



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, DECEMBER 10, 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... November 26, 2019

PUBLIC REQUESTS, PRESENTATIONS, AWARDS, MEMORIALS:

1. Proclamation declaring December 9, 2019, as Arbor Day.
2. Parks, Recreation and Sports Tourism Master Plan – Bob Brookover, Clemson University
3. Third Quarter Accountability Report – Myrtle Beach Area Chamber of Commerce

4. New Directions Homelessness Update – Kathy Jenkins
5. 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

1st Reading Ordinance 2019-060 Ordinance to amend Appendix A Zoning, Article 16 Area, Height and Dimensional Requirements, Section 1603 Dimensional Standards of the Code of Ordinances, to add setback requirements specific to property lines abutting an alley in the MU-H (Mixed Use High Density) District.

Currently, the MUH District setback requirements are, as follows:

- *Setback is 10 feet when a structure is less than 20 feet in height.*
- *Setback is 20 feet when a structure is between 20 and 120 feet in height.*
- *Setback is 30 feet for buildings in excess of 120 feet in height.*
- *In cases where the property adjoins an alleyway, the distance between the buildings is effectively increased by the width of the alley (usually 20 feet).*

The purpose of this ordinance is to allow for zero setback adjacent to the alleyways to increase the maximum developable property. This is particularly critical in areas where the lots are already relatively narrow. This change accommodates renovations of the “Sun Rise,” a Mid-Century Modern hotel located at 2303 North Ocean Boulevard.

1st Reading Ordinance 2019-061 to amend the municipal budget for the fiscal year beginning July 1, 2019, and ending June 30, 2020, by appropriating donations to the Mary C. Canty scholarship fund to promote development of life skills for local teenagers.

The Mary C. Canty Scholarship Fund was established to help provide opportunities to teens whose families fall significantly below the poverty line. The assistance pays for costs associated with the following: college application fees, prom, homecoming events, senior cap and gown events, driver education courses, group outings and traditional field trips.

The program also aims to challenge the stereotypical attitude toward law enforcement officers to help teens anticipate the results of alternative decisions. This promotes a greater awareness of the consequences of one’s actions, and enables the teens to be more receptive to constructive criticism and accountability. The program’s ultimate outcome is to

promote and develop life skills that will help the teens attain their personal and professional goals.

This action does not appropriate city tax dollars for the fund's purpose. The ordinance only allows the city to receive and administer the disbursement of related donations and grants.

1st Reading Ordinance 2019-062 to amend the municipal budget for the fiscal year beginning July 1, 2019, and ending June 30, 2020, to appropriate funding for Downtown Redevelopment, to accept and appropriate grant funding for a school resource officer, to add the related positions to the table of authorized positions in the 2019-20 municipal budget; and, other matters relating thereto.

This ordinance accomplishes two primary objectives:

- 1. Appropriates a portion of parking revenue funds to pay the remaining expenses of downtown redevelopment administration, and adds two former DRC positions to the city's table of allocated positions.*
- 2. Accepts a SC Department of Education grant to fund a designated School Resource Officer position at Myrtle Beach Middle School and adds that position to the table of authorized positions in the Myrtle Beach Police Department.*

1st Reading Ordinance 2019-063 to extend the corporate limits of the City of Myrtle Beach by annexing 11 parcels totaling 2.5 acres between Cannon Rd. and Linen Dr. (PIN #443-03-01-0010, PIN #443-03-01-0012, PIN #443-03-01-0013, PIN #443-03-01-0014, PIN #443-03-01-0024, PIN #443-03-01-0025, PIN #443-03-01-0026, PIN #443-03-01-0027, PIN #443-03-01-0028 and PIN #443-03-01-0029) and the adjacent portion of the right-of-way of Cannon Rd., and rezoning from Horry County LI (Limited Industrial) to Myrtle Beach LM (Light Manufacturing).

