



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, FEBRUARY 9, 2021
9:00 A.M. – WORKSHOP – CONFERENCE CALL
10:00 A.M. – MEETING – CONFERENCE CALL**

NOTE: CITIZENS ARE INVITED TO WATCH THE CONFERENCE MEETING LIVE ON THE CITY'S FACEBOOK PAGE, <https://www.facebook.com/myrtlebeachcitygovernment/>. CITIZENS WHO WISH TO ADDRESS COUNCIL ARE ASKED TO SUBMIT PUBLIC COMMENT VIA EMAIL TO questions@cityofmyrtlebeach.com OR SEND A TEXT MESSAGE TO 843-882-5330. INCLUDE YOUR NAME, RESIDENTIAL ADDRESS OR THE ADDRESS OF YOUR IN-CITY BUSINESS.

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... January 7, 2021

APPROVAL OF MINUTES... January 26, 2021

APPROVAL OF MINUTES... February 5, 2021

PUBLIC REQUESTS, PRESENTATIONS, AWARDS, MEMORIALS:

1. COVID-19 Update – Myrtle Beach Fire Department (Workshop)
2. Roadway Dedication to Fallen Officers – Myrtle Beach Police Department (Workshop)
3. Business License Legislation Update – Financial Services Department (Workshop)
4. Downtown Progress Update – Downtown Development Office (Workshop)
5. Public Information Update – PIO Staff (Meeting)

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.*

NO ITEMS LISTED ON THE CONSENT AGENDA.

REGULAR AGENDA

2nd Reading Ordinance 2021-001 to annex 4.4 acres located at 9598 N. Kings Hwy (PIN #394-03-02-0015) and rezone from Horry County HC (Highway Commercial) to City of Myrtle Beach HC1 (Highway Commercial) for the purpose of constructing indoor mini-storage units.

This request from Quattlebaum Development Corporation is to annex 4.4 acres into the City of Myrtle Beach. The developer is proposing to build indoor mini storage units. Currently, the property is vacant and zoned Horry County Highway Commercial.

The property is impacted by current flood zones, but being located in a flood zone does not preclude construction. The developer can use site-design, dry flood-proofing and/or fill in order to work around any flood zone issues.

The Planning Commission recommends annexation and a zoning designation of Highway Commercial-1.

1st Reading Ordinance 2021-002 to rezone 1.36 acres located at 1002 29th Avenue North from MU-M (Mixed Use Medium Density) to HC-1 (Highway Commercial) for the purpose of holding events.

The applicant is the owner of El Cerro Mexican restaurant, located at 1002 29th Avenue North. Applicant would like to expand the use of the restaurant and hold special events, like Cinco de Mayo celebrations. The applicant intends to utilize floor space for bands and dancing as well as charge a cover fee at the door.

This description is in line with the “nightclub” use in the zoning ordinance, even though the applicant has stated that they do not want to turn the restaurant into a typical “nightclub.” Applicant’s property is adjacent to two other zoning districts that allow for nightclubs: E (Entertainment) and HC1 (Highway Commercial).

Planning Commission recommends approval as requested (7-0).

1st Reading Ordinance 2021-003 to amend Appendix A Zoning of the Code of Ordinances, Article 10 Parking and Loading Requirements, to require bicycle racks in all commercial, civic and major subdivision construction projects; and, to add Appendix B. Association of Pedestrian and Bicycle Professionals (APBP) Essentials of Bike Parking.

This request comes from the city's Bicycle and Pedestrian Committee. Bicycle locks and chains can damage trees, fences and benches when adequate bicycle parking facilities are lacking. Required bicycle parking is new to Myrtle Beach.

If the ordinance passes, it would require the following:

- *All new commercial, civic and major subdivision construction projects must install a bicycle rack on-site.*
- *Substantial renovations to existing commercial, civic and major subdivisions would also be required to install a bicycle rack on-site.*
- *In zoning districts where the use requires no on-site parking, a fee of \$600 may be paid in lieu of installing a bike rack; all monies will be earmarked by the city to install public bicycle parking in the area.*

Planning Commission recommends approval as requested (7-0).

