0.0%					
7. _____	0	<input type="checkbox"/>	0.0%					
8. _____	0	<input type="checkbox"/>	0.0%					
9. _____	0	<input type="checkbox"/>	0.0%					
10. _____	0	<input type="checkbox"/>	0.0%					
11. _____	0	<input type="checkbox"/>	0.0%					
12. _____	0	<input type="checkbox"/>	0.0%					
50% of Total Cover: <u>17.5</u> 20% of Total Cover: <u>7</u> <u>35</u> = Total Cover								
Woody Vine Stratum (Plot size: 0.10ac)								
1. <u>Gelsemium sempervirens</u>	5	<input checked="" type="checkbox"/>	33.3%	FAC				
2. <u>Vitis rotundifolia</u>	5	<input checked="" type="checkbox"/>	33.3%	FAC				
3. <u>Smilax rotundifolia</u>	5	<input checked="" type="checkbox"/>	33.3%	FAC				
4. _____	0	<input type="checkbox"/>	0.0%					
5. _____	0	<input type="checkbox"/>	0.0%					
50% of Total Cover: <u>7.5</u> 20% of Total Cover: <u>3</u> <u>15</u> = Total Cover								

Remarks: (If observed, list morphological adaptations below).
 criteria met but available vegetation is more indicative of an upland in this area.

*Indicator suffix = National status or professional decision assigned because Regional status not defined by FWS.

Hydrophytic Vegetation Present? Yes ☒ No ☐

SOIL

Sampling Point: DP2

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix			Redox Features				Texture	Remarks
	Color (moist)	%		Color (moist)	%	Type ¹	Loc ²		
	0-4	10YR	4/1	100				Fine Sand	less than 30% coated grains
	4-12	10YR	5/3	100				Fine Sand	high chroma color

¹Type: C=Concentration. D=Depletion. RM=Reduced Matrix, CS=Covered or Coated Sand Grains ²Location: PL=Pore Lining. M=Matrix

Hydric Soil Indicators:

- | | |
|--|--|
| <input type="checkbox"/> Histosol (A1) | <input type="checkbox"/> Polyvalue Below Surface (S8) (LRR S, T, U) |
| <input type="checkbox"/> Histic Epipedon (A2) | <input type="checkbox"/> Thin Dark Surface (S9) (LRR S, T, U) |
| <input type="checkbox"/> Black Histic (A3) | <input type="checkbox"/> Loamy Mucky Mineral (F1) (LRR O) |
| <input type="checkbox"/> Hydrogen Sulfide (A4) | <input type="checkbox"/> Loamy Gleyed Matrix (F2) |
| <input type="checkbox"/> Stratified Layers (A5) | <input type="checkbox"/> Depleted Matrix (F3) |
| <input type="checkbox"/> Organic Bodies (A6) (LRR P, T, U) | <input type="checkbox"/> Redox Dark Surface (F6) |
| <input type="checkbox"/> 5 cm Mucky Mineral (A7) (LRR P, T, U) | <input type="checkbox"/> Depleted Dark Surface (F7) |
| <input type="checkbox"/> Muck Presence (A8) (LRR U) | <input type="checkbox"/> Redox Depressions (F8) |
| <input type="checkbox"/> 1 cm Muck (A9) (LRR P, T) | <input type="checkbox"/> Marl (F10) (LRR U) |
| <input type="checkbox"/> Depleted Below Dark Surface (A11) | <input type="checkbox"/> Depleted Ochric (F11) (MLRA 151) |
| <input type="checkbox"/> Thick Dark Surface (A12) | <input type="checkbox"/> Iron-Manganese Masses (F12) (LRR O, P, T) |
| <input type="checkbox"/> Coast Prairie Redox (A16) (MLRA 150A) | <input type="checkbox"/> Umbric Surface (F13) (LRR P, T, U) |
| <input type="checkbox"/> Sandy Muck Mineral (S1) (LRR O, S) | <input type="checkbox"/> Delta Ochric (F17) (MLRA 151) |
| <input type="checkbox"/> Sandy Gleyed Matrix (S4) | <input type="checkbox"/> Reduced Vertic (F18) (MLRA 150A, 150B) |
| <input type="checkbox"/> Sandy Redox (S5) | <input type="checkbox"/> Piedmont Floodplain Soils (F19) (MLRA 149A) |
| <input type="checkbox"/> Stripped Matrix (S6) | <input type="checkbox"/> Anomalous Bright Loamy Soils (F20) (MLRA 1 |
| <input type="checkbox"/> Dark Surface (S7) (LRR P, S, T, U) | |

Indicators for Problematic Hydric Soils³:

- ☐ 1 cm Muck (A9) (LRR O)
- ☐ 2 cm Muck (A10) (LRR S)
- ☐ Reduced Vertic (F18) (outside MLRA 150A,B)
- ☐ Piedmont Floodplain Soils (F19) (LRR P, S, T)
- ☐ Anomalous Bright Loamy Soils (F20) (MLRA 153B)
- ☐ Red Parent Material (TF2)
- ☐ Very Shallow Dark Surface (TF12)
- ☐ Other (Explain in Remarks)

³Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if observed):

Type: _____

Depth (inches): _____

Hydric Soil Present? Yes ☐ No ☒

Remarks:

no hydric soil indicator

DATE: AUGUST 7, 2023

ITEM: VI.C.

ISSUE:

Discussion of a request by Chris Cummings, applicant, to annex approximately 1.46 acres located at 610 & 624 Hwy 544, and rezone from the Horry County Highway Commercial (HC) and Convenience & Auto-Related Services (RE3) districts to the City of Conway Highway Commercial (HC) district (PIN 382-05-01-0003 and -0004).

BACKGROUND:

On July 21, the applicant submitted an annexation and rezoning application for the subject properties, located 610 & 624 Hwy 544. The properties are currently in Horry County's jurisdiction, zoned Highway Commercial (HC) and Convenience & Auto-Related Services (RE3). Both properties contain a single-family residence, and are both rental properties. Restrictive covenants were recorded for 610 Hwy 544 on July 21st.

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 properties are across from and abutting the Institutional (IN) zoning district and also adjacent to Horry County Highway Commercial (HC) zoned property. Surrounding uses include student housing, the old university bookstore, a gas station, and a wrecker business.

CITY OF CONWAY COMPREHENSIVE PLAN:

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

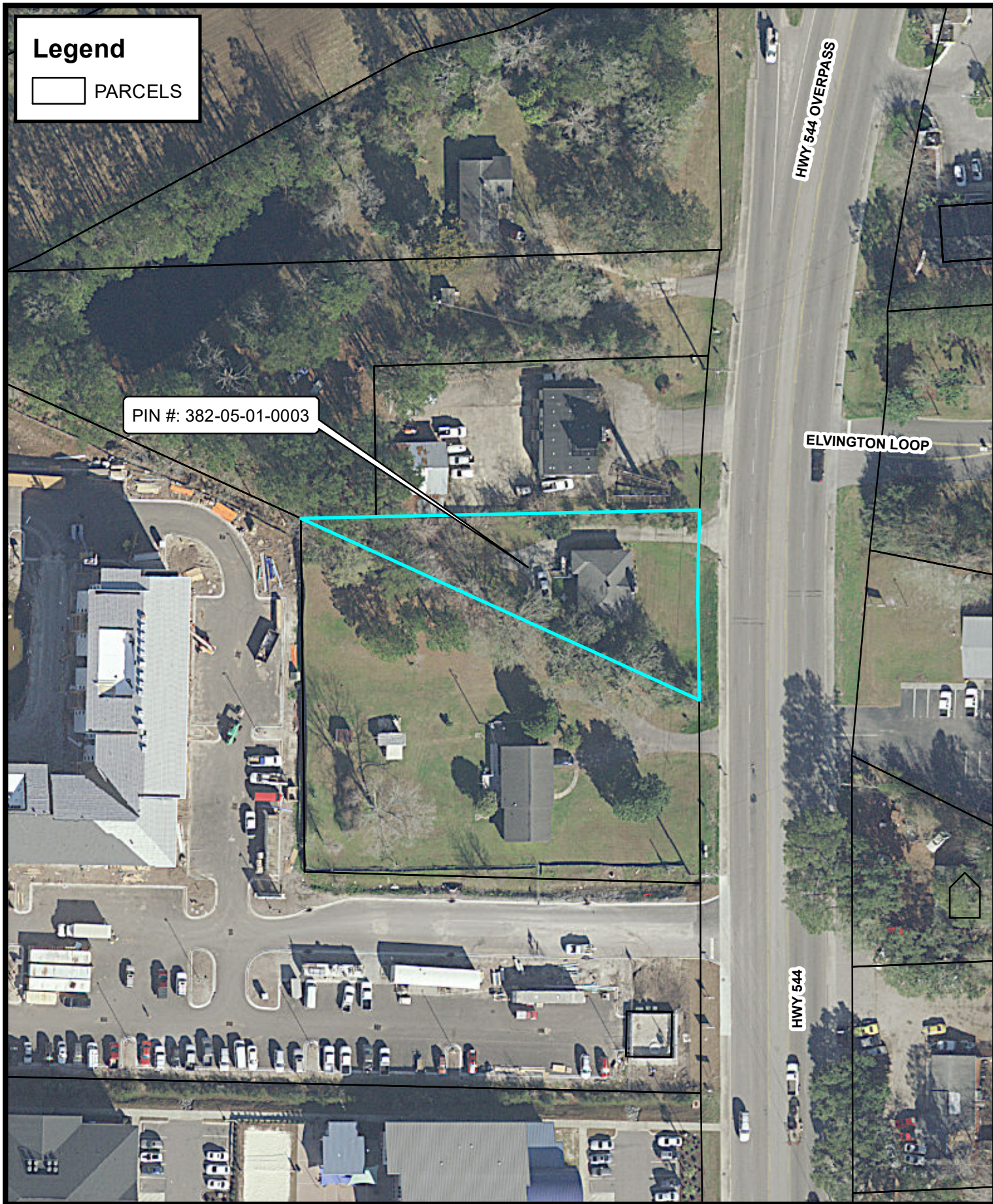
NEXT STEPS, DATES:

Planning Commission is scheduled to hold a public hearing on the request at their September 7th meeting, and provide a recommendation to City Council.

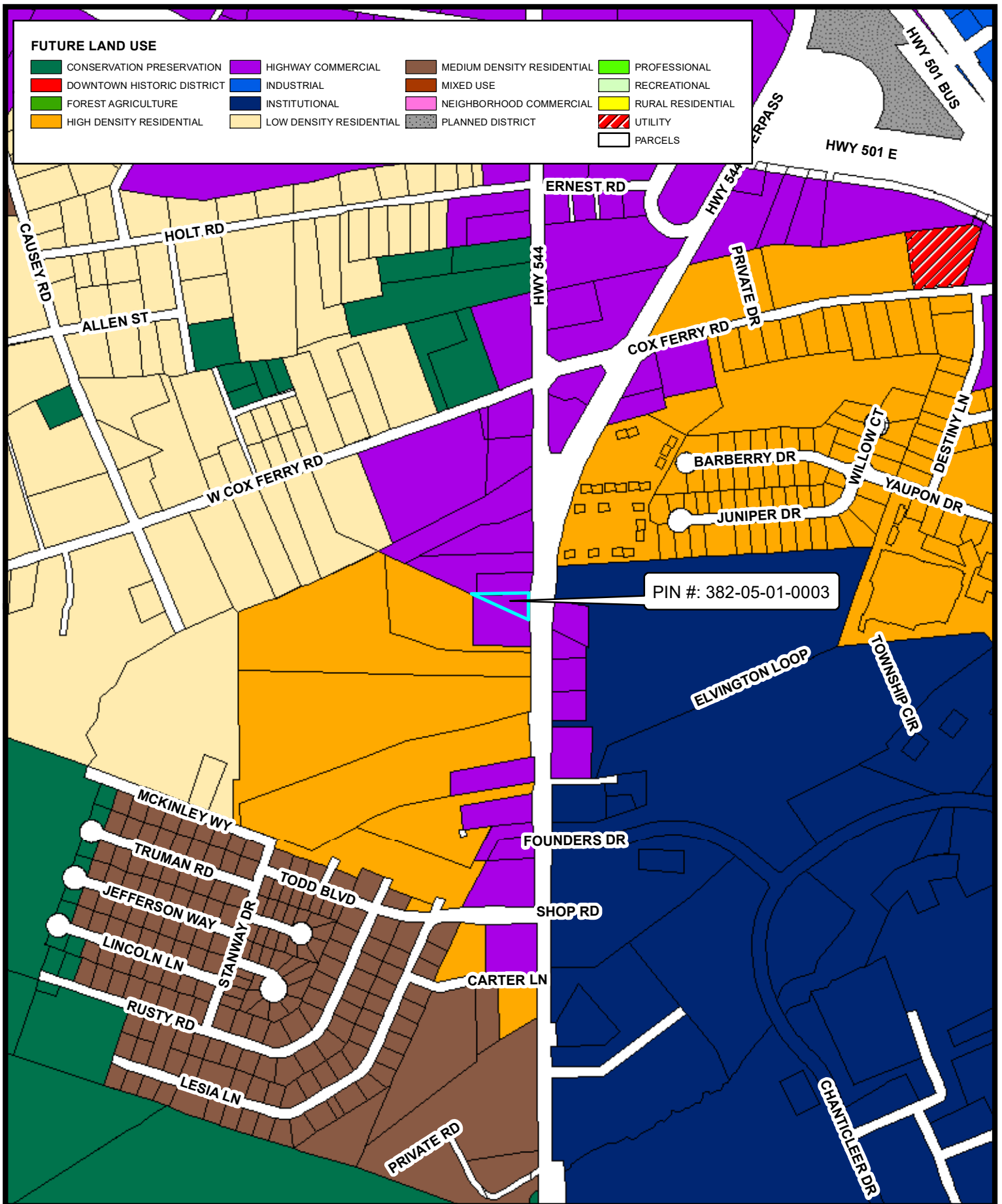
ATTACHMENTS:

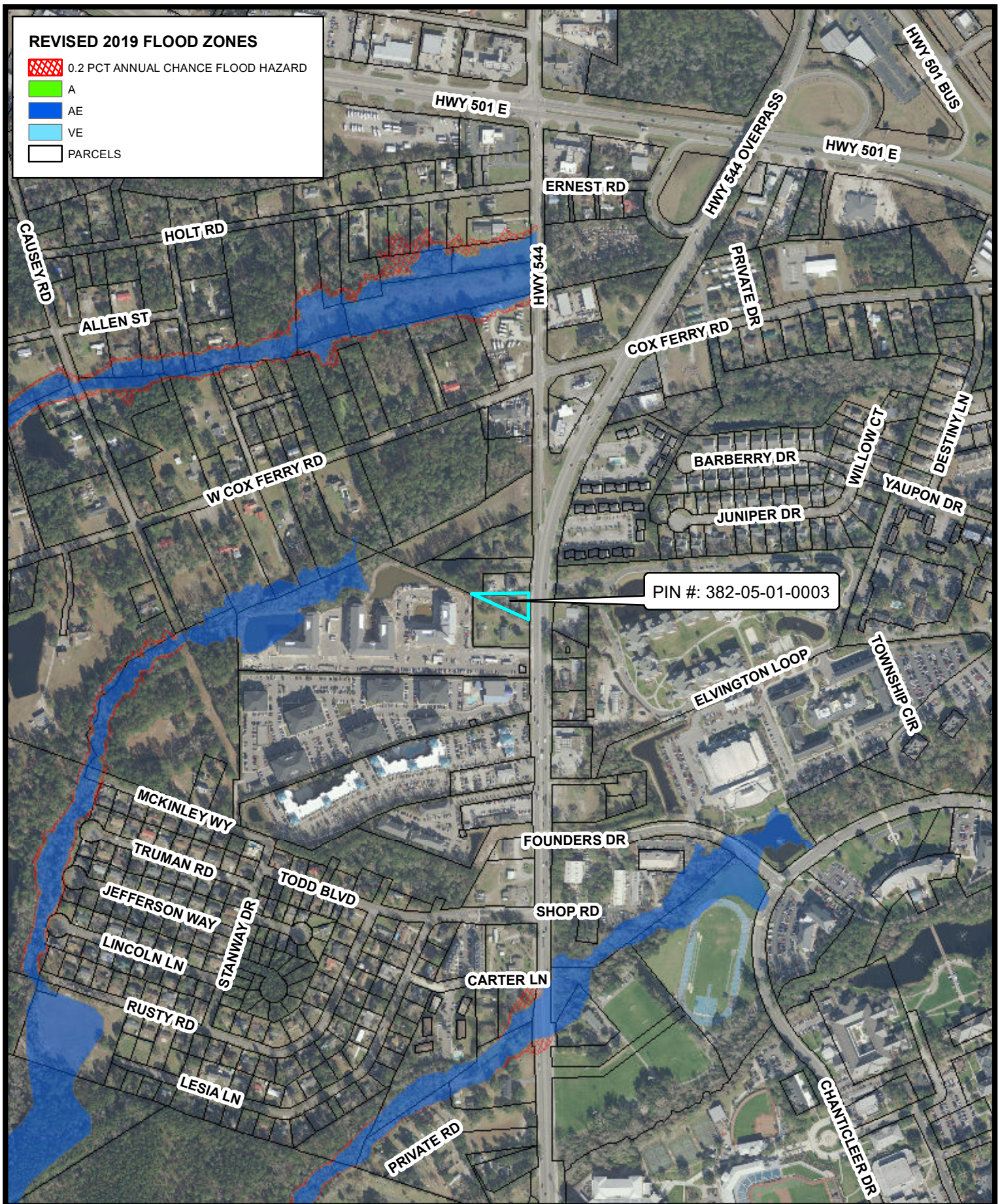
Application;

GIS Maps;











STATE OF SOUTH CAROLINA)

)

RESTRICTIVE COVENANT

COUNTY OF HORRY)

KNOW ALL ME BY THESE PRESENTS, that, (I, we) MICHAEL J. MOSKOWES
(Grantor) seek permission to connect to the Water and/or Sewer System of the City Of Conway.
The property/parcel is situated outside the corporate limits of the City Of Conway. The
property/parcel is identified in the records of the Assessor of Horry County as Parcel Identification
Number (PIN) 382-05-01-0003 and is physically located at
610 HIGHWAY 514 IN CONWAY, SOUTH CAROLINA 29526

The above referenced property was conveyed by deed to the Grantor and recorded in the Office of
the Register of Mesne Conveyance for Horry County, South Carolina in Deed Book 4485 at
Page 2421.

