



# Council Agenda

**MYRTLE BEACH CITY COUNCIL:**  
BRENDA BETHUNE, MAYOR  
MICHAEL CHESTNUT, MAYOR PRO-TEM  
MARY JEFFCOAT  
MIKE LOWDER  
PHILIP N. RENDER  
GREGG SMITH  
JACKIE VEREEN

**NOTE: CITIZENS ARE INVITED TO ATTEND AND PARTICIPATE IN THE MEETINGS. CITIZENS WHO WISH TO ADDRESS COUNCIL ON NON-AGENDA ISSUES ARE ASKED TO SIGN IN PRIOR TO THE START OF THE MEETING AND STATE THEIR NAMES PRIOR TO SPEAKING. A TOTAL OF 30 MINUTES WILL BE PROVIDED AT THE END OF THE MEETING.**

**ANYONE WHO REQUIRES AN AUXILIARY AID OR SERVICE FOR EFFECTIVE COMMUNICATION OR PARTICIPATION SHOULD CONTACT THE CITY CLERK'S OFFICE AT (843) 918-1004 AS SOON AS POSSIBLE, BUT NO LATER THAN 48 HOURS BEFORE THE SCHEDULED EVENT.**

## AGENDA

February 26, 2019

**9:00 A.M. – MEETING – TED C. COLLINS LAW ENFORCEMENT CENTER**

**CALL TO ORDER**.....  
**INVOCATION**.....  
**PLEDGE OF ALLEGIANCE**.....  
**APPROVAL OF AGENDA**.....  
**APPROVAL OF WORKSHOP MINUTES**.....February 4, 2019  
**APPROVAL OF MINUTES**.....February 12, 2019

## **PUBLIC REQUESTS, PRESENTATIONS, AWARDS, MEMORIALS:**

1. Recognition for the Myrtle Beach High School Football Team and Coaches for their achievement.
2. Recognition of Ian Morgan for his achievements during the 4A State Championships Swim Meet 2018.
3. Proclamation recognizing David Victoria for his 17 years as Human Rights Commission Chairman.
4. Proclamation declaring February 27th as Lawrence Jones Day.
5. Police Department End of the Year Review.
6. Downtown Masterplan Presentation – Benchmark, LLC.
7. Public Information Update – PIO Staff.

**CONSENT AGENDA** – *The Consent Agenda covers items anticipated to be routine in nature. Any Councilmember may ask that an item be moved from the Consent Agenda to the Regular Agenda for*

lengthier discussion, or a member of the public may request that such an item be moved. Items remaining on the Consent Agenda will be briefly described by staff, and may be passed as a group with the APPROVAL OF THE AGENDA.

Note: City laws are known as ordinances. Before a City ordinance can be enacted it must be introduced (1<sup>st</sup> Reading), & then approved (2<sup>nd</sup> reading). Resolutions are normally actions through which City Council reinforces or makes policy not rising to the level of law. Motions are generally related to direction from City Council to City staff to take certain actions.

## **REGULAR AGENDA**

### **2<sup>nd</sup> Reading Ordinance 2019-6 to amend Ordinance 2017-44, Appendix A Zoning of the Code of Ordinances to allow food trucks as a conditional use in the zoning code.**

*This amended ordinance includes the following changes:*

- Extends the program another year.
- Increases the number of allowed permits from 6 to 20 (not more than 6 can be food carts).
- Food trucks used at a private catering event are defined as a catering truck and are not counted towards the 20 permits.
- Besides being allowed in HC-1 & HC-2 zones, food trucks are recommended to be allowed as a conditional use in the E, MP, WM, LM zoning districts.
- Decreases the distance from existing restaurants from 500' to 300'.
- Allows temporary shade structures within 8' of the food truck.
- Decreases the permit fee from \$150 to \$25 for additional locations after the 1st two.
- No permit fees for food trucks on city-owned property (permits still required).
- Adds Food Carts to the definition of mobile food unit.

