



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, SEPTEMBER 27, 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... September 1, 2022

APPROVAL OF MINUTES... September 13, 2022

PUBLIC REQUESTS, PRESENTATIONS, AWARDS, MEMORIALS:

1. Proclamation declaring September 15-October 15, 2022, as Hispanic Heritage Month (Meeting)
2. Proclamation declaring October 10, 2022, as Indigenous People's Day (Meeting)
3. Proclamation declaring month of September as National Recovery Month (Meeting)
4. Proclamation in recognition Jack Thompson's birthday on September 21 (Meeting)
5. 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 M2022-143 authorizing the City Manager or his designee to: apply for a grant of \$42,341 from the Santee Cooper Evolve Grant Program; 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 \$21,171 is required from the Myrtle Beach Convention Center budget.

The purpose of this project is to acquire three electric vehicle-charging stations for the Myrtle Beach Convention Center. With the growth in electric vehicle use, the city will need more electric vehicle charging stations. Community members will also have access to the electric vehicle charging stations.

Resolution R2022-037 to approve the allocation of \$1,500 to meet the 15% matching requirement for the Municipal Association of South Carolina's Hometown Economic Development Grant of \$10,000; and, other matter's relating thereto.

The City of Myrtle Beach is seeking funding to partner with restaurants (within the Arts & Innovation District) to create interactive kids' menus that promote the downtown area, assist local businesses and foster creativity for youth. This funding will provide direct partnerships with local restaurants and offer needed services within the food industry. It will also contribute to the City of Myrtle Beach's continued efforts to reignite Myrtle Beach's downtown area. If approved, the MASC Hometown Economic Development grant and \$1,500 in local match funding will be used for marketing, branding and promoting within the Arts & Innovation District.

Resolution R2022-038 to acknowledge completion of the 30-day governing body review process for the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, FY22 Edward Byrne Memorial Justice Assistance Grant, Ballistic Shield Protection; and, other matters relating thereto.

The Police Department applied for funding in the total amount of \$37,475 to acquire ballistic shields for police officers to use during response scenarios. With Motion M2022-121, City Council opened the 30-day Governing Body Review Period on August 9, 2022, as required by the Grantor. That review period has now expired. City Council held a public hearing on September 27, 2022, as required by the Grantor. This resolution confirms the completion of the Governing Body Review requirement.

REGULAR AGENDA

2nd Reading Ordinance 2022-039 to amend Chapter 15, Planning and Development, Article II, Planning Commission, Section 15-22, to eliminate the requirement for a representative of the architectural profession on the planning commission.

The Planning Commission consists of nine members, and all members must be city residents. Each member serves a three-year term, unless the individual is filling an unexpired vacancy. No member of the Planning Commission shall be an elected public official in the city or county. The stipulation that one seat is reserved for a member of the architectural profession is no longer necessary.

2nd Reading Ordinance 2022-040 to authorize the sale of 21.6 acres (portion of TMS #1730004170) to MHI Capital, LLC, to aid in construction of the proposed surf park.

Parcel for sale is a portion of TMS #1730004170 and it consists of 21.6 acres to be used for a surf park and amphitheater. The developers and operators have secured the needed capital partner to begin construction. The development partner requires the property be sold versus the prior agreement for a lease. The purchase agreement includes provisions to allow the city to reacquire the property if development is unsuccessful.

Per the appraisal:

- *Property has been appraised at \$6.5 million*
- *Appraisal deducts \$3.6 million to reflect the cost of removing un-usable soils stockpiled on the site*
- *The reconciled value, or the difference between appraised value and the estimated cost of removing the spoils, is \$2,900,000*
- *The price offered by the buyer is \$4,500,000*

1st Reading Ordinance 2022-041 to terminate the Intergovernmental Agreement adopted pursuant to Ordinance 2004-033.

In 2004, the City of Myrtle Beach and Horry County entered into an intergovernmental agreement providing for distribution of certain funds held by the city derived from rentals already received and future rental proceeds from tenants leasing the Seascape Properties. Under the agreement, 75% of the proceeds from the Seascape leases is distributed to Horry County and 25% is distributed to the city. Because the 2004 intergovernmental agreement contains no term, and no term can be reasonably implied, the City of Myrtle Beach is authorized to terminate the 2004 intergovernmental agreement with reasonable notice to Horry County.

Resolution R2022-039 a resolution pertaining to the disposition of funds derived from the sale of rental of the real property that is the subject of Ordinance 2020-048 and Ordinance 2020-049.

Via Ordinance 2022-041 (September 27, 2022), the City of Myrtle Beach has indicated its intent to terminate the Intergovernmental Agreement between the city and Horry County. The city finds it necessary and proper to plan now for the determination of the disposition of such rental proceeds and the disposition of any sales proceeds.

The proposed resolution states:

- 75% of the rental proceeds derived from the current leases of the Seascape Properties shall be held in escrow pending a final determination in the administrative proceeding before the FAA.*
- 25% of rental proceeds derived from the current leases of the Seascape Properties shall continue to be deposited in the city's General Fund.*
- 100% of sale proceeds derived from a sale of the Seascape Properties shall be held in escrow pending a final determination in the administrative proceeding before the FAA.*

Motion M2022-144 to appoint/reappoint three members to the Technology Advisory Group Committee.

The terms of Micah "Cole" Naus, Lauren Riddei and Gina Trimarco expired on August 22, 2022. Mr. Naus and Ms. Riddei do wish, and are eligible, for reappointment. Ms. Trimarco is not eligible for reappointment at this time. On file, the city has resumes for the following: Tristan Mack (non-city resident), Heather Kincer (city resident), Matthew Stewart (non-city resident) and Lilibeth Hanlon (city resident). All three terms will expire on August 28, 2025.

Motion M2022-145 to appoint/reappoint one member to the Election Commission.

The term of Clifford H. Tall (city resident) expired on September 12, 2022. Mr. Tall does wish to be reappointed. The city has one resume on file for James Lord (non-city resident). This term will expire on September 12, 2028.

Motion M2022-146 to appoint/reappoint two members to the Human Rights Commission.

The term of Veronica Walters will expire on September 28, 2022. Ms. Walters does wish to be reappointed. The board also has one vacant seat that can be filled. On file, the city has the following resumes: Jaquelyn Graham (non-city resident) and Leah Edwards (non-city resident). Both terms expire on February 22, 2025.

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