The area in question includes 11 parcels in the unincorporated part of Horry County. A portion of the parcels are developed and already receive city utility service (at non-city rates), while other parcels are vacant. The owner wishes to combine the properties to develop the entire site for warehouse purposes. This proposal requires additional city utility service, which led to this annexation request. The city's Comprehensive Plan calls for development along Cannon Road to be "General Commercial." This proposal is consistent with the city's long-standing goal of closing unincorporated "donut holes."

Resolution R2019-069 to recognize the Pee Dee Street Rodders' Annual "Run to the Sun" Car and Truck Show as a community-wide event and confirms the city's co-sponsorship of the event on March 19-21, 2020.

The Pee Dee Street Rodders' Annual "Run to the Sun" Car and Truck Show has been described as the "largest independent car and truck show on the East Coast." This event is proposed to be held on the old Myrtle Square Mall site again on March 19 through 21, 2020. The event includes a kick-off party and swap meet, along with various giveaways. This event is held primarily to benefit worthy regional charities. The 2019 event generated a donation of \$100,000 to the following: Children's Miracle Network at McLeod Children's Hospital, Grand Strand Miracle Leagues, Florence Miracle League, National Multiple Sclerosis Society and the Horry County Sheriff's Department 2019 Benevolent Fund. The club has donated more than \$1,900,000 to charities since the club's formation in 1987.

The proposed resolution:

- Recognizes the 32nd Anniversary of the Run to the Sun Car and Truck Show as a community-wide festival event.
- Authorizes businesses to display temporary signs to welcome participants.
- Approves the city's co-sponsorship (covers equipment set-up/removal that costs an estimated \$2,000 and traffic control efforts that cost an estimated \$7,500), which totals an estimated \$9,500.
- Authorizes temporary use of parking in nearby vacant lots, businesses and churches with related signage, and allows temporary signs for businesses that wish to reserve parking for normal use.
- Extends a warm invitation and welcome to all participants and spectators.

Resolution R2019-070 to amend the Myrtle Beach Housing and Community Development Annual Action Plan and budget for FY 2019/2020.

The CDBG regulations require that these funds primarily benefit low-to-moderate income persons, and requires the projects be located in a revitalization area. The CDBG funds for this fiscal year were originally estimated to be \$369,758. The final allocation was \$410,718. Additionally, more than \$52,000 remains in the CDBG housing rehab account. The proposed amendment adds \$150,000 to the Charlie's Place budget.

The additional \$150,000 for Charlie's Place is the sum of the following changes:

- Additional CDBG Allocation – \$40,960
- Reduction in Housing Rehab – \$50,758
- Reduction in Neighborhood Infrastructure – \$58,282

Resolution R2019-071 to adopt Phase II of the Downtown Master Plan Implementation Plan.

The Phase II Implementation is the next step in moving forward with the Downtown Master Plan, which was adopted in March 2019. The plan includes the next round of tasks related to the following elements:

- Infrastructure – Development of a phased plan based on the recommendations of DDC's Infrastructure Study for the Arts and Innovation District and a proposal for reducing parking demand in the downtown area.
- Funding – Complete the analysis for MID and TIF District by April 2020.
- Incentivizing Development – Draft guidelines of a Façade Grant Program for Council's review by March 2020.
- Regulatory – Review current regulations to determine if they allow for business-friendly and development-friendly relationships. Identify impediments to the realization of the Master Plan.
- Marketing and Branding – Prepare a proposal to define the structure of the "Downtown Management Entity" focusing on sustainability and the success of the Master Plan.
- Placemaking – Identify a company that best supports the goals to implement an "Ambassador Program" for our downtown area, with the goal of a pilot program for the 2020 season.
- Nuisance and Abatement Strategy – Identify nuisance properties in the downtown area and provide mechanisms to assist them to come into compliance, with consequences for failing to do so.

Motion M2019-155 to issue a Rule to Show Cause to require the owner(s) or parties in interest of property known as 888 White Street, to show cause why they should not be ordered to bring the property into compliance with Chapter 10 of the Code of Ordinances of the City of Myrtle Beach.

