



Council Agenda

MYRTLE BEACH CITY COUNCIL:
BRENDA BETHUNE, MAYOR
MICHAEL CHESTNUT, MAYOR PRO-TEM
MARY JEFFCOAT
MIKE LOWDER
PHILIP N. RENDER
GREGG SMITH
JACKIE VEREEN

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.

AGENDA

September 25, 2018

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

2:00 P.M. – MEETING – TED C. COLLINS LAW ENFORCEMENT CENTER

- CALL TO ORDER.....
- INVOCATION.....
- PLEDGE OF ALLEGIANCE.....
- APPROVAL OF AGENDA.....
- APPROVAL OF WORKSHOP MINUTES.....
- APPROVAL OF MINUTES.....

PUBLIC REQUESTS, PRESENTATIONS, AWARDS, MEMORIALS:

1. Recognition to George Cauthen, Esq., and Nelson Mullins Law Firm on working with the city on initiatives to address Homeless Court. (mtg)

Mr. Cauthen and the Nelson Mullins Law Firm were of tremendous assistance in getting the City’s Homelessness Court approved by the SC Supreme Court. This work was performed pro bono.

2. Proclamation declaring week of September 24 - 30th, 2018 as Diaper Need Awareness Week. (mtg)

Diaper Need Awareness Week was created by the National Diaper Bank Network to mobilize efforts to end diaper need, a hidden consequence of poverty. Diaper need is defined as the lack of a sufficient supply of diapers to keep a baby clean, dry, and healthy. The goals of this week are to support efforts to educate people about diaper need; and encourage programs and activities to support awareness of, and potential solutions for, diaper need.

3. Public Information Update – PIO Staff/Police (mtg)

This item is on the agenda as a means of informing the community of some of the City's recent accomplishments and upcoming City events.

4. Department Update – Municipal Court (mtg)

This item on the agenda to of inform the community of the accomplishments and challenges of the City's individual departments and offices. In this case the Chief Judge will provide an update on the Municipal Court and the Homelessness Court initiative.

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), & then approved (2nd reading). Resolutions are normally actions through which City Council reinforces or makes policy not rising to the level of law. Motions are generally related to direction from City Council to City staff to take certain actions.

1st Reading Ordinance 2018-56 to rezone property located at 3842 Robert Grissom Pkwy (PIN #420-14-04-0009) from MU-M (Mixed Use Medium Density) to MP (Medical Professional).

The Applicant is interested in building a structure with parking placed in a similar location (in the building's front) to neighboring properties zoned MP. The Applicant's parcel is surrounded on 3 sides by MP zoning. The existing MU-M zoning requires buildings to greet the street and places parking on the side and rear of the buildings. In 2017 Council rezoned several adjacent parcels from MU-M to MP. This parcel was not covered by that rezoning.

Resolution R2018-38 committing the City of Myrtle Beach to providing a local match for a Municipal Association of South Carolina Hometown Economic Development Grant and following its procurement policy when securing services and products with grant funds.

MASC's Hometown Economic Development Grant program offers competitive grants of up to \$25,000 for:

- Professional services – developing master plans; providing analysis or marketing materials branding and promotion.*
- Assets –improving publicly owned assets, wayfinding signage, or place making projects.*
- Programs – downtown development, business incubators, small business assistance, etc.*

The City would use these grant funds to refurbish two railroad cars at the Train Depot. A supporting Resolution from City Council is required. The grant also requires a 15% grant match in either in-kind or cash contribution (\$3,750). The FY2018-19 CIP includes \$244,000 for this train project.

Resolution R2018-39 amending and supplementing Resolution R2018-17, declaring the intention of the City of Myrtle Beach to reimburse itself for certain expenses of 2018 Myrtle Beach Air Base Redevelopment Projects with the proceeds of tax increment bonds to be issued in 2018.

This resolution preserves the tax-exempt status of the proposed bond issue in the event the City needs to pay some project expenses from its own funds before the bonds close.

