



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 AGENDA
TUESDAY, DECEMBER 13, 2022
9:00 A.M. – WORKSHOP, COUNCIL CHAMBER
10:00 A.M. – MEETING, COUNCIL CHAMBER
TED C. COLLINS LAW ENFORCEMENT CENTER
1101 NORTH OAK STREET, MYRTLE BEACH, SC 29577**

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... December 6, 2022

PUBLIC REQUESTS, PRESENTATIONS, AWARDS AND MEMORIALS:

1. Myrtle Beach Area Chamber of Commerce Quarterly Update – Karen Riordan, President (Workshop)
2. COVID/Influenza Update – Dr. Harmon, Tideland Health (Meeting)
3. Public Information Update – PIO Staff

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.

CONSENT AGENDA

Motion M2022-151 authorizing the City Manager or his designee to accept a cash award in the amount of \$266,567 from the South Carolina Public Safety Coordination Council and the South Carolina Department of Public Safety; and, to authorize the City Manager or his designee to execute and deliver the agreement and such related documents as may be required to put the reimbursement grant into effect.

The city's reimbursement amount for Fiscal Year 2022-23 is \$266,576. This is a reimbursement for body-worn cameras used by the Myrtle Beach Police Department. No match is required and the city has made outlays for this purpose in excess of the amounts reimbursed by this grant.

Motion M2022-152 to accept a donation of \$1,000 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 beach access walkover, stairs and sand level have been improved at the request of a local beachgoer. These funds were donated and will be used to further enhance beach walkover maintenance efforts.

Motion M2022-153 authorizing the City Manager or his designee to accept a donation from the Myrtle Beach Area Chamber of Commerce on behalf of the Parks, Recreation and Sports Tourism Department in the amount of \$10,000; and, to record the appropriation of such donation funds in the amount approved. No match is required.

This is a routine donation acceptance. The city has a Local Government Contingency Agreement with the chamber whereby the chamber will set aside approximately 5% of the Accommodations Tax revenues received from the respective local government. These funds are to be used by the city to defray the cost of promotional items for city sports marketing.

Motion M2022-154 authorizing the City Manager or his designee to: apply for a grant of \$14,762 from the CSX Railroad Pride In Service 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. No match is required.

The proposed funding will allow the City of Myrtle Beach Police Department (MBPD) to enhance the quality of life and public safety of all who reside in, and visit, our city. Expanding the number of bicycles for officers to use continues public safety efforts within the community. These funds would allow for more police officers to travel throughout downtown. Officers on bicycles are more approachable to the general public.

Motion M2022-155 authorizing the City Manager or his designee to: apply for a grant of \$9,000 from the Arbor Day Foundation; record the appropriation of such grant funds in the amount 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 is seeking funding from the Arbor Day Foundation and a community sponsor to conduct a tree donation in Summer 2023. The event will take place at Myrtle's Market with the help of volunteers, PRST staff, Neighborhood Services staff and Public Information staff. Refreshments, entertainment and educational information about tree planting will be available as native trees are given away.

Motion M2022-156 authorizing the City Manager or his designee to: accept a grant in the amount of \$15,000 from the South Carolina Department of Commerce Office of Innovation; record the appropriation of such grant funds in the amount approved; and, execute and deliver the grant agreement and such related documents as may be required to put the grant into effect. A one-to-one match is required that will be provided by eMYRge.

This funding will be used to develop Myrtle Beach's Digital Economy Ecosystem in collaboration with the Center on Rural Innovation (CORI). Establishing the city's digital ecosystem will locate locally-driven strategies for scalable entrepreneurial support, access to digital jobs, digital workforce development and access to capital. The Center on Rural Innovation will help educate, identify and analyze best practices associated with the development and growth of a digital ecosystem.

Motion M2022-157 authorizing the City Manager or his designee to: apply for a grant of \$2,500 from the USA Swimming Foundation for the purpose of providing swim lesson scholarships to youth; 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 USA Swimming Foundation provides the opportunity for every child in the U.S. to learn to swim through an annual grant program. USA Swimming Foundation Youth Learn to Swim Grants are intended to expand existing programming and support opportunities for children that otherwise would not participate in swimming lessons. Awarded funds may be used by the swim lesson program to offer free or reduced-cost swim lessons. Lessons will be offered through the aquatics program at the Mary C. Canty and Pepper Geddings Recreation Centers.

