

June 21, 2021

CITY COUNCIL MEETING
CONWAY CITY HALL
229 MAIN STREET
MONDAY, JUNE 21, 2021 - 4:00 PM

PRESENT: Mayor Barbara Blain-Bellamy; Jean Timbes, Mayor Pro Tem
Council Members: William Goldfinch, Larry White, Alex Hyman, **ABSENT:** Justin Jordan (out of town) and Shane Hubbard (illness)

STAFF: Adam Emrick, City Administrator; Mary Catherine Hyman, Deputy Administrator/Planning & Development Director; John Rogers, Deputy Administrator/ Grants & Special Projects Director; Jeff Leveille, Technology Services Director; Le Hendrick, Fire Chief; Kent Bitting, Public Utilities Superintendent; Brooke Holden, Public Information Officer; Dale Long, Police Chief; Johnathan McAllister, Police Sergeant; Robert DeGiovine, Public Utilities Tradesworker II; Jessica Hucks, Planner; Wanda Lilly, City Arborist; and Barbara Tessier, City Clerk

OTHERS: Antonious Nesmith, James Desjardins; Hillary Howard, Lois Edwards, Terry Beddell, Marshall McMillan, Kaci Sansbury, Julie Hardwick

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

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

APPROVAL OF AGENDA: **Motion:** Hyman made a motion, seconded by Goldfinch, to approve the June 21, 2021 meeting agenda. **Vote:** Unanimous. Motion carried.

CONSENT AGENDA:

- A. **Final reading of amendments to Article 4 – Use Tables, Article 5 – Specific Use Regulations, and Article 9 – Landscaping and Buffer Requirements, of the Unified Development Ordinance (UDO), regarding stand-alone parking lots in the Professional (P) and Neighborhood Commercial (NC) Districts. (Hyman)**
- B. **Final reading of amendments to Article 2 – Definitions, Article 4 – Use Tables, and Article 5 – Specific Use Regulations, of the Unified Development Ordinance (UDO), regarding Commercial Short-Term Rentals (CSTR's).**

- C. Purchase of 7 used storage containers for Fire Department and Grounds & Maintenance (budgeted)**
- D. Resolution ratifying the acceptance of the purchase of property located at 613 Wright Boulevard (TMS# 137-05-11-043), Conway, South Carolina**
- E. Purchase of firefighting gear (budgeted)**
- F. Approval of June 7, 2021 Minutes**

APPROVAL OF CONSENT AGENDA: Motion: Hyman made a motion, seconded by Goldfinch, to approve the June 21, 2021 consent agenda. **Vote:** Unanimous. Motion carried

PUBLIC INPUT:

Marshall McMillan spoke to Council regarding the proposed closing of a portion of Norman Alley and indicated that he was not in favor of it.

Antonious Nesmith spoke to Council about an organization that he represents called Get Out To Stay Out that helps former inmates with resources such as housing and employment. He is going to apply for the Economic Opportunity Development Grant.

Terry Beddell spoke to Council about her plans for the Trestle's outdoor dining.

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

SPECIAL PRESENTATION:

- A. Employee of the Month – Public Works Sector – May:** Kent Bitting presented Robert DeGiovine, Public Utilities Tradesworker II his certificate. Dennis Kirwin Jr , Motor Equipment Operator II, was not able to be present, but was also given an Employee of the Month Award.
- B. Employee Recognition of Graduation from the South Carolina Certified Public Manager® program.** Chief Long congratulated Johnathan McAllister on his graduation.
- C. Discussion on a request to annex approximately 182.22 acres of property located along Highway 378 (PIN 369-00-00-0044) and request to rezone from Horry County Commercial Forest Agriculture (CFA), Residential Single Family 40 (SF40) and Residential Single Family 20 (SF20) to City of Conway Low Density Residential (R1).** M. Hyman informed Council that the developer of this property plans to use the conservation subdivision for the design of a single-family residential development. At this time, the plan

is being reviewed by the Technical Review Committee. The Planning Commission recommended approval for this annexation and rezoning. This request will come forward to Council as a public hearing in the near future.