If approved, the Rule to Show Cause Order compels the property owner(s) to: bring the structure (or property) back into compliance with City Code; or, to demolish the structure. The order allows the city to mitigate the non-compliance issues if the property owner fails to do so, and to lien the property for any costs incurred.

This matter was continued at the previous Council meeting to allow another attempt to notify one of the heirs to the property. The heir was notified. The City Manager anticipates the request of an additional continuance to allow the property owner to react to this proposed action.

Motion M2019-176 to issue a Rule to Show Cause to require the owner(s) or parties in interest of property known as 935 Canal Street, to show cause why they should not be ordered to bring the property into compliance with Chapter 10 of the Code of Ordinances of the City of Myrtle Beach.

If approved, the Rule to Show Cause Order compels the property owner(s) to: bring the structure (or property) back into compliance with City Code; or, to demolish the structure. The order allows the city to mitigate the non-compliance issues if the property owner fails to do so, and to lien the property for any costs incurred.

This matter was continued at the previous Council meeting to allow another attempt to notify one of the heirs to the property. The heir was notified. The City Manager anticipates the request of an additional continuance to allow the property owner to react to this proposed action.

Motion M2019-177 to approve a Special Events Permit to “Francis in the Dunes”/Jay Steptoe for “Living Nativity” at 3501 North Ocean Boulevard from 5:30 p.m. until 8:30 p.m. 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.

This event is a one-night living nativity scene presented for a three-hour time period on December 21, 2019. Staff originally received no objections from the neighbors, but after the Special Events Technical Review Committee voted to recommend the event, we received some concerns from neighborhood residents. City staff members are currently working with the applicant to move the event to a city park outside of a residential neighborhood.

Motion M2019-178 to approve a Special Events Permit to the Ocean Front Merchants Association for “Goodbye 2019, Hello 2020” event to be held in Plyler Park on December 31, 2019-January 1, 2020. The event will take place from 8:00 p.m. on December 31, 2019, to 1:00 a.m. on January 1, 2020. 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.

This event is a New Year’s Eve celebration in downtown Myrtle Beach. The event will feature musical performers and entertainers. Alcohol will be served in a defined space in Plyler Park.

Motion M2019-179 to authorize the City Manager to execute a five-year management agreement extension with Sports Facilities Management, LLC, to operate and manage the Myrtle Beach Sports Center.

The city's contract with SFA to manage the Myrtle Beach Sports Center expires at the end of February 2020. SFA's management of the MBSC for the last five years led to the economic impact of \$100 million dollars on the community. Terms of the proposed renewal contract include:

- *Five-Year Term (expires June 30, 2025)*
- *Monthly Base Management Fee – \$12,500/Month (for the entire term)*
- *A deferred management fee bonus of 10% of anything more than \$120,000 in net income.*
- *An economic impact growth bonus of 20% when \$450,000 or more is generated in taxes for the city by activities hosted at the facility.*

Motion M2019-180 to accept funding from the U.S. Department of Justice – U.S. Marshals Service as per USM-607 obligation document on behalf of the Myrtle Beach Police Department in the amount of \$5,000 provided in support of the Carolina Regional Fugitive Task Force – Joint Law Enforcement Operations; and, to authorize the City Manager or his designee to execute and deliver the agreement.

The funding is designated to reimburse officers' overtime earned while working with the Carolina Regional Fugitive Task Force – Joint Law Enforcement Operations in Fiscal Year 2020. The \$5,000 is 25% of the reimbursement amount (until Congress passes the budget). No local match is required.

Motion M2019-181 authorizing the City Manager or his designee to apply for a garden equipment grant valued at \$2,360 from the National Gardening Association's Kids Gardening program for the purpose of creating and maintaining garden beds by children attending the Grand Strand Cultural Arts Foundation's summer and after-school program at the Historic Myrtle Beach Colored School Museum and Education Center and the Garden of Hope; to record the receipt of 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 local match is required.

