



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

January 8, 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.....

PUBLIC REQUESTS, PRESENTATIONS, AWARDS, MEMORIALS:

1. Proclamation declaring the week of January 13-19, 2019 as Volunteer Appreciation Week.
2. Indigent Defense Office Update
3. 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 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 72nd 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 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.

2nd 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.

2nd 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 "Sky-Rider" amusement in a vacant lot located off 8th 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 Sky-Rider 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.

2nd 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 31st N, and from 69th to 77th. 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, 29th S, 3rd S, or between 8th and 9th 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 3rd S went out of business as well.

The proposed amendment would allow the remaining parasail/jet ski operator to operate the location at 3rd S in addition to 29th S. The amendment also allows the same operator to extend to the 8th – 9th 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.

1st Reading Ordinance 2019-1 to approve a lease of 804 1/2 North Oak St to Richard W. Dickinson.

Mr. Dickinson is the former owner of the Encore Video property recently purchased by the DRC for the Theater project. He would like to stay in the proximity of his former business location on a temporary basis. Staff has identified that the City-owned building located at 804 ½ North Oak Street would be available & suitable for occupancy.

The term of the lease begins on 1/1/2019 and rent is charged at a rate of \$16.44/day. The lessee may terminate the lease upon 10 days' notice, and the tenant is responsible for utilities, taxes, & routine maintenance.

Resolution R2019-1 to support and implement an outdoor fitness court on city owned property at 919 N. Oak Street next door to train depot (contingent upon identification of a \$100,000 supporting grant match).

This fitness court is a small (1,1120 square feet) outdoor exercise area proposed to be located adjacent to the train tracks at the Train Depot. The exercise area includes seven circuit training systems and 30 pieces of body weight training equipment. The City has been awarded a grant of \$30,000 from the National Fitness Campaign toward a total cost of \$130,000. The grant award is contingent upon the City matching the funds, and constructing the facility prior to December 31, 2019).

Resolution R2019-2 setting forth the policy of the City of Myrtle Beach regarding enhanced beautification of median areas in and the right of ways along arterial streets and thoroughfares.

Wikipedia defines an arterial road as “ a high-capacity urban road [used primarily to] deliver traffic from collector roads to freeways or expressways, and between urban centers at the highest level of service possible. The following roads may be considered “arterial roads”: Highway 17, Kings Highway, Robert Grissom Parkway, Highway 15, Farrow Parkway, Coventry Boulevard, Harrelson Boulevard, US 501, Joe White Avenue 21st North, 29st North (west of Kings Highway), 38st North (west of Kings Highway), 62nd North (west of Highway 17), 71st West (west of Highway 17), 79th West (west of Highway 17), 82nd Parkway, Grand Dunes Boulevard, and Marina Parkway.

The beautification of the medians and rights-of-ways advances Council's policy goals of enhancing the quality of life for our residents, and promoting economic prosperity. Pursuant to this proposed policy:

- *The City may accept donations of landscaping and plant materials along such ROW, pursuant to staff review; & Council approval of specific landscaping plans.*
- *Once donated, these materials are the City's property and subject to modification, including removal, at the City's discretion.*
- *Pursuant to a limited right of entry agreement, the City may also contract with any 3rd party to increase the frequency of maintenance of the landscaping, (including grass mowing). Provided that agreement stipulates that:*
 - *The City is indemnified/insured by the 3rd party for any accident or loss incurred in such area during any work provided by such 3rd party.*
 - *The agreement is subject to Council's annual review & approval.*
 - *The 3rd party agrees to pay for the incremental cost of such increased frequency of maintenance activities.*
 - *An acknowledgement that upon non-renewal the frequency of such maintenance is subject to reverting to the City's standard.*
- *The improvements may not present the appearance that the ROW or median is privately owned, or that public parking areas are not publicly available.*

Motion M2019-1 to select Smith Sapp CPAs as the City's independent auditor per the requirements of SC Code Sec. 5-7-240, and to authorize the City Manager to execute an agreement generally in the form of Smith Sapp CPAs' engagement letter dated December 18, 2018, for a period of four years beginning with the fiscal year that commences on July 1, 2019.

State law requires that the term of an auditor's contract cannot exceed 4 years. The current agreement expires at the end of this fiscal year. The proposal is to retain the local firm that has provided this service to the City for a number of years.

Motion M2019- 2 to approve a Special Event Permit 1 of 2 to Eric McGee of Beach Rider Amusements for the "Sky-Rider Park Helium Balloon Ride" between April 1 – June 30, 2019, from 10am to 12am daily.

The owner proposes that the Sky-Rider be allowed on a pilot basis for 180 days during the 2019 season to test the market before making the investment in permanent structures. There are no in-kind service request and the owner is asking for two consecutive 90 day permits (this is the 1st). 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.

Motion M2019- 3 to approve a Special Event Permit 2 of 2 to Eric McGee of Beach Rider Amusements for the "Sky-Rider Park Helium Balloon Ride" between July 1 – September 30, 2019, from 10am to 12am daily.

The owner proposes that the Sky-Rider be allowed on a pilot basis for 180 days during the 2019 season to test the market before making the investment in permanent structures. There are no in-kind service request and the owner is asking for two consecutive 90 day permits (this is the 2nd). 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.

Motion M2019-4 to appoint/reappoint one member to the Chapin Memorial Library Board.

The term of Board Chairman, John Hobson (City Resident), will expire on January 12, 2019. He wishes for reappointment. We have also received a resume from Jennifer Fickenworth (City Resident) for consideration.

Motion M2019-5 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 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.

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