Motion M2022-158 authorizing the City Manager or his designee to: apply for a grant of \$500 from the USA Swimming Foundation for the purpose of providing swim lesson scholarships to adults; 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 goal of the Adult Learn to Swim Grant is to educate and teach adults about the appropriate safety and swimming techniques required for learning how to swim. The

program's hope is that once adults learn to swim or improve their swimming skills, they will have the confidence and desire to continue swimming in a Masters Swimming program and experience the lifelong benefits of swimming. Adult Learn to Swim Scholarships will be available through the aquatics program at the Mary C. Canty and Pepper Geddings Recreation Centers.

REGULAR AGENDA

2nd Reading Ordinance 2022-049 to amend the Code of Ordinances, City of Myrtle Beach, Appendix A Zoning Article 2 Definitions, Article 10 Parking and Loading Requirements, and Article 14 Zoning Districts to add “Data Center” as a permitted use in the AP (Airport), HC1 (Highway Commercial), LM (Light Manufacturing) and WM (Wholesale/Manufacturing) Zoning District.

In recent months, the city has had multiple inquiries from developers in the data industry scouting Myrtle Beach as a possible location for new data center facilities. Data centers are large facilities that house computer servers, with minimal staff on-site (i.e. cloud servers). Data centers are currently not a Permitted Use. The applicant requests “Data Centers” be allowed in the HC1 (Highway Commercial) District. City staff have reviewed the zoning code and the zoning map and they recommend Data Centers to also be allowed in the AP (Airport), LM (Light Manufacturing) and WM (Wholesale/Manufacturing) Zoning Districts.

2nd Reading Ordinance 2022-050 to amend the Code of Ordinances, City of Myrtle Beach, Appendix A Zoning Section 1311.M.8 Concealed Wireless Facility to include additional options for wireless facilities and their support structures to allow for improved ventilation of equipment.

The City of Myrtle Beach Zoning Code regulates construction and appearance of wireless communications facilities (radios and antennae), and the structures that support them, to the extent permitted by federal regulations. Per code, some areas of the city only allow concealed facilities; concealment measures are designed in such a way to be hidden from public view, often by the design of their support structure (e.g. radios and antennae housed within a church steeple). This ordinance, if adopted, would increase the concealment options available to meet current technologies developed by the industry.

2nd Reading Ordinance 2022-051 in the Code of Ordinances for the City of Myrtle Beach, an ordinance to amend Section 19-124 and Divisions 1, 2, 3, 4, 5 and 7 of Chapter 19, Article VI entitled special events, parades, facility use, public performance and picketing.

An ordinance to streamline the special event and facility use permit process. Permit decisions will be made by the Special Events Technical Review committee instead of City Council, with appeals directed to the City Manager. The ordinance also clarifies the membership and make-up of the Special Events Technical Review committee. Parade applications will be processed by the committee rather than the Myrtle Beach Police Department. If approved, this ordinance clarifies the city’s intent to recover costs for the provision of city services, and requires insurance for all facility use permits with alcohol present. Lastly, it gives the City Manager, with consultation with the Director of Insurance and Risk Services Department, the discretion to require more or less insurance coverage; or, in some circumstances, it gives the City Manager the ability to waive the insurance requirement.

2nd Reading Ordinance 2022-052 approving the execution and delivery by the City of Myrtle Beach, South Carolina, of a lease between the city, as lessor, and, AutoMoney, Inc. as lessee, with respect to building located at 706 North Kings Highway in the City of Myrtle Beach.

The city is in the process of acquiring 706 North Kings Highway from the owner and operator of AutoMoney, Inc. A condition of the Purchase and Sale Agreement is to provide a one-year lease to the current owner. The lease for one year is for \$33,600.

2nd Reading Ordinance 2022-053 to amend Ordinance No. 2021-028, the 2021-22 Budget Ordinance, recognizing material events and their impacts upon the 2021-22 budget and reconciling budgets with audited results.

Each year, as the result of closing and adjusting entries, the City of Myrtle Beach considers whether it must adopt a wind-up ordinance to account for adjustments that changed the original adopted budget.

