



Council Agenda

MYRTLE BEACH CITY COUNCIL:
BRENDA BETHUNE, MAYOR
MIKE LOWDER, MAYOR PRO TEM
MICHAEL CHESTNUT
DEBBIE CONNER
JACKIE HATLEY
BILL MCCLURE
GREGG SMITH

**AGENDA
MAY 28, 2024**

**9:00 A.M. – WORKSHOP MEETING – TED C. COLLINS LAW ENFORCEMENT CENTER
10:00 A.M. – MEETING – TED C. COLLINS LAW ENFORCEMENT CENTER**

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.

A PUBLIC HEARING WILL BE HELD AT 9:00 A.M. AT THE TED C. COLLINS LAW ENFORCEMENT CENTER AT 1101 N. OAK STREET ON THE PROPOSED ORDINANCES NO. 2024-32, TOWING FRNACHISE AGREEMENT WITH STRAND TOWING.

CALL TO ORDER.....
INVOCATION.....
PLEDGE OF ALLEGIANCE.....
APPROVAL OF AGENDA.....
APPROVAL OF MINUTES.....May 14, 2024

PUBLIC REQUESTS, PRESENTATIONS, AWARDS, MEMORIALS:

1. Theater Briefing – Michelle Shumpert (workshop)
2. Boardwalk Vendor Briefing – Brian Schmitt (workshop)
3. Proclamation declaring June 7, 2024, as National Gun Violence Awareness Day (meeting)
4. Proclamation declaring the month of June as Pride Month (meeting)
5. Public Information Update – PIO Staff

NON-AGENDA ITEMS FROM PUBLIC.....30 Minute Time Limit

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, items remaining on the Consent Agenda will be briefly described by staff.*

CONSENT AGENDA

Motion M2024-52 authorizing the City Manager or his designee to apply for a grant in the amount of \$45,000 from the MLB-MLBPA Youth Development Foundation for the purpose of operating the FY2024-2025 season of youth baseball and softball; and to record the appropriation of such grant funds in the amount that may be approved, and to execute and deliver the grant agreement and such related documents as may be required to put the grant into effect. No match requirement.

The City’s Parks, Recreation, and Sports Tourism department will use the grant to purchase uniforms, run background checks, pay umpire fees, and provide qualified scholarships for school-aged children participating in the Fall 2024 and Spring 2025 sessions of youth baseball and softball. Baseball and softball programs will operate in fall at Crabtree Memorial Gym and in spring at Pepper Geddings Recreation Center and Crabtree Memorial Gym.

1st Reading Ordinance 2024-32 authorizing assumption of a towing franchise agreement granted to Strand Towing, LLC.

Strand Towing, LLC was granted a towing franchise on June 28, 2022 (Ordinance 2022-31). At that time, the owner/operator of Strand Towing was Theresa Ward. Ms. Ward recently conveyed the business to her daughter and son-in-law, Valerie Causey and William Causey. The new owners/operators have requested the City consent to their assumption of the towing franchise agreement. To assume the towing franchise agreement as the new owners/operators of Strand Towing, Valerie Causey and William Causey will need to execute the agreement, as well as an agreement expressly assuming all liabilities and obligations incurred by Strand Towing under the agreement during the prior ownership.

REGULAR AGENDA

2nd Reading Ordinance 2024-16 approving execution of a Lease Agreement between the City, as Lessor, and Coastal Carolina University, as Lessee, concerning property at 807, 809, & 811 Main Street.

The City has proposed to construct a theatre facility on Main Street in the Arts & Innovation District in furtherance of the goal of redeveloping and revitalizing this area of downtown. The City would lease the theatre facility to CCU for use as a multi-functional space for academic, theatrical, dance, music, civic meeting, and special events offerings. Initial lease term of 5 years; CCU has option to extend for another 5 years; City can void option with 1 year notice. City responsible for typical landlord expenses relating to facility, such as repair and maintenance of structural and exterior portions like roof, foundation, plumbing, electrical, and HVAC replacement. CCU responsible for all other repairs and maintenance, including theatre-related equipment.

2nd Reading Ordinance 2024-17 approving execution of an agreement between the City and Coastal Carolina University for operation of a theater facility.

