



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.

A PUBLIC HEARING WILL BE HELD AT 9:00 A.M. AT THE TED C. COLLINS LAW ENFORCEMENT CENTER AT 1101 N. OAK STREET ON THE PROPOSED ENACTMENT OF ORDINANCE NO. 2019-27, PROVIDING FOR THE ISSUANCE AND SALE OF NOT EXCEEDING \$7,000,000 GENERAL OBLIGATION BONDS, SERIES 2019.

AGENDA

March 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.....
- APPROVAL OF MINUTES..... March 12, 2019
- SPECIAL MEETING MINUTES..... March 18, 2019

PUBLIC REQUESTS, PRESENTATIONS, AWARDS, MEMORIALS:

1. Recognition of the My Beach 101 Graduates.
2. Employee of Year and Longevity Awards.
3. Public Works Year in Review.
4. Memorial Day Weekend Update (Military Appreciation and MDW Bikefest).
5. Quarterly Report from the Myrtle Beach Area Chamber of Commerce.
6. Presentation of production of BALLOONACY at Ground Zero by the Myrtle Beach Children’s Theater.

7. 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), & 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.*

CONSENT AGENDA

REGULAR AGENDA

2nd Reading Ordinance 2019-25 granting a Boardwalk Vendor Franchise Agreement to Keisha Moyd for the 6th Ave N. portion of the public boardwalk of the City of Myrtle Beach for the period of three years beginning May 11, 2019.

There are 4 existing Boardwalk franchise locations at 3rd N, 4th N, 5th N & 6th N. Irie Café (owned by Keisha Moyd) has held the franchise in good standing for 6th N since 2016 & wishes to renew her franchise for another 3-year term.

Key provisions of the agreement include:

- *An annual franchise fee paid to the City of \$1,000/year.*
- *Vendor required to insure the City.*
- *Vending prohibited at other locations.*
- *Operational hours limited to 6 AM – 11 PM.*
- *Off-site storage of carts required.*
- *Proper litter receptacles & clean-up materials required.*
- *Verbal solicitations, and amplified sounds prohibited*
- *Vendor required to provide pedestrian boardwalk passage required.*

2nd Reading Ordinance 2019-26 granting a Boardwalk Vendor Franchise Agreement to _____ for the 3rd Ave N. portion of the public boardwalk of the City of Myrtle Beach for a period of three years beginning May 11, 2019.

This item provides for a boardwalk vendor franchise agreement (as described above) for the location at 3rd North. After advertisement, two new proposals were received, Mellow Ice Cream (operated by Ethan Brown) and D & D Pretzel n Franks (operated by Denise Chestnut). Both proposers made a presentation at the previous City Council Meeting.

2nd Reading Ordinance 2019-27 providing for the issuance and sale of not exceeding \$7,000,000 General Obligation Bonds, Series 2019, of the City of Myrtle Beach, South Carolina; fixing the form and details of the bonds; authorizing the City Manager to determine certain matters relating to the bonds; providing for the payment of the bonds and the disposition of the proceeds thereof; and other matters relating thereto.

City staff has spent the last several months investigating proposals for the purchase and installation of an Enterprise Resource Planning System to replace the current system which was implemented 23 years

ago. The selection phase of this process should be completed in a few weeks, followed by a contract award to the selected bidder. The ERP System will be implemented over the next 12 - 18 months, first with financial systems then peripheral systems to follow.

The new system will be much more user-friendly and will provide greater ease of access to public information. The new ERP system will be far more current in terms of generally accepted accounting principles, and will more easily facilitate compliance with the many requirements of the Securities and Exchange Commission and other agencies to whom the city provides information.

The City's outstanding constitutional 8% GO Debt Capacity has been updated for 2nd reading. It stands at \$13.65 million following the retirement of \$2.8 million on March 1 of this year.

Resolution R2019-21 to accept the dedication of those certain roadways known as Cole Court and Ethan Drive within the Plantation Heights Subdivision off 38th Ave. N.

The City generally accepts maintenance responsibility for private streets built to City standards.