### **2<sup>nd</sup> Reading Ordinance 2019-7 granting a franchise agreement for operation of rental business of conveyances regulated by Chapter 12, Article V of the Code of Ordinances of Myrtle Beach to Austin Shelley d/b/a Ajax Golf Cart Rentals located at 1307 Nature's Way, North Myrtle Beach, SC 29582, for a period of one year. The agreement includes 24 vehicles.**

*This company was approved for a franchise agreement covering 24 golf cart rentals in 2018. For 2019 the applicant requests 30 rentals.*

### **2<sup>nd</sup> Reading Ordinance 2019-8 granting a franchise agreement for operation of rental business of conveyances regulated by Chapter 12, Article V of the Code of Ordinances of Myrtle Beach to Sarah Yakoel d/b/a Gil Scooter/Every LLC, located at 109 South Kings Highway, Myrtle Beach, SC 29577, for a period of one year. The agreement includes 20 vehicles.**

*This company was approved for a franchise agreement covering 20 golf cart rentals in 2018. For 2019 the applicant requests the same number.*

### **2<sup>nd</sup> Reading Ordinance 2019-9 granting a franchise agreement for operation of rental business of conveyances regulated by Chapter 12, Article V of the Code of Ordinances of Myrtle Beach to David Stone d/b/a Go Fast Motorsports, Sunshine Scooters, located at 713 North Ocean Blvd., Myrtle Beach, SC 29577, for a period of one year. The agreement includes 35 vehicles.**

*This company was approved for a franchise agreement covering 25 moped and 10 golf cart rentals in 2018. For 2019 the applicant requests the same number.*

**2<sup>nd</sup> Reading Ordinance 2019-10 granting a franchise agreement for operation of rental business of conveyances regulated by Chapter 12, Article V of the Code of Ordinances of Myrtle Beach to David Stone d/b/a go Fast Motorsports LLC, Go Fast Scooters, located at 609 South Kings Highway, Myrtle Beach, SC 29577, for a period of one year. The agreement includes 115 vehicles.**

*This company was approved for a franchise agreement covering 84 moped and 31 golf cart rentals in 2018. For 2019 the applicant requests the same number.*

**2<sup>nd</sup> Reading Ordinance 2019-11 granting a franchise agreement for operation of rental business of conveyances regulated by Chapter 12, Article V of the Code of Ordinances of Myrtle Beach to Derrick and Barbara Haynes d/b/a Kickback Korner LLC, Kickback Corner Golf Carts, located at 506 Yaupon Drive, Myrtle Beach, SC 29577, for a period of one year. The agreement includes 20 vehicles.**

*This company was approved for a franchise agreement covering 20 golf cart rentals in 2018. For 2019 the applicant requests the same number.*

**2<sup>nd</sup> Reading Ordinance 2019-12 granting a franchise agreement for operation of rental business of conveyances regulated by Chapter 12, Article V of the Code of Ordinances of Myrtle Beach to Ron Simantov d/b/a Blue Coral Surf LLC, Moped USA, located at 1301 South Kings Highway, Myrtle Beach, SC 29577, for a period of one year. The agreement includes 20 vehicles.**

*This company was approved for a franchise agreement covering 20 golf cart rentals in 2018. For 2019 the applicant requests the same number.*

**2<sup>nd</sup> Reading Ordinance 2019-13 granting a franchise agreement for operation of rental business of conveyances regulated by Chapter 12, Article V of the Code of Ordinances of Myrtle Beach to Mark Sichitano d/b/a Myrtle Beach Golf Carts, located at 1001 3<sup>rd</sup> Avenue South, Myrtle Beach, SC 29577, for a period of one year. The agreement includes 145 vehicles.**

*This company was approved for a franchise agreement covering 145 golf cart rentals in 2018. For 2019 the applicant requests the same number.*