On 4/10/18, Council adopted R2018-017 declaring its intention to finance certain redevelopment projects in the Base Redevelopment District with bond proceeds. The projects included \$7,000,000 in Public Infrastructure Projects in support of continuing private development:

- Addition of a 3rd level to the parking structure on DeVille Street.
- P1 & P2 parking structure modifications/improvements.
- Construction of public restroom facilities at Valor Park.
- Replacement of equipment & expansion of the Howard Street playground.
- Public infrastructure improvements to roads, sidewalks, drainage, water, sanitary sewer, landscaping & irrigation on the XYZ parcel.

This resolution adds \$6.3 million in public safety projects to the list for expanding the Police Annex on Mustang Avenue; replacing the firing range; and adding surveillance cameras on public streets & parking facilities. The debt service increase was anticipated in the 2018 redevelopment plan amendment.

Motion M2018-128 to accept a continuing education LSTA (Library Services and Technology Act) reimbursement grant of \$1,000 from the South Carolina State Library on behalf of Chapin Library, youth services department for the 2018 Summer Reading and Learning Program.

Routine grant acceptance.

Motion M2018-129 to accept an “Outreach” grant from the South Carolina Department of Health and Environmental Control (“DHEC”), Office of Solid Waste Reduction and Recycling in the amount of \$13,470 on behalf of the City’s Solid Waste Department to fund professional development, promotional materials, and public education expenses.

Routine grant acceptance.

Motion M2018-130 to accept a “General” grant from DHEC, Office of Solid Waste Reduction and Recycling in the amount of \$22,800 on behalf of the City’s Solid Waste Department to fund the purchase of additional dumpsters and recycling containers.

Routine grant acceptance.

Motion M2018-131 to accept a “Used Oil” grant from DHEC, Office of Solid Waste Reduction and Recycling, in the amount of \$750 on behalf of the City’s Solid Waste Department to fund professional development and travel expenses to recycling conferences and/or trainings.

Routine grant acceptance.

Motion M2018-132 to accept a “Waste Tires” grant from DHEC, Office of Solid Waste Reduction and Recycling, in the amount of \$2,750 on behalf of the City’s Solid Waste Department to fund promotional activities, professional development and travel expenses associated with recycling conferences and/or trainings.

Routine grant acceptance.

Motion M2018-133 to accept Law Enforcement Network (LEN) Grant no. 2JC19015 from the South Carolina Department of Public Safety in the amount of \$10,000 to fund highway safety activities, training, equipment and incentives related to traffic safety programs. No local match required.

Routine grant acceptance.

Motion M2018-134 to accept a donation from the Myrtle Beach Chamber of Commerce on behalf of the Recreation Department in the amount of \$10,000 to defray the costs of promotional items for distribution to potential visitors and event planners.

Routine grant acceptance. The “donation” comes from the Funds set-aside by the Chamber from the State Accommodation Taxes. The initial \$25,000 from State A-Tax goes to the City for General Fund uses. The remaining funds are divided between the City and the Chamber on a 70/30 basis. Of the allocation to the Chamber 5% is reserved for uses directed by the City, but consistent with the statute on the use of these funds. In this case this “City set-aside” is now equal to approximately \$150,000 per year.

REGULAR AGENDA *The Regular Agenda includes items that are not 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.*

2nd Reading Ordinance 2018-54 to amend a lease denominated as the Agreement of Lease between the City of Myrtle Beach and County of Horry as Landlords and Durham Bulls Baseball Club, Inc. as Tenant dated as of September 1, 1998, deleting unnecessary terms, reflecting the true parties in interest, and providing for the extension of lease for three years.

The City and County co-own the baseball stadium on a 70/30 basis. The original 20-yr. lease agreement expires after this baseball season, and the last debt service payment on the stadium bonds will be paid this month. The team has requested a three-year extension of the current agreement.

The original agreement contains provisions that are no longer relevant, and have been removed through this extension agreement. Otherwise, there are no significant changes to the term of the agreement. During the extension period, the parties will work with an architectural firm to develop a modernization plan for the ballpark to serve as a basis for a long-term lease agreement between the parties. As co-owner, the County will also be asked to approve this extension.