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

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

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

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

Deed BK: 4704 PG: 1374 Doctype: 082
07/21/2023 at 02:21:02 PM, 1 OF 2

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



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

5th day of July 2023

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

CHARLES GUN
Witness

MICHAEL J. MOOREHEAD
Grantor Name

JOHNNY MAY
Witness or Notary

STATE OF SOUTH CAROLINA)

)

PROBATE

COUNTY OF HORRY)

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

[Signature]

Witness

SWORN TO BEFORE ME THIS 5th
DAY OF July, 2023

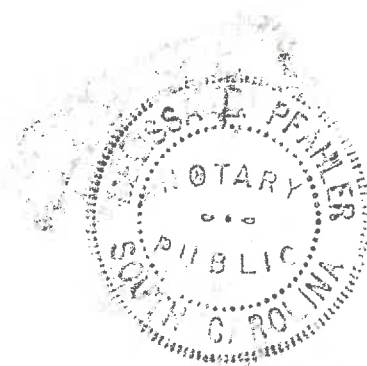
Melissa Pfahler

NOTARY PUBLIC FOR SOUTH CAROLINA (signature)

Melissa Pfahler

NOTARY PUBLIC FOR SOUTH CAROLINA (printed)

My commission expires: 1-25-27



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



PETITION FOR ANNEXATION

Staff Use Only
Received: 7/21
BS&A #: P23-0221

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

P230218
588 Hwy 544

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: 610 & 624 HWY 544

PIN: 382-05-01-0003 and -0004 ACREAGE: 0.38a & 1.08a (1.46acres)

PROPERTY ADDRESS: same as above

PROPERTY OWNER MAILING ADDRESS: 411 Posada Dr., MB, SC 29572

PROPERTY OWNER TELEPHONE NUMBER: 843-902-9120

PROPERTY OWNER EMAIL: M o b i l i s i @ G M A I L . C o m

APPLICANT: Chris Cummings

APPLICANT'S EMAIL: chris.cummings@hubinternational.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 ASSIGNING RESPONSIBILITY TO THE APPLICANT.

PROPERTY OWNERS (Attach additional sheets if necessary)

CHAS CUMMINGS
(Print)

(Signature)

DATE: 7/21/23

(Print)

(Signature)

DATE: 7/21/23



PETITION FOR ANNEXATION

Staff Use Only

Received: _____
BS&A #: _____

Is there a structure on the lot: yes Structure Type: single-family structures on both properties

Current Use: residential (rentals)

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: 610 & 624 HWY 544 FEE PAID () YES () NO

AREA OF SUBJECT PROPERTY (ACREAGE): 0.38a & 1.08a (1.46a) PIN: 382-05-01-0003 & -0004

CURRENT ZONING CLASSIFICATION: Horry County HC and RE3

COMPREHENSIVE PLAN 2035 FUTURE LAND USE: Highway Commercial (HC)

REQUESTED ZONING CLASSIFICATION: Highway Commercial (HC) upon annexation

NAME OF PROPERTY OWNER(S):

Coastal Education LLC

PHONE #

843-902-9120

PHONE #

MAILING ADDRESS OF PROPERTY OWNER(S):

411 Posada Dr., MB, SC 29572

411 Posada Dr., MB, SC 29572

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

Ch. S.
PROPERTY OWNER'S SIGNATURE(S)

7/21/2023
DATE

Mike Mahan
PROPERTY OWNER'S SIGNATURE(S)

7/21/2023
DATE

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

DATE: AUGUST 7, 2023

ITEM: VII.A.

ISSUE:

First Reading of Ordinance #ZA2023-08-21 (A), to annex approximately 7.27 acres located at on HWY 501 near the Horry County Schools Transportation office (addresses include 2197 and 2199 Church Street) (PIN's 338-09-02-0007, -0008, -0009, -0010, -0011), and rezone from the Horry County Highway Commercial (HC) district to the City of Conway Highway Commercial (HC) district and property at 2201 Church Street (PIN 338-09-02-0014) from the Horry County Highway Commercial (HC) district to the City of Conway Highway Commercial (HC) and Conservation Preservation (CP) districts.

BACKGROUND:

In May, the applicant submitted annexation and rezoning applications for the subject property, located on HWY 501. The property is currently in Horry County's jurisdiction, zoned Highway Commercial (HC).

The applicant is seeking to annex the property into the City limits to facilitate development of commercial/retail establishments. Staff has reviewed one conceptual plan of the proposed layout, and comments regarding the conceptual plan were sent back to the applicant last month. The conceptual (sketch) plan that was reviewed is included in your packet.

One of the current uses of one of the properties is the Roadrunner Antiques store.

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 properties are surrounded by property in the City limits, already zoned Highway Commercial. The High School, located on the other side of the HCS Transportation office, is zoned Institutional (IN). Property behind these parcels is zoned Conservation Preservation (CP); likely due to the proximity of the Crabtree Swamp in relation to these parcels.

CITY OF CONWAY COMPREHENSIVE PLAN:

The future land use map of the *Comprehensive Plan* identifies the properties as HC and Conservation Preservation (CP) (a majority of the rear acreage is within the AE flood zone and/or contains wetlands).

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.

PLANNING COMMISSION:

Planning Commission held a public hearing on the requests at their July 13th meeting. There was no public input. Staff recommended that the property be split zoned Highway Commercial (HC) and Conservation Preservation (CP). The CP district would be assigned to the portions of property identified on the wetland's delineation maps and flood zone areas identified on the flood zone map. Planning Commission recommended the same in their motion to approve.

STAFF RECOMMENDATION:

Staff recommends approval of the requests, as specified above.

ATTACHMENTS:

Application;

GIS Maps

Sketch plan

ORDINANCE #ZA2023-08-21 (A)

AN ORDINANCE TO ANNEX APPROXIMATELY 7.27 (TOTAL) ACRES OF PROPERTY LOCATED ON HWY 501 (AT OR NEAR 2197 AND 2199 CHURCH STREET) (PIN's 338-09-02-0007, -0008, -0009, -0010, AND -0011), AND REQUEST TO REZONE FROM THE HORRY COUNTY HIGHWAY COMMERCIAL (HC) DISTRICT TO THE CITY OF CONWAY HIGHWAY COMMERCIAL (HC) DISTRICT AND PROPERTY ON HWY 501 (2201 CHURCH STREET) (PIN 338-09-02-0014) FROM THE HORRY COUNTY HIGHWAY COMMERCIAL (HC) DISTRICT TO THE CITY OF CONWAY HIGHWAY COMMERCIAL (HC) AND 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 7.27 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 7.27 acres of property located on Highway 501 (Church Street) (PIN's 338-09-02-0007, -0008, -0009, -0010, AND -0011), and request to rezone from the Horry County Highway Commercial (HC) district to the City of Conway Highway Commercial (HC) district, as well as property also located on Highway 501 (Church Street) (PIN 338-09-02-0014) from the Horry County Highway Commercial (HC) district to the City of Conway Highway Commercial (HC) and 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 Low/Medium Density Residential District (R-1) area under the zoning laws of the municipality.

SECTION 3. EFFECTIVE DATE:

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

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

RATIFIED BY CITY COUNCIL, duly assembled, this _____ day of _____, 2023.