**2<sup>nd</sup> Reading Ordinance 2019-14 granting a franchise agreement for operation of rental business of conveyances regulated by Chapter 12, Article V of the Code of Ordinances of Myrtle Beach to Ben Robinson d/b/a Rent Me Superstore, located at 106 North Kings Highway, Myrtle Beach, SC 29577, for a period of one year. The agreement includes 40 vehicles.**

*This company was approved for a franchise agreement covering 30 moped rentals and 10 golf cart rentals in 2018. For 2019 the applicant requests the same number.*

**2<sup>nd</sup> Reading Ordinance 2019-15 granting a franchise agreement for operation of rental business of conveyances regulated by Chapter 12, Article V of the Code of Ordinances of Myrtle Beach to Ben Robinson d/b/a Rent Me Superstore, located at 300 South Ocean Blvd., Myrtle Beach, SC 29577, for a period of one year. The agreement includes 197 vehicles.**

*This company was approved for a franchise agreement covering 133 moped rentals and 64 golf cart rentals in 2018. For 2019 the applicant requests the same number.*

**2<sup>nd</sup> Reading Ordinance 2019-16 granting a franchise agreement for operation of rental business of conveyances regulated by Chapter 12, Article V of the Code of Ordinances of Myrtle Beach to Ben Robinson d/b/a Rent Me Superstore, located at 1205 North Ocean Blvd., Myrtle Beach, SC 29577, for a period of one year. The agreement includes 83 vehicles.**

*This company was approved for a franchise agreement covering 67 moped rentals and 16 golf cart rentals in 2018. For 2019 the applicant requests the same number.*

**2<sup>nd</sup> Reading Ordinance 2019-17 granting a franchise agreement for operation of rental business of conveyances regulated by Chapter 12, Article V of the Code of Ordinances of Myrtle Beach to Jack Zakhra d/b/a Zeus MB LLC, Happy Scooter, located at 311 3<sup>rd</sup> Avenue South, Myrtle Beach, SC 29577, for a period of one year. The agreement includes 63 vehicles.**

*This company was approved for a franchise agreement covering 36 moped rentals and 27 golf cart rentals in 2018. For 2019 the applicant requests the same number.*

**2<sup>nd</sup> Reading Ordinance 2019-18 granting a franchise agreement for operation of rental business of conveyances regulated by Chapter 12, Article V of the Code of Ordinances of Myrtle Beach to David Stone d/b/a Go Fast Motorsports/Savemart Scooters, located at 412 6<sup>th</sup> Avenue North, Myrtle Beach, SC 29577, for a period of one year. The agreement includes 39 vehicles.**

*The previous franchise owner at this location was approved for 19 moped and 20 golf cart rentals in 2018. at this location in 2018. For 2019 the new applicant requests the same number.*

**2<sup>nd</sup> Reading Ordinance 2019-19 granting a franchise agreement for operation of rental business of conveyances regulated by chapter 12, Article V of the Code of Ordinances of Myrtle Beach to Bayliss Spivey d/b/a KOA Campground located at 613 5<sup>th</sup> Avenue South, Myrtle Beach, SC 29577, for a period of one year. The agreement includes 50 vehicles.**

*This company was approved for a franchise agreement covering 50 golf cart rentals in 2018. For 2019 the applicant requests the same number.*

**1<sup>st</sup> Reading Ordinance 2019-20 to extend the corporate limits of the City of Myrtle Beach by annexing 0.54 acres located at 9307 Cove Dr. (Horry County TMS # 166-01-06-004), and rezone said property from Horry County SF 10 (Single Family Residential) to City of Myrtle Beach R15 (Single Family Residential).**

*The applicant wishes to build a single family home on vacant property located in an unincorporated "doughnut hole" off Cove Drive, and is required to submit an annexation petition as required to receive utility services.*

**1<sup>st</sup> Reading Ordinance 2019-21 to amend Chapter 2, Division 2, Article VI, the Purchasing Code, to add a provision for small purchases.**

*This proposed ordinance recognizes that, while the City seeks to maintain competitive purchasing procedures, sometimes the need for price comparison & competition must be balanced against staff productivity & effectiveness, and relaxes the competitive bidding requirement under certain conditions for purchases of \$2,500 or less. The proposed procedures are similar to those found in the State procurement code.*