2nd Reading Ordinance 2018-55 to convey parcel P-7 to Living Dunes, LLC as shown in Exhibit A and to direct the City Manager to take all necessary steps to accomplish the same.

The City owns 2 ponds known as Parcels P7 and P8, both of which are located adjacent to the Living Dunes PUD. The Developer made improvements to improve the drainage functionality of Parcel P-so that Parcel P-7 is no longer needed for drainage purposes. The Developer wishes to use Parcel P-7 as

an amenity for the residents of the Living Dunes PUD. The value of the drainage improvements to Parcel P-8 has been estimated at over \$177,000.

1st Reading Ordinance 2018-57 to amend the Market Common Master Plan additional permitted uses subsection of the site zoning summary section to add “kennels and animal boarding facilities, indoor” as a conditional use.

The Market Common Master Plan does not allow commercial kennels of any type. In May 2017 Council a Master Plan Amendment to allow Veterinary Day Clinics as a permitted use. The proposed amendment would allow overnight boarding (indoors only) with the following conditions:

- *Facilities are located only in the Phase 1 area (bounded by Hackler, Johnson, Phillis, & Farrow).*
- *Boarding is for dogs & cats only.*
- *Space shall be sound proofed by an architect or engineer.*
- *Pet waste shall go into an indoor animal relief system.*

Residential buildings in Phase 1 (above the commercial units), are separate from the commercial buildings below. The commercial units do not share a ceiling/floor w/ the residential units.

1ST Reading Ordinance 2018-58 to amend Article 18 overlay zones of the zoning ordinance to add new section 1807 Bed and Breakfast Overlay Zone, to amend Section 2 Definition of Bed and Breakfast, and to amend Section 1407.C to delete Bed and Breakfasts as a permitted use.

The Applicant owns a historically significant home in Pine Lakes and proposes to operate this residence as a Bed and Breakfast. This proposed ordinance creates an overlay zone in which Bed and Breakfast establishments would be allowed. If Council approves this overlay proposal, the applicant and her neighbors intend to submit a zoning application to apply the overlay zone to a portion of Pine Lakes

The proposal includes strict conditions for allowing Bed and Breakfast uses, including owner occupation, parking restrictions, signage, licensure, retail restrictions, meal service restrictions, meeting/gathering/partying prohibition, cooking facilities, and the use of accessory structures. Planning Commission recommended denial (6-2) due to:

- *A desire to avoid an encroachment into residential districts and to maintain single family homes exclusively for residential uses.*
- *The existence of existing zones which allow such uses.*
- *No evidence of a public need.*

1st Reading Ordinance 2018-59 to amend the zoning ordinance for the City of Myrtle Beach by amending the public utility definition, and add a solar farm definition.

Applicants propose a solar farm (similar to the existing installation on Joe White Avenue) on land leased from the County on the west side of South Kings between Ocean Woods Cemetery & Executive Helicopters, currently zoned PRC (Parks/Recreation/Conservation). There are limited uses of this former Base landfill site. Solar farms are not a permitted use in PRC. There are 2 options to allow this use:

- *Rezone the property to a zone that allows such uses (as originally requested).*
- *Amend the PRC text to add Solar Farms as a permitted use (recommended by Planning Commission).*

The proposed ordinance allows solar farms in the PRC zone for the first time & sets requirements for solar installations in all zones in which it is allowed:

- *Must comply w/ the International Building Code, National Electric Code and all local regulations, directives and codes and permit requirements.*
- *CAB approval.*
- *Solar farms may have transformers w/ substations.*

- *Front setbacks at least 30' from the street (or the front setback of the underlying zoning, whichever is more) and side/rear setbacks consistent with the underlying zoning.*

Motion M2018-135 to appoint the initial Chairperson of the Technology Advisory Group as called for in Ordinance 2018-35.

The members of the Tech Advisory Group were appointed at the previous meeting; however, the appointment of the initial chairperson of that committee was overlooked. Ordinance 2018-35 provides that Council make this initial appointment from among the members selected to serve a three-year term (the committee will select a chair from among the membership afterwards). Those eligible to be appointed as the chair include Joseph Bonanno, Peter Gasca, and Jason Greene.