- D. Discussion on a request to rezone approximately 67.37 acres of property located at 501 Liz Lane (TMS 136-00-05-009 | PIN 369-00-00-0028) from City of Conway Low-Density Residential District (R) to Light Industrial (LI).** M. Hyman informed Council that this request was submitted by Santee Cooper. The parcel was recently annexed into the City as Low Density Residential R to relocate four diesel generating units, which is allowed in that zoning district. After being annexed, it was discovered that the plan also included metal office buildings, however, metal buildings are not permitted in Low Density Residential zoning district. The Planning Commission recommended approval of the requested rezoning. This request will come forward to City Council in the near future for public hearing and first reading.

PUBLIC HEARING AND FIRST READING:

- A. Public Hearing and first reading of an ordinance to amend the City of Conway Code of Ordinances Title 4 – Public Utilities, Chapter 1 Section 4-1-14 Definitions and Chapter 2- Sewer, Section 4-2-34 – Use of Public Sewer.** Bitting informed Council that this amendment would allow the City to remain in compliance with federal regulations 40 CFR Part 128, and provide guidance to food preparation and serving facilities. The enforcement of the ordinance enables the City to protect sewer mains, pumping equipment, as well as the environment.

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

Motion: Goldfinch made a motion, seconded by Hyman, to approve first reading. **Vote:** Unanimous. Motion carried.

- B. Public hearing and first reading for an ordinance authorizing the sale of certain real property in the City of Conway located along the Conway Riverfront.** Emrick informed Council that this sale for a parcel of land next to the Bonfire Taqueria, and for parcels at Kingston and Fourth Avenues.

Public Input: Marshall McMillan expressed concerns about parking.

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

Emrick commented that these parcels were originally part of the exchange with The Burroughs Company. The Kingston and Fourth parcels would be either condos or

apartments with first floor podium parking. The agreement that Council has in hand is not in final form, and the second/final reading of this ordinance will be not held until the agreement is signature ready. The parking that is already at the Bonfire will be improved by the City as that project comes to completion. Emrick also noted that recently 20 parking spaces had been installed behind the Peanut Warehouse on the Laurel Street side.

Staff recommends approval of the first reading.

Motion: Hyman made a motion, seconded by Timbes, to approve first reading. **Vote:** Unanimous. Motion carried.

FINAL READING:

Final reading of Ordinance #ZA2021-06-21 (C) An Ordinance to annex approximately 0.27 of an acre of property located at 101 Clemson Road (TMS 151-19-02-001 | PIN 383-10-04-0013) and request to rezone from Horry County Residential (SF10) to City of Conway Low/Medium Density Residential District (R-1). M. Hyman informed Council that this was a request due to a change in ownership of the property to allow a single-family home on the property to tie into City services.

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

FIRST READING

A. **First reading of Ordinance #ZA2021-07-06 (C) An Ordinance to annex approximately 0.23 acres of property located at 2609 Oak Street (PIN 325-15-03-0030) and request to rezone from Horry County Residential (SF20) to City of Conway Low/Medium Density Residential District (R-1).** M. Hyman informed Council that this request was made due to a change in ownership of the property to allow an existing single-family home on the property to tie into City services. The City already picks up trash in the area and would not out a strain on services.

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

B. **First reading of Ordinance #ZA2021-07-06 (D) An Ordinance to annex approximately 0.32 of an acre of property located at 5106 Converse Drive (TMS 151-18-12-004| PIN 383-08-02-0058) and request to rezone from Horry County Residential (SF10) to City of Conway Low/Medium Density Residential District (R-1).** M. Hyman informed Council that the request was due to a change in ownership and was to allow an existing single-family home on the property to tie into City services. While there are some parcels

in this neighborhood that are in the City, most are not. Council pointed out that it might be quite some time before any more properties would be annexed.

Motion: White made a motion, seconded by Blain-Bellamy, to deny first reading of this request. **Vote:** Unanimous. Motion carried.

- C. **First reading of amendments to Article 4 – Use Tables and Article 5 – Specific Use Regulations, of the Unified Development Ordinance (UDO), regarding Light Industrial (LI) and Heavy Industrial (HI) Districts as well as consistency throughout the UDO.** M. Hyman informed Council that staff has recently noticed some discrepancies with the Use Table in Article 4 of the UDO vs the Conditional Uses in Article 5. This amendment would allow the Use Table to mirror the zoning districts called out in Conditional Uses of Section 5.1. In addition, staff feels there are several other uses that should be added to the Light Industrial and Heavy Industrial zoning districts as well as a few uses that should be removed from said districts.