*Whenever practical, the purchaser must solicit a quote from a firm other than the previous supplier before placing a repeat order. When the waiver is used, the purchaser shall annotate the purchase requisition "price is fair and reasonable". The department director's signature is required to certify that certifies the purchaser has complied with this section, and that funds are available for the purchase. Financial Services staff will review samples of Small Purchases from time to time and, when appropriate, advise the department director in order to improve results with respect to future purchases of similar items.*

**1<sup>st</sup> Reading Ordinance 2019-22 amending Chapter 2, Article VI, Division 4, Accommodations Tax, to institute a three percent tax, effective immediately with implementation to be effective July 1, 2019.**

*The previous agreement, by which County collects its 1.5% hospitality fee inside the MB corporate limits, expired in 2017. This ordinance amends the City's current local accommodations tax ordinance, increasing the rate from 0.5% to 3.0%, per statutory limits, beginning July 1, 2019. Approval of this action, together with approval of the credit in proposed Ordinance 2019-24, does not increase the total amount of the tax burden on any given taxpayer, just changes the distribution between the City and the County.*

*In Council's discretion, local accommodations tax revenue may be used for:*

- *Funding for roads, & bridges providing access to tourist destinations, such as I-73 project.*
- *Operations and maintenance costs, including police, fire service, emergency medical and emergency preparedness operations attendant to facilities for which funds may be spent.*
- *Tourism-related buildings such as civic centers, coliseums, and aquariums.*
- *Tourism-related cultural, recreational, or historic facilities.*
- *Beach access, renourishment, and other tourism lands and water access.*
- *Advertisements and promotions related to tourism development.*
- *Water and sewer infrastructure to serve tourism-related demand.*

**1<sup>st</sup> Reading Ordinance 2019-23 enacting in Chapter 2, Article VI, a new Division 7, Local Hospitality Tax, to institute a two percent tax, effective immediately with implementation to be effective July 1, 2019.**

*The previous agreement, by which County collects its 1.5% hospitality fee inside the MB corporate limits, expired in 2017. This ordinance adopts a local hospitality tax at the rate of 2.0%, beginning July 1, 2019. Approval of this action, together with approval of the credit in proposed Ordinance 2019-24, does not increase the total amount of the tax burden on any given taxpayer, just changes the distribution between the City and the County.*

*In Council's discretion, local accommodations tax revenue may be used for:*

- *Funding for roads, & bridges providing access to tourist destinations, such as I-73 project.*
- *Operations and maintenance costs, including police, fire service, emergency medical and emergency preparedness operations attendant to facilities for which funds may be spent.*
- *Tourism-related buildings such as civic centers, coliseums, and aquariums.*
- *Tourism-related cultural, recreational, or historic facilities.*
- *Beach access, renourishment, and other tourism lands and water access.*
- *Advertisements and promotions related to tourism development.*
- *Water and sewer infrastructure to serve tourism-related demand.*

**1<sup>st</sup> Reading Ordinance 2019-24 amending Chapter 2, Article VI, Division 3, Hospitality Fee, to provide a credit of the hospitality fee against the levy of the local Accommodations Tax and the Local Hospitality Tax, effective immediately with implementation to be effective July 1, 2019.**

*This ordinance amends the Code to provide that taxpayers who pay the City hospitality fee concurrently with the Local Accommodations Tax and/or Local Hospitality Tax would be entitled to a credit in the amount of their Hospitality Fee payments to be applied against their liability for one or more of these taxes. This credit will limit the City taxpayer's liability to a total of 3.0% for combined fee and tax charges on City accommodations-related levies and 2.0% on levies charged on sales of prepared foods & beverages.*

*The net effect of these ordinances is that there is no new tax burden on the businesses or residents of this community, although it does change the distribution of these revenues) all of which are earned within the corporate limits of the City) from the County to the City.*