1st Reading Ordinance 2021-004 to annex 0.69 acres located at 9417 Park Drive (PIN #394-03-03-0001) and rezone from Horry County SF 10 (Single Family Residential) to City of Myrtle Beach R-15 (Single Family Residential) for the purpose of constructing a new home.

The applicant wishes to build a single-family home on vacant property located in an unincorporated "doughnut hole" off Park Drive, and is required to submit an annexation petition as required to receive utility services.

Resolution R2021-005 certifying a building site as an abandoned building site containing one (1) abandoned building unit pursuant to the South Carolina Abandoned Buildings Revitalization Act, Title 12, Chapter 67, Section 12-67-100 ET SEQ., of the South Carolina Code of Laws (1976), as amended, regarding property located at 505 9th Avenue North in the City of Myrtle Beach, (Horry County TMS #1810707015 and Horry County PIN #44401010039).

The Abandoned Buildings Revitalization Act of 2013 (as amended) is a state effort to incentivize the redevelopment of buildings that are at least 66% vacant for the past five years that are not income-producing (single-family residences are not eligible). The minimum threshold for investment is \$250,000 for cities or counties with a population exceeding 25,000. The act provides income tax credits equal to 25% of actual rehabilitation expenses (not to exceed \$500,000 for any taxpayer in a tax year), which must be taken over three years after the building is placed back in service. The act also provides a property tax credit of 25% of actual expenses (but may not exceed 75% of the property taxes due on the building). This credit may be taken up to eight years after the building is placed back in service.

Staff determined the building meets the statutory definition of an “abandoned structure.” The city benefits from increased property taxes (after the initial eight years) and business license fees attributable to the renovated structure.

Resolution R2021-006 certifying a building site as an abandoned building site containing one (1) abandoned building unit pursuant to the South Carolina Abandoned Buildings Revitalization Act, Title 12, Chapter 67, Section 12-67-100 ET SEQ., of the South Carolina Code of Laws (1976), as amended, regarding property located at 507 9th Avenue North in the City of Myrtle Beach (Horry County TMS #1810707014 and Horry County PIN #44401010038).

The Abandoned Buildings Revitalization Act of 2013 (as amended) is a state effort to incentivize the redevelopment of buildings that are at least 66% vacant for the past five years that are not income-producing (single-family residences are not eligible). The minimum threshold for investment is \$250,000 for cities or counties with a population exceeding 25,000. The act provides income tax credits equal to 25% of actual rehabilitation expenses (not to exceed \$500,000 for any taxpayer in a tax year), which must be taken over three years after the building is placed back in service. The act also provides a property tax credit of 25% of actual expenses (but may not exceed 75% of the property taxes due on the building). This credit may be taken up to eight years after the building is placed back in service.

Staff determined the building meets the statutory definition of an “abandoned structure.” The city benefits from increased property taxes (after the initial eight years) and business license fees attributable to the renovated structure.

Resolution R2021-007 certifying a building site as an abandoned building site containing two (2) abandoned building unit pursuant to the South Carolina Abandoned Buildings Revitalization Act, Title 12, Chapter 67, Section 12-67-100 ET SEQ., of the South Carolina Code of Laws (1976), as amended, regarding property located at 509 9th Avenue North in the City of Myrtle Beach (Horry County TMS #1810707012 and #1810707013, and Horry County Pin #44401010036 and #44401010037).

The Abandoned Buildings Revitalization Act of 2013 (as amended) is a state effort to incentivize the redevelopment of buildings that are at least 66% vacant for the past five years that are not income-producing (single-family residences are not eligible). The minimum threshold for investment is \$250,000 for cities or counties with a population exceeding 25,000. The act provides income tax credits equal to 25% of actual rehabilitation expenses (not to exceed \$500,000 for any taxpayer in a tax year), which must be taken over three years after the building is placed back in service. The act also provides a property tax credit of 25% of actual expenses (but may not exceed 75% of the property taxes due on the building). This credit may be taken up to eight years after the building is placed back in service.

The abandoned structure at 509 9th Avenue North is being rehabilitated into a technology co-working space. Staff determined the building meets the statutory definition of an “abandoned structure.” The city benefits from increased property taxes (after the initial eight years) and business license fees attributable to the renovated structure.