The Planning Commission will review the proposed amendment at its July 1, 2021 meeting. The Public Hearing will be held at the July 6, 2021 City Council Meeting. Staff recommends the approval of the first reading.

Motion: Hyman made a motion, seconded by Goldfinch, to approve first reading. **Vote:** Unanimous. Motion carried.

CONSIDERATION:

- A. **Consideration of the selection of engineer for the Smith Jones Pool Rehab and Redesign Project.** Rogers informed Council that in February 2021, Council voted to amend the Year 11 CDBG allocation to provide \$143,143 to the Smith Jones Pool Rehab and Redesign Project. As a requirement of CDBG, the City began the process of selecting an engineer for the project. A Request for Qualifications was issued on May 12 with a deadline for submissions on May 28, 2021.

Three submission were received, with one being incomplete, and it was disqualified. Interviews were conducted with the remaining two engineering firms, both from Myrtle Beach. Staff from the City and Horry County Community Development scored each firm based on their written submissions and their interviews. Based off of this scoring, staff recommends Hanna Engineering to complete this project. Hanna has completed several community pool projects in the area and provided the engineering services for the City of Hartsville to build Neptune Island Water Park.

Staff recommends that Council authorize the City Administrator to negotiate a contract with Hanna Engineer for design services related to the Smith Jones Pool Rehab and Redesign.

Motion: Timbes made a motion, seconded by Goldfinch, to approve the authorization for the City Administrator to negotiate a contract with Hanna Engineering for design services related to the Smith Jones Pool Rehab and Redesign. **Vote:** Unanimous. Motion carried.

B. Consideration of authorization of a bid to paint and repair building wall at corner of Fourth Avenue and Main Street. Emrick informed Council that the wall at the intersection of Fourth and Main has been an eyesore for many years.

The wall is in a state of disrepair with old stucco that was used to patch the wall having cracked in many places. It is covered in black filth and mold, and there is a section of the wall that is painted black to which old pieces of the former roofline still cling.

The wall is not owned by the City, but the City secured agreements with the property owners that would allow the City to conduct minor repairs and to paint the wall. The City issued a public bid, inviting painting contractors to submit estimates for the repair and two coats of primer. Only WxProofing, LLC from Charleston responded. This company has extensive experience repairing and painting historic structures. Their bid of \$17,872 includes minor stucco repairs, new primer coats, clearing the substrate and appropriate equipment and mobilization to conduct the project.

Staff recommends Council awarding the project to the low and only bidder, WxProofing, LLC of Charleston, SC.

Motion: Timbes made a motion, seconded by Blain-Bellamy, to award the project outlined to WxProofing, LLC. **Vote:** Unanimous. Motion carried.

C. Consideration of a request for alley closure and shared space for the Trestle Café located at 308 Main Street and Norman Alley (PIN 367-01-01-0035). M. Hyman informed Council at their last meeting, this item had been tabled so that staff could more fully address questions that had arisen from the public. Since that meeting, staff has sent letters to the surrounding property owners regarding the alley closure along with an attachment answering the questions raised by the public.

M. Hyman was asked about the public alleyway behind the Trestle and whether or not a condition on leaving this particular alleyway open could be part of the request so that traffic coming up from Kingston could use the alleyway to exit onto Third Avenue. M. Hyman did not think that would be a problem.

Discussion followed about placing a time limit on the closure of Norman Alley, perhaps to approve the closure for a year at a time.

Motion: Goldfinch made a motion, seconded by Blain-Bellamy, to temporarily close Norman Alley for up to a year for use by the Trestle Restaurant, and to revisit the issue at that time. **Vote:** Unanimous. Motion carried.