Barbara Jo Blain-Bellamy, Mayor

Justin D. Jordan, Mayor Pro Tem

K. Autry Benton, Jr., Council Member

Amanda Butler, Council Member

William M. Goldfinch IV, Council Member

Beth Helms, Council Member

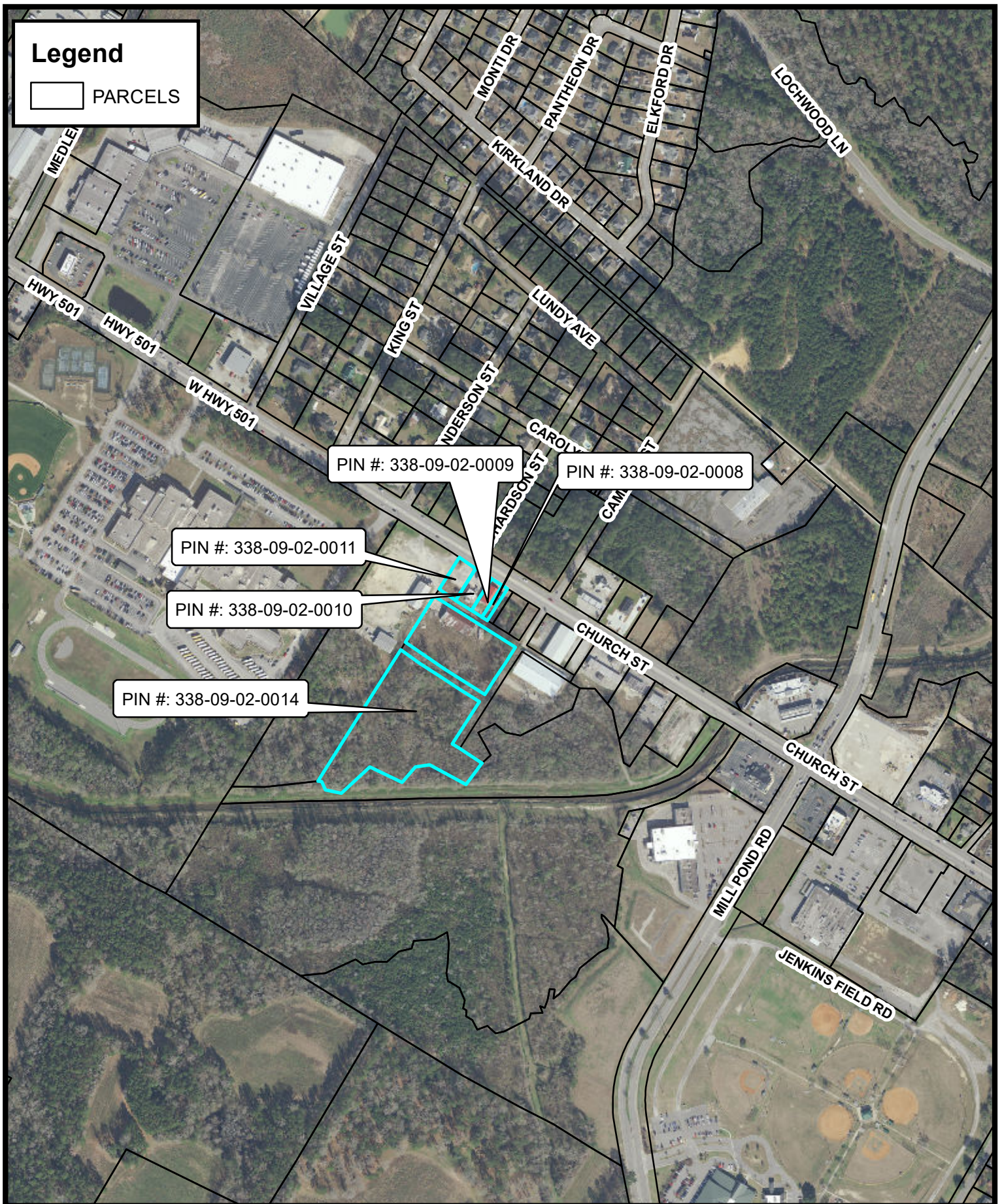
Larry A. White, Council Member

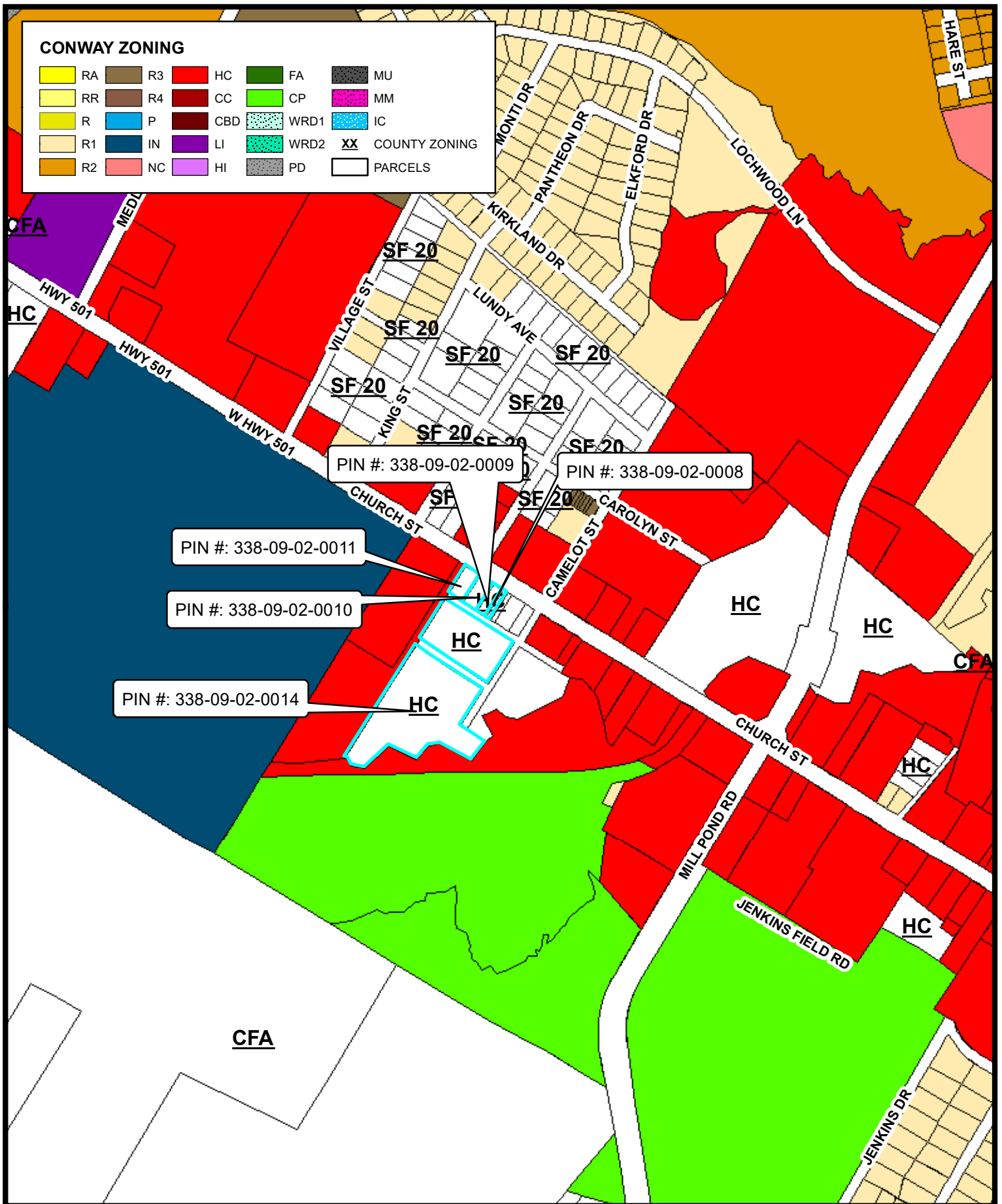
ATTEST: Alicia Shelley, City Clerk

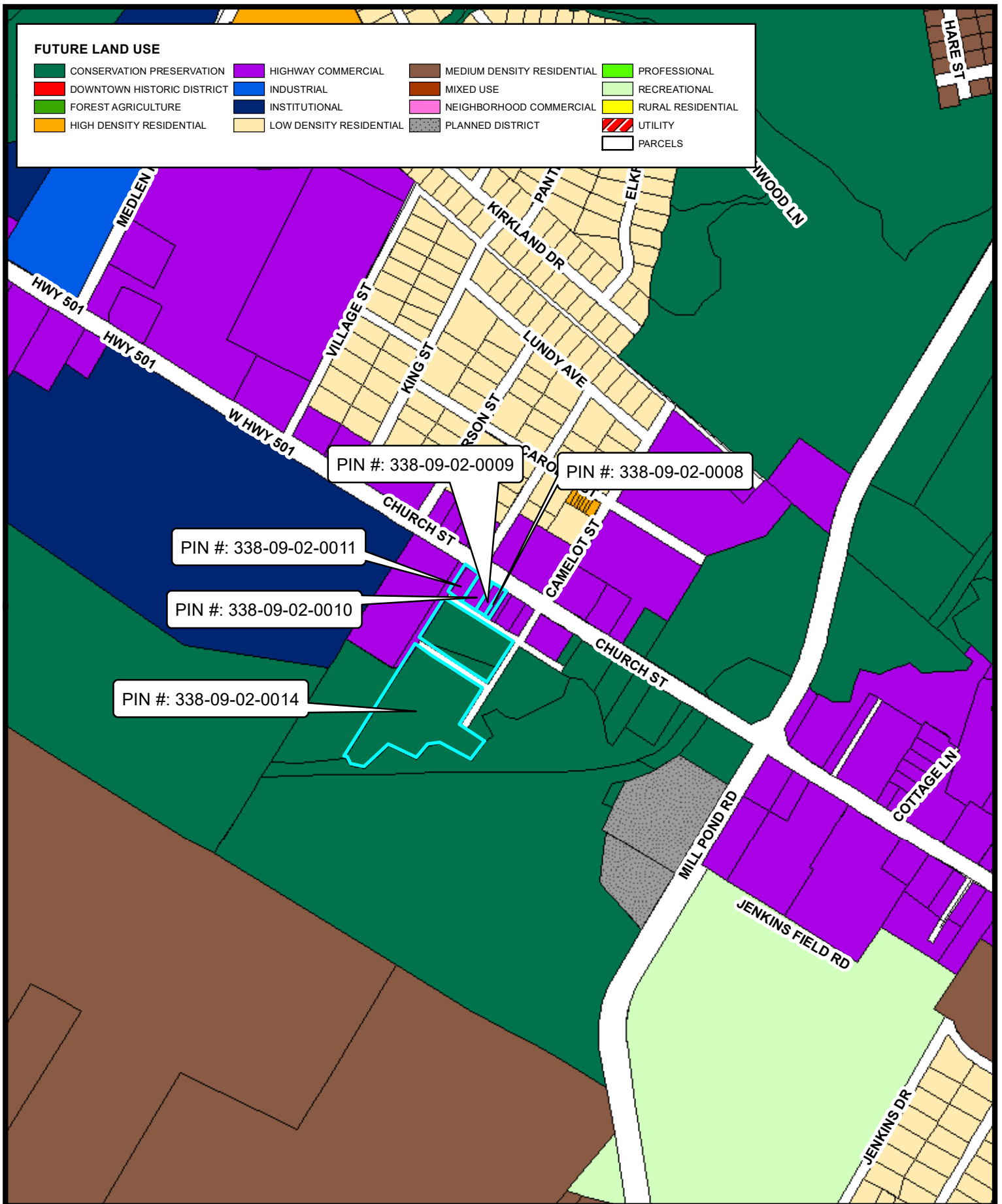
First Reading: _____

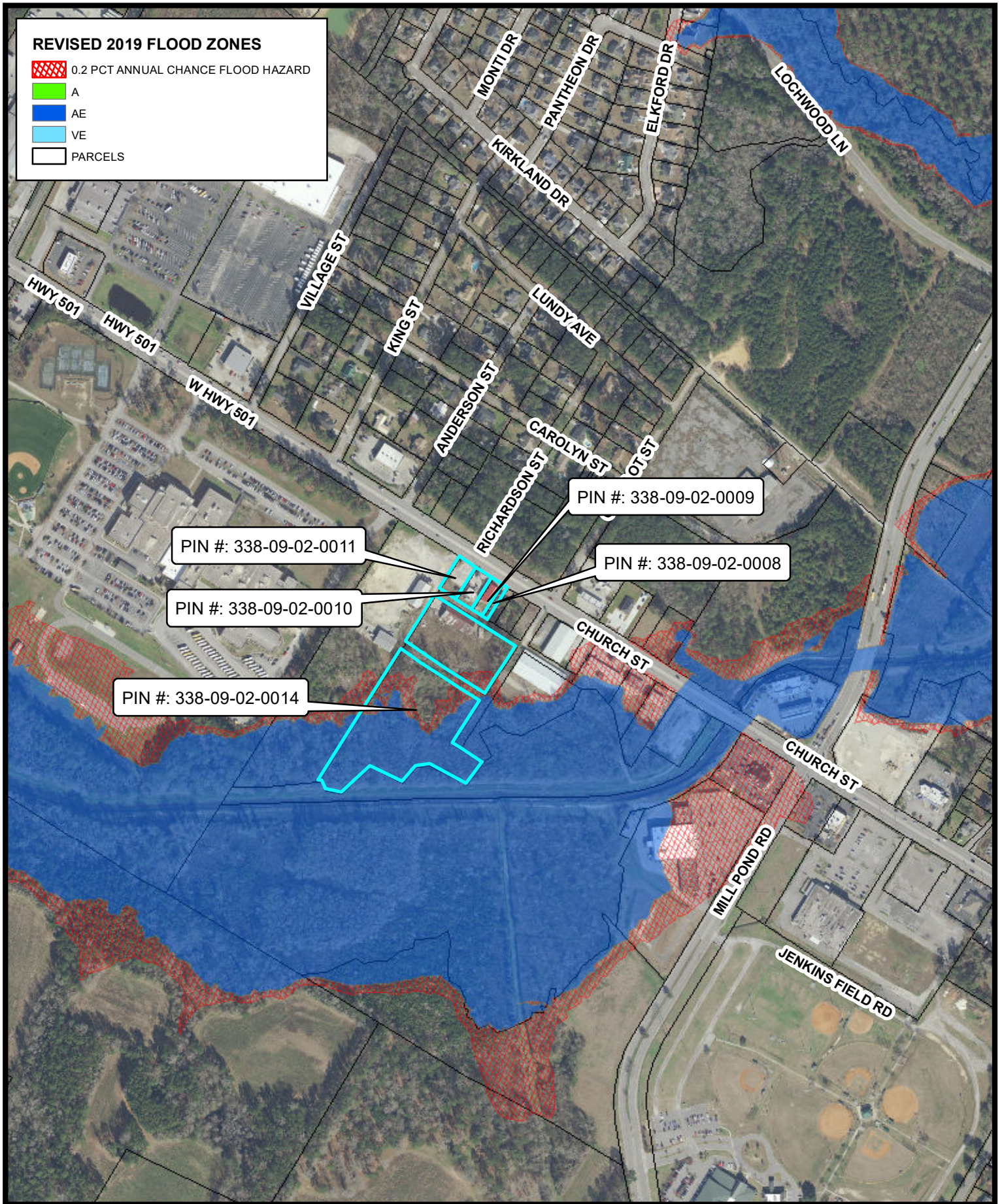
Final Reading: _____













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: Conway - Crabtree

PIN: 3380902008-11 & 14 ACREAGE: 7.18

PROPERTY ADDRESS: 2197-2199 Church St.

PROPERTY OWNER MAILING ADDRESS: 1304 9th Ave Conway, SC 29526

PROPERTY OWNER TELEPHONE NUMBER: 843-222-5900

PROPERTY OWNER EMAIL: JTHENRY@SCCDAST.NET

APPLICANT: RDC Conway, LLC

APPLICANT'S EMAIL: mike.ziegler@eagledevgroup.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)

Michael P. Ziegler, Sr.

(Print)

(Signature)

DATE: 5/10/23

(Print)

(Signature)

DATE: _____



PETITION FOR ANNEXATION

Staff Use Only

Received: _____
BS&A #: _____

Is there a structure on the lot: Yes _____ Structure Type: Commercial buildings

Current Use: Retail/Highway Commercial

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.

Public right of way near the rear of the property and Horry Avenue along the southeastern property boudary

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: 2197-2199 Church St. FEE PAID () YES () NO

AREA OF SUBJECT PROPERTY (ACREAGE): 7.18 PIN: 33809020008-11 & 14

CURRENT ZONING CLASSIFICATION: Highway Commercial

COMPREHENSIVE PLAN 2035 FUTURE LAND USE: Highway Commercial

REQUESTED ZONING CLASSIFICATION: PUD

NAME OF PROPERTY OWNER(S):

John Henry (Designated Agent) PHONE # 843-222-5900

PHONE # _____

MAILING ADDRESS OF PROPERTY OWNER(S):

1304 9th Ave Conway, SC 29526

1304 9th Ave Conway, SC 29526

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

PROPERTY OWNER'S SIGNATURE(S)

DATE

PROPERTY OWNER'S SIGNATURE(S)

DATE

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



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: Conway-Crabtree

PIN: 33809020007

ACREAGE: +/- 0.09

PROPERTY ADDRESS: 2201 Church St. Conway, SC 29526

PROPERTY OWNER MAILING ADDRESS: 715 Jasmine Ave. Myrtle Beach, SC 29577-2425

PROPERTY OWNER TELEPHONE NUMBER: 843-365-1765

PROPERTY OWNER EMAIL: jessejohn3@icloud.com

APPLICANT: RDC Conway, LLC

APPLICANT'S EMAIL: mike.ziegler@eagledevgroup.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)

Michael P. Ziegler Sr.

(Print)

(Signature)

DATE: 5/10/23

(Print)

(Signature)

DATE: _____



PETITION FOR ANNEXATION

Staff Use Only

Received: _____
BS&A #: _____

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

Current Use: Vacant Land

Are there any wetlands on the property?

CIRCLE: YES ☐ NO ☒

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

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

CIRCLE: YES ☐ NO ☒

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

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: 2201 Church St. FEE PAID () YES () NO

AREA OF SUBJECT PROPERTY (ACREAGE): 0.09 PIN: 33809020007

CURRENT ZONING CLASSIFICATION: Highway Commercial

COMPREHENSIVE PLAN 2035 FUTURE LAND USE: Highway Commercial

REQUESTED ZONING CLASSIFICATION: PUD

NAME OF PROPERTY OWNER(S):

Jess Johnson

PHONE # 843-421-2249

PHONE # _____

MAILING ADDRESS OF PROPERTY OWNER(S):

715 Jasmine Ave. Myrtle Beach, SC 29577-2425

715 Jasmine Ave. Myrtle Beach, SC 29577-2425

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

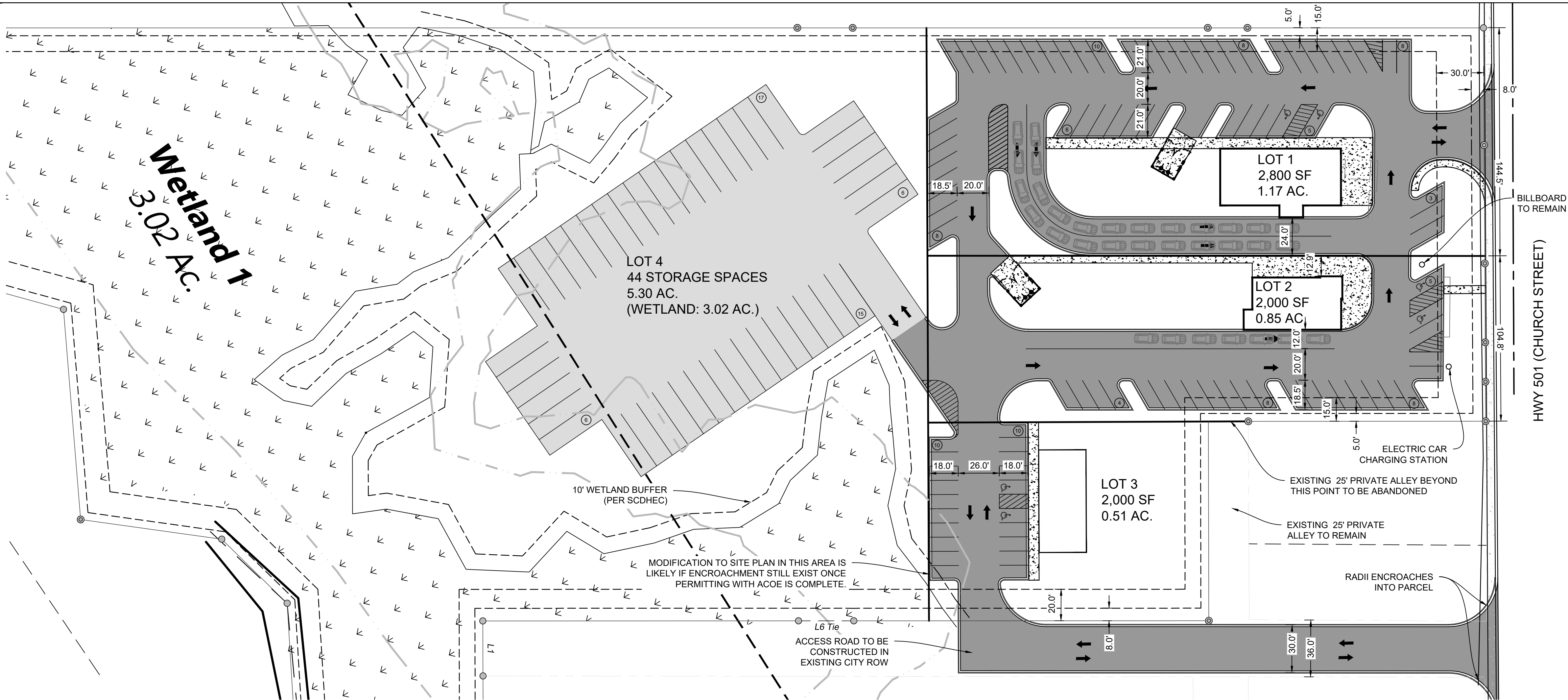
(Signature)
PROPERTY OWNER'S SIGNATURE(S)

5/10/23
DATE

PROPERTY OWNER'S SIGNATURE(S)

DATE

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



SITE DATA:

PIN: 338-09-02-0014, 338-09-02-0011, 338-09-02-0010,
338-09-02-0009, 338-09-02-0008
TOTAL SITE = 7.84 AC
TOTAL DISTURBED AREA = TBD

PROPOSED ZONING - HC (HIGHWAY COMMERCIAL)

SETBACKS -
FRONT - 30'
REAR - 20'
SIDES - 15' DEPENDENT UPON ADJACENT USE
(20' IF ADJACENT TO ROAD)

BUFFER YARDS
FRONT - 8'
SIDE - TYPE A (5') *A PORTION OF SIDE REQUIRES
8' IF ADJACENT TO PUBLIC ROAD
REAR - TYPE A (5')

PARKING DATA:

REQUIRED SPACES:	MIN	MAX	PROVIDED
LOT 1: 2,800 SQ FT REST.	22.4	49.7	48
LOT 2: 2,800 SQ FT REST.	16	35.5	25
LOT 3: 2,000 SQ FT	6.66	10.66	20
TOTAL	46	95.86	93

SPACES PROVIDED: 96 SPACES

NOTE: LOT 3 EXCEEDS PARKING COUNT



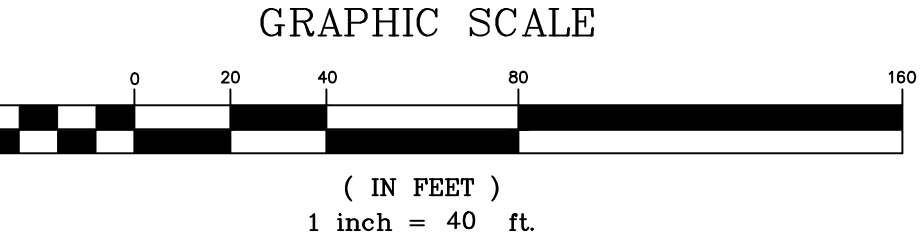
CAUTION



THE UTILITIES SHOWN ARE FOR THE CONTRACTOR'S CONVENIENCE ONLY. THERE MAY BE OTHER UTILITIES NOT SHOWN ON THESE PLANS. THE ENGINEER ASSUMES NO RESPONSIBILITY FOR THE LOCATIONS SHOWN AND IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THE LOCATIONS OF ALL UTILITIES WITHIN THE LIMITS OF THE WORK. ALL DAMAGE MADE TO EXISTING UTILITIES BY THE CONTRACTOR SHALL BE THE SOLE RESPONSIBILITY OF THE CONTRACTOR.

LEGEND

SYMBOLS	ABBREVIATIONS
CB □ CATCH BASIN	BL BUILDING LINE
DI ■ DROP INLET	CL CENTERLINE
ELEC TRANSFORMER	CT CRIMP TOP
x 90.0 ELEVATION (EXIST. GRADE)	DE DRAINAGE EASEMENT
x 80.00 ELEVATION (FINISH GRADE)	EP EDGE OF PAVEMENT
⊗ FIRE HYDRANT	FFE FINISHED FLOOR ELEVATION
⊗ GAS METER	FG FINISHED GRADE
⊗ GAS VALVE	IE INVERT ELEVATION
⊗ IRON PIN	IPS IRON PIN SET
⊗ LIGHT POLE	IPD IRON PIN OLD
MHBS ⊕ MANHOLE (BELLSOUTH)	N&C NAIL & CAP
MHSD ⊕ MANHOLE (SD)	OT OPEN TOP
MHSS ⊕ MANHOLE (SS)	RB REBAR
PP ⊕ POWER POLE	RCP REINFORCED CONCRETE PIPE
TEL ⊕ TELEPHONE	R/W RIGHT OF WAY
⊗ WATER METER	SSE SANITARY SEWER EASEMENT
⊗ WATER VALVE	SL SETBACK LINE
→ STORMWATER FLOW	VCP VITRIFIED CLAY PIPE
→ TRAFFIC FLOW	



SITE DESIGN, INC.

CIVIL ENGINEERS - SURVEYORS - LANDSCAPE ARCHITECTS
www.sitedesign-inc.com
225 ROCKY CREEK ROAD
COLUMBIA, SC 29205
PH: (803) 721-0086

NO.	1.	2.	3.	4.	5.	6.	7.	8.	9.	10.
DATE										

THIS DRAWING IS THE PROPERTY OF SITE DESIGN, INC. AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN PERMISSION OF SITE DESIGN, INC. FURTHERMORE, THIS DRAWING IS NOT TO BE USED FOR ANY OTHER PROJECT WITHOUT THE WRITTEN PERMISSION OF SITE DESIGN, INC. REQUIRED FOR THE WORK OF THIS SPECIFIC PROJECT.

SITE DESIGN, INC.
No. 000122
CERTIFICATE OF REGISTRATION
SC. REG. NO. 1234

CONWAY COMMERCIAL

CITY OF CONWAY
HORRY COUNTY
SOUTH CAROLINA

EAGLE DEVELOPMENT GROUP, LLC

HORZ. SCALE: 1" = 40'
VERT. SCALE: N/A
DESIGNED BY: ELO
DRAWN BY: ELO
CHECKED BY: ELO
DATE: 04/12/2023
S220855.dwg

SITE PLAN

SHEET 1 OF 1

C200

DATE: AUGUST 7, 2023

ITEM: VII.B.

ISSUE:

First Reading of Ordinance #ZA2023-08-21 (B), to annex 1.32 acres of property located at 1701 and 1703 Radio Lane (1 parcel) (PIN 337-13-01-0001), and rezone from the Horry County Commercial Forest Agriculture (CFA) district to the City of Conway Low/Medium-Density Residential (R-1) district.

BACKGROUND:

The annexation application was submitted by Debbie Hucks, personal representative for the estate of Henry Jordan, Jr., who passed away a few years ago. Ms. Hucks is Mr. Jordan's daughter, and does not reside at the property. Now that the water and/or sewer service must be put into a different name, it is considered a new account, which has triggered the requirement to request annexation as a requirement to connect to city water and/or sewer service. In accordance with City ordinance and policy, restrictive covenants were also filed for the property, recorded on July 17, 2023.

There are 2 residential structures on the subject property: a single-family, site-built home and a manufactured home. The property is zoned Commercial Forest Agriculture (CFA) in Horry County, which permits site-built single-family detached dwellings and manufactured homes on ½ acre lot sizes. Accessory Dwelling Units, or accessory living quarters, are also permitted if the property is double the size required in the district. As such, both homes on the single parcel, 1.32 acres in size, is considered a legal, conforming use. If annexed into the city, the manufactured home would become legal nonconforming and subject to City ordinance regarding nonconformities (Article 12 of the UDO).

The requested zoning district specified on the annexation petition and rezoning application is R-1, Low/medium-Density Residential district.

Per the City's UDO, 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.

SURROUNDING USES / ZONING:

Across Hwy 378 is property zoned City of Conway Highway Commercial (HC), although vacant. Across Radio Lane is the Speedway gas station / convenience store, also zoned City of Conway HC. Abutting the subject property is Horry County RE4 (High Bulk Retail) district, which is commercial zoning district with outdoor storage; comparable to the City's HC district, and is currently the site of a used car sales lot. Further down Radio Lane is a mix of residential zoning, including additional county CFA, MSF20, and SF20 zoning districts and City of Conway R-1.

CITY OF CONWAY COMPREHENSIVE PLAN:

The Future Land Use Map of the *Comprehensive Plan* identifies this property as **Highway Commercial (HC)**. Per Section 3.2.10 of the UDO, “*The intent of the 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.*”

STAFF RECOMMENDATION:

Section 6.1.4 – Minimum Area of Zoning District of the UDO states the following:

“No tract(s) of land shall hereafter be rezoned for a zoning classification different from that of the surrounding properties unless such tract(s) is a minimum of 3 acres in area. Tract(s) less than 3 acres in area annexed into the city limits, may be zoned for a classification different from that of the surrounding in-city properties provided such zoning classification is consistent with the Future Land Use Map of the City’s Comprehensive Plan.”

The *requested* zoning classification – Low/Medium-Density Residential (R-1), is not consistent with City’s Future Land Use Map, which classifies the property as Highway Commercial (HC).

If Council chooses to annex the property, staff recommends that it move forward as Highway Commercial (HC), as HC is consistent with the City’s Future Land Use Map, and once Planning Commission has held the required public hearing and provided a recommendation, the request can come back to Council for final reading.

Alternatively, Council could choose not to annex the property at this time to avoid creating a legal nonconforming use and/or structure. Now that there are restrictive covenants recorded for the property, Council could require annexation in the future as conditions change.

ORDINANCE #ZA2023-08-21 (B)

**AN ORDINANCE TO ANNEX APPROXIMATELY 1.32 ACRES OF PROPERTY
LOCATED AT 1701 AND 1703 RADIO LANE (PIN 337-13-01-0003), AND REQUEST TO
REZONE FROM THE HORRY COUNTY COMMERCIAL FOREST AGRICULTURE
(CFA) DISTRICT TO THE CITY OF CONWAY LOW/MEDIUM DENSITY
RESIDENTIAL DISTRICT (R-1) DISTRICT.**

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

SECTION 1. FINDINGS:

A petition has been submitted to the City Council of the City of Conway to annex approximately 1.32 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 1.32 acres of property located at 1701 and 1703 Radio Lane (PIN 337-13-01-0003), and request to rezone from the Horry County Commercial Forest Agriculture (CFA) district, to the City of Conway Low/Medium Residential (R-1) district.