Resolution R2019-22 setting forth the policy of the City of Myrtle Beach regarding the provision of Homeless Task Force.

While New Directions and ECHO (Eastern Carolina Homeless Organization) have been very successful in helping homeless persons in our community, homelessness still impacts our community and our economy. A Homeless Taskforce Advisory Board (HTAB), is proposed to explore opportunities to address homelessness in the City. This is a temporary body (as opposed to a permanent board) charged with reporting back to City Council by 3/31/20.

The HTAB is proposed to consist of 9 members:

- *A member to be appointed by Grand Strand Medical Center.*
- *A member to be appointed by the New Directions of Horry County Board of Directors.*
- *A member to be appointed by the ECHO Board of Directors*
- *Council will appoint six members (one of whom shall be designated chairperson). Of these six appointees, one shall be a religious leader, and five shall represent the community at large.*

The HTAB is tasked with:

- *Review "best practices" used effectively in other communities.*
- *Recommending policies, action steps, and guidelines which to positively impact homelessness.*

Motion M2019-39 to approve a Special Event Permit to DBC Broadcasting on behalf of the City of Myrtle Beach Parks Division for Pooch-A-Mania, to be held on April 14, 2019 from 12:00 pm to 6:00 pm at Grand Park. 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 event will feature a dog obstacle course, dog performers, kid's activities, food trucks, live bands, vendors and alcohol sales. This event will be open to the public and no entry fee will be required. The applicant is aware that he must pay for any services provided by the City.

Motion M2019-40 to approve a Special Events Permit to Caitlen Buffkin/ BEI – Beach LLC for The Taste of the Market Common and Sidewalk Sale, May 4, 2019 from 11:00 am – 4:00 pm. 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.

Tickets will be sold for food tastings at Market Common Restaurants. Each of the participating restaurants will have 10x10 tent and table outside their restaurant. There will be bounce houses, music, various

vendors and a sidewalk sale for the Market Common merchants. The applicant is aware that she must pay for any City services.

Motion M2019-41 to approve a Special Events Permit to Caitlen Buffkin/ BEI – Beach LLC for the Farmers’ Market, to be held every Wednesday from 3pm – 7pm and Saturday from 10am – 3pm from May 4, 2019 to August 4, 2019. 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.

Each of the participating farmers and artisans will have a 10x10 tent and table along Deville St. The applicant is aware that she must pay for any City services.

Motion M2019-42 to approve a Special Events Permit to Caitlen Buffkin/ BEI – Beach LLC for the Farmers’ Market, to be held every Wednesday from 3pm – 7pm and Saturday from 10am – 3pm from August 4, 2019 to September 28, 2019. 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.

Each of the participating farmers and artisans will have a 10x10 tent and table along Deville St. The applicant is aware that she must pay for any services provided by the City of Myrtle Beach.

Motion M2019-43 to approve a Special Event Permit to Caitlen Buffkin / BEI-Beach, LLC for the Concerts on the Green to be held Thursdays at Valor Park in Market Common on June 20, 2019, July 18, 2019 and August 15, 2019 from 6:00 pm to 10:00 pm. 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 event includes live music and vendors around the park, including alcohol sales. The park will be barricaded, however, no in-kind services or street closures are requested. Market Common security, maintenance, and marketing staff will be present and two off-duty police officers will be hired for additional security.

Motion M2019-44 to approve a Special Event Permit to Caitlen Buffkin / BEI-Beach, LLC for the Market Common Carriage Rides, unanimously approved by the Special Events Technical Review Committee, to be held every Tuesday from June 4, 2019 thru August 27, 2019, from 6:00 pm to 9:00 pm. 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 event includes allowing a Horse Drawn Carriage to carry guests through Market Common. The promoter anticipates that the event will draw approximately 50 guests per evening and asks to close two parking spaces on Howard Avenue in front of Dolce Lusso Salon for Carriage pick up and drop off.