CITY ADMINISTRATOR'S REPORT:

- The electric vehicle stations at Fourth and Laurel that were paid for with a grant in 2010/2011 have stopped working. Parts are no longer available to repair them. The Building Department crew has been able to jerry rig one of them, but both need to be replaced. Staff spoke with Santee Cooper and it is possible that the City could get two replacements and only pay for the hose retractors that keep the hoses from getting damaged. Staff has also asked Santee Cooper to apprise us of any opportunities that might present themselves in regard to electric vehicles for fleet consideration.
- Staff met with traffic consultants for SCDOT about some concerns with the design of Perimeter Road at the northernmost piece of Hemmingway Chapel Road. Staff has ideas on how to improve the plan, but the consultants for SCDOT are not yet convinced.
- SCDOT will have a preconstruction meeting on Wednesday for the next phase of work on the Main Street Bridge. This will be a much smaller project both in scope and duration. Second Avenue will be closed, but staff has been told it will be for less than a month. Under the bridge will be closed during the project.
- Later this summer, SCDOT will hold a meeting to discuss CCU's request to add fencing to the center of the median on Hwy. 544 for pedestrian safety. Once the date/time has been set, I will forward you that information.
- A staff appreciation lunch will be held on Tuesday, June 29th at the Sports & Fitness Center. Council members are invited to attend.
- On July 15, our HR Department will hold a job fair at the Conway Recreation Center. The City is currently short 27 employees – eight in the Police Department, five in Public Works, and four in Solid Waste.
- The restrooms at Lady Bug park are completed and open. Thanks to SCPRT and our local delegation who granted the City approximately \$15,000 in a PARD grant for this purpose.
- The girls 10 and under softball team has earned a spot in the state tournament in Bluffton. The team heads to the tournament on Thursday.
- The next Council meeting is on Tuesday, July 6th due to the Fourth of July holiday.
- Riverfest is this weekend. The boat ramp will be closed. Fireworks begin at 9:30 p.m.
- The pop up splash pad will be held on July 4th from 1-2 p.m. next to the Town Green.

Department Updates:

Finance – Allison Williams

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- Department consists of 14 employees, of which 8 have been with the City over 14 years
- 200 Account Payable checks are issued weekly
- 140 Hospitality payments are collected monthly
- 2,900 business license renewals were mailed in April
- 1,700 utility bills are sent out monthly
- 3,700 customers pay by bank draft
- 5,000 customers pay through the online system
- 2,000 customers use the drive-thru
- There are still a few hundred that still come into the office to pay
- Averaging 250 new services monthly. This spikes in July and August when college students move in
- There have been 400 new taps fees since January
- Phonetree messages and emails are sent out during the month to remind customers about late payments as well as when a leak is detected
- Purchasing and Inventory employees work with all departments to order needed supplies and prepare RFP's.

Planning – Mary Catherine Hyman

- Department consists of 8 employees
- Handles zoning, land development regulations, historic preservation, residential and commercial developments, ordinances and rezonings, GIS mapping and information that is used by the entire City, and all tree-related issues.
- This fiscal year, staff has reviewed 96 plats
- Reviewed 134 Technical Review plans
- Reviewed 318 house plans
- Reviewed 429 accessory structure plans
- Written 8 text amendments to the UDO
- Picked up 879 illegal signs
- The Transportation Element was updated
- The sign ordinance is being reviewed and will be updated
- Oversaw the replanting of bushes and trees at Riverfront Park from flood damage
- Provides guidance to citizens with tree-related issues

COUNCIL INPUT:

Goldfinch commented that he had been working with some people from A Father's Place and had come to realize just how hard it was for people to rebound after having made a mistake and that he was in favor of programs like Mr. Nesmith was hoping to provide. Thanked the retiring City Clerk for her years of service and wished her well.

White asked about trash compacted items in the back of Whittemore Elementary School and he had been asked if the City was demolishing the building. Emrick noted the building was not being demolished at this time. Asked why 1615 Wright was demolished. Emrick commented that the City was purchasing blighted properties and this structure was too close to the road for ingress and egress. White asked what was happening with the former Bi-Lo. Emrick noted that the owner of Rob's Auto Body had purchased the property. White asked about a mural for a wall at the Father's Place. Emrick will put it on an upcoming agenda. White asked if Juneteenth could be an annual event in which the City was somehow involved. Emrick commented that it could be an agenda item at Budget Retreat in 2022. White asked about some work being done at Sixteenth, Brown and Rhue. Emrick explained it was an SCDOT project.

Timbes commented that there was probably nothing the City could do, but the traffic on Main Street and Hwy. 501 was horrible.

