



Council Agenda

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

**MYRTLE BEACH CITY COUNCIL MEETING
TUESDAY, JUNE 9, 2020
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... May 26, 2020

PUBLIC REQUESTS, PRESENTATIONS, AWARDS, MEMORIALS:

1. Public Information Update – PIO Staff

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 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.

NO ITEMS LISTED ON THE CONSENT AGENDA.

REGULAR AGENDA

2nd Reading Ordinance 2020-025 an ordinance to amend in the Code of Ordinances Chapter 19, Article 1, sections 19-3.1.3, 19-3.1.5, 19-3.1.6, 19-3.1.7, 19-3.1.8, 19-3.1.9 and 19-3.2 as set forth below to permit and regulate sidewalk café uses at Nance Plaza.

The decision to allow café uses in Nance Plaza was discussed during the consideration of the Arts and Innovation District, and prior to Council's decision to sell a city-owned building to be used as a brewery. This ordinance proposes to amend the Café Ordinance to allow for a café in the right-of-way of George Cox Street, adjacent to Nance Plaza, in the Arts and Innovation District, and is subject to the approval of the Zoning Administrator. The following will be considered: the size of the café does not adversely impact the remaining parts of the public way or Nance Plaza; the café does not compromise the essential purpose of Nance Plaza; and, the café maintains a minimum of 5 feet for pedestrian passage in the right-of-way.

Additional conditions to operate a café on the west side of Nance Plaza:

- The café perimeter must be fully, or partially, enclosed by a barrier to be approved by the Zoning Administrator. (The barrier cannot interfere with pedestrian passage.)*
- Proof of an off-premise beer and wine license issued by the SCDOR must be provided to the city.*
- The permittee shall supply clear plastic cups for beer and wine to patrons. The permittee's name and/or business logo shall be displayed on the cups.*
- The café cannot serve liquor, beer or wine for use in Nance Plaza in a container other than a clear plastic cup with logo.*
- Permittee may not alcoholic beverages in the plastic cups with logos after midnight. The café shall be closed between midnight until the permitted business opens for business the next day.*
- Permittee shall display city-approved signage, which will be viewable from the café, regarding this article and other rules and restrictions concerning alcohol consumption both inside and outside of the plaza.*

1st Reading Ordinance 2020-027 an ordinance to amend Appendix A, Zoning of the Code of Ordinances, Sec. 1407.C, permitted uses to allow restaurants with outdoor dining as a conditional use, and administrative service establishments as a permitted use in the LM (Light Manufacturing) Zoning District.

A total of five LM areas exist within the city. Uses in this zone have historically been limited to manufacturing, wholesaling and storage uses. Employees of the businesses in the LM

District now must travel outside the district for administrative services (those having a business character and which supply general needs of an intangible nature to the public) or to go to restaurants.

The proposed ordinance adds two new uses to this zone:

- Restaurant with Outdoor Dining (as a Conditional Use)
- Administrative Service Establishments (as a Permitted Use)

As in the other cases where outdoor dining areas are allowed, the use is conditional, meaning when that area is adjacent to the property line, a buffer must be installed to provide a clear delineation between the properties, including any public rights-of-way.

1st Reading Ordinance 2020-028 an ordinance to amend the Centre Pointe Planned Unit Development (PUD), Appendix D (uses), to add the conditional use “indoor storage” in the MU-2 Development Tract.

The applicant desires to build an indoor storage facility in the Centre Pointe PUD on Agnes Lane near Doctor’s Care and Anderson Brothers Bank. The PUD is primarily designed to facilitate commercial and multi-use areas. The construction plans require the approval of the Centre Pointe Architectural Review Board and the Community Appearance Board.

The proposed use would be conditioned on the following:

- Individual storage spaces will not exceed 300 square feet per unit.
- Direct access to individual storage units may not be visible from off-site.
- Use is limited to the MU-2 portions of the PUD only.
- Maximum height of an indoor storage facility is 45 feet (by comparison, the Tideland’s Health building at Farrow and Crow is 66.5 feet).
- No outdoor storage allowed.