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

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

SECTION 2. APPLICATION OF ZONING ORDINANCE:

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

SECTION 3. EFFECTIVE DATE:

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

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

RATIFIED BY CITY COUNCIL, duly assembled, this _____ day of _____, 2023.

_____ Barbara Jo Blain-Bellamy, Mayor	_____ Justin D. Jordan, Mayor Pro Tem
_____ K. Autry Benton, Jr., Council Member	_____ Amanda Butler, Council Member
_____ William M. Goldfinch IV, Council Member	_____ Beth Helms, Council Member
_____ Larry A. White, Council Member	_____ ATTEST: Alicia Shelley, City Clerk

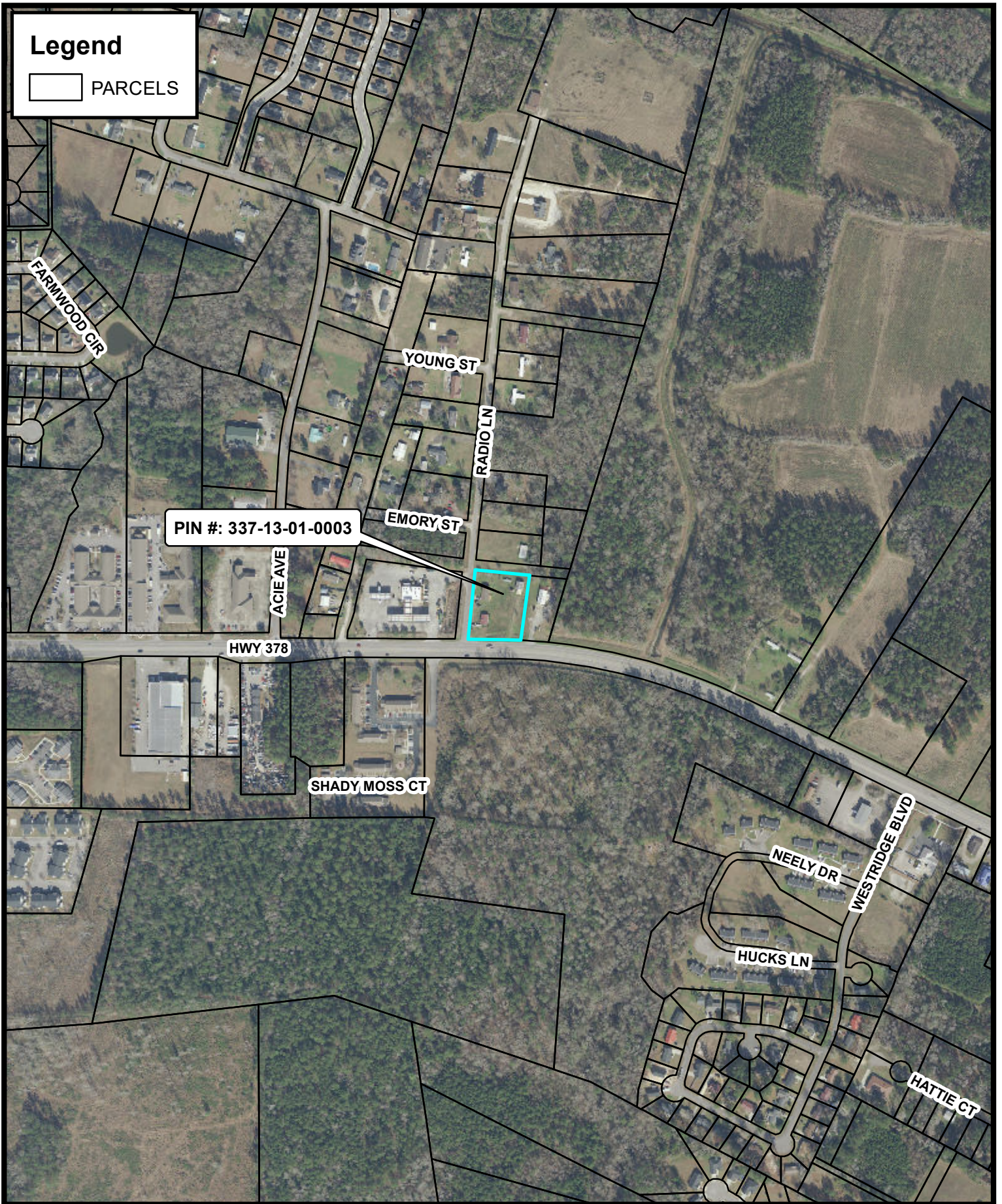
First Reading: _____

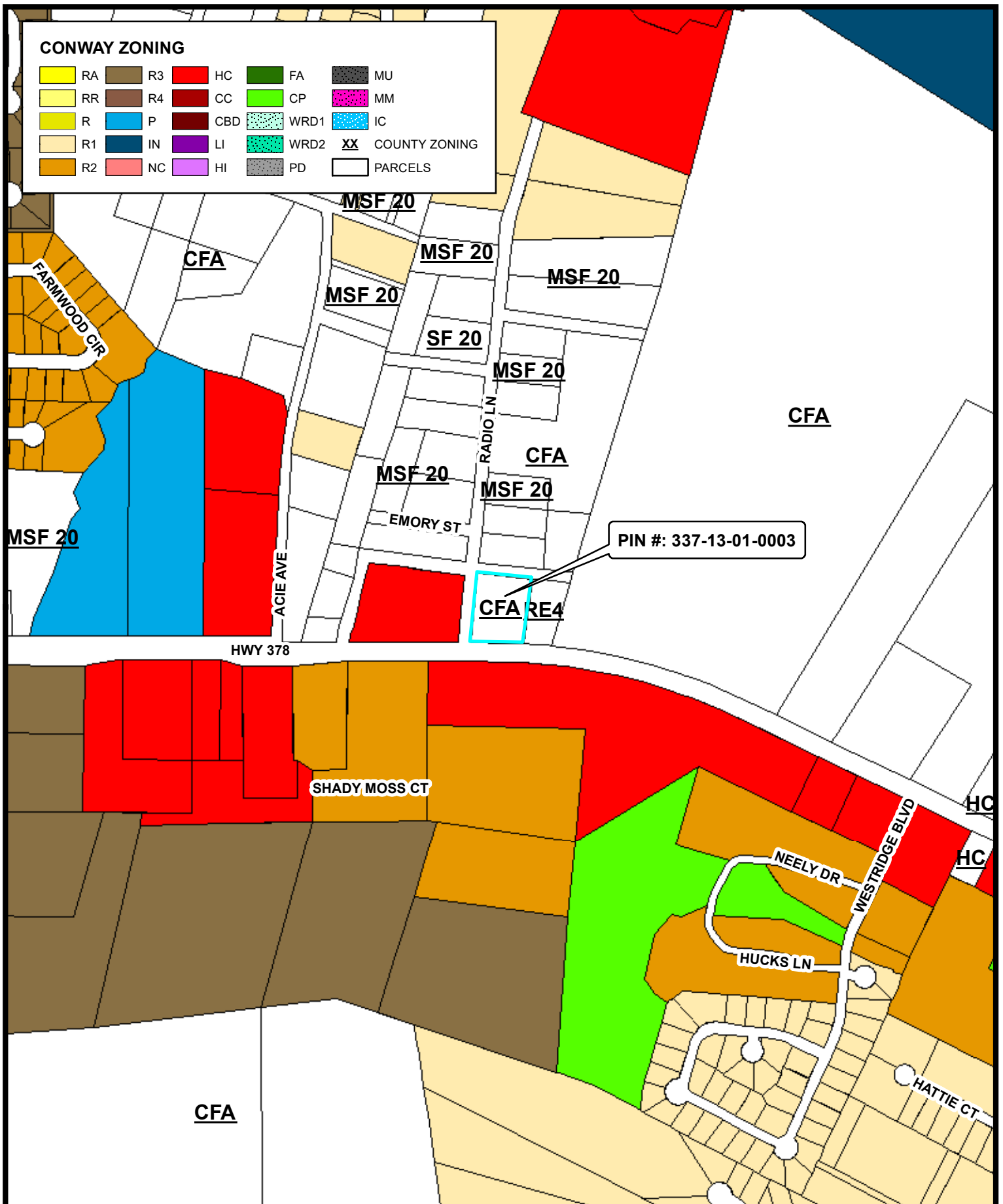
Final Reading: _____



Legend

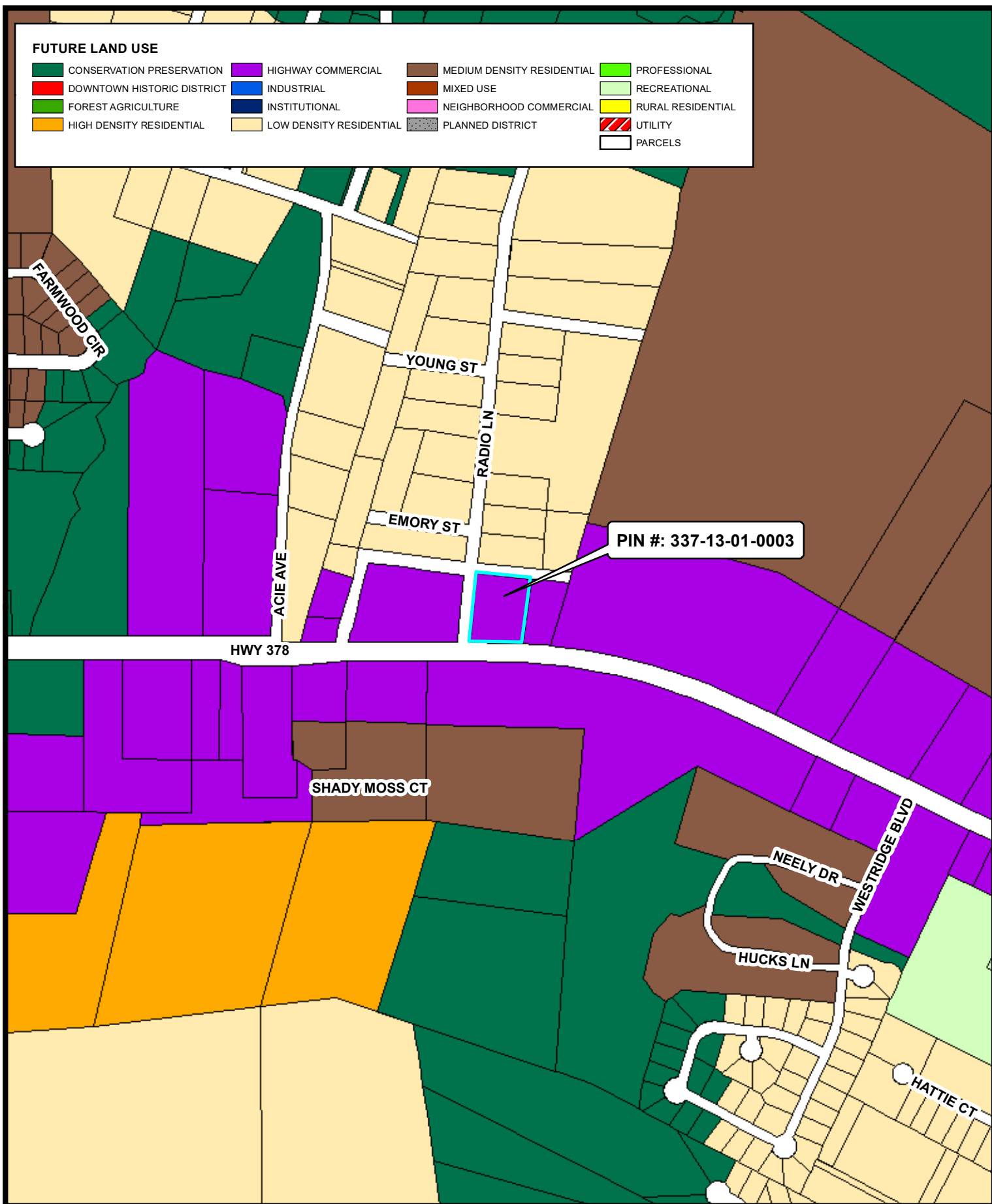
PARCELS





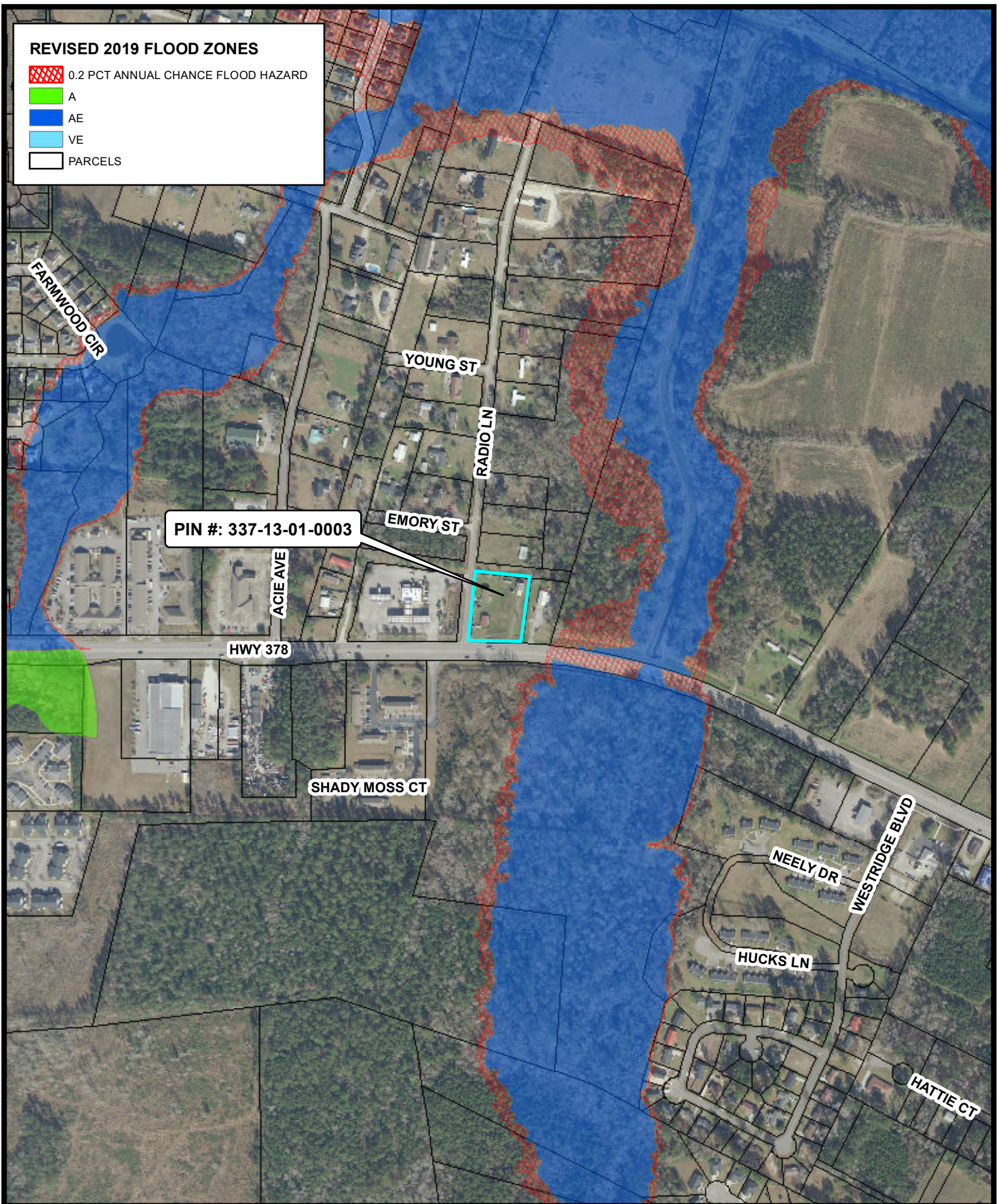
FUTURE LAND USE

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



REVISED 2019 FLOOD ZONES

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





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

STATE OF SOUTH CAROLINA)

)

RESTRICTIVE COVENANT

COUNTY OF HORRY)

KNOW ALL ME BY THESE PRESENTS, that, (I, we) Henry Jordan, Jr
Deborah Denise Jordan Hucks P/R
(Grantor) seek permission to connect to the Water and/or Sewer System of the City Of Conway. The property/parcel is situated outside the corporate limits of the City Of Conway. The property/parcel is identified in the records of the Assessor of Horry County as Parcel Identification Number (PIN) 337-13-01-0003 and is physically located at

1703 Radio Lane, Conway SC 29527
The above referenced property was conveyed by deed to the Grantor and recorded in the Office of the Register of Mesne Conveyance for Horry County, South Carolina in Deed Book 475 at Page 85.

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

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

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

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



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

17th day of July 2023.

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

[Signature]
Witness
[Signature]
Witness or Notary

[Signature]
Grantor Name
Deborah Denise Jordan Hucks
P/R
Personal Representative

STATE OF SOUTH CAROLINA)

) PROBATE

COUNTY OF HORRY)

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

[Signature]
Witness

SWORN TO BEFORE ME THIS 17
DAY OF July, 2023
[Signature]

NOTARY PUBLIC FOR SOUTH CAROLINA (signature)
Anne Bessant

NOTARY PUBLIC FOR SOUTH CAROLINA (printed)
My commission expires: 4/8/2032

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

STATE OF SOUTH CAROLINA

COUNTY OF: HORRY

IN THE ESTATE OF:
HENRY JORDAN JR,
DECEASED

)
)
)
)
)

IN THE PROBATE COURT

CERTIFICATE OF APPOINTMENT

CASE NUMBER 2021ES2600836

This is to certify that

Deborah Denise Jordan Hucks


is/are the duly qualified

- ☒ PERSONAL REPRESENTATIVE
☐ SUCCESSOR PERSONAL REPRESENTATIVE
☐ SPECIAL ADMINISTRATOR

in the above matter and that this appointment, having been executed on the 15th day of March, 2021, is in full force and effect.

RESTRICTIONS:

Executed this 17th day of July, 2023.


Jessica Lawrence, Judicial Assistant

**Do not accept a copy of this certificate without
the raised seal of the Probate 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: 1703 Radio Lane

PIN: 337-13-01-0003 ACREAGE: _____

PROPERTY ADDRESS: 1703 Radio Lane Conway SC 29527

PROPERTY OWNER MAILING ADDRESS: _____

PROPERTY OWNER TELEPHONE NUMBER: _____

PROPERTY OWNER EMAIL: dhucks88@gmail.com

APPLICANT: Debbie Huck

APPLICANT'S EMAIL: dhucks88@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)

Deborah Denise Jordan Huck Deborah Denise Jordan Huck 7-17-23
(Print) (Signature) DATE:

(Print)

(Signature)

DATE: _____



PETITION FOR ANNEXATION

Staff Use Only

Received: _____
BS&A #: _____

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

Current Use: _____

Are there any wetlands on the property?

CIRCLE: YES ☐ NO ☒

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

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

CIRCLE: YES ☐ NO ☐

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

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

CIRCLE: YES ☐ NO ☐

If yes, please describe.