Changes to the 2022 budget include:

- Air Base Tax Increment Funds – To recognize revenues in excess of budget estimates and to transfer surplus greater than estimated.*
- General Revenues – To recognize revenues in excess of budgeted amounts and to recognize transfers to Workforce Housing Fund and Capital Projects.*
- Sports Tourism Fund – To recognize revenues in excess of budget estimates and to increase the budget for operating costs.*
- Workforce Housing – To recognize transfers in from general revenues.*
- Capital Projects – To recognize transfers in of general revenues.*
- Water & Sewer Fund – To recognize revenues in excess of budget estimates and to increase the budget for operating costs.*
- Parking Utility Fund – To recognize revenues in excess of budget estimates and to increase budget amounts for operating costs.*

2nd Reading Ordinance 2022-054 to amend Ordinance No. 2022-028, the 2022-23 Municipal Budget Ordinance, by appropriating allocations from fund balance/retained earnings for certain operating and capital expenditures.

As a result of vacancies throughout the city, considerable savings in personnel costs were recognized during the year ended June 30, 2022. The savings are sufficient to allow a one-time bonus to those employees that maintained service levels in spite of staffing shortages (\$3,462,341). The combination of stronger than expected revenues and expenditure savings in the General Fund for the year ending June 30, 2022, and the corresponding Fund Balance growth allows for the funding of a number of items that were not included in the original Fiscal Year 2022-23 budget (\$6,510,000). The combination of stronger than expected revenues and expenditure savings in the General Fund for the year ending June 30, 2022, and the corresponding Fund Balance growth allows for the appropriation of funds to expedite deficit funding in the Health Insurance Fund (\$1,000,000). Stronger than expected Tourism-Driven Revenues received for the year ending June 30, 2022, allow for the allocation of funds for projects that either came in over budget (Fire Station #3 at \$4,500,000) or need to be addressed at this time (Stormwater Properties at \$600,000 and Crabtree Memorial Gymnasium at \$825,000).

1st Reading Ordinance 2022-055 to authorize a property exchange between the City of Myrtle Beach and Auto Rebuilt, LLC, along Alder Street for the parcel along Eighth Avenue North.

The city has purchased eight properties within the last year that are needed for stormwater facilities in this immediate area. The city is the fee simple owner of two parcels along Alder Street (PIN #44301020037 and #44304020036). Auto Rebuilt, LLC, is the fee simple owner of a lot along Eighth Avenue North (PIN #44304020027). The Auto Rebuilt property on Eighth Avenue North is better situated for a stormwater retention facility than the city-owned properties on Alder Street. Auto Rebuilt, LLC, does not wish to sell their property, but is willing to enter into a property exchange agreement with the City of Myrtle Beach.

1st Reading Ordinance 2022-056 to rezone approximately 1.5 acres at 1300 North Kings Highway (PIN #42416030012) from HC-2 (Highway Commercial) to A (Amusement), and to rezone approximately 0.32 acres across Chester Street (PIN #44401020048) from MUH (Mixed Use – High Density) to A (Amusement) in order to allow anticipated uses.

The properties are adjacent to North Kings Highway, 14th Avenue North, Chester Street and 13th Avenue North. The properties are close to A (Amusement) zoned properties to the east and south. Directly adjacent properties are zoned C-8, MU-H, E and HC-2. The applicant plans to preserve the former First Presbyterian Church building.

1st Reading Ordinance 2022-057 to amend Sec. 701 Parking and Exhibit A of the ITAP PUD (Planned Unit Development) to add minimum parking requirements for data centers, and to amend Exhibit A to reflect an updated Roadway B.

Data centers are new to Myrtle Beach and the parking requirements were not considered during the creation of iTAP. Because data centers have low staffing needs and do not serve on-site customers, the parking needs are minimal. With this ordinance, a data center will be required to have a minimum of one parking space for every 4,000 square feet of net leasable space. This amendment is consistent with the parking requirements in Ordinance 2022-049. Planning Commission recommended approval unanimously at their December 6, 2022, meeting (8/0).

1st Reading Ordinance 2022-058 to amend the Code of Ordinances, City of Myrtle Beach, Appendix A Zoning Article 14 Zoning Districts to add “Religious Establishments” as a conditional use, and Article 15 Conditional and Accessory Uses and Special Exceptions in the LM (Light Manufacturing) Zoning District.