Parking in the PUD and around The Market Common is a perpetual issue. Most single family homes in the area have garages. However, many residents use their garages as storage. This amendment provides an opportunity for residents to store their belongings somewhere other than inside their garages.

1st Reading Ordinance 2020-029 an ordinance to rezone approximately 0.51 acres on Swann Curve (PIN #443-06-01-0016) from RMM (Multifamily Medium Density) to MUM (Mixed use Medium Density) in order match the zoning of the adjacent parcel with which it is to be combined.

The rezoning applicant intends to construct townhomes along Highway 15, between Boundary Street and Fifth Avenue South. The applicant needs to combine two lots to make project work (one zoned MUM and one zoned RMM). In order to avoid a split-zoned property, staff requested the smaller RMM parcel be rezoned to match the larger MUM parcel before combining the lots (the number of units proposed is permitted under either zoning district).

The key difference between these zoning designations are:

- RMM is a multifamily district allowing a maximum 12 units/acre. MUM allows up to 20 units/acre, with a density bonus for increased open space.

- *MUM is a mixed-use district. Mixed Use districts allow a number of commercial uses residential districts do not.*
- *MUM includes pedestrian-oriented design standards that RMM does not.*

The townhome project built to the MUM design standards will result in much-needed pedestrian improvements to this section of Highway 15. In addition, the project would increase the stock of workforce housing in the city.

1st Reading Ordinance 2020-030 an ordinance to authorize encroachments into City-Owned Pond P5 (PIN 1650001426) with portions of landscape beds, lighting, a wall and a concrete sidewalk in order to beautify a City property.

The Cape is a single family residential development within the Grande Dunes PUD. The developer intends to install a “mail pavilion” (landscaping, lighting, a wall and a sidewalk) on Cape Dutch Loop, adjacent to the city pond. A portion of the proposed pavilion encroaches onto a public stormwater pond parcel located at the corner of Grande Dunes Boulevard and Kings Highway.

The proposed improvement designs are in keeping with improvements made throughout the Grande Dunes PUD. Maintenance, insurance and hold harmless agreements are in place.

1st Reading Ordinance 2020-031 an ordinance to levy taxes and establish a Municipal Budget for the fiscal year beginning July 1, 2020, and ending June 30, 2021, and a capital improvements program for fiscal years 2021-2025.

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 the year. Normally, this document includes several proposals to change fee or rates and several recommendations for service level modifications. Due to the uncertainty regarding the recovery of the local economy, the budget proposed for Fiscal Year 2020-21 includes very little in the way of new service level requests and/or fee increases.

The highlights of this budget proposal are:

- *No proposed property tax increases. Property taxes remain at 78.9 cents per \$100 of assessed valuation (\$.729 for operations and \$.06 for debt service).*
- *No fee increases of any existing fee.*
- *The only service level increase is the addition of 10 police officers funded by a Department of Justice COPS grant (which cannot be used for other purposes).*
- *This budget reflects proposed amendments to the Solid Waste Ordinance to define standard levels of service. The fees associated with this amendment will be included in the budget ordinance, and are intended to better align costs of providing services beyond the standard with the beneficiaries of those services.*
- *No lay-offs of full-time employees are included in this proposal. In order to accomplish this, however, all planned pay increases are suspended in this proposal. In addition, the annual Holiday Bonus (equivalent to one week’s worth of pay for most employees) is suspended as well. This amounts to a 1.9% pay decrease for most employees.*

The total budget proposal for FY 2020-21 is \$193,700,009, with a 3.9% reduction from the current revised budget. This budget allows all city services to resume at the level that they

are currently provided. This proposal reflects the realities of the COVID-19 pandemic and uncertainties about the economy. Because of these uncertainties, this budget must be regarded as a flexible document. Staff will review the budget throughout the year to see if services can be enhanced, or whether further cut-backs are necessary.

Motion M2020-068 to authorize the City Manager to enter into negotiations with highest ranked firm that submitted a proposal in response to RFP 20-R0019 to provide “ambassador services” in downtown Myrtle Beach.

