



Council Agenda

MYRTLE BEACH CITY COUNCIL:
BRENDA BETHUNE, MAYOR
MICHAEL CHESTNUT, MAYOR PRO-TEM
JACKIE HATLEY
JOHN KRAJC
MIKE LOWDER
PHILIP N. RENDER
GREGG SMITH

**MYRTLE BEACH CITY COUNCIL MEETING AGENDA
TUESDAY, MAY 24, 2022
9:00 A.M. – WORKSHOP – COUNCIL CHAMBER
10:00 A.M. – MEETING – COUNCIL CHAMBER
COUNCIL CHAMBER, 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... May 10, 2022

PUBLIC REQUESTS, PRESENTATIONS, AWARDS, MEMORIALS:

1. South Carolina Department of Transportation (SCDOT) Update – Mr. Joe White Avenue, 21st Avenue North and US 501/Third Avenue South Projects (Workshop)

2. Recognition of Fire Department's Citizens Fire Academy's Class Four Graduates (Meeting)
3. Recognition of Brooke Vu, Miss Myrtle Beach 2022 (Meeting)
4. Police Officer of the Year Presentation – Chief Amy Prock (Meeting)
5. Proclamation declaring June 3, 2022, as National Gun Violence Awareness Day (Meeting)
6. Proclamation declaring the month of June as Pride Month (Meeting)
7. Hurricane Season 2022 Presentation – Travis Glatki, Emergency Manager (Meeting)
8. Public Information Update – PIO Staff (Meeting)

NON-AGENDA ITEMS FROM THE PUBLIC (30 MINUTE TIME LIMIT)

CONSENT AGENDA – *The Consent Agenda covers items anticipated to be routine in nature. Any Council member 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 actions through which City Council reinforces or makes policy not rising to the level of law. Motions are related to direction from City Council to city staff to take certain actions.*

Motion M2022-083 to approve a Special Event Permit to Crossroads Event Productions for the “Myrtle Beach Jazz Festival,” October 14-16, 2022, between the hours of 12:00 p.m. and midnight on Friday and Saturday, and 12:00 p.m. to 11:00 p.m. on Sunday. 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.

The promoter is expecting approximately 5,000 attendees. The event will include live music, food and retail and craft vendors. Beer, wine and spirituous liquors will also be available for purchase. Carver Street will be closed between 18th and 21st Avenues North, beginning at 12:00 p.m., Thursday, October 13, through 1:00 p.m., Monday, October 17.

Motion M2022-084 to designate the Myrtle Beach Area Chamber of Commerce as the organization to manage and direct the expenditure of tourism and promotion funds for the 2022-23 fiscal year per SC Code §6-4-10(3), Accommodations Tax Revenues.

Per State statute, the funds received by a municipality or a county in county areas collecting more than fifty thousand dollars must be allocated in the following manner:

- (1) The first \$25,000 must be allocated to the general fund.*
- (2) Total of 5% of the balance (after the \$25,000) must be allocated to the general fund.*
- (3) Total of 30% of the balance for advertising and promotion of tourism to develop and increase tourist attendance through the generation of publicity. To manage and direct the expenditure of these tourism promotion funds, the municipality or county shall select one or more organizations, such as a chamber of commerce, visitor and convention bureau, or regional tourism commission, which has an existing, ongoing tourist promotion program.*
- (4) Total of 65% to the city for tourism related expenses.*

Recognizing the unique nature of this city's tourism demands, the South Carolina Legislature has also approved a budgetary proviso that allows half of the money that would ordinarily go to the Myrtle Beach Area Chamber of Commerce (MBACC) to be retained by the city and used to meet public safety expenses related to tourism. After these deductions, the amount available for advertising and promotion by the MBACC in Fiscal Year 2022-23 is an estimated \$1,512,750.

Motion M2022-085 to approve a Mutual Aid and Assistance Agreement for Water and Wastewater Utilities.

This agreement is made and entered into by public and private water and wastewater utilities that have, by executing this agreement, manifested their intent to participate in the Intrastate Program for Mutual Aid and Assistance.

Recognizing that emergencies may require assistance in the form of personnel, equipment and supplies from outside the area of impact, the signatory of utilities established the Intrastate Program for Mutual Aid and Assistance. Through the Mutual Aid and Assistance Program, members coordinate response activities and share resources during emergencies. This agreement sets forth the procedures and standards for the administration of the Intrastate Mutual Aid and Assistance Program.

Motion M2022-086 authorizing the City Manager or his designee to apply for a grant of \$78,946.52 from the U.S. Department of Justice's Patrick Leahy Bullet Proof Vest Partnership to: purchase 76 bulletproof vests; record the appropriation of such grant funds in the amount that may be approved; and, execute and deliver the grant agreement and such related documents as may be required to put the grant into effect. A match of \$39,473.26 is required from the Police Department budget.

