



Council Agenda

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

**MYRTLE BEACH CITY COUNCIL AGENDA
TUESDAY, OCTOBER 22, 2019**

**9:00 A.M. – WORKSHOP – TED C. COLLINS LAW ENFORCEMENT CENTER
10:00 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... October 8, 2019

PUBLIC REQUESTS, PRESENTATIONS, AWARDS, MEMORIALS:

1. Proclamation declaring November 1, 2019, as "Extra Mile Day."
2. Proclamation declaring week of October 13-16, 2019, as Healthcare Security Week.
3. Proclamation declaring November 12, 2019, as Diabetes Awareness Day.

4. Review of Community Outreach by Paramedicine Education (COPE) – Fire Department
5. Quarterly Report – Myrtle Beach Area Chamber of Commerce
6. Update – Technology Advisory Group
7. Police Software Demonstration – Police Department
8. Public Information Update – PIO Staff/Police

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 ARE LISTED ON THE CONSENT AGENDA FOR THIS MEETING.

REGULAR AGENDA

2nd Reading Ordinance 2019-050 to rezone a 3.89 acre parcel (PRE-FIN 19-18) on Stockholder St. (a subdivided portion of TMS#181-01-01-051) from HC-1 (Highway Commercial) to WM (Wholesale/Manufacturing); and, to rezone the adjacent portion of Stockholder Avenue accordingly.

The property owner originally requested that this parcel be split-zoned, with the portion closest to 501 remaining HC-1, and the remainder rezoned to WM to accommodate a proposed storage use. Planning Commission and staff recommended that the property be subdivided along the proposed zoning line to avoid split-zoning. The owner agreed, and the property was approved for subdivision on October 1, 2019.

The practical differences between HC-1 (current zoning) and WM are:

- *HC-1 allows more of a variety of commercial uses than WM.*
- *WM allows manufacturing, wholesale, heavy equipment and storage uses; HC1 does not allow these uses.*
- *No maximum height exists in WM.*
- *The majority of setbacks are greater in WM.*

2nd Reading Ordinance 2019-051 to authorize the sale of property located at 819 North Kings Highway (identified as TMS #181-07-07-017 and Horry County PIN #44401010041) to GSB Properties, LLC, for \$453,000, an amount which equals the City's purchase price.

The subject property is a two-story structure located adjacent to Nance Plaza in the Arts & Innovation District. The property has been qualified as a “contributing” property to the historic district, making the renovations eligible for State and Federal Historic Tax Credits. The proposed purchaser plans to construct a brewery in this space. The purchaser also plans to lease the second floor for use as a combination event and “maker space.”

The proposed sales price is equal to the city's original purchase price from DRC, and DRC's original price from the previous owner. Under the proposed terms, the purchaser will pay \$3,000 in earnest money upon execution of the contract and \$10,000 more at closing. The balance is due one year later (at 5% interest) to allow the buyer to pay from the proceeds of the historic tax credits. The agreement acknowledges the city's intent to demolish the adjacent city-owned building to accommodate a passageway between Nance Plaza and the public parking area in the rear. The agreement also acknowledges the city's intent to activate Nance Plaza and to allow the purchaser non-exclusive use of that space. The agreement is anticipated to be closed within 75 days of execution of the agreement.

2nd Reading Ordinance 2019-052 to rescind Ordinance 2015-077 which established a moratorium on nightclubs, bars, other drinking places to reflect that the Planning Commission has fulfilled City Council's request to study such uses in the area now known as the Arts and Innovation District, and that, pursuant to that study, zoning regulations have now been adopted for that area.

In December 2015, City Council imposed a moratorium on new nightclubs, bars and other drinking places after a number of significant criminal activities in the area occurred (formerly known as the Superblock area). This area is now the site of the Arts & Innovation District, which was established through Ordinance 2019-047 on September 24, 2019. The ART zoning designation sets forth the permitted uses in this area, so this moratorium is no longer relevant.

1st Reading Ordinance 2019-053 to amend the Code of Ordinances by deleting Division 7 (Cultural Arts Advisory Committee) of Article V (Boards, Commissions, and Committees) of Chapter 2 (Administration) in its entirety, and to add new Division 9 (Cultural Resources Committee).

Council requested that the Cultural Arts Advisory Committee be disbanded and replaced with a committee with broader responsibilities. The proposed Cultural Resources Committee (CRC) will consist of nine members (generally city residents or business owners) appointed for three-year terms, with staggered initial appointments.