Within the target area (east of Kings Highway, from 29th Avenue North to Seventh Avenue South and the Arts and Innovation District), the concept of the Ambassador Program is to accomplish the following:

- *Build relationships with stakeholders (e.g. residents, visitors, property owners and business owners) to offer hospitality services in the designated area.*
- *Further enhance the reality and perception of personal safety for our residents and guests.*
- *Report and/or address maintenance issues, including burned-out street lights, damaged public property and sidewalk trip hazards.*
- *Act as a “reporting network” for the Police Department to report actual or suspected criminal activity.*
- *Identify and report obvious zoning and building code violations.*
- *Work with city litter teams to report major unsightly debris and other aesthetic issues.*
- *Water the hanging baskets on a daily basis.*
- *Work with local area agencies to address homelessness and to make appropriate social service referrals.*

The proposed agreement is for one year, which is to be considered a trial period. Under the terms of the proposed agreement, the city is also obligated to provide a location for the contractor. The proposed source of funding is the “Downtown Improvement Fund.” Within that fund, approximately \$518,000 comes to the city as a result of the decision to close the Downtown Redevelopment Corporation. The actual deployment of ambassadors will fluctuate depending on the time of the year and the number of people anticipated to be in the target area.

Motion M2020-069 to allocate Accommodation Tax funding for 2020.

State law provides that State Accommodations Taxes be allocated, as follows:

- *The first \$25,000 serves as statutory allocation to the General Fund.*
- *The city receives statutory allocation of 5% of revenues after the first \$25,000 amount is deducted.*
- *The city receives 15% of revenue after the first \$25,000 for direct policing services (per Proviso No. 109.11).*
- *Promotional allocation of 15% of revenue after the first \$25,000 is paid to the Myrtle Beach Area Chamber of Commerce for advertising and promotion of tourism (per Proviso No. 109.11).*
- *A total of 65% of the balance serves as a special fund for tourism-related expenditures.*

The purpose of this motion is to allocate the 65% portion of this fund (approximately \$5.19 million dollars between city-related tourism uses and 40 applicants who applied for funding through the Accommodations Tax application process).

Motion M2020-072 authorizing the City Manager or his designee to accept a grant award of \$38,998.00 from the South Carolina Law Enforcement Division – State Homeland Security Program, Pee Dee Regional FEMA Incident Management Team – Emergency Management Assistance Compact for a 2018 reimbursement related to the Fire Department’s labor and meals while assisting with Hurricane Michael recovery efforts in Florida and to record the appropriation of such grant funds in the amount approved.

The Myrtle Beach Fire Department personnel assisted with Hurricane Michael Recovery efforts in Florida on October 16-28, 2018, as part of the Pee Dee Regional FEMA Incident Management Team Emergency Management Assistance Compact. The grant reimbursement is provided by the South Carolina Law Enforcement Division – State Homeland Security Program for the purpose of supporting the Pee Dee Regional FEMA Incident Management Team – to the Myrtle Beach Fire Department.

Motion M2020-073 authorizing the City Manager or his designee to apply for a grant of \$1,506,708.00 from the Federal Emergency Management Administration (FEMA) – Staffing for Adequate Fire and Emergency Response (SAFER) program to: hire nine firefighters for three fire companies to meet national standards; 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. No match required.

The Staffing for Adequate Fire and Emergency Response grants (SAFER) was created to provide funding directly to fire departments to help increase or maintain the number of trained "front line" firefighters. The goal of SAFER is to enhance the local fire departments' abilities to comply with staffing, response and operational standards 1710 and 1720 established by the National Fire Protection Association.

The SAFER program improves local fire departments' staffing and deployment capabilities to more effectively respond to emergencies. With the enhanced staffing, departments should see a reduction in response times and an increase in the number of trained personnel assembled at the incident scene. The match requirement has been waived for this grant opportunity.

Motion M2020-074 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, 2020, between the hours of 6:00 a.m. and 10 a.m. (take down will be 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.

This is the 13th year for the event. The course includes rolling closures (roads are reopened when the last runner passes through) for portions of Farrow, Shine, Pampas, Mallard Lakes, Cactus, Swallow and Myers. A number of off-duty police officers and EMTs will be hired at the promoter’s expense, and no in-kind services are requested. A Social Distancing Plan is included. Five hundred participants are expected.

