READING): GRANTING A FRANCHISE AGREEMENT FOR 2020-11 (2<sup>nd</sup> 1

- 2 OPERATION OF RENTAL BUSINESS OF CONVEYANCES REGULATED BY
- CHAPTER 12, ARTICLE V OF THE CODE OF ORDINANCES OF MYRTLE BEACH 3 TO DERRICK AND BARBARA HAYNES D/B/A/ KICKBACK KORNER LLC. 4
- KICKBACK CORNER GOLF CARTS, LOCATED AT 506 YAUPON DRIVE, MYRTLE 5
- BEACH, SC 29577, FOR A PERIOD OF ONE YEAR. THE AGREEMENT INCLUDES 6 7 20 GOLF CARTS.

Applicant/Purpose: Staff/to regulate the # & location of golf cart & moped rental businesses by franchising their operations.

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#### Brief:

- After experiencing several weekends when # of moped/golf cart rentals & conduct of the operators became a serious issue, Council imposed a moratorium on increasing the # of such conveyances.
  - For 2020, the franchisee requests 20 golf cart plates, the same # as 2019.
  - For 2017 the # of mopeds was capped at the # that each company had in service during the summer of 2016.
  - For 2017 the # of golf carts was capped at the # each company had in service for 2016 + the # already ordered at the time the moratorium was imposed.
- Council also directed staff to work out a permanent solution w/ company owners.
- Ordinance 2017-56, approved 1/9/18 in consultation w/ the business owners, approved the framework of a franchise agreement similar to the system in place for taxicabs.
- The franchise ordinance requires annual renewals.
- No changes since 1<sup>st</sup> reading.

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#### Issues:

- Franchising allows Council to restrict the # of mopeds & golf carts available for rental, as well as the location of each rental business.
- Under the franchise terms each conveyance will be issued a City "plate" similar to a license plate. These plates would assist law enforcement to track operational violations.
- This proposed ordinance:
  - Sets the location for rental conveyances.
  - Sets the # of rental conveyances allowed/location.
- Agreement is for a 1-year period.

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Public Notification: Normal meeting notification

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#### **Alternatives:**

- Modify proposed ordinance.
- Deny ordinance.

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Financial Impact: Annual franchise fee of \$10/plate issued.

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#### Manager's Recommendation:

- I recommend 1st reading (2/11/2020).
- I recommend approval (2/25/2020).

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Attachment(s): Ordinance, franchise agreement, & franchise application.

CITY OF MYRTLE BEACH COUNTY OF HORRY STATE OF SOUTH CAROLINA

GRANTING A FRANCHISE AGREEMENT FOR OPERATION OF RENTAL BUSINESS OF CONVEYANCES REGULATED BY CHAPTER 12, ARTICLE V OF THE CODE OF ORDINANCES OF MYRTLE BEACH TO DERRICK AND BARBARA HAYNES D/B/A KICKBACK KORNER LLC, KICKBACK CORNER GOLF CARTS, LOCATED AT 506 YAUPON DRIVE, MYRTLE BEACH, SC 29577, FOR A PERIOD OF ONE YEAR. THE AGREEMENT INCLUDES 20 GOLF CARTS.

WHEREAS, pursuant to the exercise of its police power the City shall require a franchise for the rental and operation of rental conveyances on the highways, streets, alleys and public ways within its police power jurisdiction; and

WHEREAS, the City had determined that the delivery of these services can be provided most effectively and efficiently through the grant of a non-exclusive franchise; and

THEREFORE, PURSUANT TO THE FRANCHISE POWER OF THE CITY OF MYRTLE BEACH, the City of Myrtle Beach grants a Franchise Agreement for Operation of Conveyances to DERRICK AND BARBARA HAYNES D/B/A KICKBACK KORNER LLC, KICKBACK KORNER GOLF CARTS, LOCATED AT 506 YAUPON DRIVE, MYRTLE BEACH, SC 29577, FOR A PERIOD OF ONE YEAR. THE AGREEMENT INCLUDES 20 GOLF CARTS.

This ordinance shall take effect immediately upon adoption.

BRENDA BETHUNE, MAYOR

ATTEST:

JENNIFER STANFORD, CITY CLERK

43 First reading: 2-11-2020 44 Second reading: 2-25-2020

# APPLICATION FOR

# FRANCHISE TO RENT CONVEYANCES REGULATED BY CHAPTER 12, ARTICLE V, WITHIN THE CITY OF MYRTLE BEACH

Pursuant to the exercise of its police power the City shall require a franchise for the rental and operation of rental conveyances on the highways, streets, alleys and public ways within its police power jurisdiction and the City has determined that the delivery of these services can be provided most effectively and efficiently through the grant of a non-exclusive franchise. Applications shall be made by completing this form. All sections of this form must be completely filled out and supporting documentation attached. An incomplete application will not be processed and will be returned to the applicant. The provision of false, misleading or incomplete information shall be grounds for denial or revocation of a Franchise.

