

WORKSHOP MINUTES
October 9, 2018
9:00 A.M. – WORKSHOP – TED C. COLLINS LAW ENFORCEMENT CENTER

MYRTLE BEACH CITY COUNCIL:

PRESENT:

BRENDA BETHUNE, MAYOR
MICHAEL CHESTNUT, MAYOR PRO-TEM
MARY JEFFCOAT
MIKE LOWDER
PHILIP N. RENDER
JACKIE VEREEN

ABSENT:

GREGG SMITH

CITY STAFF:

PRESENT:

JOHN PEDERSEN, CITY MANAGER
JONATHAN "FOX" SIMONS, ASSISTANT CITY MANAGER
BRUCE BOULINEAU, ASSISTANT CITY MANAGER
MIKE SHELTON, CHIEF FINANCIAL OFFICER
TOM ELLENBURG, CITY ATTORNEY
JENNIFER STANFORD, CITY CLERK



Roll Call.

Present: Mayor Brenda Bethune, Michael Chestnut, Mary Jeffcoat, Mike Lowder, Philip N. Render, Jackie Vereen.
Absent/Excused: Gregg Smith.

CALL TO ORDER.....9:02 A.M.

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 an 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

2nd Reading Ordinance 2018-56 to rezone property located at 3842 Robert Grissom Pkwy (PIN #420-14-04-0009) from MU-M (Mixed Use Medium Density) to MP (Medical Professional).

The Applicant is interested in building a bank with parking placed in a similar location (the building's front) to neighboring properties zoned MP. The existing MU-M zoning places parking on the side and rear of the buildings. In addition, the Applicant also wishes to include a drive-through similar to the competing adjacent banks. This drive-through cannot be accomplished with the existing MU-M zoning.

The subject parcel is surrounded on 3 sides by MP zoning. In 2017 Council rezoned several adjacent parcels from MU-M to MP. This parcel was not covered by that rezoning.


 Mr. Pedersen reviews that applicant wishes to include parking and drive thru.

Motion M2018-150 to accept a Justice Assistance Grant (JAG) from the United States Department of Justice, Bureau of Justice Assistance, in the amount of \$37,791 for the purchase and installation of equipment for Phase II of the License Plate Reader program at the underpass of Farrow Parkway and Hwy 17. No local match required.

Motion M2018-127 (approved on August 28, 2018) acknowledged the application for this Justice Assistance Grant and made that application available for public review during a 30-day public review period. That period has now expired, and this subsequent action is necessary to accept the grant award.

This grant provides funding for Phase II of the license plate reader (LPR) program. Motion M2018-124 provided for additional cameras for the fly-over at Farrow and the By-Pass to be funded from the 2017 JAG Grant. Phase II, which is funded by the 2018 grant, will cover the underpass at that same location. Those additions will complete LPR coverage for each entry/exit point into/out of the City.

The LPR's have proven to be extremely valuable crime fighting tools. The ability to track wanted vehicles entering and leaving the City has led to numerous arrests, especially when used in conjunction with the surveillance camera network. In 2017 over 20 million license plates were read. Please note that we do not maintain a log of any plates that have not been entered into the NCIC database.

 Mr. Pedersen reviews that this is second action in this matter, will cover exit and entrances into city.


REGULAR AGENDA


2nd Reading Ordinance 2018-57 to amend the Market Common Master Plan additional permitted uses subsection of the site zoning summary section to add “kennels and animal boarding facilities, indoor” as a conditional use.

The Market Common Master Plan does not allow commercial kennels of any type. In May 2017 Council a Master Plan Amendment to allow Veterinary Day Clinics as a permitted use. The proposed amendment would allow overnight boarding (indoors only) with the following conditions:

- *Facilities are located only in the Phase 1 area (bounded by Hackler, Johnson, Phillis, & Farrow).*
- *Boarding is for dogs and cats only.*
- *Space must be sound proofed by an architect or engineer.*
- *Pet waste must go into an indoor animal relief system.*

Residential buildings in Phase 1 (above the commercial units), are separate from the commercial buildings below. The commercial units do not share a ceiling/floor w/ the residential units.

 Councilwoman Jeffcoat recused herself due to husband's representation.