The National Gardening Association offers a grant opportunity that provides gardening equipment valued at \$2,360 to include tools, soil, seeds, organic fertilizer and a gardening curriculum. Mrs. Fannie Brown has four garden plots at the Garden of Hope that the students from the summer and after-school programs at the Historic Myrtle Beach Colored School Museum and Education Center have planted and maintained. This grant will provide tools to help children learn about how to grow healthy plants and food, and make the garden more sustainable.

Motion M2019-182 to accept funding in the amount of \$372,633 for fiscal year 2019-2020 from the Myrtle Beach Air Base Redevelopment Authority to be used for capital improvements in the Air Base Redevelopment District; and, to authorize the City Manager or his designee to execute and deliver the agreement. Local match is required for rubber matting for Savannah's Playground in the amount of \$30,011.

This funding is designated for improvements to the Air Base Redevelopment District for the following:

- 1. Replace older model hydrants in Seagate Village with new 5¼-inch hydrants, with six-inch gate valves (\$60,000).*
- 2. Cover exterior renovations to two sanitary sewer pump station buildings in The Market Common district (\$15,000).*
- 3. Pay for upgrades to the water line in Seagate Village, from Mallard Lake Drive to Kings Highway, and pay for the installation of six-inch water line from Howard Avenue to the Airport Control Tower (\$80,000).*
- 4. Cover a traffic study of Farrow Parkway to identify infrastructure improvements to allow for more sufficient vehicle, bicycle and pedestrian flow (\$25,000).*
- 5. Pay for the installation of accessible pedestrian signals at each signalized intersection along Farrow Parkway to assist visually impaired pedestrians crossing roadways (\$30,000).*
- 6. Replace roadway culvert pipeline in Seagate Village (\$80,000).*
- 7. Reimburse the cost of fencing installed around Savannah's Playground (\$52,622).*
- 8. Cover the cost of rubber matting for entire Savannah's Playground (\$30,011 to be matched by a like amount of city funding).*

Motion M2019-183 to accept a donation in the amount of \$4,000 from several anonymous donors on behalf of Neighborhood Services for the Garden of Hope Tree Lighting Activities and Toy Drive.

The funding is designated to purchase toys and cover other activities related to the Garden of Hope Tree Lighting Ceremony, held on December 6, 2019. No local match is required.

Motion M2019-184 to approve a pass-through agreement (the "Agreement") between the City and the South Carolina Department of Health and Environmental Control ("DHEC") for distribution of \$1,000,000 in appropriated state matching funds for Ocean Water Quality Outfall Initiatives for Fiscal Year 2019-20; to authorize the City Manager or his designee to execute and deliver the Agreement; and, to accept, appropriate and record the funds in accordance with the agreement.

The agreement is supported by appropriations from the state budget in 2019 in accordance with Proviso 34.59, effective during calendar year 2019, and shall terminate on June 30, 2020. The \$1,000,000 state funds may support any of the following projects as outlined within the city's funding request letter to enhance beachfront water quality, improve stormwater drainage, and remove open storm drains that currently run across the beach:

- Construction of a potential header pipe for the existing 25th Avenue South ocean outfall.*
- Watershed-based Stormwater Master Plan implementation projects.*
- And, preliminary design of the future 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 purposes. This agreement may be renewed annually for four additional one-year periods, contingent upon available funding.

Motion M2019-185 to amend Appendix A of the City of Myrtle Beach's Small Cell Design Manual to include new safe harbor exhibits.

The city has developed “safe harbor designs” applicable to small cell deployment. An application that uses a safe harbor design may be exempted from traditional city zoning approval processes and requirements, and would instead be subject to an administrative review process.

Uniformity of design is important to the city, especially in The Market Common area, where a significant investment has already been made to achieve a certain look. For locations where multiple safe harbor designs are approved for a specific area, a proposed wireless telecom facility must use the design most appropriate to the location, taking into account: safety, aesthetic impacts and surrounding facilities. In certain cases, the city may require use of a particular design along a corridor, or the use of a particular design at an intersection. This requirement ensures design uniformity.