Motion M2018-136 to appoint/reappoint Municipal Court Judges Scott Long, Glenn, Ohanesian, and Clifford Welsh for a four-year term.

City code requires that Council reappoint one or more assistant judge for a term not exceeding four years. The judges must be an attorney in good standing with similar trial experience. Once appointed the judges serve under the direction of the Chief Administrative Municipal Judge.

Motion M2018-137 to appoint one member to replace W.C. Hamanns' term on the Chapin Memorial Library Advisory Board, which will expire on March 23, 2020.

The City has received five applications to fill the vacant position – Rosann Bazirjian (City resident), Suzanne Rast (City Resident), Georgeanne Rice (City resident), Ed Wilmott (City resident), and David Yancey (non-resident). The current all 8 members of the Committee are City residents.

Motion M2018-138 to appoint three members to the Human Rights Commission to replace Effie Baldwin, who has resigned and this term expires March 14, 2020, Barbara McKelvey, who has resigned and this term expires February 22, 2020, and Julia Brinkley, who has resigned and this term will expire September 23, 2019.

The City has received seven applications to fill the vacant position – David Bennett (City resident), David Caruso, (non-resident), Matthew Hardee (resident), Craig McGee (resident), Pamela Lynn Ray (resident), Kim Ridgway (non-resident), and Sara Thompson (non-resident). The current make-up of the Committee is 3 residents and 3 non-residents.

Motion M2018-139 – to authorize the City Manager to:

- 1. Enter into an Option to Purchase Agreement with First Presbyterian Church of Myrtle Beach for the property at 1300 North Kings Highway.**
- 2. Develop a neutral factual basis for City Council's decision as to total cost of renovations for that facility as a means of addressing the City's needs for additional office space.**
- 3. Engage an architect for the purpose of developing those cost estimates for the necessary renovations.**
- 4. Direct the Manager to seek private partners to explore the potential use of historic and other tax credits.**

There are three options to address the City's space needs:

- *Fix the existing structures - staff estimates that repairs in the amount of \$6.6 million are needed to the City Services Building (\$5.4 million), and City Hall Annex (\$1.2 million).*
- *New construction – estimates to replicate the existing space range from \$7.2 to \$8.4 million.*
- *Acquire and renovate the FPC building - The option locks in the cost of the FPC Building at \$2.8 million. An architect is needed to estimate the cost of the renovations.*

- *If renovations to the FPC building are less than \$3.8 million (\$6.6 - \$2.8 million), then this is the least expensive alternative.*
- *The option fixes the purchase price and allows an architect allows time to determine renovation costs.*

City Operations are now fragmented in two aging buildings in need of repair. One option is consolidating offices housed in City Hall, the City Services Building, and DRC/Risk Management Office on 9th North into the First Presbyterian Church structure 1300 North Kings. This structure is approximately 48,000 square feet as opposed to 44,000 square feet for the sum of the three current structures. This concept includes:

- *Moving the offices in the current City Hall (Mayor, Manager, City Clerk, Public Information, Planning and Neighborhood Services) to the FPC building. Repairs would be made to City Hall.*
- *Moving the Housing Authority into the current City Hall building from the current City Hall Annex building, and demolishing the Annex.*
- *Moving the Indigent Defense Office from rented space (\$18,000/year) into City Hall.*
- *Moving offices now located in the City Services building (Construction Services, Finance, HR/OD, Recreation and Fire Admin) to the FPC Building and demolishing the City Services building.*
- *Moving the DRC/Risk Management Services offices from current space on 9th North into the FPC Building to make way for redevelopment along that Avenue.*

Other potential benefits include:

- *Preserves a historically significant building in the heart of the City (may be eligible for historic tax credits to off-set construction costs).*
- *Anchors the north end of Downtown.*
- *Creates a large tract for redevelopment (from the train depot to 10th Avenue to Broadway).*
- *Adds weekend public parking for downtown.*

Note: Subsequent Council action would be needed before the property could actually be acquired.

AGENDA ITEMS FROM THE PUBLIC

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