**Resolution R2019-17 allowing horses to be ridden on the beach during the American Heart Association Beach Ride on November 9, 2019.**

*The American Heart Association has sponsored the Ride-A-Thon for 37 years, but specific Council approval is required since the Code prohibits this activity without a permit. The proposed resolution approves a permit for November 9, 2019, with the following limitations:*

- *Beach access/departure only at specific points (as approved by Manager).*
- *Riders must follow specific route (as approved by the Manager).*
- *Riding on dunes prohibited.*
- *Groups cannot exceed six horses and riders.*
- *All debris (including horse excrement) must be removed.*

**Resolution R2019-18 to authorize a temporary obstruction for construction purposes of 8,750 sq. ft. portion of an alley located adjacent to 2311 S. Ocean Blvd.**

*The Compass Cove is undertaking a roof replacement for one of its units, and requests the temporarily obstruction of 8,750 sf of an adjacent alley to serve as a construction staging area from 2/28/19 -3/28/19. The public & resort guests' use of this portion of the adjacent alley will be temporarily closed/restricted during the construction period. The contractor is required to return staging area to a condition which is equivalent to which existed before construction; to indemnify and hold the City harmless from any claims which may arise from the obstruction in this area; and to pay a fee of \$4,691 for this purpose.*

**Motion M2019-17 to appoint a representative to replace Mary Madison Langway as the city's representative on the Ocean View Memorial Foundation.**

*City Council appoints one member of the Foundation. Ms. Langway has recommended that she be replaced by Robert Sansbury*

**Motion M2019-23 authorize the City Manager to enter into a Right-of-Entry Agreement between the City of Myrtle Beach and Grande Dunes Master Association for maintenance of Marina Parkway, 62<sup>nd</sup> Ave. N., 71<sup>st</sup> Ave. N., 79<sup>th</sup> Ave. N. and part of Marina Parkway part of N. Ocean Blvd., Grande Dunes Blvd East of Kings Hwy., Cipriana Dr., Grande Dunes Blvd. West of Kings Hwy and additional areas.**

*This action allows for beautification of certain arterial streets in conformance with the City's recently established policy. Under the terms of these annual agreements the City will pay the Master Association an amount equal to the standard cost of maintaining these rights-of-way, and the Association will then be responsible for performing that maintenance at a higher level.*

**Motion M2019-24 to issue a Rule to Show Cause to require the owner(s) or parties in interest of property known as 1013 Carver Street, to show cause why they should not be ordered to bring the property into compliance with Chapter 10 of the Code of Ordinances of the City of Myrtle Beach.**

*If approved the RTSC order compels the property owner to either bring the structure (or property) back into compliance with City Code, or demolish the structure. The order would also allow the City to mitigate the non-compliance issues if the property owner fails to, and to lien the property for the costs incurred.*

**Motion M2019-25 to approve a Special Event Permit to Craig McGee of Grand Strand PRIDE dba Coastal Business Guild for a PRIDE in the Park business expo and community awareness festival. The City Manager is authorized to make changes to these plans as he deems necessary in keeping with the nature of the event and as circumstances dictate.**

*Grand Strand PRIDE dba Coastal Business Guild is proposing to hold this event at Valor Park on June 1<sup>st</sup>, 2019 from 12:00 PM to 9:00 PM. The event includes live bands, DJ, food and alcohol sales. Grand Strand PRIDE dba Coastal Business Guild will obtain temporary beer/wine permits from the SC Department of Revenue. No in kind services or street closures are requested. MBPD will be hired for security, barricades will be in place and entrances and exits will be staffed by volunteers.*

**Motion M2019-26 to amend Motion 2019-2 to change the location of the proposed “Skyrider Park Helium Balloon Ride from 401 8<sup>th</sup> Avenue North to the Burroughs and Chapin Pavilion Place and to change the dates of the event from April 1- June 29, 2019 to June 12 – September 9, 2019, from 10am to 12am daily. The City Manager is authorized to make changes to these plans as he deems necessary in keeping with the nature of the event and as circumstances dictate.**

