



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, NOVEMBER 26, 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 12, 2019

PUBLIC REQUESTS, PRESENTATIONS, AWARDS, MEMORIALS:

1. Proclamation declaring November as Pancreatic Cancer Awareness Month.
2. 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 2019-054 to amend Chapter 23, Article VI, Division 1, Wrecker Services; Nonconsensual Towing, and incorporate personal clothing, including shoes, personal communication devices such as cell phones, smart phones, laptops, and tablets into definition of personal property.

State law allows vehicle owners to retrieve personal property from a vehicle after it has been towed, but the law does not define what constitutes personal property. City Code defines personal property, but the current definition does not include personal clothing, cell phones, smart phones, laptops or tablets. This proposed amendment allows owners to get their clothing, cell phones, smart phones, laptops and tablets from impounded vehicles, and helps to protect their identity.

2nd Reading Ordinance 2019-055 to amend Chapter 4, Animals, in the Code of Ordinances, to amend the definition of impound and the mistreatment of animals, add tethering and veterinary care to the list of definitions, and provide for cases where spay, neuter and microchip are required.

This Code amendment changes the definition of “impound” to read, “Impound means to take legal custody or possession as to confine humanely while providing adequate food, shelter, ventilation and veterinary care.”

The ordinance also changes the term “mistreatments of animals” to include:

- *Exposure to extreme weather events.*
- *Confining an animal in a closed vehicle without air conditioning or adequate ventilation when temperatures exceed 70° F.*
- *Tethering of an animal for more than two hours in a continuous 12-hour period without a responsible person present.*
- *Tethering of an animal that is sick or injured.*
- *Tethering of an animal on a restraining device exceeding more than 10% of the animal’s body weight and has a length of less than 10 feet.*
- *Tethering by chain or metal devise which is in direct contact with the skin.*
- *Tethering of an animal in a manner that causes injury, strangulation or entanglement.*

This proposal requires all impounded dogs and cats to be spayed or neutered within 30 days. Exceptions are made for animals based on: age, health reasons or service animals. The ordinance also requires all impounded cats and dogs to be microchipped.

2nd Reading Ordinance 2019-056 to amend Ordinance No. 2019-30, the 2019-020 budget ordinance, by appropriating funds for payment of not exceeding \$910,445.70 to the developer of the Sixth Ave. S./Bayshore project under the city’s redevelopment incentive voucher program.

Under the incentive voucher program, the city entered into a Redevelopment Agreement with the Project Developer. The \$910,445.70 appropriation is the total amount of the voucher, which equaled two percent (2%) of the total permit value. The voucher is valid for five years from its issue date of July 11, 2019, and can be applied to reimburse city fees (permit and impact fees, business license fees, local accommodations taxes and hospitality fees). The voucher effectively is funded only from the revenues attributable to the development itself, and is used as an incentive for development in targeted areas.

2nd Reading Ordinance 2019-057 to extend the corporate limits of the City of Myrtle Beach by annexing 0.5 acres located at 99401 Cove Dr. (PIN #394-03-04-0007), and rezone said property from Horry County SF 10 (Single Family Residential) to City of Myrtle Beach R15 (Single Family Residential).

The applicant owns and resides at the property along Cove Drive, which is currently Horry County jurisdiction. This applicant is a city “outside” water and sewer customer and wishes to gain in-city utility rates. This ordinance moves forward with the goal of closing “donut holes” in the city’s jurisdiction. Closing these donut holes contributes to a more efficient allocation of public resources.

2nd Reading Ordinance 2019-058 to amend Appendix A Zoning of the Code of Ordinances to allow upper-story residential uses in the HC1 (Highway Commercial) District.

The city has limited housing opportunities for those earning an average working wage. Council has recognized this, and established the goal to increase workforce housing opportunities. This ordinance would allow residential uses as a conditional use in HC1 zones (located mostly along Highway 501 and the Bypass). The residential units must be located in the upper floors of commercial structures.

The lack of workforce housing opportunities puts pressure on those with limited incomes to live in remote areas where housing prices are less. The resulting longer commutes raises the demand for wider roadways, which is increasingly more expensive as adjoining properties are developed. This workforce housing shortage furthers strains those lower income workers because of additional vehicle maintenance and operating costs associated with longer commutes.

Resolution R2019-067 setting forth the City’s Legislative Agenda for the 2020 session of the South Carolina Legislature.

The South Carolina Legislature is scheduled to convene on Tuesday, January 14, 2020, and will consider a number of significant bills filed in 2019 that remain on the table for consideration. In addition, the city also desires to submit several new matters for the

Legislature's consideration. The resolution also states Myrtle Beach City Council's strenuous objection to the newly filed H4745, which serves as an unnecessary intrusion into a dispute that is near a resolution.

This resolution:

- *Adopts Council's 2020 Legislative Agenda.*
- *Requests the delegation to consider the positions set forth in the attachment regarding the bills under consideration, as well as new proposed legislative actions.*
- *Thanks the delegation for its support in previous years, as well as the continued support of these important legislative matters.*
- *Directs the City Manager to send this Legislative Agenda to each member of the delegation.*

Resolution R2019-069 to accept the dedication of portions of those certain roadways known as Jonquil Place (50' public right-of-way), Parish Way (50' public right-of-way) and Wyatt Lane (50' public right-of-way) within the West Lake Phase 3 Subdivision.

In accordance with long-standing city policy and practice, street dedication is the process whereby a developer turns over a privately-constructed street built to serve a subdivision to the city as a publicly-held roadway. Upon approval, the city is responsible for the maintenance of the street. Each road is inspected before dedication to ensure that it complies with the city's current standards and construction requirements.

Motion M2019-174 to consider renewal of City Manager's contract.

The City Manager's contract renewal date is November 3. This annual agreement sets forth the terms of the City Manager's employment.

Motion M2019-175 to consider a salary adjustment for the Chief Municipal Judge and the Assistant Municipal Judges.

City Council usually considers a salary adjustment for these appointed positions at the time that they are re-appointed. The judges were re-appointed at the City Council meeting on October 8, 2019. But, this additional step was inadvertently missed.

Motion M2019-176 to appoint/reappoint four members to the Housing Authority Board.

The terms of John Leiter (city resident), Robert Gore (city resident), Dorothy Greene (non-city resident), and Susan McGartin (non-city resident) have expired, or will expire soon. All wish to be reappointed. Two individuals are interested and have submitted resumes: Michael Johnston (city resident) and Barbara Welch (city resident).

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