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: 1703 Radio Lane FEE PAID () YES () NO
AREA OF SUBJECT PROPERTY (ACREAGE): 1.32 PIN: 337 13010003
CURRENT ZONING CLASSIFICATION: CFA
COMPREHENSIVE PLAN 2035 FUTURE LAND USE: HC
REQUESTED ZONING CLASSIFICATION: R1
NAME OF PROPERTY OWNER(S):
Henry Jordan Jr PHONE # 843-455-395
PHONE # _____
MAILING ADDRESS OF PROPERTY OWNER(S):
1543 Hwy 548
Conway SC 29527

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

Deborah Denise Jordan Hucker P/R 7-17-23
PROPERTY OWNER'S SIGNATURE(S) DATE

PROPERTY OWNER'S SIGNATURE(S)

DATE

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

DATE: AUGUST 7, 2023

ITEM: VII.C.

ISSUE:

First Reading of Ordinance #ZA2023-08-21 (C), to rezone approximately 15.61 acres located at 300 Bellamy Ave from the City of Conway Institutional (IN) district to the City of Conway High-Density Residential (R-3) district (PIN 383-00-00-0381).

BACKGROUND:

On May 23, 2023, the applicants submitted a rezoning application for the subject property, located on Bellamy Lane. The property is currently zoned Institutional (IN). The property is accessed via Bellamy Lane, an entrance off Lonestar Street and within Commerce Plaza; a primarily industrial area.

The property was annexed into the City limits in 2017 as Institutional (IN), in order to facilitate the development of student housing. Per *Article 4 – Use Tables*, of the UDO, student housing is identified as an “accessory use” to a college or university. Some of the student housing developments along HWY 544 are zoned IN as well for this reason. However, current staff has come to interpret this “use” as only being permitted in conjunction with a principal use on the same property in which the student housing is proposed to be constructed (*i.e.* dormitory). Construction of the Bellamy Student Housing development began in 2018, and the units were issued a certificate of occupancy in the same year.

The applicants have not specified a reason for the rezoning, other than that the proposed buyer(s) are concerned with the residential use of the property under the current zoning, as they intend to rent entire units to families (lease entire units), rather than to lease individual bedrooms to college students. However, the zoning of the property does not dictate “who” the units can be leased to. Evidence suggests that since the buildings were completed, the units have been leased to anyone who qualifies, not just college students.

Per *Section 3.2.5* of the UDO, the intent of the High-Density Residential (R-3) district is to *provide areas for high-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 continuation of residential structures in the district.*

Surrounding Uses / Zoning Districts:

The property is directly adjacent to Commerce Plaza, with parcels zoned City Heavy Industrial (HI). Property behind the development is zoned Horry County CFA and property beside the development is zoned Horry County PUD and MA2 (a manufacturing district).

CITY OF CONWAY COMPREHENSIVE PLAN:

The future land use map of the *Comprehensive Plan* also identifies the property as being High-Density Residential (R-3).

PLANNING COMMISSION:

Planning Commission held a public hearing on the request at their July 13th meeting, and recommended approval of the request.

STAFF RECOMMENDATION:

Staff supports the future land use identified on the City's Future Land Use Map of the Comprehensive Plan. There are concerns that some of the uses within the commerce plaza industrial area will become legal-nonconforming, based on their distance from the subject property, as there are certain uses that must be a minimum distance from residentially zoned property. For example, per *Section 5.1.24* of the UDO, tattoo parlors and body piercing establishments are required to be located a minimum of 600-ft from all residential zoning districts. If the subject property is rezoned to R-3, an existing tattoo parlor will abut the property and will become legal-nonconforming. The existing business can continue, but if it were to cease operating at the location for 180 days or longer, it cannot be re-established at the current location, nor can any other use that is required to be a certain distance from residentially zoned property.

ATTACHMENTS:

Application;

GIS Maps;

Supplement(s) provided by applicant

ORDINANCE #ZA2023-08-21 (C)

**AN ORDINANCE TO REZONE APPROXIMATELY 15.61 ACRES OF PROPERTY
LOCATED AT 300 BELLAMY AVE (PIN 383-00-00-0381) FROM THE CITY OF
CONWAY INSTITUTIONAL (IN) DISTRICT TO THE CITY OF CONWAY HIGH-
DENSITY RESIDENTIAL (R-3) DISTRICT.**

WHEREAS, pursuant to Title 6, Chapter 29 of the Code of Laws of South Carolina, the City of Conway enacted the Zoning Ordinance of the City of Conway, South Carolina; and

WHEREAS, Article 13, Section 13.1.7 of the City of Conway Unified Development Ordinance (UDO) provides that regulations, restrictions, and boundaries set forth in the UDO may be amended, supplemented, changed, or repealed in accordance with S.C. Code §6-29-760; and

WHEREAS, a petition has been submitted to rezone approximately 15.61 acres located at 300 Bellamy Ave (PIN 383-00-00-0381) from the City of Conway Institutional (IN) district to the City of Conway High-Density Residential (R-3) district; and

WHEREAS, the Planning Commission of the City of Conway, on July 13, 2023, held the required public hearing to discuss the request to rezone from Institutional (IN) to High-Density Residential (R-3), and made their recommendation; and

WHEREAS, City Council determined that it is in the best interest of the health, safety, and general welfare of the City of Conway and its citizens to approve the subject rezoning petition as presented. Therefore, be it

ORDAINED, by Conway City Council, in Council duly assembled, that the zoning boundaries of the Official Map of the City of Conway, together with explanatory matter herein, be revised as follows:

Rezone approximately 15.61 acres located at 300 Bellamy Ave (PIN 383-00-00-0381) from Institutional (IN) to High-Density Residential (R-3); and be it further

ORDAINED, that all ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

EFFECTIVE DATE: This Ordinance shall become effective upon final reading.

RATIFIED BY CITY COUNCIL, duly assembled, this _____ day of _____, 2023.

Barbara Jo Blain-Bellamy, Mayor

Justin D. Jordan, Mayor Pro Tem

K. Autry Benton, Jr., Council Member

Amanda Butler, Council Member

William M. Goldfinch IV, Council Member

Beth Helms, Council Member

Larry A. White, Council Member

ATTEST: Alicia Shelley, City Clerk

First Reading: _____

Final Reading: _____

Legend

 PARCELS

PIN #: 383-00-00-0381

LOVE STAR ST

BELLAMY AVE

EARNHARDT ST

UNIVERSITY BLVD

ALLIED DR

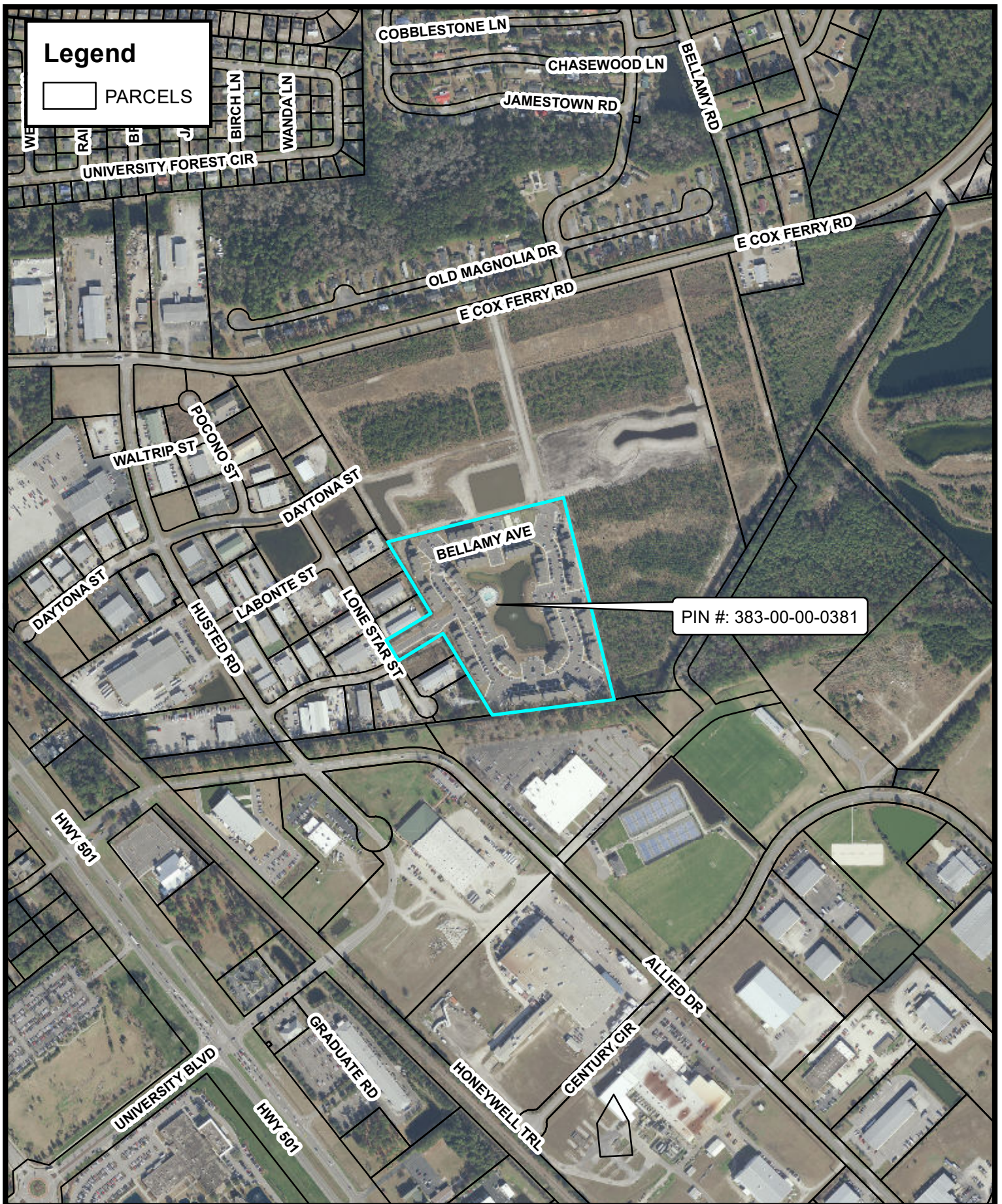


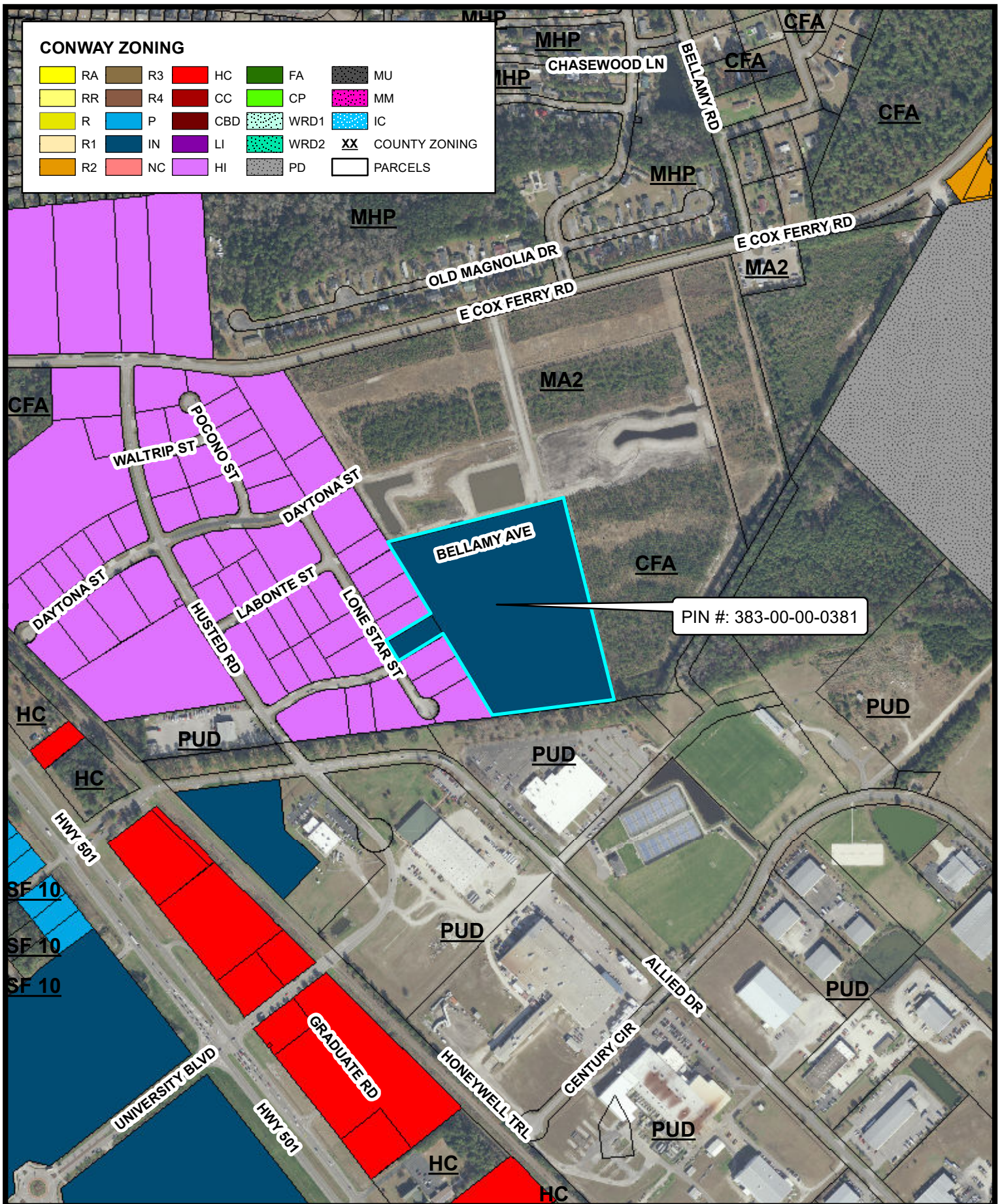
Disclaimer: This map is a graphic representation only. It is NOT a survey. All efforts have been made to ensure its accuracy. However, the City of Conway disclaims all responsibility & liability for the use of this map.

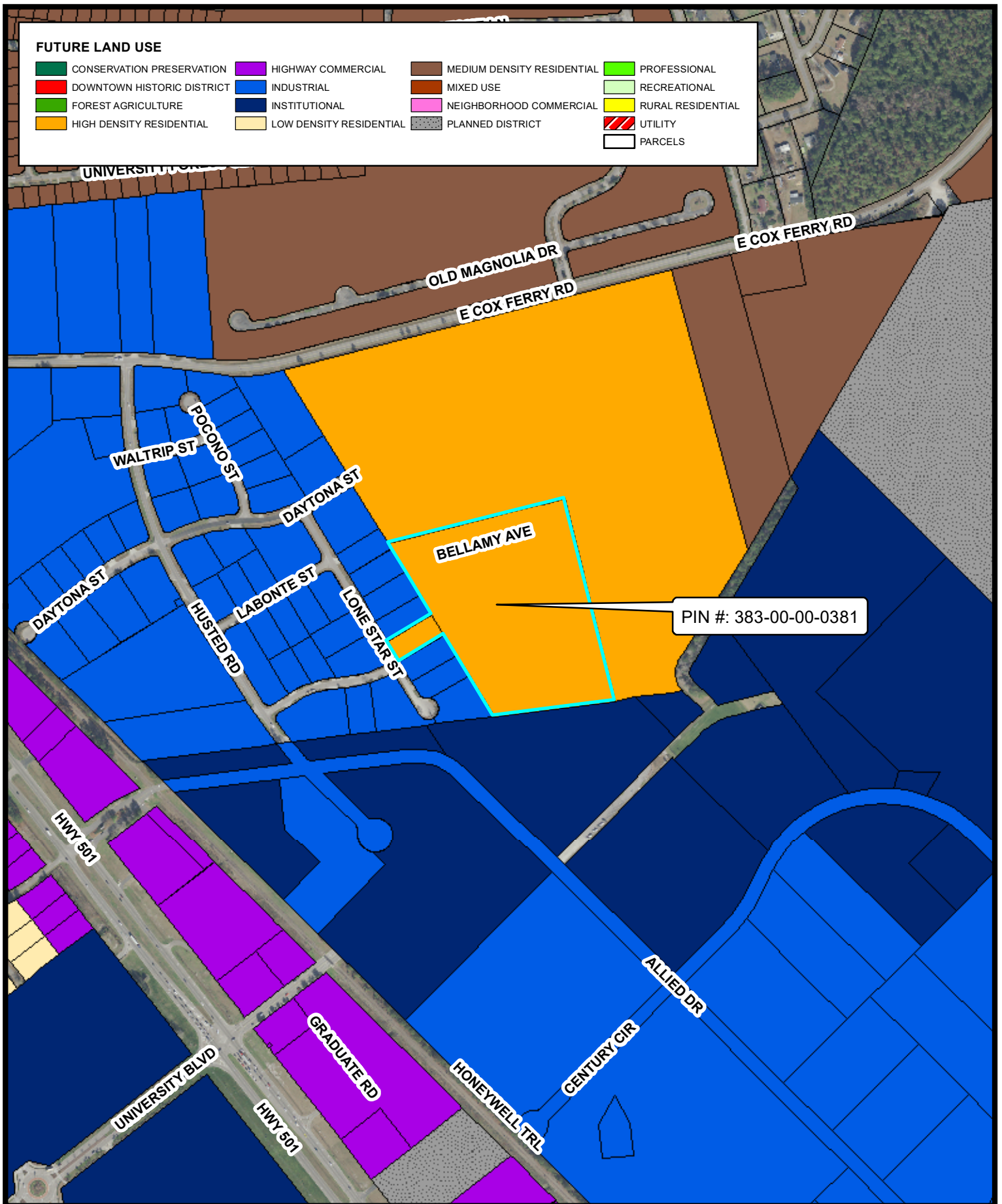


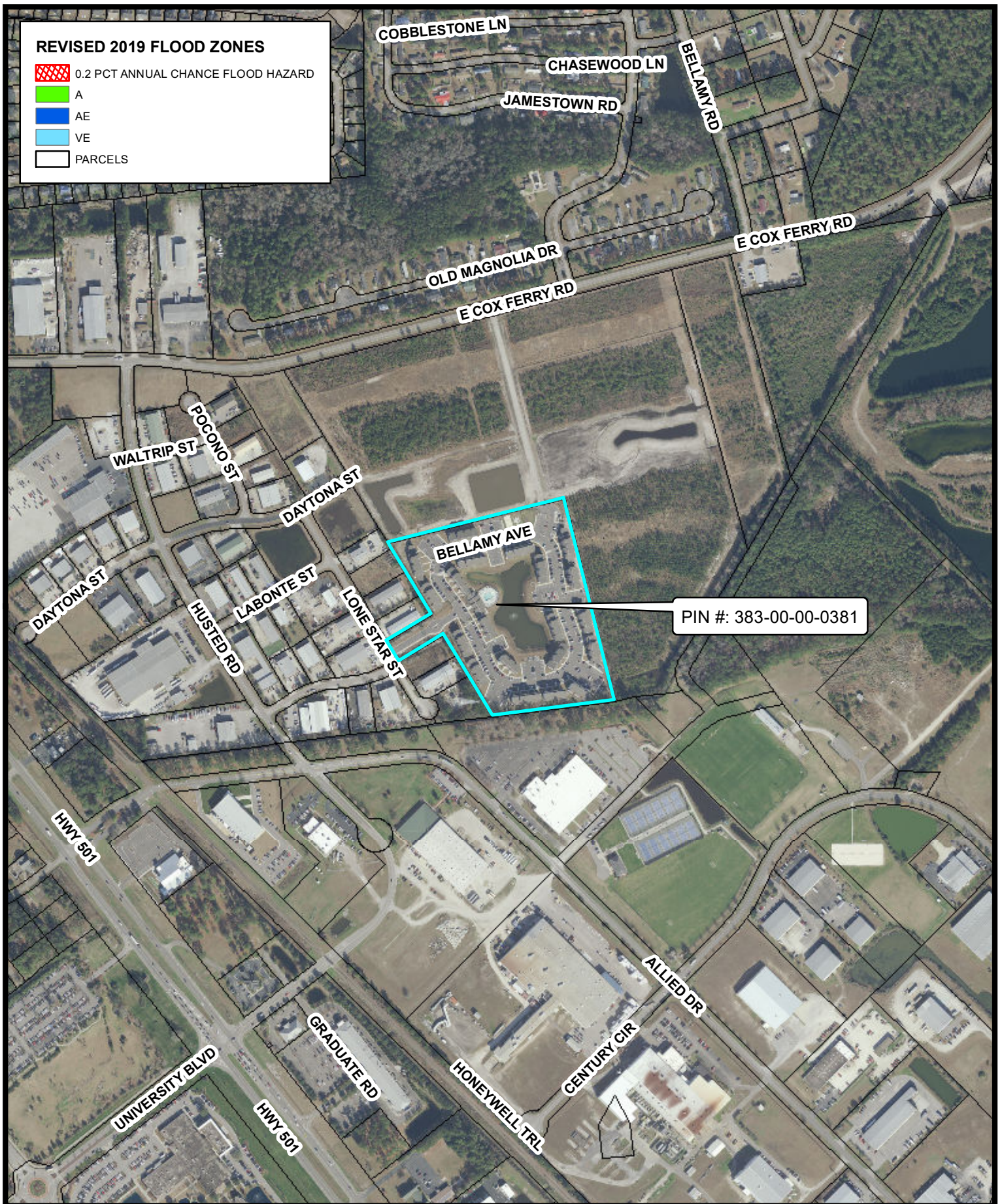
PIN #: 383-00-00-0381
300 BELLAMY AVE
(P23-0164)













