



# 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

December 11, 2018

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.....

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

1. Proclamation to honor the Janice Ash Sialiano for her service and the 30<sup>th</sup> Anniversary Red Cross Christmas Day Dinner.
2. Proclamation declaring December 12, 2018 as Arbor Day.
3. Presentation on 2019 Grand Strand Freedom Week and 13<sup>th</sup> Annual MLK Celebration – Bennie Swans
4. Presentation of the 36<sup>th</sup> Annual Citizens Police Academy graduates
5. Chamber of Commerce 2019 Marketing Proposal – Karen Riordan, MBACC EO
6. 2017-18 Comprehensive Annual Financial Report - Dave DeKleva
7. Presentation from Benchmark, LLC, on Downtown Redevelopment Plan
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 (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.*

## **CONSENT AGENDA**

## **REGULAR AGENDA**

**2<sup>nd</sup> Reading Ordinance 2018-64 to amend to Clemson Tract Planned Unit Development (PUD), Ordinance 2007-45, to update the exhibits to reflect current development, and remove the requirement for porches and alley-fed development.**

*The PUD is 257-acre site adjacent to the former Air Force Base. Currently the PUD requires that 50% of the development be alley-loaded, and that each unit have a front porch at least eight feet deep.*

*The developer does not believe that these requirements comport with existing market demand and has requested eliminating the requirements for alley-loading, the requirement for a porch, and requests the flexibility to build more shallow porches when one is desired. The applicant also proposes increasing the permitted three-foot side setback (per the existing PUD) to five feet, to reflect current practice, and a 19-foot minimum setback when front entry garages are used.*

**2<sup>nd</sup> Reading Ordinance 2018-65 a supplemental ordinance providing for the issuance and sale of City of Myrtle Beach, South Carolina, Tax Increment Revenue Bonds (Myrtle Beach Air Force Base Redevelopment Project Area), Series 2018, in the aggregate principal amount not exceeding \$15,000,000; prescribing the form and details of such bonds; and other matters relating thereto.**

*The Redevelopment Authority adopted its 2018 Plan amendment on May 15, 2018, and the City concurred in the plan amendment on August 18, 2018. Pursuant to these actions this ordinance provides for issuance of Air Base Redevelopment District TIFF bonds secured by the incremental tax revenues of the District. The authority to issue this TIFF debt expires in December 2020. Projects proposed include:*

- *Addition of a third deck on the DeVille St. Parking Garage.*
- *Other improvements to parking facilities P1 and P2.*
- *Updating the Howard Avenue Playground.*
- *Adding public restroom facilities in Valor Park.*
- *Public infrastructure to support development of the hotel on the XYZ parcel.*
- *Law Enforcement Annex Expansion on Mustang Avenue.*
- *CCTV Cameras & supporting hardware for public streets and parking areas.*

*Once the bonds are issued and the two remaining projects from the 2006 TIF bond issue have been closed out, the City expects to request that the Redevelopment Authority distribute surplus funds annually in the approximate initial amounts of \$1.3 million to the City, \$900,000 to the County, and \$2.1 million to Horry County Schools.*

**2<sup>nd</sup> Reading Ordinance 2018-66 relating to the recovery of collection costs as a part of delinquent debts collected pursuant to the Set-Off Debt Collection Act.**

*The City authorized the Municipal Association of South Carolina (MASC) to act as a claimant agency under the Set-off Debt Collection Act (the "Act") by adoption of Ordinance 2006-89. MASC acts as a claimant agency for political subdivisions under the Act. The City currently collects \$60,000 to \$70,000/year through this program.*

*This ordinance provides language that MASC has requested to clarify that:*

- *The administrative fee charged by MASC is a cost of collection incurred by the City arising through the contract and is properly collectible.*
- *The City may also charge administrative costs that are properly collectible in an amount not exceeding \$25 under the Act and Ordinance, should the City elect to recover the internal costs.*

**2<sup>nd</sup> Reading Ordinance 2018-67 to amend Ordinances 2006-24 and 2016-27, as Pine Island Point Planned Unit Development.**

*The PUD is a 34-acre site bounded by Pine Island Road, Seaboard Street, and Grissom Parkway. The original PUD included a big-box retail center and a potential medical clinical.*

