



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 MEETING
TUESDAY, JULY 14, 2020
9:30 A.M. – WORKSHOP – TED C. COLLINS LAW ENFORCEMENT CENTER
10:30 A.M. – MEETING – TED C. COLLINS LAW ENFORCEMENT CENTER
1101 NORTH OAK STREET, MYRTLE BEACH, SC 29577**

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.

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

APPROVAL OF MINUTES... June 23, 2020

APPROVAL OF MINUTES... July 2, 2020

PUBLIC REQUESTS, PRESENTATIONS, AWARDS, MEMORIALS:

1. Chamber Marketing Update – Karen Riordan, Myrtle Beach Area Chamber of Commerce

2. COVID-19 Update – City Staff
3. Public Safety Update – Police Chief
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 actions through which City Council reinforces or makes policy not rising to the level of law. Motions are 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 2020-032 to amend Chapter 1, Section 1-9, of the Code of Ordinances of the City of Myrtle Beach entitled “General Penalty; Continuing Violations; Abatement of Prohibited Conditions,” by adding provisions for abatement and restitution in Section 1-9 (d).

This proposed ordinance authorizes the city to abate City Code violations and places general penalty provisions provided for in other sections of the code into the appropriate code section. The ordinance authorizes the Municipal Judge to order up to \$7,500 (or the limit provided for in State Code) in restitution to recover costs to abate such nuisances. The city has historically absorbed the cost to abate nuisances and prohibited conditions without financial recovery. This change is proposed to relieve our taxpayers of this financial burden.

2nd Reading Ordinance 2020-033 to amend Chapter 17 of the Code of Ordinances of the City of Myrtle Beach entitled “Solid Waste Management” to add definitions and more clearly describe collection and enforcement provisions and to amend Exhibit C entitled “Schedule of Solid Waste Fees and Charges” of the 2020-21 Budget Ordinance.

This ordinance adds definitions and clarifies collection and enforcement provisions of the Solid Waste Management Ordinance. The purpose of the changes is to improve the quality of life for our residents and improve the overall appearance of the community. This ordinance will also amend the Schedule of Solid Waste Fees and Charges to include fees for enhanced service.

The city has historically absorbed the cost to collect and dispose of non-compliant material and illegally dumped material without financial recovery. This practice affects the community’s appearance and unfairly burdens our tax payers.

This proposal provides:

- *Fair allocations of the costs of solid waste collection services by defining standard service levels.*

- *A mechanism and fee structure for collection services over and above standard collections.*
- *Enforcement of compliant collection practices and illegal dumping corrective actions.*
- *A mechanism for financial recovery from violators.*

1st Reading Ordinance 2020-034 to amend Chapter 11, Article II, Sections 34, 35 and 36 of the Code of Ordinances of the City of Myrtle Beach (Business License Ordinance) to allow for the temporary suspension of business licenses as a tool for addressing underlying unlawful or nuisance activity relating to certain businesses.

As it is currently written, the Business License Ordinance is almost exclusively a revenue generation tool. Revocations of the license are permanent and, as a result, staff historically have been very reluctant to propose suspensions/revocations to cure nuisances. The first proposed amendment allows the Business License official to work with more flexibility with business owners to restore suspended business licenses once the underlying issues have been resolved. It also allows the official to renew those licenses in a subsequent year.

Additionally, where time is of the essence, the proposal allows the City Manager to address unlawful activity and public nuisances more quickly by suspending the license (thus temporarily closing the business) to cure public nuisances without that action necessarily leading to a permanent license revocation. These suspensions may be lifted with or without conditions based on the businesses' submission of a plan to eliminate the underlying unlawful/nuisance behavior. In such cases, the businesses have 15 days to submit and receive approval of this plan, or to appeal the suspension. All appeal rights remain intact.

1st Reading Ordinance 2020-035 to amend Appendix A Zoning of the Code Ordinances Sec. 1407.C permitted uses to allow Brewpubs in the E (Entertainment) Zoning District.

The applicant is developing a surf park on the corner of Grissom Parkway and Burroughs & Chapin Boulevard, behind the Myrtle Beach Sports Center. The business model includes a brewpub, which is currently not listed as a permitted use in the Entertainment (E) Zone.