 Mr. Pedersen reviewed, conditional use for inside only, not a permitted use but conditional use.

2nd Reading Ordinance 2018-59 to amend the zoning ordinance for the City of Myrtle Beach by ~~amending the public utility definition~~, adding a solar farm definition, and adding solar farms as a conditional use in all non-residential zones.


Applicants propose a solar farm similar to that on Joe White Avenue (to include transformers with substation capabilities) on land leased from the County west of South Kings (between Ocean Woods Cemetery & Executive Helicopters), currently zoned PRC (Parks/Recreation/Conservation). There are now limited uses of this former Base landfill site. Solar farms are not currently an allowed use in PRC. Three options to allow this use have been considered:


- Rezone the property to a zone that allows such uses (as originally requested).
- Amend the PRC text to add solar farms as a permitted use (as recommended by Planning Commission).
- To amend the Zoning Code to allow solar farms as a conditional use in all non-residential zones (as discussed at 1st reading).


Based on discussion at the last City Council meeting the proposed ordinance has been modified to allow solar farms in all non-residential zone subject to the following conditions:


- Installation and maintenance in compliance with the International Building Code, National Electric Code and all local regulations, directives and codes.
- Issuance of applicable permits (requires Community Appearance Board approval).
- Front street setback of 30 feet (or the setback of the underlying zoning, whichever is more).
- Side/Rear setbacks of 10 feet.
- Structural height limit of 35 feet.
- Landscape buffers of at least 15 feet (may include the setback), subject to CAB's approval.
- Must meet CAB's design standards or guidelines.

 Mr. Pedersen states that an error was made in title.

 Councilman Lowder expresses concerns about landscaping as buffers and visibility from the roads.


 Councilman Render asks Carol Coleman of what areas of cities are putting these solar farms in.

 Carol Coleman responds that they need 10 acres or more, a need to transfer that energy, increase of demand, golf courses currently not in use, in close proximity of residents, makes sense land wise.

 Mr. Pedersen expresses that farms are subject to CAB's discretion on what it will look like.

Motion M2018-140 to approve a Special Event Permit to BEI-Beach, LLC for the “Annual Tree Lighting Ceremony at The Market Common” in the area adjacent to the Grand 14 Cinema on Saturday, November 17, 2018, from 6:00 p.m. until 9:00 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 is an 11th year event which features music, games, inflatables, entertainers, a visit from Santa, and the lighting of the Market Common Christmas Tree. The event includes temporary road closures of Reed Street (between Deville and Howard), and Deville (between Blizzard and Nevers).


 Jeffcoat recused herself for next few items due to husband represents applicant

 Bruce Arnel reviews.

Motion M2018-141 granting a Special Event Permit to BEI-Beach, LLC for “Holiday Bazaar, Carriage Rides, Pictures with Santa, and Music in the Streets” for the period October 31, 2018 – February 14, 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.


Collectively this event is in its 11th year. The Bazaar is a holiday food and craft market with vendors on the concrete area of the median of Howard Avenue on Saturdays from noon – 4 p.m. The Carriage rides begin and end in front of Dolce Lusso Salon at 3050 Howard Avenue in two blocked off parking spaces. The carriage route takes Howard to Deville, and then Hackler back to Howard. Pictures with Santa will occur at the Christmas Tree in front of the movie theaters. Music in the Streets performers will be located in the gazebos on Howard Avenue.

 Bruce Arnel reviews details and states that applicant is not asking for in kind services.

Motion M2018-142 to appoint/reappoint two members to the Beach Advisory Committee.

Steve Taylor (City resident), whose term expires on October 10, 2018, wishes to be reappointed. Gordon Hirsch (also a City resident), who resigned earlier from a term expiring on October 10, 2018, also wishes to be reappointed.


 Mr. Pedersen reviews.

 Councilman Render requests to move to consent agenda for approval of appointments of Steve Taylor and Gordon Hirsch.

Motion M2018-143 to appoint/reappoint one member to the Election Commission.

The term of William Monckton (City resident) has expired. He wishes to be reappointed. We have also received a resume from Lucas Hazle (non-resident). Currently all three members of the Commission are City residents.