Motion M2019-186 to appoint/reappoint one member to the Convention Center Board of Directors.

Mr. Maeser has resigned. We have received recommendation for Adam Johnson to fill this vacancy. We have the following resumes on file: Adam Johnson (non-city resident), Henry Westendarp (non-city resident), Robert Day (non-city resident), Dan Wiener (city resident) and Cathy Koontz (non-city resident).

Motion M2019-187 to appoint/reappoint one member to the Technology Advisory Group.

The terms of Frank McClatchy, Susan Roe and Gina Trimarco have expired. Mr. McClatchy and Ms. Trimarco wish to be reappointed; Ms. Roe does not wish to be reappointed. The recommendation is for Lauren Riddei fill this vacancy. We have the following resumes on file: James P. Bar (city resident), Mark Mancini (non-city resident), Tanja Dimic (city resident), Dave Huddleston (non-city resident), Richard Miller (city resident), Michael Roberts (non-city resident), Keith Walters (non-city resident), Kelly Barr (non-city resident), Charles Keller (non-city resident), Bradley Kohr (non-city resident), Lowell Rhodes (city resident), Kevin McGrath (non-city resident) and Lucas Hazel (non-city resident).

Motion M2019-188 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’s purpose is to improve the appearance of both commercial and residential neighborhoods. This report includes vehicles that staff 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 M2019-189 to authorize the City Manager to enter into a contract with Horry Telephone Cooperative (HTC) for naming rights associated with 509 9th Ave. North (eMYRge Center), in terms that are substantially similar to the terms attached hereto.

HTC has agreed to contribute \$250,000 (\$125,000 in cash and \$125,000 in-kind) towards the development of the eMYRge Tech Center. In exchange for this gift, HTC receives:

- *Facility naming rights for 10 years.*

- *Designation as the exclusive provider of communication services to the “Arts & Innovation District” for the term of the agreement.*
- *City agreement to recommend HTC’s fiber/services and provide a lead contact for purchasers of current city-owned property in the district.*
- *Recognition in at least two areas in prominent locations at the facility (one inside and one outside).*
- *Recognition of the gift and naming rights to the facility in all promotional materials utilized to promote and/or identify the venue for 10 years.*
- *The right to highlight the “technology and innovation center” in print and video, as well as social media.*
- *The right to advertise HTC as “The Official Technology Provider for the City of Myrtle Beach.”*
- *Free use of the facility to host quarterly workshops for businesses and community members.*
- *Representation on the appropriate committee or board that provides oversight to the technology center.*

Motion M2019-190 to appoint/reappoint three members to the Employee Recognition Committee.

The terms of Amanda Whyland and Dennis Painter have expired. Both committee members wish to be reappointed. Dennis Springs had resigned, and we have no resumes on file. Advertisement of the vacancy will continue.

Motion M2019-191 to accept the donation of two parcels located on the southeast corner of US 501 and Cedar Street (TMS #1810611001 and #1810611002) from Mr. Robert Shelley, to reimburse Mr. Shelley for recently made stormwater improvements on those properties, to rename Balsalm Park in honor of Mr. Shelley’s family, to authorize a sign to be installed in the park reflecting the new name and to thank Mr. Shelley for this generous donation.

Mr. Robert Shelley has offered to donate two lots to the city. The lots are located at the southeast corner of 501 and Cedar Street, and are valued at a total of \$250,000. The lots are needed to provide drainage improvements at US 501 in the Balsalm Street area.

This motion authorizes City Council to:

- *Accept the donations.*
- *Reimburse Mr. Shelley a total of \$13,000 for stormwater improvements that he previously funded in this area.*
- *Rename Balsalm Park in honor of his family.*
- *Allow a sign with the new name of the park to be installed along US 501.*

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