The code defines a Brewpub as, "a facility with on-site food service (not more than 50% of total sales), tap room and retail operations that brews or produces alcoholic and non-alcoholic beverages for sale and consumption on-site, as well as wholesale or off-site sales, consistent with State law (including separation from school, church and playground uses)." Brewpubs are currently permitted in the LM (Light Manufacturing) and WM (Wholesale/Manufacturing) districts.

1st Reading Ordinance 2020-036 to amend the Code of Ordinances, Article VI, Sections 19-178 and 19-180 to identify certain extraordinary events and to provide additional management authority during such events.

Designation as an "Extraordinary Event" currently allows the City Manager to implement certain event management tools as needed to protect lives and property, including:

- *Hiring armed, registered private security officers.*
- *Requiring hoteliers and retail stores in designated areas to employ private security.*
- *Utilizing public or private property when public welfare is in jeopardy.*

- Contracting for non-consensual towing of vehicles and motorcycles.
- Using temporary signage to enforce the temporary closure of retail sales businesses within event boundaries between 11 p.m. and 6 a.m. (unless circumstances compel).
- Temporarily closing or diverting pedestrian and vehicular traffic.
- Enforcing “no cruising” zones, and temporarily prohibiting cruising on designated streets.

Upon recommendation of the Police Chief and in agreement of the City Manager, this proposal broadens the fifth bullet above by applying the authority to enforce temporary closures to businesses beyond retail stores (providing at least one previous attempt has been made to advise the businesses of the necessary corrective actions). In addition, as a last resort, the proposed ordinance allows the City Manager to control an Extraordinary Event by imposing a curfew in the affected area (currently authorized for Civil Emergencies, e.g. hurricanes). Both actions would require a written report to Council within 12 hours.

The existing code authorizes Council to: declare an Extraordinary Event, fix the boundaries and establish a timeline for such events. These declarations expire within 96 hours (unless modified by Council). Declaration does not prohibit the event, but it allows the manager to use five of the seven Extraordinary Event management tools. As proposed, the following would be defined as “Extraordinary Events:”

- Debates for political office (no change).
- The appearance of a state, national or international political or religious dignitary (automatically designates these as Extraordinary Events rather than just permitting this designation).
- Events with an anticipated or actual estimated attendance greater than 10,000 (currently only applies to performances).
- The motorcycle event that occurs before, during, and the day after Memorial Day (proposed for deletion).
- Memorial Day, July Fourth and Labor Day weekends (replaces and expands on the point above).
- Car and truck shows with a history of disruptive and unlawful behavior (addition to current code).

Resolution R2020-032 certifying a building site as an abandoned building site containing two abandoned building units pursuant to the South Carolina Abandoned Buildings Revitalization Act, Title 12, Chapter 67, Section 12-67-100 ET SEQ., of the South Carolina Code of Laws (1976), as amended, regarding property located at 819 North Kings Highway (TMS #186-07-07-017 and Horry County PIN #4440110041).

This property was purchased with the intention of rehabilitating the existing structure into a brewery/restaurant on the first floor and 10 rental apartments on the second floor. Staff determined the building to be abandoned as that term is defined by State law (structures must be at least 66% vacant for the past 5 years, cannot produce income, and cannot be single-family residences).

The act incentivizes redevelopment by reducing the cost of repurposing vacant buildings. The minimum investment threshold is \$250,000 for units with a population greater than 25,000. Credits include:

- *Income tax credits:*
 - *May equal 25% of actual expenses, but not to exceed \$500,000.*
 - *Must be taken over three years beginning when the building is placed back in service.*
- *Property tax credits:*
 - *May equal 25% of actual expenses, but may not exceed 75% of real property taxes due.*
 - *May be taken over eight years beginning when the building is placed back in service.*

In theory, this action reduces property taxes to the city, county and school district. In actuality, many of the target properties would not redevelop in the absence of these incentives. The city will receive Accommodations Taxes, Hospitality Taxes, Business License fees and TDF fees from the business activity in the renovated structure. The state, county and school district will also participate in sales tax revenues.