*The applicant has requested to move the previously approved “Skyrider Park” special event to the Pavilion Site beginning immediately after the conclusion of the Carolina Country Music Festival. There are no in-kind service requests or road closures. As before the applicant has asked to try this event on a pilot basis for 180 days during the 2019 season to test the market before making the investment in permanent structures, and the owner therefore is asking for two consecutive 90 day permits. This is the first of these two permits.*

**Motion M2019-27 to amend Motion 2019-3 to change the location of the proposed “Skyrider Park Helium Balloon Ride from 401 8<sup>th</sup> Avenue North to the Burroughs and Chapin Pavilion Place and to change the dates of the event from June 30 – September 28, 2019 to September 10 – December 8, 2019, from 10am to 12am daily. The City Manager is authorized to make changes to these plans as he deems necessary in keeping with the nature of the event and as circumstances dictate.**

*The applicant has requested to move the previously approved “Skyrider Park” special event to the Pavilion Site beginning immediately after the conclusion of the Carolina Country Music Festival. There are no in-kind service requests or road closures. As before the applicant has asked to try this event on a pilot basis for 180 days during the 2019 season to test the market before making the investment in permanent structures, and the owner therefore is asking for two consecutive 90 day permits. This is the second of these two permits.*

**Motion M2019-28 to cancel the City Council Workshop Meetings normally scheduled for March 12, 2019, and March 26, 2019, and to begin the Regular City Council Meeting at 9:00 a.m. on these dates.**

*This motion is presented to continue to allow City Council to continue, on a trial basis, to dispense with the Workshop Meetings which currently precede the Regular City Council Meetings. It is expected that this time will be needed for the Council to engage with the downtown consultants in the process of developing a vision for the future of the City’s downtown area, and to engage in greater discussion of other pressing policy issues.*

**Motion 2019-29 to respectfully submit the position of the City Council regarding the requests of citizens to rename the portion of Yaupon Drive south of 19<sup>th</sup> Avenue South to the Planning Commission.**

*By State law the Planning Commission of each City has sole discretion to name and rename streets within that municipality. In this case the residents of the residential area along Yaupon Drive south of 19<sup>th</sup> Avenue South have requested to rename that portion of the street. This statement of Council's position on this matter is strictly advisory to the Planning Commission.*

**Motion 2019-30 to take a position with respect to proposed legislation regarding state control of vape shops.**

*Legislation has been proposed in the legislature that would preclude local regulation of vape shops in favor of state's control of this industry.*

### **NON-AGENDA ITEMS FROM THE PUBLIC**

### **COMMUNICATIONS FROM CITY BOARDS/COMMISSION MEMBERS**

### **COMMUNICATIONS FROM CITY COUNCIL AND CITY MANAGER**

1. Council Communications
2. CFO Update
3. CM/ACM Update

### **REPORTS AND INFORMATION PRESENTATIONS FROM CITY STAFF**

**EXECUTIVE SESSION - Council may take action on matters discussed in Executive Session which are deemed to be "emergency" concerns.**

*South Carolina law requires that Council's business is conducted in public with limited exceptions known as "Executive Sessions". Subjects eligible for Executive Session include:*

- *Personnel matters.*
- *Negotiations concerning proposed contractual arrangements and proposed sale or purchase of property.*
- *The receipt of legal advice relating to:*
  - *A pending, threatened, or potential claim.*
  - *Other matters covered by the attorney-client privilege.*
  - *Settlement of legal claims, or the position of the City in other adversary situations.*
- *Discussions regarding development of security personnel or devices.*
- *Investigative proceedings regarding allegations of criminal misconduct.*
- *Matters relating to the proposed location, expansion, or provision of services encouraging location or expansion of industries or other businesses.*

*Motions to go into Executive Session must be made in public and specify one or more reason above. Council can take no votes or take action in Executive Session.*

### **ADJOURNMENT**