Resolution R2021-008 to direct the City Manager to implement the attached Emergency Health and Safety Order to provide financial relief to city businesses suffering from the economic impact of the Coronavirus health event (business license).

On March 13, 2020, SC Governor Henry McMaster issued Executive Order No. 2020-08 related to COVID-19 and declared that a State of Emergency exists in South Carolina. A state of emergency has existed continuously from that time until today.

Chapter 11, Article II of the City's Code requires business licenses to be renewed annually with a due date of April 30, 2021; and, payments become delinquent on May 1, 2021. This temporary order grants licensees an extension on the imposition of penalties from May 1, 2021, through July 1, 2021.

Per the Emergency Payment Extension Agreement, licensees are still required to submit the Annual Business License Renewal Form by the original due date of April 30, 2021, along with a 10 percent payment of the annual fee. The licensee will then enter into a payment plan agreement with the City of Myrtle Beach to pay the outstanding balances. All outstanding balances are to be paid, in full, by June 30, 2021, to avoid penalties.

Motion M2021-020 to approve a Special Events Permit to the Ocean Front Merchants Association for "Spring Break Extravaganza" to be held in Plyler Park. The event will take place from 12:00 p.m. to 8:00 p.m. daily, February 27 through April 17, 2021. 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 Oceanfront Merchants Association (OMA) is planning for a special event daily from February 27 through April 17, 2021, in Plyler Park, from 12:00 to 8:00 p.m. The event will include DJs, bands and various forms of entertainment. The event is anticipated to draw 250 participants per day.

Motion M2021-021 to approve a Special Events Permit to the Ocean Front Merchants Association for "St. Patrick's Day Party" to be held in Plyler Park. The event will take place from 12:00 p.m. to 8:00 p.m. on March 17, 2021. 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 Oceanfront Merchants Association (OMA) is planning for a Special Event for St. Patrick's Day on March 17, 2021, from 12:00 to 8:00 p.m. in Plyler Park. The event will include a DJ, band, various strolling entertainment and artists. Food, along with beer and wine, will be available. OMA is anticipating around 250 attendees.

Motion M2021-022 authorizing the City Manager or his designee to apply for a grant of \$542,011.20 from the SC Department of Public Safety's Highway Safety Grant Program for the purpose to: establish a four member traffic enforcement team in the Police Department in order to reduce motor vehicle collisions; 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 requirement.

This grant funding would put additional traffic enforcement officers on the road during peak hours to significantly lower the number of collisions, injuries and fatalities. From 2018-2020, officers wrote 69,363 traffic citations, with: 1,139 DUI arrests; 7,099 speeding citations; 1,220 seatbelt violations; and, 193 child restraint violations. Officers also investigated 7,738 traffic collisions over that same time period. The Traffic Unit provides: 24/7 coverage of the roadways; investigates motor vehicle collisions that occur within the city limits; conducts traffic enforcement; and, assists the Patrol Division with calls for service.

Motion M2021-023 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 has tagged as abandoned or derelict. Council's approval 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 M2021-024 to approve a Mutual Aid Agreement between the City of Myrtle Beach Police Department and the City of Conway Police Department, Surfside Beach Police Department, City of Georgetown Police Department, Georgetown County Sheriff's Office and the Horry County Sheriff's Office.

This two-year Memorandum of Understanding (MOU) authorizes law enforcement agencies to enter into a mutual aid agreement for the proper and prudent exercise of public safety functions across jurisdictional lines. This includes Conway Police Department, Surfside Beach Police Department, City of Georgetown Police Department, Georgetown County Sheriff's Office and Horry County Sheriff's Office. This is a renewal of this agreement.

Motion M2021-025 to accept a donation in the amount of \$6,000 from more than 100 individual donors to purchase a small quarter pipe for the Matt Hughes Skateboard Park. No match required.

This funding is designated to purchase a small quarter pipe for the Matt Hughes Skateboard Park. More than 100 individual donors contributed to the Small Quarter Fund and raised the money within five days. The quarter will challenge veteran skaters, giving the street side more flow. It will slow the skaters down and stop them from running into the fence, helping with the maintenance of the park. This feature will bring fresh life to the skate park and continue to encourage the community to take care of their park.

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

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 vote or action in Executive Session.

ADJOURNMENT