The City has proposed to construct a theatre facility on Main Street in the Arts & Innovation District in furtherance of the goal of redeveloping and revitalizing this area. CCU also will be responsible

for operating and programming the theatre facility pursuant to the Operating Agreement, which runs concurrently with the lease agreement. CCU responsible for operating costs. Any operational loss is borne by CCU. Activation/Booking terms:

- minimum 150 CCU use days (performance, film screening, rehearsal, set construction, classroom instruction, exhibition, or lecturer event)
- best efforts to book minimum 100 3rd party use days (same as above + reception, seminar, or meeting)
- 30 City use days; City can donate its days
- 5% increase in CCU and 3rd party use days in years 2-5

2nd Reading Ordinance 2024-29 to amend Ordinance 2023-44 authorizing the sale of 21.6 acres, a portion of TMS 173-000-4170 to Surfworks Land Holdings, LLC to aid in construction of the proposed surf park

Council approved Ordinance 2022-40 on September 27, 2022. Ordinance 2022-40 authorized the execution of the Purchase Agreement to sell 21.6 acres to MHI Capital, Inc. for \$4.5 Million for the development and construction of a surf park. Council approved an extension on April 11, 2023, to require a closing prior to October 9, 2023. Council approved an extension on October 10, 2023, to require a closing prior to April 25, 2024 and an additional \$150,000 of non-refundable earnest money. The Buyers have requested an extension for an additional 12 months to close on the property by April 30, 2025, and have offered \$100,000 as additional non-refundable earnest money, due by October 30, 2024.

2nd Reading Ordinance 2024-30 an ordinance to levy taxes and establish a municipal budget for the fiscal year beginning July 1, 2024, and ending June 30, 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. This budget was prepared to address the priorities identified by Council:

- Public Safety, Community & Economic Development, Infrastructure, Communications, and Quality of Life.

Highlights of the proposed budget include:

- 14 Positions included as Service Level Changes
- Property Tax millage is included in the ordinance in a manner not to exceed the current 88.9 mills, however final roll-back millage shall be established by City Council Resolution once the required reassessment has been completed.

2nd Reading Ordinance 2024-31 approving execution of deed conveying a portion of city owned property (PIN 444-01-01-0066) to the Myrtle Beach Downtown Redevelopment Corporation.

Through the Myrtle Beach Downtown Redevelopment Corporation ("DRC"), the City has proposed to construct a theatre facility in the historic buildings located at 807, 809, and 811 Main Street in the Arts & Innovation District in furtherance of the goal of redeveloping and revitalizing this area. These historic buildings are owned by the DRC. The City owns property adjacent to these historic buildings (PIN No. 4440101066) (the "Property") and the design of the theatre facility contemplates use of a portion of the Property to accommodate the theatre facility. The City needs to convey the relevant portion of the Property to DRC.

1st Reading Ordinance 2024-33 granting a boardwalk vendor franchise agreement for the 4th Avenue N. portion of the public boardwalk of the City of Myrtle Beach to Haley Riccardi for a period of up to three years beginning June 11, 2024.

There are 4 existing Boardwalk franchise locations:

- 3rd Ave., N

- 4th Ave., N
- 5th Ave., N
- 6th Ave., N

Haley Ricciardi's franchise (4th Avenue N.) has expired and desires to renew. The proposal calls for a 3-yr. agreement w/annual franchise fee of \$1,000/year and increasing to \$1,500/year for years two and three of the franchise period.

1st Reading Ordinance 2024-34 granting a boardwalk vendor franchise agreement for the 6th Avenue N. portion of the public boardwalk of the City of Myrtle Beach for a period of up to three years beginning June 29, 2024.

There are 4 existing Boardwalk franchise locations:

- 3rd Ave., N
- 4th Ave., N
- 5th Ave., N
- 6th Ave., N

Keisha Moyd's franchise (6th Avenue N.) expires June 28th, 2024, and desires to renew. The proposal calls for a 3-yr. agreement w/annual franchise fee of \$1,000/year and increasing to \$1,500/year for years two and three of the franchise period.

