



Council Agenda

MYRTLE BEACH CITY COUNCIL:
BRENDA BETHUNE, MAYOR
MICHAEL CHESTNUT
JACKIE HATLEY, MAYOR PRO-TEM
JOHN KRAJC
MIKE LOWDER
PHILIP N. RENDER
GREGG SMITH

**MYRTLE BEACH CITY COUNCIL AGENDA
TUESDAY, APRIL 28, 2020
10:00 A.M. – MEETING – TELECONFERENCE CALL**

NOTE: CITIZENS ARE INVITED TO WATCH THE TELECONFERENCE MEETING LIVE ON THE CITY'S FACEBOOK PAGE, <https://www.facebook.com/myrtlebeachcitygovernment/>. THE MEETING WILL ALSO BE AVAILABLE ON THE CITY'S PUBLIC INFORMATION CHANNELS ON THE SPECTRUM AND HTC CABLE SYSTEMS (CHANNELS 1303 AND 9, RESPECTIVELY). TO ACCOMMODATE PUBLIC INPUT, WHEN APPROPRIATE, WE HAVE ESTABLISHED AN EMAIL ADDRESS, questions@cityofmyrtlebeach.com, AND A NUMBER TO TEXT, 843-882-5330. WHEN SENDING AN EMAIL OR TEXT DURING THE COUNCIL MEETING, INCLUDE YOUR NAME AND ADDRESS.

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.

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

APPROVAL OF MINUTES... April 14, 2020

PUBLIC REQUESTS, PRESENTATIONS, AWARDS, MEMORIALS:

1. Recognition of National Telecommunicators Week – April 12-18, 2020
2. Recognition of National Correctional Officers Week – May 3-9, 2020
3. Coronavirus Update

- a. Situation Report – Bruce Arnel
 - b. Recovery Efforts: Special Events Team Update – Tiffany Andrews
 - c. Recovery Efforts: Beautification Plan Update – Lisa Wallace
 - d. Recovery Efforts: Small Business Assistance – Lauren Clever
 - e. Communication Efforts and Resources – Mark Kruea
4. 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 (1st Reading) and then approved (2nd 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.*

NO ITEMS LISTED ON THE CONSENT AGENDA.

REGULAR AGENDA

2nd Reading Ordinance 2020-019 to amend Appendix A Zoning of the Code of Ordinances Section 1005 Aisles to require stacking lanes into or coming out of a parking lot or parking structure.

When lanes are stacked, it prevents queuing traffic from backing up into the public right-of-way. During the zoning rewrite, requirements for automobile stacking lanes were inadvertently eliminated. This proposal restores language that worked well in the past, and continues to make sense today.

The following proposed stacking lane requirements are for parking lots or parking structures where access connects to a street:

- *Drive-Up (Retail/Service) – Storage for 4 vehicles per aisle.*
- *Drive-Up (Financial) – Storage for 6 vehicles per aisle.*
- *Drive-Up (Food Service and Automatic Car Washes) – Storage for 8 vehicles per aisle.*
- *Parking Lots or Garages:*
 - *1 to 30 spaces – 1 per access point*
 - *31 to 50 spaces – 2 per access point*
 - *51 to 100 spaces – 3 per access point*
 - *101 to 200 spaces – 4 per access point*
 - *200+ spaces – 5 per access point*

2nd Reading Ordinance 2020-021 granting a boardwalk vendor franchise agreement for the Fifth Avenue North portion of the public boardwalk to Jacinth Williams d/b/a Dogs under the Boardwalk for a period of three years, beginning May 1, 2020.

A total of four Boardwalk franchises exist at Third, Fourth, Fifth and Sixth Avenues North. The franchise at Fourth Avenue North, Ricciardi's Italian Ice, and Fifth Avenue North, Dogs under the Boardwalk, expire on April 30, 2020.

The proposed extension is a three-year agreement with an annual fee of \$1,000 paid in four monthly installments. Per the franchise agreement, the vendor must agree to:

- Provide adequate coverage to insure the city against liability arising from franchise operations.*
- Not vend at other locations.*
- Limit operational hours to 6:00 a.m. to 11:00 p.m.*
- Store carts off-site.*
- Provide proper litter receptacles and clean-up materials.*
- Refrain from verbal solicitations and amplified sounds.*
- Provide pedestrian passage on the boardwalk.*

2nd Reading Ordinance 2020-022 granting a boardwalk vendor franchise agreement for the Fourth Avenue North portion of the public boardwalk to Hayley Ricciardi d/b/a Ricciardi's Italian Ice for a period of three years, beginning May 1, 2020.

A total of four Boardwalk franchises exist at Third, Fourth, Fifth and Sixth Avenues North. The franchise at Fourth Avenue North, Ricciardi's Italian Ice, and Fifth Avenue North, Dogs under the Boardwalk, expire on April 30, 2020.

The proposed extension is a three-year agreement with an annual fee of \$1,000 paid in four monthly installments. Per the franchise agreement, the vendor must agree to:

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- Provide proper litter receptacles and clean-up materials.*
- Refrain from verbal solicitations and amplified sounds.*
- Provide pedestrian passage on the boardwalk.*

2nd Reading Ordinance 2020-023 to amend Appendix A Zoning of the Code of Ordinances Section 1007.c to remove the requirement for a \$1 mortgage and to instead require a deed restriction on property utilized for required parking located off site.