*The applicant is now developing an age restricted (55+) multifamily project (not now a permitted use). The parking is provided in a ratio of 1.5 spaces/unit for 1-2 bedroom units, and two spaces/unit for three or more bedrooms. The amendment also proposes that outparcels adjacent to Seaboard Street meet HC-2 requirements for lot, yard, height, and coverage requirements; and amends the current signage allowance (four secondary monument signs and five directional signs) to three secondary monument and 10 directional signs.*

*The applicant has also requested additions to the list of permitted and conditional uses in the PUD (including all allowed uses in MU-M) - medical clinics (may include substance abuse treatment as an ancillary use); restaurants, with or without drive-throughs; big box retail; vet offices and clinics; media productions; hospitals; and restaurants with outdoor dining.*

*The property is planned to be built in three phases: Phase 1 (estimated construction 2019-22) - multi-family/retail component, buildings A-E; Phase 2 (estimated construction 2020-22) - retail, buildings F-L; and Phase 3 (timeframe TBD) - outparcels 2-5.*

*Finally, the applicant also proposes significant landscaping improvements with landscaped retention ponds, walking trails, shade trees and recreational open space amenities. The applicant will work with MBPD to locate, install, and connect security cameras in the parking lot to the City's system.*

**1<sup>st</sup> Reading Ordinance 2018-68 to amend the zoning ordinance for the City of Myrtle Beach to allow structures with drive through facilities existing as of June 10, 2014 as a conditional use in the MU-M (Mixed Use Medium Density) Zone.**

*Wells Fargo owns property located on the corner of 72<sup>nd</sup> North & Kings Highway, zoned MU-M. The building has been vacant since 2016. The applicant's agent represents a Dunkin Donuts franchise interested in relocating their operations to this property and to use the former bank's drive thru. Currently drive thru restaurants are not a permitted use in the MU-M district.*

*This ordinance would allow drive-through restaurants as a conditional use in the MU-M provided that the drive-thru must have existed as of September 2014, the property must front Kings Highway, and the building must be no more than 5,000 square feet. Staff's field survey indicates that this zoning text amendment could apply to approximately nine properties. If approved this text amendment would provide an alternative re-use for such facilities.*

**1<sup>st</sup> Reading Ordinance 2018-69 to extend the corporate limits of the City of Myrtle Beach by annexing 1.09 acres located at 1309 Azalea Ct. (Horry County PIN #420-11-04-0001), and rezone said property from Horry County OPI (Office / Professional / Institutional) to City of Myrtle Beach MP (Medical / Professional).**

*The applicant wishes to construct an office building on the lot and requests annexation as required by the utility connection agreement (when undeveloped lands abutting the city limits need water & sewer, they must petition to annex before receiving services). Longstanding City policy & practice is that when undeveloped parcels abutting the City limits need water & sewer, they must petition to annex before receiving those services. The proposed zoning conforms to surrounding properties.*

**1<sup>st</sup> Reading Ordinance 2018-70 to allow temporary events longer than three to five days in defined districts and district wide events, in the discretion of council.**

*At the 11/13/18 City Council Meeting a downtown property owner proposed a helium balloon "Skyrider" amusement in a vacant lot located off 8<sup>th</sup> N for 180 days during the 2019 season to test the market before making the investment in permanent structures. As currently written the Special Events Ordinance does not allow this activity as a special event. Council reacted favorably to that presentation, and requested staff to come back with an amendment to the Special Events ordinance to facilitate this pilot proposal.*

*The proposed ordinance amendment removes the existing prohibition on special events lasting more than five days when that event takes place in a defined district and for a district wide event.*

*If Council approves this amendment the promoter will present the Skyrider proposal to the Special Events Committee, who will make a recommendation to the City Manager, who will then make a recommendation to the City Council. Currently special events are limit to a duration of 90 days in a defined district. The developer needs 180 days to gauge success. In order to achieve a test period of that long, the applicant will actually make requests for consecutive 90 day events.*

**1<sup>st</sup> Reading Ordinance 2018-71 to amend Article 2, Section 203 in definitions; and Section 1301 Wireless Communications Facilities in the zoning code of the City of Myrtle Beach.**

*Council adopted M2018-157 on 10/23/18 approving "safe harbor" designs for small cell facility deployment (5G) in rights-of-way for Ocean Boulevard, from 31<sup>st</sup> N southward to the intersection with King's Highway; 3<sup>rd</sup> S from King's Highway to its terminus beyond Ocean Boulevard; Mr. Joe White Avenue from King's Highway to Ocean Boulevard; and the street ends from 31<sup>st</sup> N to 29<sup>th</sup> S that contain one or more signal light poles. The safe harbor designs are intended to preserve the esthetic improvements made along these streets while improving cellular connectivity of residents and guests.*