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: 300 Bellamy Lane, Conway, SC 29526 FEE PAID ☐ YES ☐ NO

AREA OF SUBJECT PROPERTY (ACREAGE): 15.61 Acres PIN: 38300000381

CURRENT ZONING CLASSIFICATION: Institutional

COMPREHENSIVE PLAN 2035 FUTURE LAND USE: High Density Residential

REQUESTED ZONING CLASSIFICATION: R3 - High Density Residential

NAME OF PROPERTY OWNER(S):

Coastal Carolina Student Housing Partners, LLC PHONE # 404-297-1044

c/o John G. Dixon, Jr. PHONE # _____

MAILING ADDRESS OF PROPERTY OWNER(S):

625 Kentucky Street, Scottdale, Georgia 30079

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

[Signature] 5/23/23
PROPERTY OWNER'S SIGNATURE(S) DATE

PROPERTY OWNER'S SIGNATURE(S) DATE

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

COASTAL CAROLINA HOUSING PARTNERS, LLC
City of Conway
Zoning Map Amendment Application - Supplement

INTRODUCTION:

Coastal Carolina Housing Partners, LLC (“the Applicant”) is the owner of a +/- 15.61 acre tract of land located in the City of Conway, SC (“the Property”) which was previously approved by the City of Conway and developed by the Applicant as a multi-family residential housing complex known as Coastal Bellamy (“the Project”). See photos of existing Project attached as “**Exhibit A.**”

The PIN # for the Property is # 38300000381 and the Project is currently located in an Institutional (“IN”) Zoning District¹ and has a Future Land Use Map Designation of High Density Residential (“HDR”) and Institutional (“IN”). See City of Conway Zoning and Land Use Map Excerpts attached as “**Exhibits B and C.**” The Project currently serves a mix of student and non-student residents associated with the nearby higher education institutions (i.e. - Horry-Georgetown Technical College, Coastal Carolina University) and includes “per bedroom” lease arrangements for its residents.²

REQUESTED ZONING MAP AMENDMENT:

The Applicant seeks to amend the City of Conway’s Zoning Map for the subject Property from the current IN Zoning District to reflect a more traditionally recognized R—3 (High Density Residential) Zoning District to better reflect the current mix of student and non-student residents residing at the multi-family Project and to better address long-term concerns regarding the IN Zoning District for the Project. Moving forward, the Applicant intends to continue to lease its multi-family units to students at the Project. However, from an operational and management standpoint, the Applicant intends to review and potentially eliminate the “per bedroom” lease requirements more typically associated w/ student housing in the future.

City of Conway Development Standards:

Upon information and belief, the existing Property was originally designed, developed and constructed in compliance with the City of Conway’s applicable Design Standards for the current IN Zoning District and the requested R-3 High Density Residential Zoning District as outlined in Articles 6.2.7 and 6.3.3 of the City of Conway’s Unified Development Ordinance (“UDO”). See

¹ City of Conway UDO 3.2.8 - The intent of the IN District is to provide areas for the development of medical, educational, and higher educational, facilities in a campus-like setting. More specifically, the district is intended to accommodate the development styles, uses, and accessory uses associated with these facilities. This district is not intended for businesses engaged in retail sales, except for those businesses that are clearly accessory to and specifically provide services to the permitted principal use.

² Accessory uses in the Institutional (IN) Zoning District shall only be permitted when the principal use is a college or university (Pa3).

Coastal Carolina Housing Partners, LLC
Zoning Map Amendment – Supplement

site plan attached as **Exhibit “D.”** The City of Conway issued a series of Certificates of Occupancy (“CO’s”) for the existing Project on or about August 2, 2018. Thus, the Applicant is unaware of any design, development, and/or construction standard issues presented by this R-3 rezoning request at this time. However, the Applicant is prepared to review and address the same with its design professionals as needed.

CONCLUSION:

The Applicant’s request to amend the City of Conway’s Zoning Map for the subject Property from the current IN Zoning District to R—3 (High Density Residential) Zoning District is appropriate based upon the facts and circumstances presented and it is consistent with the City of Conway’s UDO and 2035 Comprehensive Plan, Land Use Element.

EXHIBIT “A”



***Coastal Carolina Housing Partners, LLC
Zoning Map Amendment – Supplement***



***Coastal Carolina Housing Partners, LLC
Zoning Map Amendment – Supplement***



EXHIBIT “B”

Legend Layers Measure Details Share Print

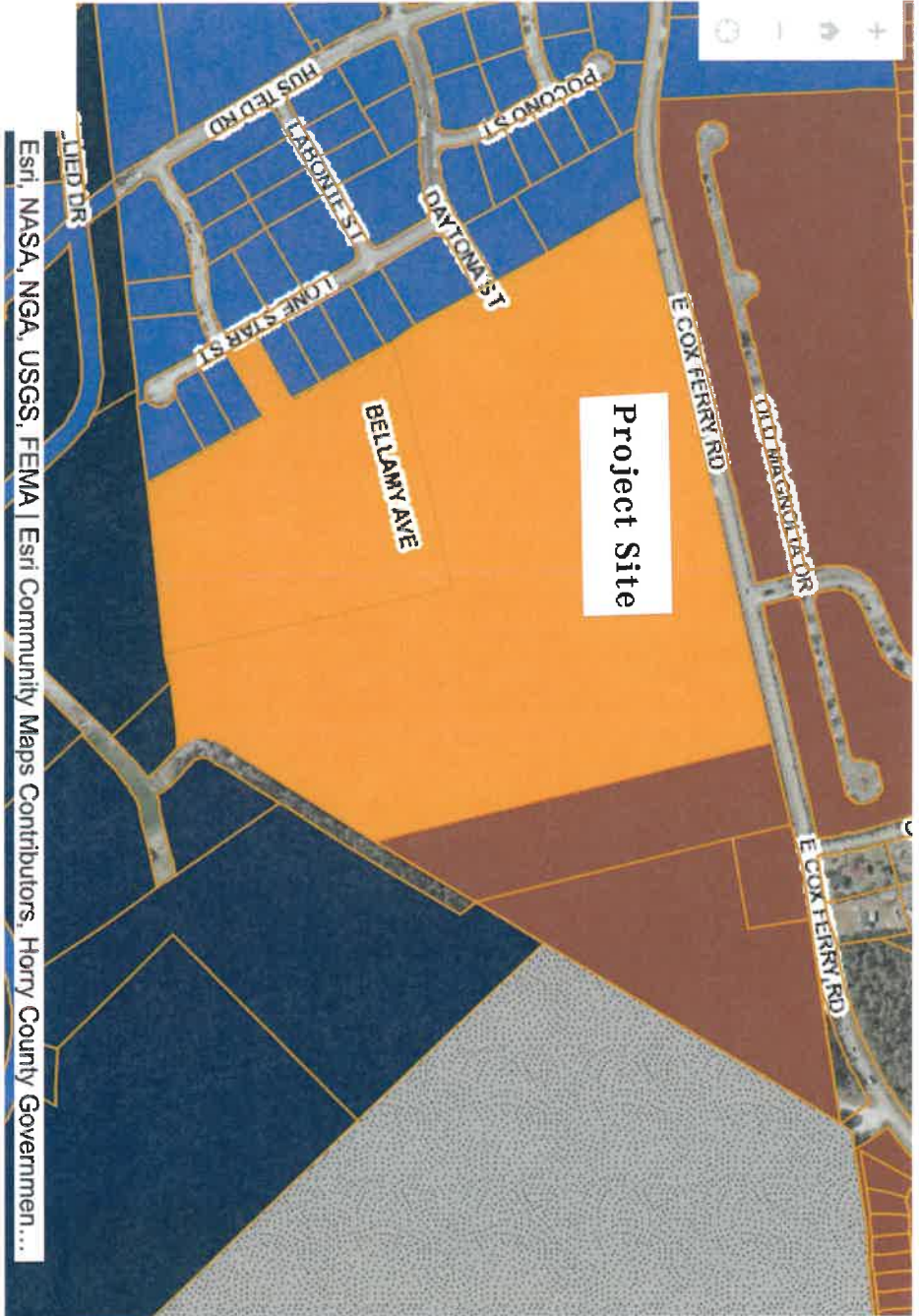


- Legend
- RURAL AGRICULTURAL (RA)
 - RURAL RESIDENTIAL (RR)
 - LOW DENSITY RESIDENTIAL (R)
 - LOW DENSITY RESIDENTIAL (R1)
 - MEDIUM DENSITY RESIDENTIAL (R2)
 - HIGH DENSITY RESIDENTIAL (R3)
 - TRADITIONAL RESIDENTIAL (R4)
 - PROFESSIONAL (P)
 - INSTITUTIONAL (IN)
 - NEIGHBORHOOD COMMERCIAL (NC)
 - HIGHWAY COMMERCIAL (HC)

0 150 300ft

Horry County, State of North Carolina DOT, Esri, HERE, HERE, Garmin, INCREMENT P, USGS, EPA, ...

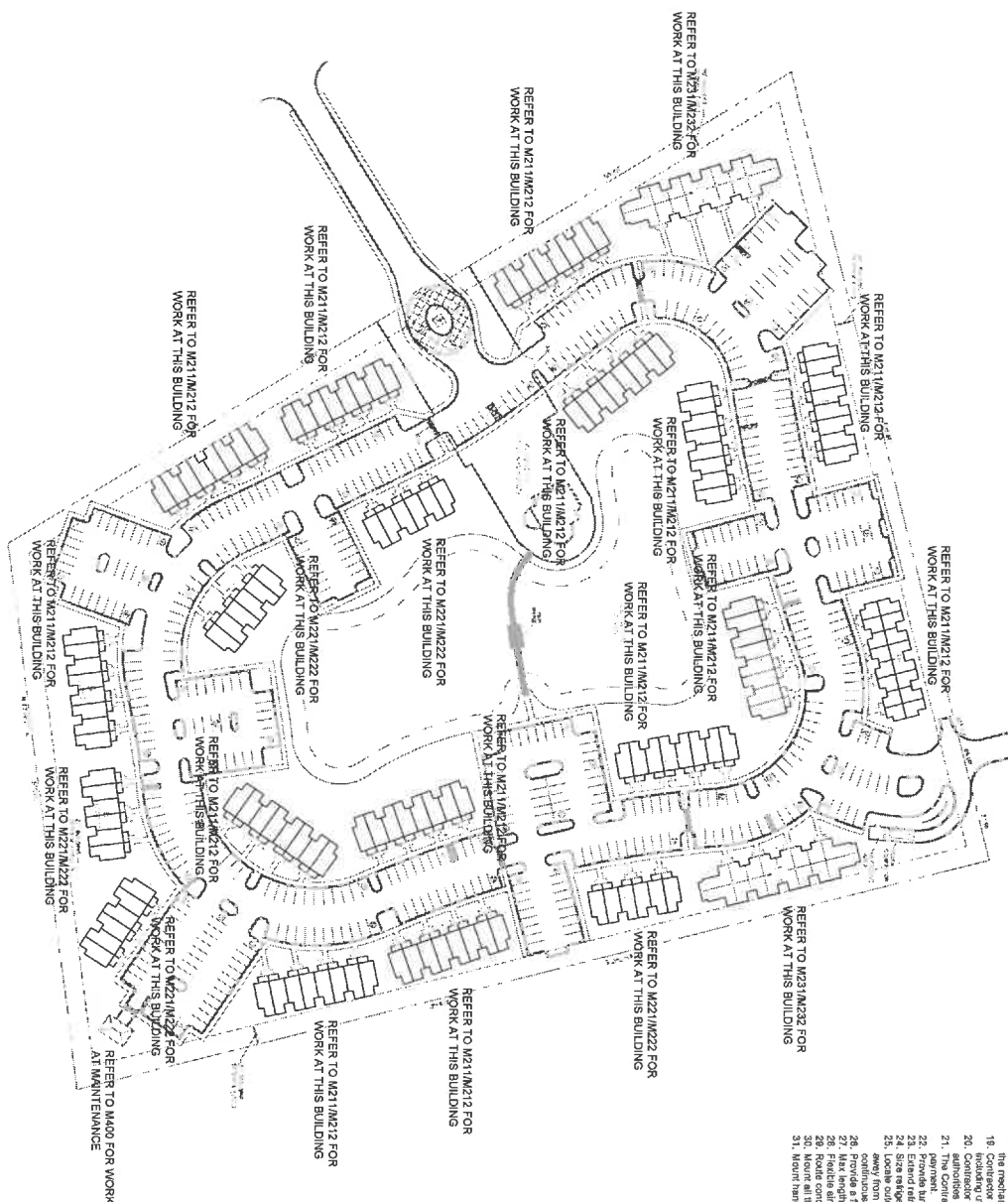
EXHIBIT “C”



- CONWAY DATA
- FUTURE LAND USE 2019-2029
- CONSERVATION
- PRESERVATION
- DOWNTOWN HISTORIC DISTRICT
- FOREST AGRICULTURE
- HIGH DENSITY RESIDENTIAL
- HIGHWAY COMMERCIAL
- INDUSTRIAL
- INSTITUTIONAL
- LOW DENSITY RESIDENTIAL
- MEDIUM DENSITY
- PRESERVATION

EXHIBIT “D”

1. These drawings are diagrammatic and show general layout and routing. It is the responsibility of the contractor to provide detailed drawings for construction.
2. All steel shall conform to the mechanical code, local and state building codes, and NFPA.
3. Contractor shall install all tie rods and anchors from governing agencies as required.
4. Contractor shall coordinate with electrical contractors at overhead, electrical boxes, etc., off electrically and equipment installation. Avoid interference, notify architect of any conflicts.
5. Contractor shall coordinate with civil, structural, medical, plumbing, and all other trades for piping routing and placement. The building shall be designed so that all piping can be adequately routed without any obstructions encountered will not be recognized.
6. Upon completion of work covered by this contract, turning the owner will have complete set of final drawings showing all piping and equipment installed.
7. Minor details not shown or specified by measurement for the proper installation and operation shall be included at no extra cost.
8. Equipment shall be installed complete, tested, adjusted, and cleaned for proper operation.
9. Contractor shall provide a written warranty for all components.
10. Contractor shall provide a written warranty for all components.
11. Contractor shall provide a written warranty for all components.
12. Contractor shall provide a written warranty for all components.
13. Contractor shall provide a written warranty for all components.
14. All equipment shall be constructed of galvanized sheet metal in accordance with SHAWCO.
15. Do not allow any work to be covered up until it has been inspected, tested, and approved.
16. All equipment and materials shall be installed per manufacturer's recommendations.
17. Contractor shall provide all supervision, labor, material, tools, and all other items necessary to complete the mechanical installation.
18. Equipment shall be installed in accordance with the manufacturer's instructions.
19. Contractor shall provide a written warranty for all components.
20. Contractor shall provide a written warranty for all components.
21. Contractor shall provide a written warranty for all components.



Conceptual Site Plan
Coastal Carolina
University Student
Housing

**A Student Townhome Community
CONWAY, SOUTH CAROLINA**

GRAPHIC SCALE

1. $2x^2 - 5x + 3 = 0$

— 20 —

Jeff Crabtree, PE
278 Amelia Cove
Collerville, Tennessee 38017
jce98@bellsouth.net
South Carolina PE #19277

*The Bellamy at
Coastal Carolina University
Student Housing
Conway, South Carolina*

REVISIONS

includes 191 models, covering 11 different types of vehicles. The book is available in paperback for \$14.95 and in hardcover for \$24.95. For more information, call 1-800-441-4444.

SITE PLAN - HVAC

[illegible][illegible]

Out-Box

A T E 04/17

NOVEL

IV

but decided tentatively Omega, and use of the project and how, but it appears that Omega is not a project of the

DATE: AUGUST 7, 2023

ITEM: VIII.A.

ISSUE:

Consideration of the non-exclusive Franchise Agreement between the City of Conway and Antonio Knight, D.B.A Peel Scooters, Ordinance #ZA2023-02-20, initially approved as a six (6) month pilot program, to remove the pilot program status.

BACKGROUND:

City Council approved a Franchise Agreement for Peel Scooters in February of this year, and did so as a pilot program, for a period of six (6) months. The six months is set to expire on August 20th. Below is information that was provided to Council regarding the proposed franchise agreement for Peel Scooters at the February 20th Council meeting:

Antonio Knight is interested in a non-exclusive franchise agreement with the City of Conway to rent scooters from Riverwalk Park to Collins Park. He has requested 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), the property at the corner of Fourth Ave and Kingston Street (parking area) and the parking lot adjacent the Riverwalk (near Bon Fire). In order to utilize public property such as parking, sidewalks and public docks for private enterprise, a vendor must enter into a Franchise Agreement with the City.

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.