Resolution R2020-033 to amend Resolution 2020-031 declaring an Extraordinary Event and authorizing the City Manager to take all steps necessary for the preservation of public health, safety and welfare by extending such action through Sunday, September 6, 2020.

Designation as an “Extraordinary Event” allows the City Manager to implement certain event management tools as needed to protect lives and property, including:

- *Hiring armed, registered private security officers.*
- *Requiring hoteliers and retail stores in designated areas to employ private security.*
- *Utilizing public or private property when public welfare is in jeopardy.*
- *Contracting for non-consensual towing of vehicles and motorcycles.*
- *Using temporary signage to enforce the temporary closure of retail sales businesses within event boundaries between 11 p.m. and 6 a.m. (unless circumstances compel).*
- *Temporarily closing or diverting pedestrian and vehicular traffic.*
- *Enforcing “no cruising” zones, and temporarily prohibiting cruising on designated streets.*

Absent this declaration, the manager has no clear authority with respect to bullets one through five above (the code includes separate authority for sixth and seventh bullet above). Resolution R2020-031 declared three weekends (Friday, June 19, 2020, at 12:01 a.m. through Sunday, July 5, 2020, at 11:59 p.m.) as Extraordinary Events. This proposed action adds each weekend from Friday, July 12, 2020, at 12:01 a.m. through Sunday, September 6, 2020, at 11:59 p.m., as Extraordinary Events.

Motion M2020-086 authorizing the City Manager or his designee to apply for a grant of \$34,600 from the National Association of State Treasurers’ State and Local Government Financial Wellness Grants Program to: develop and offer an expanded program to City employees and retirees; 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 required.

Building upon the CitySAVE educational program, the City’s Human Resources and Organizational Development Department seeks to increase the level of accessibility to all

current employees and retirees using a mobile app, website and continuing in-person presentations. The course materials will be designed to connect with participants to raise awareness, improve knowledge and change financial wellness behaviors. The goal of the program is to reach a broader audience and continue sharing knowledge to provide employees with tools to help plan for the future, prepare for retirement and plan for possible times of hardship.

Motion M2020-087 authorizing the City Manager or his designee to apply for a grant of \$477,944.50 from the South Carolina Rural Infrastructure Emergency Grant Fund for the purpose of repairing an additional 575 linear feet of pipe comprising of the 36” Force Main on Mr. Joe White Avenue, to record the appropriation of such grant funds in the amount that may be approved, and to execute and deliver the grant agreement and such related documents as may be required to put the grant into effect. No match is required.

This funding would help repair an additional 575 linear feet of the 36” sewer force main located in the travel lane of Mr. Joe White Avenue. This force main is a key transmission line for our south end regional sewer flows from the Fifth Avenue South Pump Station to the Grand Strand Water and Sewer Authority’s wastewater treatment plant. The average daily flows for this force main are approximately 1 to 2 million gallons per day. This force main is critical to provide efficient sewer service to much of the city.

Motion M2020-089 to declare certain vehicles abandoned or derelict pursuant to the authority of Article 41 of Title 56 South Carolina Code of Laws 2001.

This declaration is an effort to improve the appearance of both commercial and residential neighborhoods. This report includes vehicles that staff has tagged as abandoned or derelict. Council’s approval allows these vehicles to be towed from their private property locations to a tow yard where they may be reclaimed by the current owner upon payment of the applicable towing and storage fees. If the vehicles are not claimed by the owner within 30 days of the required notice, then the tow company may sell the vehicle and keep the proceeds as compensation.

Motion M2020-090 to authorize the City Manager to enter into a Memorandum of Agreement (MOA) with Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and the City of Myrtle Beach Police Department.

The Myrtle Beach Police Department, along with other local agencies, participates with the Federal Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) in a joint operations task force to investigate violations of federal, state and local laws. This MOA sets out the procedures to be used for both parties to allow ATF to reimburse MBPD for certain overtime, travel, training and equipment costs.

NON-AGENDA ITEMS FROM THE PUBLIC

COMMUNICATIONS FROM CITY BOARDS/COMMISSION MEMBERS

COMMUNICATIONS FROM CITY COUNCIL AND CITY MANAGER

1. Council Communications
2. Chief Financial Officer (CFO) Update

3. City Manager/Assistant City Manager (CM/ACM) Update

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