The CRC will:

- *Advise Council on the following matters:*
 - *Achieve goals of the Cultural Resources Element of the Comprehensive Plan.*
 - *All matters related to Historic Preservation.*
 - *All matters related to Community Appearance.*
 - *All matters related to Arts and Culture.*
 - *And, other matters, as requested, by Council or the Manager.*
- *Form ad hoc subcommittees, as needed, to perform specified studies.*
- *Adhere to the following reporting requirements:*
 - *Within 10 calendar days of each meeting, produce minutes and a report on meeting's accomplishments and concerns.*
 - *By Council's second January Regular Meeting, produce an annual report of accomplishments and concerns, including funding recommendations and a proposed work-plan.*

The proposed CRC cannot commit the city to any financial or contractual obligation. Committee and subcommittee members will not be compensated.

Resolution R2019-050 to accept the dedication of those certain roadways known as Cresswind Boulevard (width varies) Suncrest Drive (50' right-of-way) and Silver Spring Lane (50' right-of-way) within the Cresswind Phase 1a, Section 1, of the Cresswind Subdivision.

This resolution is consistent with a long-standing city policy and practice regarding the “acceptance” of residential streets into the city’s street system. The streets are initially built by the subdivision’s developer. When construction is complete and the streets have been determined to have been properly constructed, they are formally accepted into the city system by Council.

Per the covenants of the HOA, the acceptance does not include the paver areas, landscaping, median improvements and entry columns located in the right-of-way; these remain the HOA’s responsibility.

Resolution R2019-056 to accept authorize a temporary obstruction of construction purposes of 2,268 sq. ft. portion of an alley located adjacent to 5200 North Ocean Boulevard.

This resolution authorizes the temporarily obstruction of 2,268 square feet of an alley to serve as a construction staging area for the Dunes Village Resort’s roof repairs. The repairs are expected to last through the end of November, during which time the adjacent alley will be temporarily closed. As a condition of approval, the contractor is required to return the staging area to the previous condition, and to indemnify and hold the city harmless from any claims which may arise from the obstruction. Per ordinance 2006-020, the encroachment fee calculated at \$2,277.

Resolution R2019-057 granting a special event permit to the Five Points Business Association and Ocean Front Merchants Association (OMA) for “The Mistletoe Market” and affirming the city’s co-sponsorship.

This event highlights OMA and the Five Points Merchants Association. The proposed resolution approves this event for November 30-December 1, with set-up to begin on November 29. The event will operate from 12:00 to 8:00 p.m. on November 30, and 1:00 to 5:00 p.m. on December 1 at the Burroughs & Chapin Pavilion Place. Three parking spaces on Ninth Avenue North will be closed for Christmas tree pick-up. This free event features local restaurants, local arts/crafts vendors, food trucks, food vendors, kid zone and musical entertainment. Alcohol will be served as approved by the Myrtle Beach Police Department.

This event is consistent with the city’s goal of activating downtown spaces. The resolution allows for event signage and event promotion by the city. The proposed resolution also affirms the city’s co-sponsorship and authorizes the following in-kind services (totaling \$9,120):

- *Delivery of barricades and trash barrels.*
- *Delivery, pick-up and disposal of one roll-off container.*
- *Police and EMT support (four police officers and two EMTs).*
- *Use of the city stage.*

Resolution R2019-059 authorizing the submittal of an application to America Walks Community Challenge Grant in the amount of \$1,500 for the construction of walking and cycling safety signage; and, other matters relating thereto.

The Bicycle and Pedestrian Committee developed safety tips for biking and walking. These tips will be incorporated into a map with a QR code to link users to an app with more detailed information about bicycling and walking in the city. Signs with these QR codes will be placed at 15 strategic locations.

The proposed resolution authorizes staff to submit a \$1,500 application to the America Walks Community Challenge grant program. The resolution also provides for appropriation and execution of the grant agreement, if/when approved. No local match is required.

Resolution R2019-060 to approve the acceptance of \$38,909 from the US Department of Justice programs, Bureau of Justice Assistance, FY19 Edward Byrne Memorial Justice Assistance Grant, pedestrian and special event anti-vehicle assault protection; and, other matters relating thereto.

On September 10, the Police Department applied to the Department of Justice for funding (\$38,909) with a required 30-day review period and public hearing. That public hearing was held, and the review period has expired. This application has now been approved by Department of Justice, as requested.