For a Franchise Agreement to be valid, it must receive two readings of City Council as an Ordinance. Prior to the first reading, the applicant must have placed a legal line advertisement, noting the meeting, in a newspaper of general circulation, three different days, with the third ad running no later than seven calendar days before the first reading. *Advertisement requirements were satisfied for this request at the time in which the agreement was initially considered.*

FEBRUARY 6, 2023 CITY COUNCIL MEETING:

The applicant gave a brief presentation of the requested franchise agreement, and addressed several questions from Council. Council approved first reading of the franchise agreement for Peel Scooters.

FEBRUARY 20, 2023 CITY COUNCIL MEETING:

City council approved final reading of the franchise agreement, with a pilot program status for a period of six (6) months, so that they could revisit the matter at the end of the six-month period and discuss any issues that were presented over the period of the pilot program.

RECOMMENDATION:

Per the signed and approved franchise agreement, some of the conditions of the agreement that the applicant is in violation of include the following:

- #8: 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 clear and free of obstruction to allow safe pedestrian flow at all times.

Since the business has been operating, there have been several complaints made regarding the scooters. Most of the complaints received were in regards to where the scooters are left. Many times, they are left in rights-of-way or public sidewalks, and not the locations that was designated for scooter pickup and drop-off. It was staffs understanding that the scooters would be picked up nightly, and brought back each day. There have also been complaints regarding the times of day/night that they are being used.

Riders have complained that when they attempt to activate the scooters, they get an error message stating that they are not close enough.

As specified in the agreement, if it is determined that modifications to the agreement are required, the City may request said amendments at that time.

If the pilot program status is removed, staff recommends the following:

- Inquire as to whether the scooters can be shut down by a certain time to lessen / avoid becoming a nuisance to residential areas and enforce the condition that the scooters be collected each day and brought back to the approved sites each morning;
- Advising the applicant that violations of conditions of the franchise agreement could result in the agreement being terminated, in accordance with the signed agreement;
- Adding 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.

Attachments:

Signed Franchise Agreement (Pilot Program)

Pictures of violations

Ordinance 2023-02-20



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

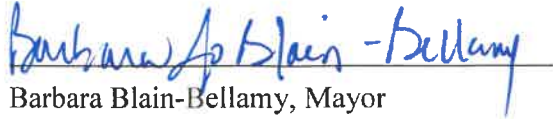
WHEREAS the rental rates are extremely reasonable; and,

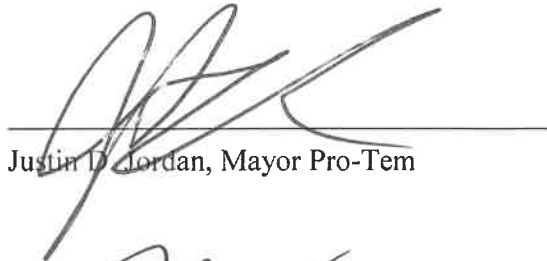
WHEREAS the use of electric scooters will maximize the number of parking spaces available; and,

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:

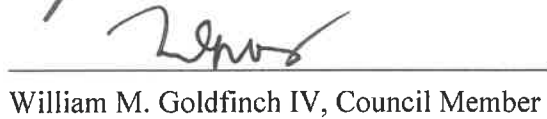
BE IT ORDAINED, that the Conway City Council in council duly assembled does hereby approve the attached non-exclusive Franchise Agreement between the City of Conway and Peel Scooters – as a *pilot program, for a six (6) month period from the date of this ordinance*, effective this 20 day of February,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

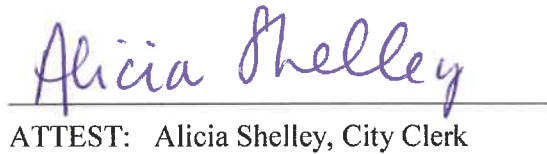

Amanda Butler, Council Member


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





DATE: AUGUST 7, 2023
ITEM: VIII.B.

ISSUE:

Service Area Adjustment located at Colonial Farms on Highway 548.

BACKGROUND:

The City of Conway has a defined services area that encompasses approximately 65 square miles. The City's service area borders both Grand Strand Water and Sewer Authority and Bucksport Water Authority.

The Colonial Farms Subdivision is planning to build 131 single-family homes and 112 townhomes. The single-family homes are in the Bucksport service area. The City will be supplying wastewater service for the entire subdivision and will be the water purveyor to the townhouses.

One road in with single-family homes dips in to the Conway service area that puts approximately 35 houses out of the Bucksport service area. To keep the two water companies from running having side-by-side water mains and confusion about who services whom; Utilities request all the single-family homes be serviced by Bucksport Water.

Bucksport will waive their fees to the City for turn off services for non-payment of City services.

RECOMMENDATION:

Allow Bucksport to provide water service to all the single-family homes in the subdivision.



August 1, 2023

Mr. James Friday
Public Utilities Director
City of Conway
229 Main Street
Conway, SC 29526

Re: Bucksport Water System / City of Conway Service Area Adjustment Request
Colonial Farms Phase 1 – Hwy 548 TMS# 1220002079

Dear Mr. Friday

Bucksport Water System, Inc. (BWS) has recently received a request to provide water service to Colonial Farms Phase 1 on Hwy 548 in Conway. Per our recent conversations, a portion of the parcel identified as TMS# 1220002079 appears to be in the City of Conway Water Service Area according to the Amended City of Conway Utility Service Area map dated September 2013. Attached you will find an unofficial map showing the service areas, BWS in blue and City of Conway in green. The adjustment is requested due to parcel line changes.

BWS would like to adjust the service area boundary to include the entirety of the parcel identified as TMS# 1220002079 to serve 131 single family homes in Phase 1 of Colonial Farms. Please let me know if the City of Conway (COC) has reviewed and approved this service area adjustment. This adjustment was presented to and approved by BWS Board of Directors at its regular meeting held on July 31, 2023.

If approved by COC, an agreement will be forthcoming to provide meter readings and give COC authority to lock BWS water meters for delinquent sewer and trash payments.

Should you have any questions, please contact me at 843-248-3195 or email at ashleyproctor@bucksportwater.com.

Sincerely,

Ashley C. Proctor
Manager

**PO BOX 1032, CONWAY, SOUTH CAROLINA 29528
OFFICE PHONE: 843-248-3195 FAX: 843-248-5661**

WWW.BUCKSPORTWATER.COM

MAYOR
Barbara Jo Blain-Bellamy

MAYOR PRO TEM
Justin D. Jordan



PUBLIC UTILITIES DEPARTMENT

COUNCIL MEMBERS
K. Autry Benton Jr.
Amanda Butler
William M. Goldfinch IV
Beth Helms
Larry A. White

Service Area Adjustment Agreement

This Service Area Adjustment Agreement (Agreement) is made on this the ____ day of _____, 2023, by and between the City of Conway (City) and Bucksport Water System, Inc. (BWS) for the purpose of allowing an adjustment to the utility service area boundary located at HWY 544.

BWS submitted a proposal to the City of Conway to provide water service and adjust the service area boundary to a property located on HWY 548 (Parent PIN 326-00-00-0027) for new single-family homes in the Colonial Farms Subdivision. Currently, approximately 35 single-family home site properties are located in the City's utility service area. The City of Conway, after careful deliberation, has consented to the request as outlined below:

Although the property is located in the City's service area, the City's best interests will be served by allowing BWS to service all single-family homes in the subdivision. BWS will take ownership and control of the single-family home waterlines to the water meters and the water meters located within the Colonial Farms Subdivision. The waterlines from the water meters to the single-family homes are the property of the home owner and not owned, controlled or the maintenance obligation of the City. Therefore, it is more feasible for BWS to offer service to the single-home properties in lieu of the City.

BWS has asked the City to adjust the service area boundary and territory depicted in green and shown in Exhibit "A" attached, which is merged and incorporated herein in its entirety.

The City and BWS agree to adjust the service area boundary at the location shown in Exhibit "A" by the City relinquishing the water service ownership and rights to all single-family homes and sites in the Colonial Farms Subdivision to be serviced by Bucksport Water System.

The City will continue to service all multi-family or townhome development within the subdivision.

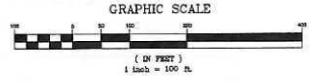
This Agreement contains the entire agreement between the parties with respect to the matter provided for herein and shall not be modified, changed or limited in any way except by a written document signed by the parties.

So agreed this _____ day of _____, 2023, by:

Ashley Proctor, Manager
Bucksport Water System, Inc.

Adam Emrick, City Administrator
City of Conway

548



DATE: AUGUST 7, 2023
ITEM: VIII.C.

ISSUE:

Recommendation on selection of firm to design/build the Riverwalk Expansion.

BACKGROUND:

The 2017 Riverfront and Downtown MasterPlan identified the need to extend the Riverwalk to Kingston Lake. In 2018, the City received approval from the Army Corps of Engineers for a portion of this extension in front of the proposed multi-family project.

Although not yet constructed, this project has remained a top priority. The recently drafted 2022 Riverfront and Downtown Master Plan lists a 2030 Goal that states “The Riverwalk connects from Highway 905 to the former Grainger Plant site”. At the 2022 Budget Retreat, City Council directed staff to move forward with plans to construct the extension from Bonfire to Kingston Lake, which requires an update to the current permit.

Since budget retreat, City has been working with Brigman Company to update the permit application for Army Corps. City staff met several times with members of Kingston Presbyterian Church to design a plan that works for everyone. City staff has also been in communications with RJ Corman on approval of the proposed railroad crossing.

ACOE and SDHEC permits were received in May 2023, and the City of Conway advertised publicly to select a firm to design/build the Riverwalk Expansion. Proposals were required to be submitted to the City no later than July 13, 2023. Five firms submitted proposals, and were ranked based on the following criteria:

- a. Specialized experience or technical expertise of the firm, qualifications of its professional personnel and all parties proposed for the project, and proposed approach in connection with the type of services to be provided and complexity of the project;
- b. Past record of related experience on similar projects/contracts with the City and other clients including projects in navigable waters, including quality of work, timeliness, cost control, and financial stability;
- c. Capacity of firm to perform the work within a reasonable time limitation, taking into consideration the recent current and projected workload of the firm. Bidder proposal shall include an estimated time frame for completion of the project.
- d. Familiarity of the firm with the type of problems applicable to the project
- e. Cost

It is the City's intention that the most qualified bidder, based on both bid amount and bidders qualifications, be selected for this project. The bid amount was to be broken into two phases: north of the trestle and south of the trestle. Firms submitting proposals and costs are listed below:

1. Greenwall Construction Service, Inc.:
 - a. Cost: Total \$3,477,429.00; North Phase \$2,200,329.00; South Phase \$1,277,100
2. Sellers General Construction LLC:
 - a. Cost: Total \$2,287,277.00; North Phase \$1,644,827; South Phase \$642,450.00;
3. Intercoastal Marine LLC:
 - a. Cost: Total \$3,766,242.69; North Phase \$2,482,710.82; South Phase \$1,507,122.90
4. ARC:
 - a. Cost: Total \$4,620,710.00; North Phase \$3,062,510.00; South Phase \$1,658,200
5. Fetter Marine Construction:
 - a. Cost: Total \$2,400,000.00; North Phase \$1,500,000.00; South Phase \$900,000

Staff reviewed and scored the submittals, and recommends Sellers General Construction LLC. Should City Council approve the hiring of Sellers General Construction LLC, the City would enter into negotiations for a contract for services immediately. Presently, the City has allocated State PRT funding and Hospitality funding to complete the project.

RECOMMENDATION:

Staff recommends selection of Sellers General Construction LLC to design/build the Riverwalk Expansion.



**PERMITTED
PLANS**



TBC
THE BRIGMAN CO.

Vicinity Map

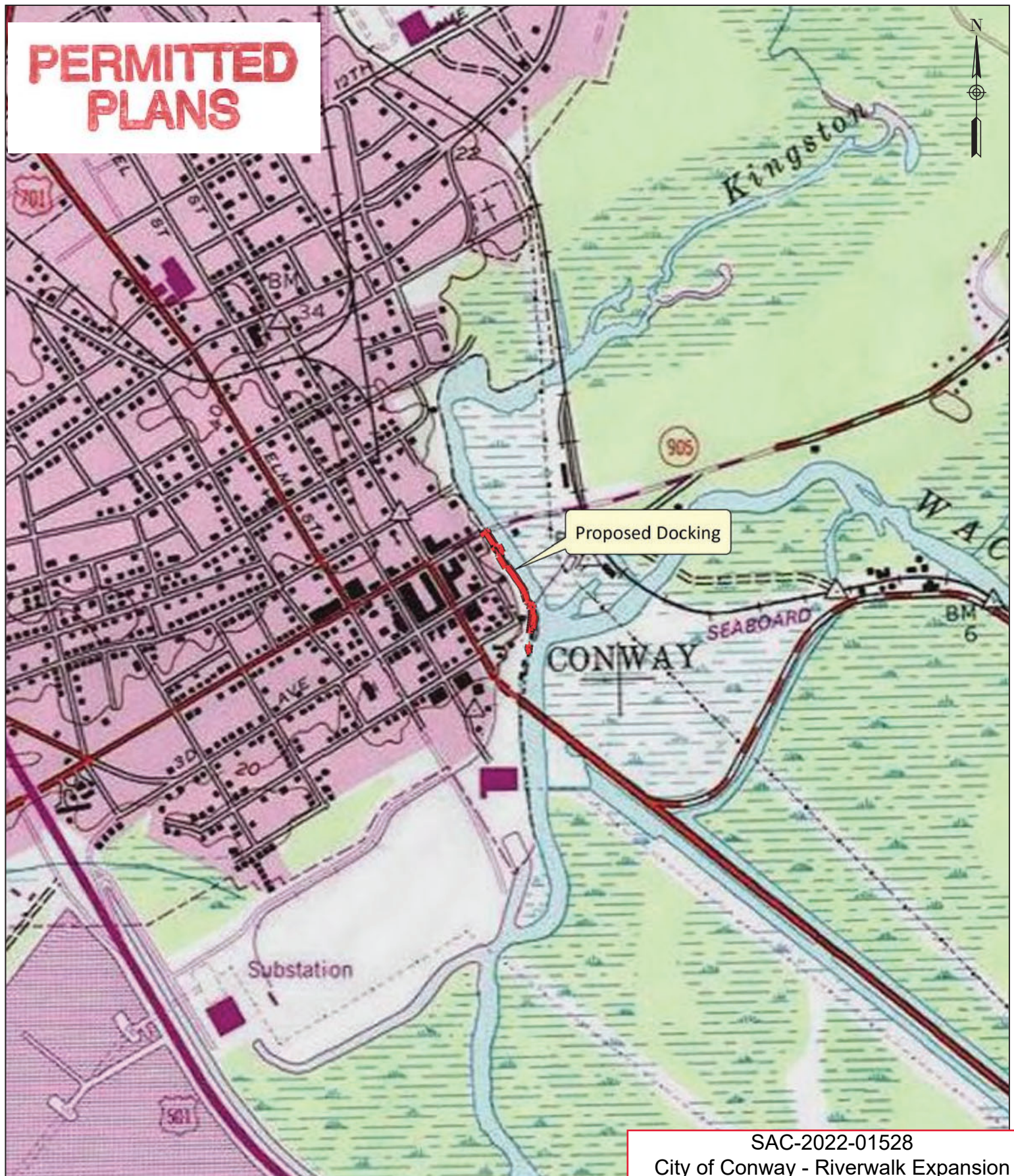
City of Conway - Riverwalk Expansion
Horry County
Date: 9-13-22
Application No.

Sources: Esri, HERE
(Thailand), NGCC, (C)

SAC-2022-01528
City of Conway - Riverwalk Expansion
Horry County, South Carolina
Sheet 1 of 8
Date: September 13, 2022

Figure 1

PERMITTED PLANS



TBC
THE BRIGMAN CO.

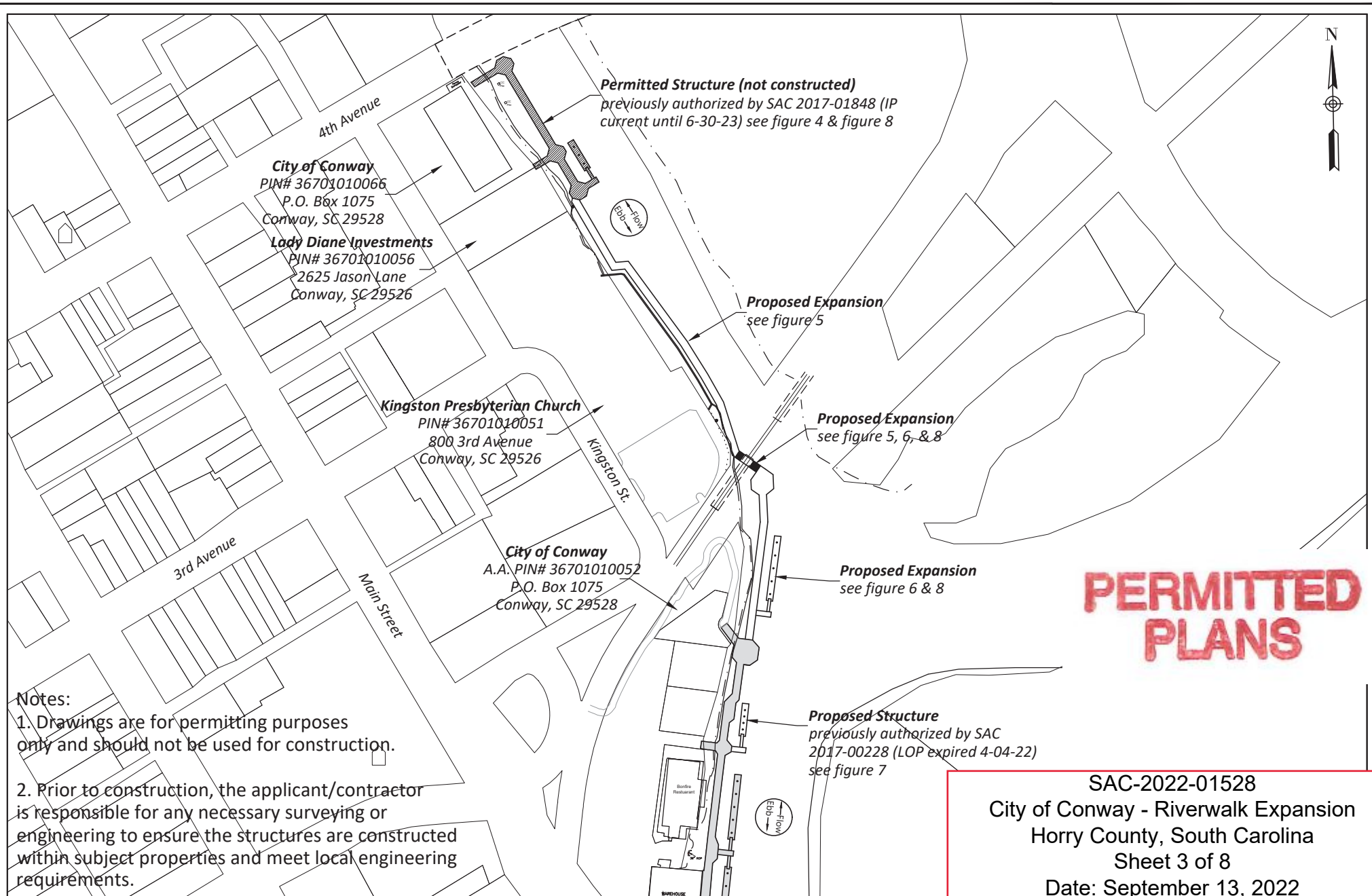
USGS Topographic Map

City of Conway - Riverwalk Expansion
Horry County
Date: 9-13-22
Application No.