 Mr. Pedersen reviewed.

 Councilman Lowder requests to move to consent agenda for approval of reappointment of William Monckton.

Motion M2018-144 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 eight 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.


 Mr. Pedersen reviews.


Motion M2018-151 to approve a Special Event Permit to BEI-Beach, LLC for the “Southern Times Square at The Market Common” from 9:00 p.m. on December 31, 2018 to 1:00 a.m. on January 1, 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.


This free event features live music on a temporary stage, a movie screen with streaming video, a midnight ball drop, kid's activities, fireworks, street performers, and vendors (food, drink & alcohol). The event will be held at Valor Memorial Garden and the surrounding roads (Nevers from Farrow to Howard; Hacker from Farrow to Howard; and Howard from Nevers to Hackler). The roadway on Nevers within the event site will allow access for emergency service vehicles.


Take down will be completed by 4:00 p.m. on January 1. This is the 5th year for this event, but the 1st year that it has not been held entirely in the Valor Park area.


 Bruce Arnel reviews details, fireworks site is diminishing, and applicant is not requesting in kind services.


 Heather Grey includes that there will also be a cab drop off and pick up section.

 Bruce "Smoke on the Beach" has been rescheduled for November 16th.

 Bruce gives update on Hurricane Michael, its moving quickly, dredging has been suspended, will be gone by Thursday evening. EOC will be open as ready status.

 Render ...


 Councilman Lowder states that during Hurricane Floyd we had 10 inches of rainfall in 8 hours, a lot of rain in short period of time.


 Bruce explains that the outfall projects have made to tremendous difference.

Motion M2018-152 to cancel the City Council Workshop Meetings normally scheduled for October 23, 2018, November 13, 2018, and December 11, 2018, and to begin the Regular City Council Meeting at 9:00 a.m. on these dates. The City Manager is directed to use all available media platforms to inform the public of these schedule changes.

This motion is presented to allow City Council to, on a trial basis, 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.

 Mr. Pedersen reviewed.

 Councilman Chestnut states that he is willing to give it a trial run.

 Councilman Render states that his concern is that each item will not receive the proper time required to make a decision, but this gives it enough time through the rest of the year to try out.

Motion M2018-153 To ratify the City Manager's Civil Emergency Order dated September 26, 2018 concerning Recovery Actions following Hurricane Florence and the flooding thereafter. Such Recovery Actions included the suspension of parking charges in City-controlled spaces (excluding the Myrtle Beach Convention Center), a moratorium on water cut-offs during the month of October, and a suspension of building permit fees for storm related repair and renovation through October 5, 2018.

City Code allows the Manager to make such necessary Executive Orders in response to an emergency situation, but these orders are subject to City Council's ratification at the following City Council meeting.


 Mr. Pedersen reviewed.


AGENDA ITEMS FROM THE PUBLIC

COMMUNICATIONS FROM CITY BOARDS/COMMISSION MEMBERS

COMMUNICATIONS FROM CITY COUNCIL AND CITY MANAGER

1. Council Communications
2. CFO Update – MID A Options

 Tom Ellenburg discusses it is specifically limited to streetlight issue brought on by property owner.

 Mike Shelton, discusses streetlight issue, originally adopted in 2002, protest from property owner that has not been developed, possible removing that property from assessment.

3. CM/ACM Update – Opportunity Zone Update

 Fox Simons reviews update of Opportunity Zones.

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.

 Motion: To Enter Closed Session, Moved by Mike Lowder, Seconded by Michael Chestnut.

- Lease Agreements
- Lease Obligations

10:06

 Motion: Exit Closed Session and Adjourn, Moved by Mike Lowder, Seconded by Jackie Vereen.

 Vote: Motion carried by unanimous roll call vote (summary: Yes = 6).

Yes: Mayor Brenda Bethune, Michael Chestnut, Mary Jeffcoat, Mike Lowder, Philip N. Render, Jackie Vereen.

Absent: Gregg Smith.

11:33 A.M.

ADJOURNMENT

11:33 A.M.

ATTEST:

BRENDA BETHUNE, MAYOR

JENNIFER STANFORD, CITY CLERK