In proposed resolution, Council:

- *Authorizes activities related to applying, executing and delivering all grant related documents.*
- *Appropriates the grant funds.*
- *Recognizes that the grant is for purchasing pedestrian and special event anti-vehicle assault protection barriers.*

Resolution R2019-061 authorizing the submittal of an application of the South Carolina Department of Commerce – South Carolina Relentless Challenge Grant in the amount of \$40,000 for creating a curriculum to educate potential investors in the use of qualified opportunity funds; and, other matters relating thereto.

Relentless Challenge Grants support “enriching creative and distinctive ideas and activities to build and support a robust innovation” that align with and support the goals of the State’s Innovation Plan. This Grant aligns with Plan Goal 2 (ensuring that South Carolina’s innovation community is well-connected with ample opportunities for networking) and Plan Goal 3 (ensuring entrepreneurs have access to funding for all stages of business development). The Technology Advisory Group (TAG) will use this grant to educate potential investors on the use of qualified opportunity funds.

In proposed resolution, Council authorizes:

- *Submittal of the grant application.*
- *The use of properties designated for TAG’s Innovation Center at 509/511 Ninth Avenue North in the Arts and Innovation District as the 1:1 match requirement.*
- *The appropriation and execution of the grant agreement, upon approval.*

Resolution R2019-062 authorizing the submittal of an application to the South Carolina Department of Health and Environmental Control (SCDHEC) Grant in Aid Program in the amount of \$2,835 for the purchase of ballistic protective equipment (BPE) for fire and emergency medical services (EMS) personnel in support of active shooter and mass casualty incidents (AS/MCIS); affirming the allocation of \$165 from the Fire Department equipment account to meet the 5.5% matching requirement; and, other related matters.

FEMA is encouraging Fire and Emergency Services personnel to wear ballistic protective equipment (BPE) to triage, treat and evacuate victims of an active shooter or mass casualty incident area. If awarded, this grant would purchase three sets of BPEs. In the proposed resolution, Council grants permission to the Manager to apply for the grant, with the required 5.5% match (\$165).

Motion M2019-150 to approve a Mutual Aid Agreement between the City of Myrtle Beach and the South Carolina Department of Juvenile Justice.

This motion allows the city to extend existing mutual aid agreements with the SC Department of Juvenile Justice. This agreement supports investigation efforts and furthers the partnership between the two agencies.

Motion M2019151 to approve the renewal of all Mutual Aid Agreements within The 15th Judicial Circuit which includes the Andrews Police Department, Aynor Police Department, Briarcliff Acres Police Department, Conway Police Department, Coastal Carolina University Police Department, Georgetown County Sheriff's Office, Georgetown Police Department, Horry County Sheriff's Office, Horry County Police Department, Loris Police Department, North Myrtle Beach Police Department and Surfside Beach Police Department.

This motion allows the city to extend existing mutual aid agreements with the local law enforcement agencies in the 15th Judicial Circuit. The agreements are the vehicle through which additional law enforcement support is provided to the city during events, such as the Marathon and Memorial Day Weekend, including critical incidences and daily operations. In addition, these agencies may also assist the city to manage peak crowd conditions on busy weekends and throughout the year.

Motion M2019-152 to accept a donation from Mobotrex for an audible/vibrotactile accessible pedestrian signal system with an estimated value of \$6,000 to be installed at two intersections bordering the Air Base Redevelopment District to assist visually impaired individuals at those crossings.

Market Common resident Mark Valenziano made arrangements with Mobotrex to donate audible/vibrotactile accessible pedestrian signal systems for installation at Farrow Parkway/Kings Highway and Centre South/Kings Highway intersections. The systems assist visually impaired persons and other pedestrians to safely cross the intersections. Additional audible pedestrian signals were recently approved by the Air Base Redevelopment Authority for other signalized intersections on Farrow Parkway.

Motion M2019-153 to direct City Manager to issue a request for proposals for innovative uses in the city owned buildings along Ninth Avenue North in the Arts and Innovation District.

This motion reflects the incredible interest that has been received in the Arts and Innovation District since it was approved in September 2019. Staff proposes a process for allowing potential lessees or buyers to make proposals for certain city-owned spaces. At the end of the process, staff will make a recommendation to Council based on the mix of uses that best reflects Council's vision of this district.

Motion M2019-154 to appoint/reappoint one member to the Chapin Memorial Library Advisory Board.

The term of city resident Dana Patrick Painter expired on August 23, 2019. She wishes to be reappointed. We also have resumes from Jennifer Fickenworth and Sara Sobota, who are both city residents.

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 – Review Proposed 2020 State Legislative Agenda

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