SAC-2022-01528
City of Conway - Riverwalk Expansion
Horry County, South Carolina
Sheet 2 of 8
Date: September 13, 2022

Figure 2

202



TBC
THE BRIGMAN CO.

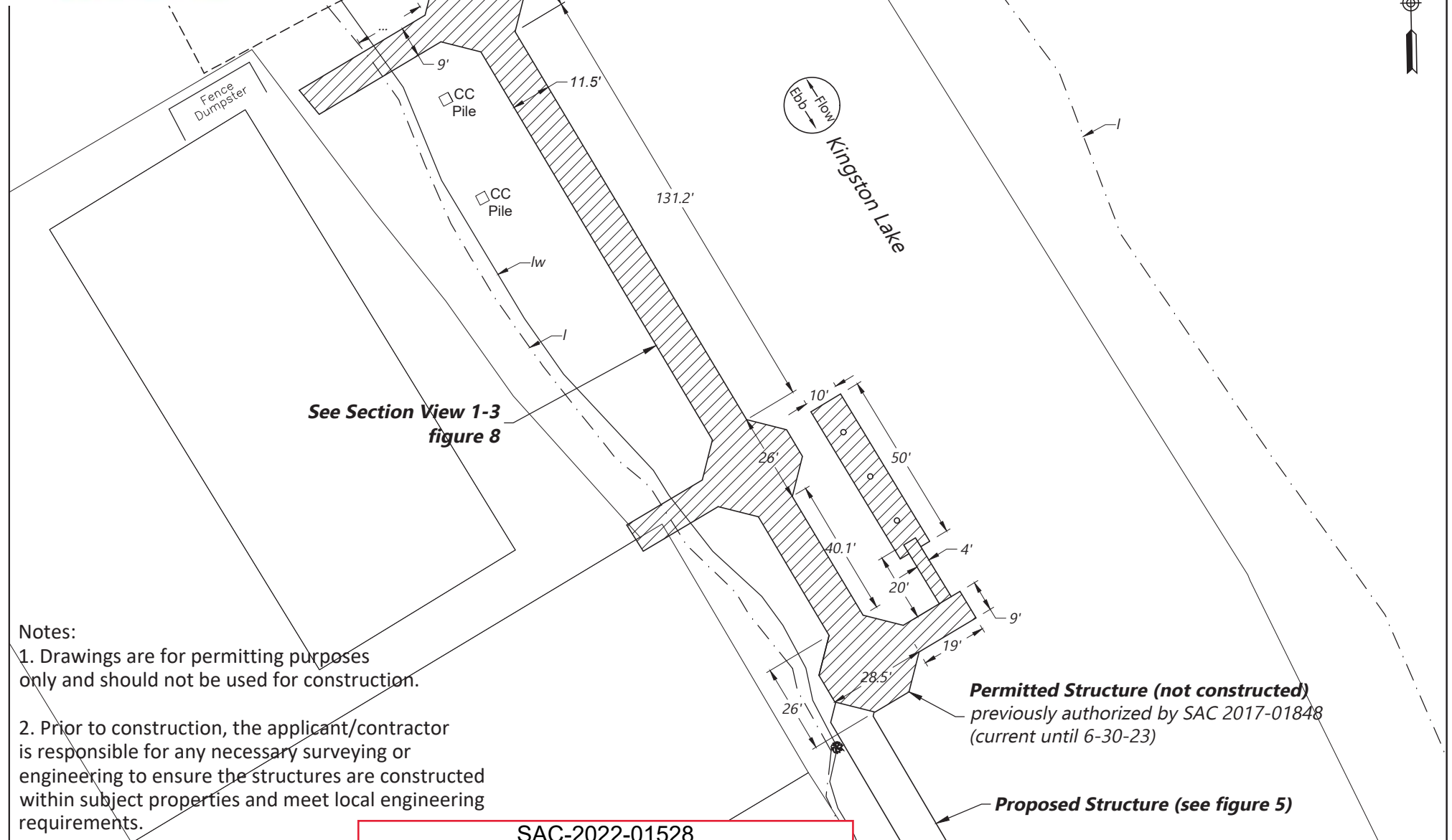
Overall Plan View

City of Conway - Riverwalk Expansion
Horry County
Date: 9-13-22
Application No.

Figure 3



PERMITTED PLANS



Notes:

1. Drawings are for permitting purposes only and should not be used for construction.
2. Prior to construction, the applicant/contractor is responsible for any necessary surveying or engineering to ensure the structures are constructed within subject properties and meet local engineering requirements.

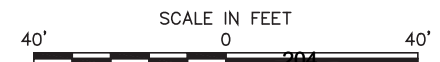


SAC-2022-01528
 City of Conway - Riverwalk Expansion
 Horry County, South Carolina
 Sheet 4 of 8
 Date: September 13, 2022

Figure 4

Proposed Activity: community docking facility

Applicant: City of Conway



PERMITTED PLANS

Notes:

1. Drawings are for permitting purposes only and should not be used for construction.
2. Prior to construction, the applicant/contractor is responsible for any necessary surveying or engineering to ensure the structures are constructed within subject properties and meet local engineering requirements.



TBC
THE BRIGMAN CO.

Plan
City of
Horry C
Date: S
Applica

SAC-2022-01528
City of Conway - Riverwalk Expansion
Horry County, South Carolina
Sheet 5 of 8
Date: September 13, 2022

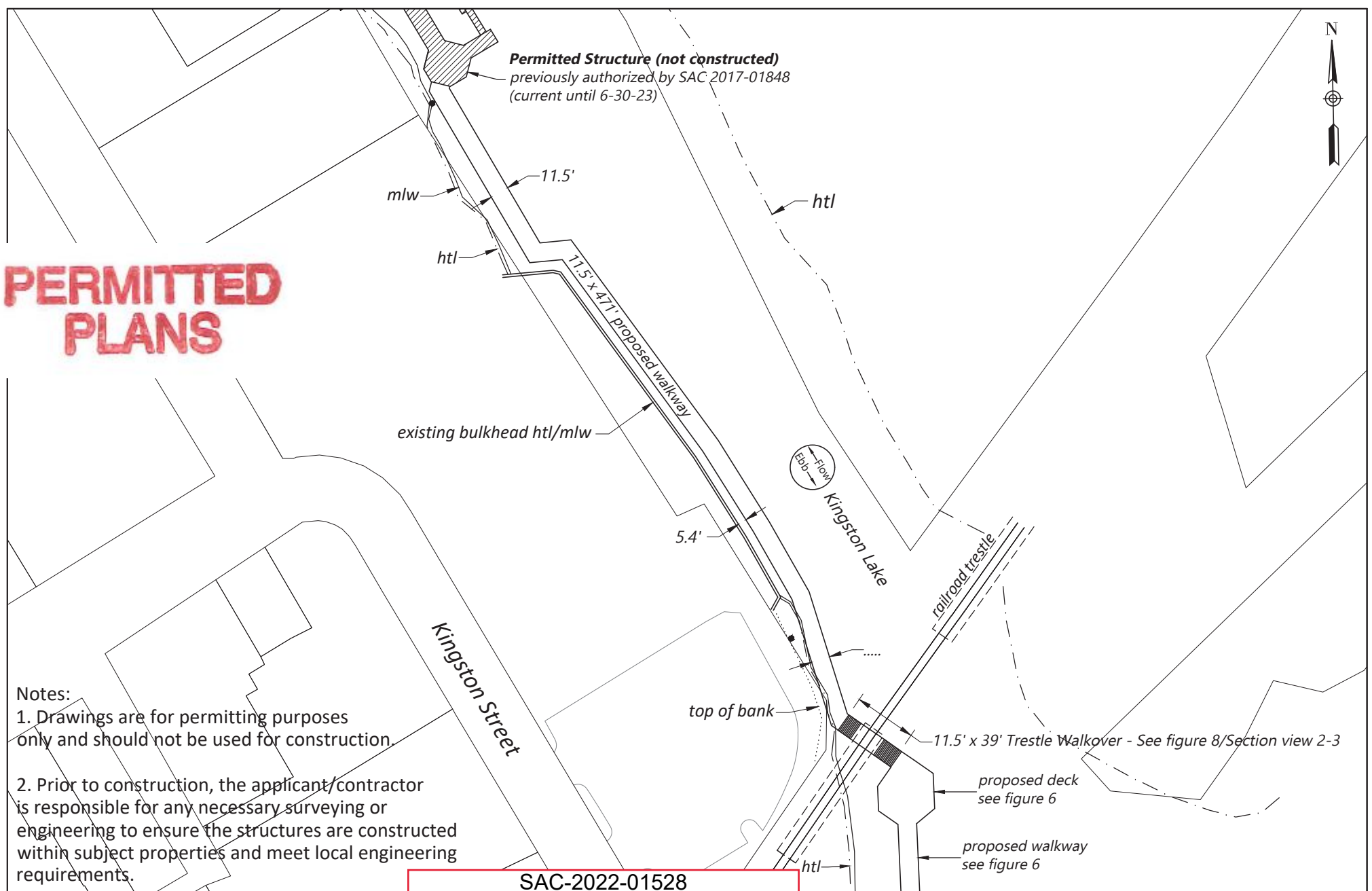


Figure 5

Proposed Activity: community docking facility

Applicant: City of Conway



PERMITTED PLANS

Notes:

1. Drawings are for permitting purposes only and should not be used for construction.
2. Prior to construction, the applicant/contractor is responsible for any necessary surveying or engineering to ensure the structures are constructed within subject properties and meet local engineering requirements.

SAC-2022-01528

City of Conway - Riverwalk Expansion

Horry County, South Carolina

Sheet 6 of 8

Date: September 13, 2022



607 Main Street - Conway

Division

Company.com

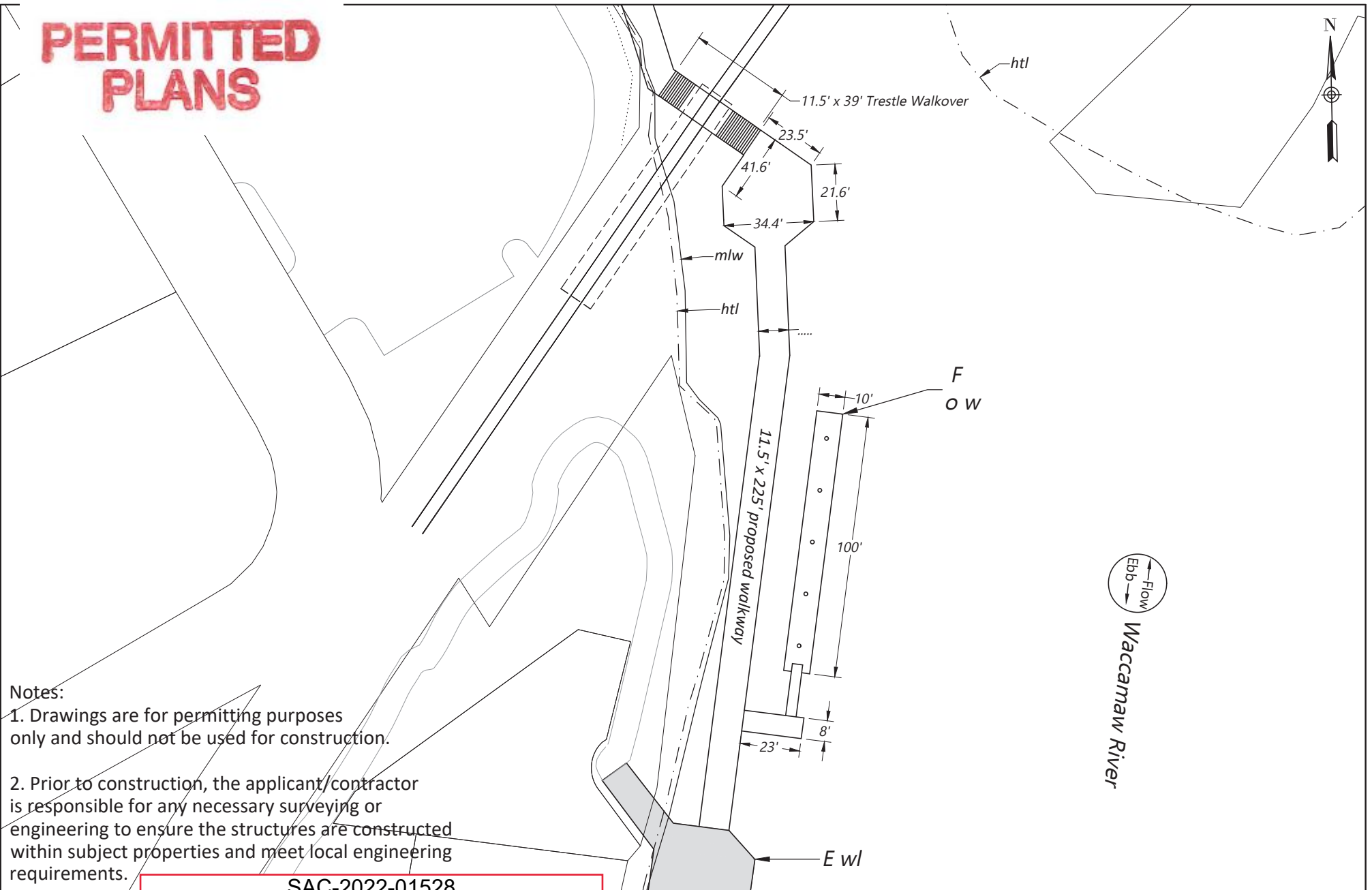
Figure 6

Proposed Activity: community docking facility

Applicant: City of Conway



00280-22391



PERMITTED PLANS

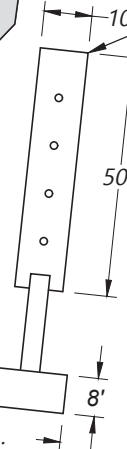


htl
mlw

Permitted Structure (not constructed)
previously authorized by SAC
2017-00228 (LOP expired 4-04-22)



Maccamaw River



Existing Riverwalk

Permitted Structure (constructed)
previously authorized by SAC
2017-00228 (LOP expired 4-04-22)

Notes:

1. Drawings are for permitting purposes only and should not be used for construction.
2. Prior to construction, the applicant/contractor is responsible for any necessary surveying or engineering to ensure the structures are constructed within the permitted area.

Bonfire
Restuarant

SAC-2022-01528

City of Conway - Riverwalk Expansion
Horry County, South Carolina

Sheet 7 of 8

Date: September 13, 2022

Riverwalk Expansion

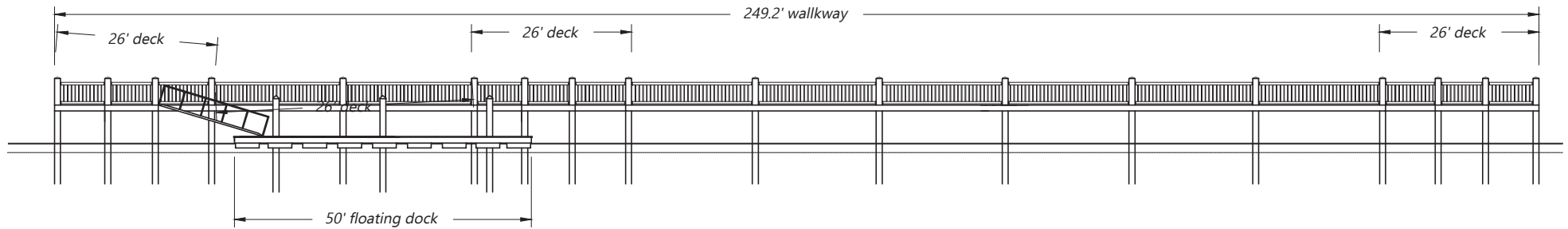
Figure 7

Proposed Activity: community docking facility

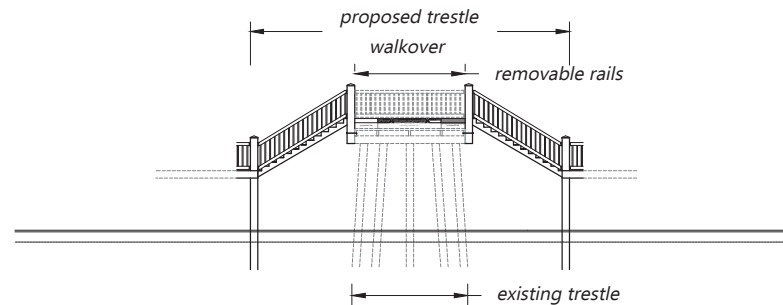
Applicant: City of Conway



Section View 1-3 - not to scale

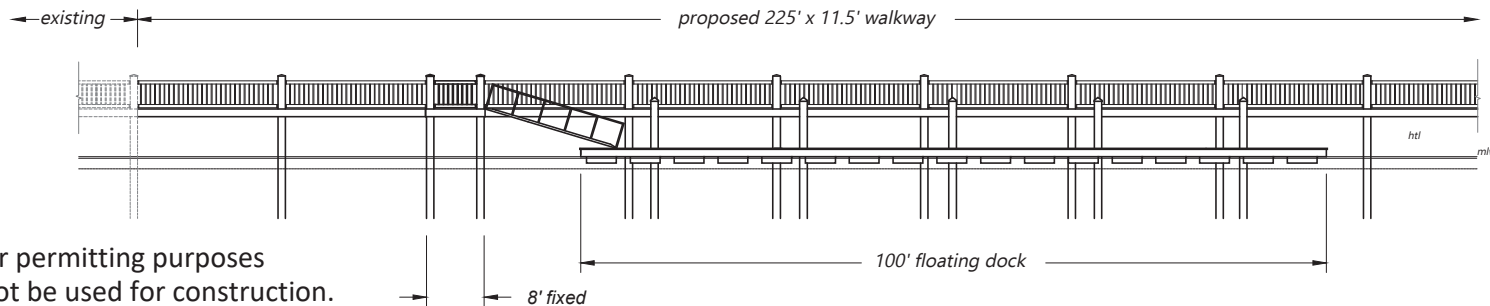


Section View 2-3 - not to scale



**PERMITTED
PLANS**

Section View 3-3 - not to scale



Notes:

1. Drawings are for permitting purposes only and should not be used for construction.
2. Prior to construction, the applicant/contractor is responsible for any necessary surveying or engineering to ensure the structures are constructed within subject properties and meet local engineering requirements.



SAC-2022-01528
City of Conway - Riverwalk Expansion
Horry County, South Carolina
Sheet 8 of 8
Date: September 13, 2022

Figure 8

Proposed Activity: community docking facility
Applicant: City of Conway