Motion M2019-45 to approve a Special Event Permit to Michelle Kerscher/Gay Dolphin & Jan Connell/Oceanfront Merchants Association for the “Sun Fun Festival” to be held at Plyler Park, and Beachfront, and on the Boardwalk between 8th Ave. North and Mr. Joe White Avenue, Friday, May 31, 2019 from 5pm to 11pm & Saturday and Sunday, June 1 – 2, 2019 from 10am to 11pm. 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 event features a Parade at 10am on Saturday June 1st, starting at 8th Ave. North, proceeding North on Ocean Boulevard to 16th Ave. North. There will be live music, performers, games, and vendors. No

alcohol will be sold. Additional entertainment will feature a sand sculpture demonstration and the U.S. Army Golden Knight Paratroopers landing on the beach behind Plyler Park Friday at 9:30 PM and Saturday at Noon. The event will be open to the public with no admission charge.

Motion M2019-46 to authorize the City Manager to prepare Requests for Qualifications followed by Requests for Proposals for the redevelopment of certain City-owned properties in the downtown as identified in the Downtown Master Plan, or as may otherwise be identified as available for redevelopment in accordance with the economic development goals of the City, and to further authorize the Manager to engage other professional firms as may be necessary to accomplish these goals.

The Downtown Master Plan identified a number of City-owned properties in the downtown area that are both available for development and in an Opportunity Zone. To maximize the value of the OZ tax credits projects must be initiated within this calendar year. This process contemplates that the City would issue RFQ's to identify developers that are qualified and best positioned to take advantage of these opportunities, and then RFP's for specific development proposals.

In addition to these downtown properties located in the OZ, the City currently owns over 100 oceanfront acres located south of the current City limits. The City currently leases these properties to two companies who operate large campgrounds. The lease for these properties expires on February 15, 2020. This action would allow the City to begin to take development proposals for these properties from the current lease-holders or other parties. These properties are not located in an opportunity zone.

Motion M2019-47 to authorize the City Manager to enter into an agreement with Benchmark Planning to provide technical assistance with the implementation of the Downtown Master Plan.

The purpose of this proposed contract is to provide technical assistance on an on-going basis for the implementation of Council's Downtown Master Plan. Benchmark was the firm that helped to formulate this Plan, and the need for their further assistance is anticipated as we begin the implementation process.

Benchmark has also previously developed RFQ's similar to that proposed in Motion 2019-46. If approved this firm would be immediately tasked with developing those RFQ and RFP documents.

Motion M2019-48 to approve a pass-through agreement between the City and the South Carolina Department of Health and Environmental Control ("DHEC") for funding in the amount of \$1,000,000 to be used for existing ocean outfall maintenance activities, design of a header pipe for the existing 25th Avenue South ocean outfall, and preliminary design of the 24th Avenue North ocean outfall; and to authorize the City Manager or his designee to execute and deliver the agreement by April 1, 2019.

This agreement is supported by appropriations from the state budget for fiscal year 2018-19, according to Proviso 34.57. The supported project will consist of providing for ocean outfalls for stormwater drainage and removal of storm drains currently running across the beach. The Public Works Department has prepared a project budget showing that these funds will be spent for existing ocean outfall maintenance activities, design of a header pipe for the existing 25th Avenue South ocean outfall, and preliminary design of the 24th Avenue North ocean outfall. Unexpended funds distributed pursuant to this agreement may be carried forward to succeeding fiscal years and expended for the same purpose. No local match requirement is stated in the agreement.

Motion M2019-49 to enter into a Municipal State Highway Project Agreement with South Carolina Department of Transportation relating to the realignment of 501.

Under this proposed agreement the City agrees to move forward with the realignment of 501 by SCDOT. Specifically, the City would:

- Consent to the improvements within its corporate limits, and approve the project plans.
- Agree to exempt all existing and new right-of-way and other properties purchased in connection with right-of-way from any general or special assessment against real property.
- Assist SCDOT to relocate water, sewer and gas pipes, manholes, or fire hydrants, and all power or telephone lines or poles located in the existing right-of-way in accordance with project plans.
- Indemnify and hold harmless SCDOT to the fullest extent allowed by law against any and all claims or actions brought against it arising out of the placing, maintenance, or removal of any utilities by the City or its contractors.
- Faithfully observe State Law relating to the regulation of traffic on the street, and refrain from placing traffic control devices on the street, without first obtaining SCDOT's written approval.