The Patrick Leahy Bulletproof Vest Partnership (BVP), created by the Bulletproof Vest Partnership Grant Act of 1998, is a unique U.S. Department of Justice initiative designed to provide a critical resource to state and local law enforcement. Since 1999, the BVP program has awarded more than 13,000 jurisdictions a total of \$548 million in federal funds for the purchase of over one million vests (1,490,930) as of January 2022.

REGULAR AGENDA

2nd Reading Ordinance 2022-025 authorizing: the creation of the Myrtle Beach Downtown Municipal Improvement District and approving an improvement plan for the district; providing for the financing of improvements therein by assessments and other revenues as herein described; providing for the publication of this ordinance upon the enactment hereof; ordering the preparation of an assessment roll; the publishing of the completion of the assessment roll and sending notice of such assessment to property owners; and, other matters relating thereto.

The purpose of the MID is to provide for the provision and funding of various public improvements for the benefit of the current and future users of the real property located within the district, as set forth in Resolution 2022-01, adopted on April 12, 2022.

Proposed public improvements consist of the following:

- *Ambassador Program*
- *Events and Marketing*

- *Special Projects*
- *Planning and Research*

Absent the establishment of the district, other funding sources would need to be identified to provide for the public improvements proposed within the district.

2nd Reading Ordinance 2022-026 to rezone approximately 0.54 acres on Grey Street (Pin #425-13-03-0034) from R5 (Single Family) to RMM (Multifamily Medium Density) to match the zoning of the adjacent parcel to allow for the development of multifamily units.

The property fronts on both Grey Street and White Street in the Carrie May Johnson Neighborhood. The adjacent property to the north is zoned RMM, and adjacent properties on the other three sides are zoned R5. R5 is a Single Family District with a minimum lot size of 5,000 square feet. RMM is a Multifamily District that allows up to 12 units per acre.

If approved, the rezoning could result in a slight density increase. In R5, the property is currently nonconforming with two residential units. However, the property is currently eligible for subdivision into four single-family lots. Rezoning to RMM could result in as many as six units total, depending upon the design. The city has a documented shortage of workforce housing.

2nd Reading Ordinance 2022-027 annex approximately 1.26 acres at 2115 Highway 501 (PIN #425-09-03-0003 and #425-09-03-0009) and rezone the property from Horry County HC (Highway Commercial) to Myrtle Beach HC1 (Highway Commercial) in order to attain city water and sewer service.

The request is to annex two parcels along Highway 501 near Seaboard Street. Parcel #425-09-03-0003 is approximately 0.35 acres, and it is currently leased to Brakes 4 Less. Parcel #425-09-03-0009 is approximately 0.91 acres, and it currently sits vacant, but with plans for a fast food restaurant.

1st Reading Ordinance 2022-028 to levy taxes and establish a municipal budget for the fiscal year beginning July 1, 2022, and ending June 30, 2023.

State law requires each unit of local government to approve a budget for the fiscal year detailing the community's operational and financial goals for that year. The total budget proposal for Fiscal Year 2022-23 is \$292,204,387 (a .04% increase from the current revised budget). The proposed budget includes:

- *A proposed property tax increase of 10 mills (from 78.9 mills to 88.9 mills). Property taxes will equate to 88.9 cents/\$100 of assessed valuation (\$.829 for operations and .06 for debt service).*
- *A proposed blended water and sewer rate increase of 4.68%.*
- *A stormwater fee increase of \$1.67/ERU (adopted in separate resolution).*
- *A parking fee increase of \$.50-\$1.25 hourly, \$2.00-\$5.00 daily and \$20 for a weekly on-street pass. (The non-resident annual vehicle decal fees, golf cart decal fees, employee decal fees and replacement decal fees remain unchanged.)*

The proposed budget is balanced with fund balance targets and ratios of recurring revenues to expenditure met. The General Fund is balanced with ratio of recurring sources to recurring uses at 104.5% and fund balance at 19.8% of recurring expenditures.

Resolution R2022-022 an Intergovernmental Agreement between Horry County and the City of Myrtle Beach to allocate county-wide Community Development Block Grant (CDBG) funding and to proportionately distribute the benefits thereof.

To increase city Community Development Block Grant (CDBG) funding, Myrtle Beach relinquished direct recipient status and cooperated with Horry County and Conway to obtain Urban County Entitlement status in 2008. These jurisdictions have entered into several three-year Intergovernmental agreements since 2008. In the most recent agreement in 2019, Conway opted out of the tri-party Intergovernmental Agreement. This newest agreement is a three-year agreement that is scheduled to begin on October 1, 2022.