Motion M2020-075 to approve a Special Event Permit to Caitlen Buffkin/BEI-Beach, LLC, for the Concerts on the Green to be held on Thursdays at Valor Memorial Garden in Market Common on July 16, 2020, and August 20, 2020, from 6:00 p.m. to 10:00 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 the 13th year for the event, which includes live music and vendors in the perimeter of Valor Memorial Garden. Alcohol will be sold at these concerts. The park will be barricaded, and no in-kind services or street closures are requested. The Market Common security, maintenance and marketing staff will be present, and two off-duty police officers will be hired for additional security.

Motion M2020-076 to approve a Special Event Permit to Philip Jackson and Chalmers Lester of Surf City Surf Shop to host a surfing contest in association with the Surf Dreams Foundation on the beach at 66th Avenue North on July 11, 2020 (rain date is July 12) and July 18 (rain date is July 19), from 8:00 a.m. to 5:00 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 first-time event will include a contest and a free surf clinic. The site plan includes four small tents on the beach just to the north of the 66th Avenue North walkover. Approximately 40 participants are expected. Cautionary social distancing signs will be posted.

Motion M2020-077 to declare certain vehicles abandoned or derelict pursuant to the authority of Article 41 of Title 56 South Carolina Code of Laws 2001.

This declaration is an effort to improve the appearance of both commercial and residential neighborhoods. This report includes vehicles that staff 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.

Motion M2020-078 authorizing the City Manager or his designee to apply for a grant of \$4,275 from the United States Tennis Association Southern Cares Facility Initiative program for the purpose to: purchase tennis and sanitizing equipment; 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. No match is required.

The Parks, Recreation and Sports Tourism Department will use the recovery grant funding to purchase needed tennis and sanitizing equipment. The USTA Southern Cares Initiative Program was created to defray some of the tennis-related costs associated with reopening the facility in 2020 due to the impact of COVID-19.

Motion M2020-079 to authorize the City Police Department to enter into an agreement with Horry County Schools to provide School Resource Officers in Myrtle Beach High and Middle Schools.

This motion extends the agreement between the City of Myrtle Beach and the school district in which the city provides School Resource Officers for both Myrtle Beach High and Middle Schools. Pursuant to this agreement, the SROs:

- Will be assigned to a full-time, daily eight-hour schedule during the regular school year.*
- May be temporarily reassigned during law enforcement emergencies or may leave the school anytime it becomes necessary for public safety purposes.*
- Will investigate criminal activity occurring on the school campus and within the surrounding community when school or student related.*
- Do not serve as the school disciplinarian. Disciplining students is the school's responsibility.*
- Will maintain relationships with students, parents and faculty which may include attending PTO meetings and staff meetings, and providing law-related education.*

The district agrees to:

- Provide materials and facilities that are deemed necessary to perform the officers' duties.*
- Reimburse 50% of the local funding portion of the salary and fringe benefit costs for the SROs (not to exceed \$77,937).*

Motion M2020-080 to authorize the City Police Department to enter into an agreement with Horry County Schools to provide School Resource Officers in Myrtle Beach Elementary School.

This motion extends the agreement between the City of Myrtle Beach and the school district in which the city provides School Resource Officers for Myrtle Beach Elementary School.

Pursuant to this agreement, the SROs:

- Will be assigned to a full-time, daily eight-hour schedule during the regular school year.*
- May be temporarily reassigned during law enforcement emergencies or may leave the school anytime it becomes necessary for public safety purposes.*
- Will investigate criminal activity occurring on the school campus and within the surrounding community when school or student related.*
- Do not serve as the school disciplinarian. Disciplining students is the school's responsibility.*
- Will maintain relationships with students, parents and faculty which may include attending PTO meetings and staff meetings, and providing law-related education.*

The district agrees to:

- Provide materials and facilities that are deemed necessary to perform the officers' duties.*
- Unlike the SRO agreement with the High and Middle Schools, the compensation in this case will be from the State.*

NON-AGENDA ITEMS FROM THE PUBLIC

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

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