Motion M2019-50 to enter into a Municipal State Highway Project Agreement with South Carolina Department of Transportation relating to improvements to US 17 Bypass from Shetland Drive to the Backgate.

Under this proposed agreement the City agrees to move forward with improvements to US 17 Bypass from Shetland Drive to the Backgate by SCDOT. Specifically, the City would:

- Consent to the improvements within its corporate limits, and approve the project plans.
- Agree to exempt all existing and new right-of-way and other properties purchased in connection with right-of-way from any general or special assessment against real property.
- Assist SCDOT to relocate water, sewer and gas pipes, manholes, or fire hydrants, and all power or telephone lines or poles located in the existing right-of-way in accordance with project plans.
- Indemnify and hold harmless SCDOT to the fullest extent allowed by law against any and all claims or actions brought against it arising out of the placing, maintenance, or removal of any utilities by the City or its contractors.
- Faithfully observe State Law relating to the regulation of traffic on the street, and refrain from placing traffic control devices on the street, without first obtaining SCDOT's written approval.

Motion 2019-51 to take a position with respect to proposed legislation regarding the distribution of state library funds to include City-owned libraries.

The State has traditionally provided funding for "County Public Libraries" on a per capita basis. Despite the fact that the City's population has been used in the calculations to determine the support provided by the State for the Horry County Library System, as the only municipally owned library in the State, Chapin Memorial Library has not been eligible to receive this funding assistance.

The House's version of the State FY 2019-20 budget includes a proviso requiring that a distribution be made to CML based on the City's population. That budget is now before the Senate for consideration. This amount that would go to CML is estimated at \$57,000.

Recent Council actions have made library cards free to all Horry County residents. The County maintains 10 branches, none of which are located in the most populous City in the County. Previous attempts to negotiate County library support for Chapin Memorial Library have been unsuccessful.

Motion 2019-52 to take a position with respect to proposed legislation regarding Police forfeitures.

Legislation has been proposed in the General Assembly that would significantly impact forfeitures of cash to the Police resulting from drug arrests. The legislation would also significantly reduce the amount of funding going back to local law enforcement agencies for their use in continuing drug and narcotics enforcement activities. Chief Prock will explain the current law, the proposed legislation, and propose a compromise for consideration to address potential abuses of the current law, without also severely reducing the benefits to law enforcement.

Motion M2019-53 – To authorize the City Manager to enter into a Confidentiality Agreement with Horry County, and the municipalities within Horry County relating to the negotiations which may result in an Intragovernmental Agreement regarding local funding for I-73.

Under the terms of this proposed agreement Atlantic Beach, Aynor, Briarcliff Acres, Conway, Loris, Myrtle Beach, North Myrtle Beach, Surfside Beach, and Horry County would agree to the terms for negotiating a local funding agreement for I-73. The parties would agree that:

- *The integrity of dispute resolution and the legal process and promoting a full and fair deliberation and negotiation require that the Discussion be confidential and privileged.*
- *All communications and information exchanged between the parties shall remain confidential and shall be privileged under Rule 408 of the South Carolina Rules of Evidence.*
- *Information within the public domain shall not be deemed to constitute confidential or privileged information for purposes of this Agreement.*
- *The County and the municipal reps may report the substance of any information exchanged during the negotiations to their respective governing boards.*
- *This Agreement shall continue until terminated by any Party (requires three days' written notification to the other Parties).*
- *The obligation to observe the confidentiality and privilege survives the Agreement's termination.*
- *This Agreement shall not be construed to prevent either Horry County or the Municipalities from taking steps to protect their respective legal interests in this matter.*

This Confidentiality Agreement protects only the negotiations themselves. If a final Intragovernmental Agreement is reached, each jurisdiction would have to consider that Agreement in open session.

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 votes or take action in Executive Session.

ADJOURNMENT