1st Reading Ordinance 2024-35 to rezone ~1.36 acres (PIN 444-0801-0221, 444-0801-0222, 444-0801-0230, 444-0801-0229, 444-0801-0228, 444-0801-0227) from 6th Ave N RDZ (Redevelopment District Zone) to MUH (Mixed Use, High Density).

This request is in conjunction with proposed Ordinance 2024-36, a request to remove six properties from the 6th Ave N RDZ. The 6th Ave N RDZ regulates development in two phases. Phase 1 is complete. These parcels represent the entirety of the undeveloped Phase 2 of the 6th Ave N RDZ. MU-H allows a mixture of uses and has strict design standards intended to create and facilitate a walkable area. Properties to the north, south and east are zoned MU-H (Mixed Use - High Density); the property to the west will remain in the 6th Ave N RDZ. Planning Commission: 5.7.24 recommends approval (9/0).

1st Reading Ordinance 2024-36 to amend the 6th Ave N RDZ to remove all references to 6 parcels on the corner of 6th Ave N and Flagg Street totaling ~1.36 acres (PIN 444-0801-0221, 444-0801-0222, 444-0801-0230, 444-0801-0229, 444-0801-0228, 444-0801-0227).

This request is in conjunction with proposed Ordinance 2024-35, a request to rezone six properties from RDZ to MU-H. The 6th Ave N RDZ regulates development in roughly two phases.

- *Phase 1 is for a new oceanfront tower to be supported by an existing 3rd-row parking garage. This phase is complete.*
- *Future phases consisted of the six subject parcels and are slated for "Future Development." Development plans for these parcels require approval via an RDZ amendment.*

If the rezoning request (Ordinance 2024-35) is approved, this amendment to the 6th Ave N RDZ is vital, for the reasons described above. Should 2024-35 fail to gain approval, this request to amend the 6th Ave N RDZ will be rescinded.

1st Reading Ordinance 2024-37 an ordinance providing for the establishment of a performing arts theater special revenue fund, establishing a budget for the fund, and approving the execution and delivery by the City of Myrtle Beach, South Carolina, of a sub-lease between MB Theater Owner, LLC, as lessor, and the City of Myrtle Beach, as lessee, with respect to a performing arts theater.

The DRC currently owns the 807, 809, and 811 Main Street properties and intends to develop these properties as a Performing Arts Theater. To defray the cost of the project, the City engaged the Rogers Lewis law firm to assist in recruiting tax credit investors. The investors have formed a limited liability corporation to use the tax credits to finance a portion of the redevelopment costs of the theater. As a tax-exempt entity, the City cannot use tax credits directly. In order to realize the value of these credits for the City it is necessary to lease the property to the MB Theater Owner Avenue Owners, LLC, which will consist of a Federal Tax Credit Investor (98.99% member), MB Theater SHTC Fund LLC (State Tax Credit Investor) (.01%), and a managing member, MB Theater Manager, LLC (1%). DRC is the sole member of this Manager LLC. The MB Theater Owner LLC achieves ownership status by virtue of a long-term ground lease. The private Tax Credit investors contribute capital to the project in return for the tax credits. A proposed lender has been identified for the upfront infrastructure improvement and construction costs. A portion of this loan will be retired as the tax credit's investors contribute funds. The remaining costs will be amortized or retired with proceeds from lease of the properties. While this structure is complex, it is necessary in order for the City to realize the benefits of the historic and abandoned building tax credits. The savings to the City arising from the use of these tax credits is approximately \$4.9m of the project financing of approximately \$22.5 million. Establishment of the Performing Arts Theater Special Revenue Fund allows for segregation of the activities and the appropriation of Hospitality Tax will pay for insurance coverage for FY24 and FY25, the Rogers Lewis success fee in procuring the tax credits, and provide a small budget for any additional professional fees that may arise during the process.

1st Reading Ordinance 2024-38 an ordinance temporarily suspending a franchise agreement for operation of rental conveyance businesses regulated by Chapter 12, Article V of the Code of Ordinances of Myrtle Beach to Ben Robinson d/b/a Rent Me Superstore, located at 106 North Kings Highway, Myrtle Beach, SC 29577 for a period of 14 days effective immediately upon passing of second reading.