*This amendment would provide for the appropriate location and development of wireless facilities; minimize adverse visual effects of wireless facilities; avoid potential damage to adjacent properties from structural failures; and encouraging collocation of multiple antennas on a single wireless support structures. This ordinance requires a Planning Commission Public Hearing prior to 2<sup>nd</sup> reading.*

**1<sup>st</sup> Reading Ordinance 2018-72 to amend Chapter 5, Beach and Boating regulations, in Section 5-11.**

*City Code generally prohibits the operation of jet skis & motor boats from the beach from May 1 - Labor Day from the southern City limits to 31<sup>st</sup> N, and from 69<sup>th</sup> to 77<sup>th</sup>. There is an exclusion to this prohibition for licensed operators (as of the original date of the ordinance) of banana boats & parasail rides, but each operator was limited to a specific location, 29<sup>th</sup> S, 3<sup>rd</sup> S, or between 8<sup>th</sup> and 9<sup>th</sup> N (that operator went out of business over a decade ago and there is no parasailing or jet ski activity at that location). After the 2018 season the operator at 3<sup>rd</sup> S went out of business as well.*

*The proposed amendment would allow the remaining parasail/jet ski operator to operate the location at 3<sup>rd</sup> S in addition to 29<sup>th</sup> S. The amendment also allows the same operator to extend to the 8<sup>th</sup> – 9<sup>th</sup> N location as well, but only upon the review of the Beach Advisory Committee and Council approval. The existing operator has an excellent track record for conducting operations safely.*

**Resolution R2018-42 to adopt the Floodplain Management and Hazard Mitigation Plan annual report for the City of Myrtle Beach.**

*The Federal Disaster Management Act of 2000 requires communities to create a plan to qualify for disaster funding. The City's Floodplain Management Plan adopted in December 2015 and includes a requirement for annual review and update. The Plan is required for Community Rating System, which saves flood insurance policyholders in Myrtle Beach more than \$1,000,000 annually.*

*The staff review committee recommends following actions for 2019:*

- *Research flood claims for repetitive loss properties.*
- *Produce a map showing flooding during recent hurricane flood events.*
- *Complete Flood Warning & Response Annex Plan.*
- *Hold after an action meeting on Hurricane Florence w/ department heads (scheduled).*
- *Present to City Council a report on the deployment of city employees to assist w/ Hurricane Michael in Florida (completed).*

**Resolution R2018-43 declaring the 2019 Myrtle Beach Marathon and related events as a significant sports tourism event to be held on March 1-2, 2019, and to confirm the city's co-sponsorship of the event.**

*The "Marathon" has been a significant winter sports tourism event since 1997. The event includes a fitness expo on Friday; and a fun run, 5K race, half, and full marathon on Saturday. Direct visitor spending is projected to be about \$2,000,000, with roughly \$35,000 coming back to the City in A-Taxes, Hospitality fees, & business license revenues. City related expenses are estimated at \$69,600.*

*The proposed resolution recognizes the event as a Significant Sports Tourism Event, approves City co-sponsorship with related in-kind services, and welcomes to all Marathon participants.*

**Resolution R2018-44 to recognize the Pee Dee Street Rodders Annual "Run to the Sun" as a community-wide event and confirming the city's co-sponsorship of the event March 21, 22, 23, 2019.**

*The Pee Dee Street Rodders annual "Run to the Sun" car show is the largest independent car & truck show on the East Coast. For 2019 the Pee Dee Street Rodders have proposed to hold this event at the old Myrtle Square Mall site again from March 21-23. The Show includes a kick-off party and swap meet, and various giveaways.*

*In 2018 Club donated \$98,000 car show revenues to charities (over \$1,700,000 to deserving charities since 1987). This proposed resolution:*

- *Recognizes this event as a community-wide festival event.*
- *Authorizes area businesses to display temporary welcome signs.*
- *Approves City co-sponsorship and logistical support at an estimated total cost of \$9,500.*
- *Authorizes temporary signage and parking restriction waivers.*
- *Extends a warm invitation to all "Run to the Sun 31<sup>th</sup> Anniversary" event participants.*