This amendment changes the method of securing the continuing use of property designated for off-site parking spaces when that parking is counted to meet required parking standards. The existing \$1 mortgage provision was intended to give the city a small amount of control to ensure that property was not conveyed for other uses. A conveyance of such property would have resulted in a business that relied upon such parking to becoming non-conforming. In reality this has not been a useful tool to achieve the desired effect. To be useful, the city would have to satisfy all of the higher priority mortgages in order to secure the use of property being used for parking by a private business.

As a better approach, staff has suggested changes to:

- *Substitute a requirement for a deed restriction on such property instead of the \$1 mortgage.*
- *Require recordation of the deed restriction prior to the issuance of a building permit instead of the certificate of occupancy, as is currently the case with the \$1 mortgage.*

Motion M2020-056 authorizing the City Manager or his designee to apply for a grant of \$226,169 from the SC Department of Public Safety’s Office of Highway Safety and Justice Programs (OHSJP) for the purpose of purchasing an IBIS Trax-HD3D system which will: provide access for in-house gun cartridge casing review and the ability to enter casings into NIBIN (National Integrated Ballistic Information Network); record the appropriation of such grant funds in the amount that may be approved; and, execute and deliver the grant agreement and such related documents as may be required to put the grant into effect. No match is required.

The IBIS technology contributes to the investigation process by helping the Police Department solve more firearm-related crimes more efficiently. The use of NIBIN will allow the Police Department to provide investigative support to our community and our neighbors for incidents that involve a firearm. With this technology, the Myrtle Beach Police Department’s goal would be to serve as a hub to process this information and provide the investigative leads to assist in solving cases.

NIBIN is the only national network that allows for the capture and comparison of ballistic evidence to aid in solving and preventing violent crimes involving firearms. It is a vital resource to any violent crime reduction strategy because it provides investigators with the ability to compare their ballistics evidence against evidence from other violent crimes on a local, regional and national level, thus generating investigative links that would rarely be revealed without technology.

Motion M2020-057 authorizing the City Manager or his designee to apply for a grant of \$10,000 from the AARP Community Challenge Grant program for the purpose of: create vinyl wraps with artwork, wayfinding maps and pedestrian/bicycle safety information to be installed on traffic cabinets at 10 strategic intersections; record the appropriation of such grant funds in the amount that may be approved; and, execute and deliver the grant agreement and such related documents as may be required to put the grant into effect. No match is required.

The AARP Community Challenge Grant provides funding for projects that will help to improve transportation alternatives specifically for people above the age of 50 years old. The Bicycle and Pedestrian Committee, Transportation-Related Issues Committee (staff committee) and Beautification Committee (staff committee) have all participated in this effort to determine the best locations for the vinyl wrap installations. The project must be completed on or before December 2020. Art work will be created by local artists. The map and safety information will be a joint effort of the Bicycle and Pedestrian Committee, Public Works Department and Planning and Zoning Department.

Motion M2020-058 to appoint/reappoint three members to the Planning Commission.

The terms of Joyce M. Kertas, Zeb Thomas and William Pritchard expired on April 13, 2020. All wish to be reappointed. We have two resumes on file: Thomas Robinson (city resident) and Col. Paul T. Williamson (city resident).

Motion M2020-059 to direct the City Manager to implement the attached Emergency Health and Safety Order to extinguish, extend or amend Emergency Order 3 (as amended by Emergency Orders 3A, 3B and 3C) restricting short-term rentals for all accommodations businesses in the City of Myrtle Beach during the Covid-19 health crisis.

Current City Emergency Order 3 (as amended) severely restricts short-term rentals by all accommodations businesses in the city during the coronavirus crisis. This order expires on April 30, 2020.

This motion allows Council to consider all possible options, including:

- *Ending the existing Emergency Order 3 immediately.*
- *Allowing the existing Emergency Order 3 to expire.*
- *Extending the existing Emergency Order 3.*
- *Amending the existing Emergency Order 3.*

Motion M2020-060 to direct the City Manager to implement the attached Emergency Health and Safety Order to extinguish, extend or amend Emergency Order 6 setting forth Temporary Special Operational Rules and Procedures for Home Deliveries, Public Conveyances and Essential Service Providers during the Covid-19 health crisis.

City Emergency Order 6 (issued April 20, 2020) provides temporary health and safety rules relating to home deliveries, public conveyances and essential service providers.

This motion allows Council to consider all possible options, including:

- *Ending the existing Emergency Order 6 immediately.*
- *Extending the existing Emergency Order 6.*
- *Amending the existing Emergency Order 6.*

Motion M2020-061 to direct the City Manager to implement the attached Emergency Health and Safety Order to extinguish, extend or amend Emergency Order 7 requiring the closure of public beach accesses and adjacent public parking lots during the Covid-19 health crisis.

City Emergency Order 7 (issued on April 20, 2020) extends the closure of public beach accesses and adjacent public parking lots approved by the Governor's Executive Order 2020-16 on March 30, 2020. The order (2020-16) was generally rescinded through the issuance of Executive Order 2020-28 on April 20, 2020, which allowed local discretion.

This motion allows Council to consider all possible options, including:

- *Ending the existing Emergency Order 7 immediately.*
- *Extending the existing Emergency Order 7.*
- *Amending the existing Emergency Order 7.*

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.

Note: *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 vote or action in Executive Session.

ADJOURNMENT