Hyman agreed with Goldfinch's sentiments regarding assisting former inmates and wished the retiring City Clerk well.

Blain-Bellamy agreed that the struggle is real for those who find themselves incarcerated, and then upon release, can find themselves doomed for life. The more we assist these people, the better off they will be and the better off our community will be.

WORKSHOP

Discussion of Tree Preservation Ordinance. M. Hyman informed Council that the Tree Ordinance has been discussed quite a bit, and that staff did not recommend weakening the ordinance. Conway is known for its trees. Trees offer many benefits to the community, such as reduction of stormwater runoff and erosion and improve air, soil, and water quality. The list of protected trees with the required sizes was presented to Council along with details for each type tree and what benefits it provided.

Hyman noted that a stormwater pond is not required, but a pond is generally the least expensive way to handle stormwater runoff. Alternatives to stormwater ponds were discussed, such as to use impervious cover and to use natural features such a vegetative buffers and swales. Harrelson noted that clear cutting was not encouraged. Tree cover adds more than just stormwater management. Tree cover filters the water.

Emrick commented that there had been a push by the state legislature to prohibit cities from enacting or enforcing rules that prohibit the cutting of trees on commercial or industrial lots, other than landmark trees. The City's Live Oak Tree ordinance would be permitted, but the remainder of the tree ordinance would not apply to commercial development.

Emrick continued by noting that several recent developments that had issue with the expense of the City's Tree Ordinance. The City's Tree Ordinance is written to allow for an appeal to be made to the Tree Board to ask for reduction in fees or be applied differently. An appeal was not asked for by the developments in question.

Emrick informed Council what items developers wanted staff to look at. The first is the required diameter of the species of the trees the City protects, if there should be a cap on the total amount a developer should pay if they are removing protected trees, and a statement in the ordinance that would not make these requirements apply to residential developments of a certain size.

Blain-Bellamy, who had attended the meeting with the developers, commented that it was a financial burden that the developers were most concerned with. It had been conveyed that the expense of installing a 25' buffer was one issue. Another issue was the amount of land that would be required to establish stormwater ponds. Blain-Bellamy indicated that when the tree ordinance was updated when she was an employee of the City, it was Council's desire to have the fee to remove a protected tree to be large enough to make the developer perhaps reconsider the need to remove it. However, there was a lot of property coming into the City and these things should be discussed further. Blain-Bellamy reiterated that trees protection is important.

Discussion followed about fees and whether or not some species could be removed from the protected tree list, and whether a tree survey could be done only on the protected trees where the developer would not have to mitigate the entire parcel. Emrick then put a list together of what Council felt should be reviewed.

These items to be considered were to keep the current Tree Ordinance regulations for major residential subdivisions, and the penalty for clear cutting on these lots without permission will be \$0.25 per square foot, to put a cap of \$4,500/acre for commercial, industrial, and minor residential subdivisions, and to allow mitigation on site, including in buffers or other required plantings.

EXECUTIVE SESSION: Motion: Hyman made a motion, seconded by Timbes, to enter into Executive Session to discuss the employment for the position of Planning Director [pursuant to SC Code §3-4-70 (A)(1)], the employment for the position of City Clerk [pursuant to SC Code §3-4-70 (A) (1)], and negotiations incident to the purchase of property in the flood area near Trinity Church [pursuant to SC Code §3-4-70 (A)(2)]. **Vote:** Unanimous. Motion carried.

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

POSSIBLE ACTION ON MATTERS DISCUSSED IN EXECUTIVE SESSION:

Motion: Hyman made a motion, seconded by Blain-Bellamy, to appoint Allison Hardin to the position of Planning Director. **Vote:** Unanimous. Motion carried.

Motion: Timbes made a motion, seconded by Goldfinch, to appoint Alicia Shelley to the position of City Clerk. **Vote:** Unanimous. Motion carried.

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Motion: Hyman made a motion, seconded by Blain-Bellamy, to authorize the City Administrator to spend up to \$59,000 for the purchase of property in the flood area near Trinity Church. **Vote:** Unanimous. Motion carried.

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

APPROVAL OF MINUTES: Minutes approved by City Council this 6 day of July 2021.



Alicia Shelley, City Clerk