The applicant is requesting a conditional use for “Religious Establishments” in the LM zone. The conditions are: the property must be located within 100 feet of an airport and the property is less than one acre.

Planning Commission recommended denial at their December 6, 2022, meeting (8/0) for the following reasons:

- The request is inconsistent with development plans of the city.*
- The intention of LM zoning is for manufacturing endeavors and compatible uses.*
- Allowing religious establishments in the LM zone could impact the ability to attract manufacturers to the district*

- Only six LM zones exist in the city.
- Approval could set a precedent and could prevent restaurants (permitted uses in the LM) from opening because state law prevents alcohol sales within 300 feet of a church.

The Planning Commission wants to make it clear that their recommendation is not a denunciation of religious establishments, and they acknowledge such facilities are an asset to the community. Since there are plenty of opportunities to open religious establishments in other locations within the city, this recommendation is based upon best planning and zoning practices.

Resolution R2022-042 to adopt state legislative priorities for the 2023 South Carolina Legislative Session.

The 125th South Carolina General Assembly commences its two-year session on January 10, 2023. The following list reflects the city's 2023 State Legislative priorities:

- *Economic Development: Downtown Revitalization – Encourage and support state collaboration and partnerships to further the city's downtown revitalization efforts.*
- *Economic Development: Convention Center Revitalization – Support state assistance in further renovations and rehabilitation of the Myrtle Beach Convention Center's lobby and atrium.*
- *Public Safety: Squat Truck Legislation – Support legislation restricting the elevating or lowering of a motor vehicle.*
- *Public Safety: Opioid Legislation – Support legislation that continues to address opioid, fentanyl and synthetic drug use in our community.*
- *Public Safety: Mental Health – Support legislation that increases the expansion of mental health services in our state.*
- *Transportation: Alternative Modes of Transportation – Support efforts requiring SCDOT to incorporate alternative modes of transportation when resurfacing and rehabilitating state roadways within neighborhoods.*
- *General: Retiree Proviso – Support reasonable legislation to allow SCRS and PORS retirees to return to work without financial limitations.*
- *General: Home Rule – Oppose any proposed legislation or regulations infringing on the city's home rule.*

Resolution R2022-044 authorizing the amendment of R2022-036 to provide for reimbursement of certain expenses related to the property acquisition of PIN #44401040062.

When the city acquired PIN #44001040062 in Resolution R2022-036, the tenant exercised their right of first refusal. Subsequent to the tenant exercising their right, the tenant and the city continued to negotiate the possible buy-out of the tenant's lease, and the parties have come to an agreement. The tenant had already proceeded with plans to redevelop the property and incurred certain related expenses, such as architectural, engineering and contractor costs. This parcel is in close proximity to other purchases and provides value and flexibility toward future redevelopment plans.

Resolution R2022-045 to oppose antisemitism in all of forms, as well as other types of religious intolerance, racism and discrimination.

The City of Myrtle Beach unequivocally rejects antisemitism, along with other forms of racism, religious intolerance and discrimination, both here and around the world, and welcomes people of all religions and faiths – or none at all – to our community as residents, businesspeople and visitors, in keeping with the religious freedoms expressed in the First Amendment of the U.S. Constitution.

Motion M2022-159 to appoint/reappoint three seats on the Myrtle Beach Housing Authority Committee.

The terms of Murry Chesson, Robert Gore, Dorothy Greene and Susan McGartlin expired on December 9, 2022. All wish to be reappointed. These terms will expire on December 9, 2027.

Motion M2022-160 to appoint/reappoint three members to the Community Appearance Board.

The terms of Paul T. Williamson, Jeff Eden and James Hubbard expire on December 31, 2022. All three wish for reappointment. On file, the city has resumes for Geoff Kay (city resident), Cindy Bonner (city resident) and Richard M. Howell (city resident). All three of the new terms will expire on December 31, 2025.

Motion M2022-161 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 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, the tow company may sell the vehicle and keep the proceeds as compensation.

NON-AGENDA ITEMS FROM 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 and/or 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; or, 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 of the reasons above. Council takes no votes or action in Executive Session. Council may take action on matters discussed in Executive Session which are deemed to be “emergency” concerns upon reconvening in open session.

ADJOURNMENT