Chapter 12, Article V of the City's Code of Ordinances allows City Council to require a franchise for the rental and operation of rental conveyances on the highways, streets, alleys, and public ways within the city limits. Via Ordinance 2024-13 adopted on March 12, 2024, City Council granted a franchise to Ben Robinson D/B/A Rent Me Superstore at 106 North Kings Highway. Per the franchise agreement, to hold a valid franchise in good standing, the operator of the franchise must:

- obtain a valid franchise agreement
- have a valid up to date business license, and
- pay the \$10.00 per vehicle franchise fee, capped at \$2,000 per location

Despite repeated attempts by City staff informing the franchise of the franchise requirements the franchisee did not:

- possess a valid franchise
- have a valid City of Myrtle Beach Business License, nor
- paid the required per vehicle franchise fee

The franchisee came into compliance only after being informed the franchise could be revoked.

1st Reading Ordinance 2024-39 an ordinance temporarily suspending a franchise agreement for operation of rental conveyance businesses regulated by Chapter 12, Article 5 of the Code of Ordinances of Myrtle Beach to Ben Robinson d/b/a Rent Me Superstore, located at 300 South Ocean Blvd., Myrtle Beach, SC 29577.

Chapter 12, Article V of the City's Code of Ordinances allows City Council to require a franchise for the rental and operation of rental conveyances on the highways, streets, alleys, and public ways within the city limits. Via Ordinance 2024-14 adopted on March 12, 2024, City Council granted a franchise to Ben Robinson D/B/A Rent Me Superstore at 300 South Ocean Blvd., Per the franchise agreement, to hold a valid franchise in good standing, the operator of the franchise must:

- obtain a valid franchise agreement
- have a valid up to date business license, and
- pay the \$10.00 per vehicle franchise fee, capped at \$2,000 per location

Despite repeated attempts by City staff informing the franchise of the franchise requirements the franchisee did not:

- possess a valid franchise
- have a valid City of Myrtle Beach Business License, nor
- paid the required per vehicle franchise fee

The franchisee came into compliance only after being informed the franchise could be revoked.

1st Reading Ordinance 2024-40 an ordinance temporarily suspending a franchise agreement for operation of rental conveyance businesses regulated by Chapter 12, Article 5 of the Code of Ordinances of Myrtle Beach to Ben Robinson d/b/a Rent Me Superstore, located at 1205 North Ocean Blvd., Myrtle Beach, SC 29577.

Chapter 12, Article V of the City's Code of Ordinances allows City Council to require a franchise for the rental and operation of rental conveyances on the highways, streets, alleys, and public ways within the city limits. Via Ordinance 2024-14 adopted on March 12, 2024, City Council granted a franchise to Ben Robinson D/B/A Rent Me Superstore at 300 South Ocean Blvd., Per the franchise agreement, to hold a valid franchise in good standing, the operator of the franchise must:

- obtain a valid franchise agreement
- have a valid up to date business license, and
- pay the \$10.00 per vehicle franchise fee, capped at \$2,000 per location

Despite repeated attempts by City staff informing the franchise of the franchise requirements the franchisee did not:

- possess a valid franchise
- have a valid City of Myrtle Beach Business License, nor
- paid the required per vehicle franchise fee

The franchisee came into compliance only after being informed the franchise could be revoked.

1st Reading Ordinance 2024-41 to amend Section 1502.X to delete the previous text governing EV charges and replacing it with new text to clarify conditions applicable to EV chargers.

EV's is a relatively new phenomenon, and building codes, zoning codes, and firefighting practices are still developing in response to their presence. This ordinance addresses concerns of various departments regarding improved safety for EV chargers. EV chargers are broken down into three levels.

- Level 1 and 2 chargers are allowed as accessory uses in all zones throughout Myrtle Beach.
- Level 3 chargers are allowed as accessory uses in all zones except for single-family and two-family residences within the city.

To ensure safer conditions for visitors, residents, and firefighters, this ordinance would limit placement of EV chargers to street level, ensure emergency shutoff switch installation, prevent installation in parking structures that have accommodations above, and be installed according to fire and construction code. Planning Commission: 5.21.24 voted 7/0 to recommend approval.