**Resolution R2018-45 to recognize the Myrtle Beach Jeep Jam hosted by N.S. Promotions as a celebration of Jeep Culture and confirming the city's co-sponsorship of the event April 5, 6, 7, 2019.**

The "Jeep Jam" is a celebration of Jeep culture in the heart of Myrtle Beach. For 2019, the promoter again proposes to hold this show at the Old Myrtle Square Mall from 10 am – 9 pm, April 5 - 7, 2019. The event includes an off-road obstacle course, a vendor area w/ vendor trailers, a designated beer garden, & other various small activities throughout the venue. Additionally, a Jeep parade will be held on the beach from the 2<sup>nd</sup> Avenue Pier to 24<sup>th</sup> North on April 6<sup>th</sup> and 7<sup>th</sup>, from 6:30am – 8:00am (vehicles will be inspected for fluid leaks before being allowed into the parade). In 2018, the event hosted more than 10,000 guests and participants and donated \$6,000 to the Special Operations Wounded Warrior Project. SOWW will also be charitable benefactor for the 2019 event.

The proposed resolution:

- Recognizes the Jeep Jam as a community-wide festival event and confirms co-sponsorship w/ in-kind services totaling \$11,213.
- Authorizes temporary use of parking (free or paid) in nearby vacant lots, businesses, and churches, temporary signage at satellite parking areas and temporary signs to indicate event parking is not permitted for businesses wishing to reserve parking for normal use.
- Extends an invitation to all event participants.

### **Resolution R2018-46 to endorse the Horry County Solid Waste Management Plan and Consideration of Inter-local Agreement Opportunities.**

The 1991 SC Solid Waste Policy and Management Act established a policy promoting reduction, re-use, and recycling of solid waste before landfilling or incineration. The Act requires local governments to participate in the preparation & implementation of the plan and establishes the following goals:

- Encourage research into the reduction of solid waste.
- Encourage a regional approach to solid waste management.
- Reduce the amount of solid waste received at municipal solid waste facilities by 40%.
- Continue to set new and revised goals every 3 years.
- Recycle at least 40% of the total waste stream generated.
- Encourage each region to make every effort to meet the state's recycling goals.

Some items of note in the updated plan include:

- Class III Landfill (MSW) – HCSWA plans to request the expansion permits in FY19.
- Class II Landfill (C&D) – HCSWA plans to request the expansion permits in FY19.
- Yard Waste – Effective 01/1/19 yard waste must be contained in compostable paper bags.
- Material Recovery Facility (MRF) – Maintaining a viable recycling stream despite stringent contamination standards imposed by end users.
- Efforts to address population growth and sustainability of HCSWA's services through the evaluation of materials management, recycling initiatives, and waste diversion programs.

### **Motion M2018-166 to consider renewal of the City Manager's Contract.**

The City Manager serves at the pleasure of the City Council under an annual contract which is reconsidered by Council on the anniversary of his initial appointment in November 2014.

### **Motion M2018-167 to declare certain vehicles abandoned or derelict pursuant to the authority of Article 41 of Title 56 South Carolina Code of Laws 2001.**

This is an effort to improve the appearance of both commercial and residential neighborhoods. This report includes 26 vehicles that staff has tagged as abandoned or derelict. Council's approval of this item 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 M2018-168 to cancel the City Council Workshop Meetings normally scheduled for January 8, 2019, January 22, 2019, February 12, 2019, and February 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 M2018-169 to approve design manual for small cell deployment and exhibits.**

*This design manual will be the Zoning Administrator in the management and application of wireless facilities in and outside of the right-of-way. The guidelines include a process for pre-approval of designs for wireless facilities on City-owned or controlled structures, and also sets out designs for particular areas.*

*To minimize the time from application to approval on privately-owned structures, applicants are encouraged to use the pre-approval process, and pre-approved designs, or other designs that are exempted from permitting, or subject to administrative review. One of the purposes of approving designs is to maintain a uniform look for City-owned and controlled structures - an important goal for the City - significant departures from the designs are unlikely to be approved unless the designs have attributes that allow the City to better serve its goals and interests.*

## **AGENDA ITEMS FROM THE PUBLIC**

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

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

1. Council Communications
  - State Lobbyist
  - Capital outlay priorities for FY 2019-20.
2. CFO Update
3. CM/ACM Update
  - Downtown Zoning Review
  - Proposal from RING Neighborhoods

### **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**