This agreement also includes compliance with the Department of Housing and Urban Development's "restrictive covenant" requirement, which states:

- *Any projects costing \$20,000 to \$50,000 must provide benefits for low and moderate income persons or areas for a minimum of 10 years.*
- *For projects costing \$50,001 to \$100,000, the minimum is 15 years.*
- *For projects costing \$100,001 to \$150,000, the minimum is 20 years.*
- *For projects costing more than \$150,001, the minimum is 30 years.*

Resolution R2022-023 to adopt the Myrtle Beach Housing and Community Development Annual Action Plan and budget for Fiscal Year 2022-23.

In total, the city's Community Development Block Grant (CDBG) allocation is projected to decrease from \$405,014 to \$381,039. The funds are budgeted based on the federal fiscal year and must be spent to primarily benefit low and moderate income people.

The following is the proposed allocation covering the period of October 1, 2022-September 30, 2023:

- *Public Infrastructure – \$326,039*
- *Public Facilities – \$55,000*

Motion M2022-087 to approve a Special Event Permit to Mike Shank/NS Promotions for the "Summer 5K Series" on the streets in the Market Common area. Three races will take place on June 7, July 19 and August 16, 2022, between the hours of 5:00 and 8:00 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 request includes rolling closures for portions of the following streets: Knoles, Johnson, Shine, Howard and Huger. The Parks, Recreation and Sports Tourism Department will provide course set-up and monitoring.

Motion M2022-088 to approve a Special Event Permit to Mike Shank/NS Promotions for the "Independence Day 5K Race" on the streets in the Market Common area and at Grand Park on July 4, 2022, between the hours of 6:00 and 10:00 a.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 request includes rolling closures for portions of the following streets: Farrow Parkway, Pampas, Myers and Forbus Court.

Motion M2022-089 to approve a Special Event Permit to NS Promotions for the “2022 Turkey Trot 5K Race” on the streets in the Market Common area on November 24, 2022, from 6:00 to 11:00 a.m., with take down completed by noon. 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.

It is anticipated that there will be at least 1,200 runners for this event. This request includes rolling closures for portions of the following streets: Farrow Parkway, Pampas, Forbus and Myers. No in-kind services are requested.

Motion M2022-090 to accept a donation of \$10,000 from Ms. Carol W. Conner for beach walkover maintenance activities to promote beach maintenance and accessibility. No local match is required.

The 34th Avenue North walkover, stairs and sand level had been improved in a timely and adequate fashion at the request of local beachgoer Barbara Enrick. After a responsive and well-executed beach nourishment project on 34th Avenue North, these funds were donated due to satisfaction with city employees’ actions and will be used for future beach walkover maintenance activities.

Motion M2022-091 to allocate \$7,500 in 2022 Accommodations Tax funding for the Waccamaw Arts and Crafts Guild.

During the distribution of the 2022 Accommodations Tax monies at the April 26, 2022, City Council meeting, a total of \$2,500 remained unused. And, an additional \$5,000 will reduce the amount of funding earmarked for city projects. This motion allocates these monies to the Waccamaw Arts and Crafts Guild. With this allocation, the Waccamaw Arts and Crafts Guild will receive a total of \$9,500 in 2022 Accommodations Tax funding.

Motion M2022-092 to appoint one member to the Technology Advisory Committee.

Sarah Bonnoitt, with HTC, is resigning her position with the Technology Advisory Group (TAG). HTC wishes to replace her with Kevin Cox, HTC’s Strategic Account Advisor.

Via Motion M2019-189, City Council approved a 10-year gift agreement with HTC. Per the agreement, HTC will contribute \$250,000 over the course of the 10 years (\$125,000 in cash and \$125,000 in in-kind services). In consideration of this gift, HTC will appoint a member to the TAG board for as long as the agreement is in place. Currently, Sarah Bonnoitt is the HTC representative and HTC wishes to replace Ms. Bonnoitt with Mr. Cox.

NON-AGENDA ITEMS FROM THE PUBLIC (30 MINUTE TIME LIMIT)

COMMUNICATIONS FROM CITY BOARDS/COMMISSION MEMBERS

COMMUNICATIONS FROM CITY COUNCIL AND CITY MANAGER

1. Council Communications
2. Chief Financial Officer (CFO) Update
3. City Manager/Assistant City Manager (CM/ACM) Update

REPORTS AND INFORMATION PRESENTATIONS FROM CITY STAFF

EXECUTIVE SESSION – Upon returning to Public 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