Resolution R2024-11 to adopt the Myrtle Beach Housing and Community Development Annual Action Plan and Budget for FY 2024/2025.

Per the CDDBG intergovernmental agreement w/ Horry County, the Myrtle Beach CDBG allocation is expected to be \$382,573. CDBG regulations require funds to:

- Primarily benefit low/moderate income persons.
 - Projects to be located in the Revitalization Area.
- For FY2024/25 staff proposes the CDBG allocation be programmed for the following purposes:
- Housing Acquisition/Rehab = \$82,573
 - Neighborhood Infrastructure Improvements = \$300,000

Resolution R2024-12 resolution of the City of Myrtle Beach to approve the FY 2024-25 fiscal year improvement budget for the Myrtle Beach Downtown Municipal Improvement District and contract with MBDA to administer and manage the improvement budget.

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 2022-17 adopted on April 12, 2022. Proposed public Improvements consist of:

- Ambassador Program
- Events and Marketing
- Planning and Research
- District Management

The Resolution incorporates the FY2024-25 improvement plan budget and the agreement with MBDA for FY2024-25. Absent the Fiscal Year Improvement Plan assessments will not be billed and other funding sources would need to be identified to provide the public improvements proposed within the district.

Resolution R2024-13 resolution to amend the schedule of storm water fees according to the procedure specified in City Code Sec. 18-27.

The City commissioned a Storm Water rate study in 2021 to assess the operating and capital funding needs of the storm water program over the next 5 years. The 5-year Capital Improvement Plan addresses a number of neighborhood storm water and flood risk mitigation projects. Absent the resolution, the storm water fee will not produce sufficient revenue to continue to cover operations or allow for additional infrastructure improvements to the storm drainage system.

Resolution R2024-14 resolution of the City of Myrtle Beach to adopt a five-year capital improvement plan for fiscal years 2025 through 2029.

Budget Ordinance appropriates funding for projects in the 1st year of the CIP. This resolution establishes the remainder of the plan as a base line for capital investment in years 2-5 and does not provide an appropriation, however it gives the plan life beyond the fiscal year. Adoption by resolution is recommended and is consistent w/ best practices.

Motion M2024-53 to approve grants to outside agencies listed 1-17 as outlined on Attachment A for the fiscal year beginning July 1, 2024.

As presented, the fiscal year 2024-25 budget included \$255,000 to support agencies that provide services aligned with Council's strategic vision. The effect of this motion is to allocate \$255,000 of those funds among the 17 applicants.

Motion M2024-54 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 2024-25 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) 5% of the balance (after the \$25,000), must be allocated to the general fund.
- (3) 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) 65% to the City for tourism related expenses.

Recognizing the unique nature of this City's tourism demands the 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 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 FY 2023-24 is estimated at \$2,096,250.

Motion M2024-55 to appoint one member to the Ocean View Memorial Foundation Board of Directors.

The term of Dr. Merritt has expired. Will Gravely is the recommendation of the OVM Foundation. The appointment is for a four-year term.

Motion M2024-56 to appoint/reappoint one member to the Community Appearance Board.

There is currently one vacancy when Mr. Williamson was appointed to the Planning Commission. On file are the resumes of Ann Dunham (City Resident), Juli Treadway-Lawson (City Resident), Rechel Anderson (Non-Resident), Geoffrey Kay (City Resident), Lawrence Langdale, Jr. (City Resident), Cynthia Morgan Bonner (City Resident), Adam Singleton (City Resident). This unexpired term will end on December 31, 2025.

Motion M2024-57 to appoint/reappoint four members to the Board of Zoning and Appeals.

The terms of Jeff Hunter, Neil McCoy, Robert McElveen, and David Raynor have expired. Mr. Raynor and Mr. McElveen are three year term seats with new term expiring April 26, 2027. Mr. McCoy and Mr. Hunter are alternative one year term seats. Their new terms expiration date is April 26, 2025. One seat remains vacant and the potential candidate must be a licensed contract.

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. CFO Update
3. 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 votes or take action in Executive Session.

ADJOURNMENT