### **APPLICANT INFORMATION**

(HIS) (HER	Owner's Name: Derrick & I Residence Address: 1330 Villa Business Address: 506 Yaup Driver's License No.: 0116165 s) Driver's License No.: 00819 Persons managing, supervising of	Marbella Ct U on Dr Myrtle F 519 State: SC 2622 State: S	nit 102 Myrtle Beach Beach SC 29577 Expiration Date: <u>01-</u> C Expiration Date:	3C 29572 27-2027
	1. Name:		Telephone:	
	Residence Address: Driver's License No.:	State:	Expiration Date:	
	Position/Title:			
	2. Name:		Telephone:	
	Residence Address			
	Driver's License No.:	State:	Expiration Date:	
	Position/Title:			
	3. Name:		Telephone:	
	Residence Address:  Driver's License No.:	Statas	Evniration Date:	
	Driver's License No.:	State.	Expiration Date	······································
	Position/Title:			····
	<b>BUSINESS INFORMATION</b>			
	Business Name: Kickback Ko Business Address: 506 Yaupo Business Telephone: 843-993 City of Myrtle Beach Business I	n Dr. Myrtle Bi 2-6051	each SC 29577	
	Type of Business (Check One):	Sole-Proprieto	orPartnership	_Corporation

Provide the following for ALI Name: Derrick Haynes Barbara Haynes D	L owners/part D.L. no .L. no.: <u>008</u>	ners/corporate offi o: <u>011616519</u> (192622 State	cers as applicable: State: <u>SC</u> Nar e: <u>SC</u>	ne:					
Attach all relevant documents showing the legal formation of the partnership or corporation in the State of South Carolina									
Provide a description of the financial condition of your company including assets and liabilities (attach documentation):  See Exhibit A									
Has any applicant, owner, pa business ever been convicted classified as a felony, misdem	or entered a p neanor or traff	lea of guilty or no ic violation? YES	contest to any crime NO	the					
If yes, then please describe be	Charge:	iditional sheets if i	Date						
Name: Location: Location:	_ Charge	Disposition:	Duto.						
Nome:	Charge:	_ Disposition	Date:						
I ocation:		Disposition:							
Location:		Disposition:	<del></del>						
Name:	Charge:		Date:						
Location:  Location:  Location:	_	Disposition:							
The failure of any individua requested criminal/traffic h fo the request. Please attack for every individual who ha	al with an int istory inforn h a criminal l	erest in this appli nation shall be gro history report an	cation to fully disclose ounds for the City's den d a 10-year driving hist	<u>ial</u>					

Type of service: Year Round: Days of the week: Beach Season, 7 Days a week Hours: Sam - Dus K
(describe service schedule):
Will the applicant provide the insurance required for all authorized units: Yes (20 Golf Cart
Issuing Insurance Company: <u>USAA</u>
Policy Number (if available): 00431 31 90 4 7 10 43
Limits of Liability: Per Person: #50,000 Per Occurence: #100,000
Property Damage: #50,000
If "No", explain how the applicant will ensure that each unit will comply with the insurance
requirements set forth in the City Code of Ordinances.
Applicants authorized under state law to operate as Self-Insured should attach a copy of such authorization to this application.
Explain why you believe that public convenience and necessity requires the granting of this application (attach statistical data and additional sheets as necessary):  See Exhibit B
VEG EATHBILL
I certify that all of the information contained in this application is true and complete to the best of my knowledge. I further certify that I have read and understand the City of Myrtle Beach
Regulations for Operation of Moped and Golf Cart Rental Companies and the City of Myrtle
Beach Regulations for Operators of ATV's, Mopeds, Golf Carts, LSV's and Scooters, attached hereto.

<sup>\*</sup> denotes attachments required to process this application

# The State of South Carolina



# Office of Secretary of State Mark Hammond

# **Certificate of Existence**

I, Mark Hammond, Secretary of State of South Carolina Hereby certify that:

KICKBACK KORNER, LLC, A Limited Liability Company duly organized under the laws of the State of South Carolina on March 10th, 2014, with a duration that is at will, has as of this date filed all reports due this office, paid all fees, taxes and penalties owed to the Secretary of State, that the Secretary of State has not mailed notice to the company that it is subject to being dissolved by administrative action pursuant to section 33-44-809 of the South Carolina Code, and that the company has not filed articles of termination as of the date hereof.

Given under my Hand and the Great Seal of the State of South Carolina this 10th day of March, 2014.

Mark Hammond, Secretary of State

ACORD

Phone: (843)918-2389 Fax: (843)918-2358

## **CERTIFICATE OF LIABILITY INSURANCE**

DATE (MN/DD/YYYY) 01/02/2020

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

H S	PORTANT: If the certificate holder is SUBROGATION IS WAIVED, subject t is certificate does not confer rights to	o the	tem	ns and conditions of the	policy, ich end	certain policertain policertain	cles may req	AL INSURED provisions juire an endorsement. A	or be e	endorsed. ment on
PRODUCER All Sufficient Insurance PO Box 31298						CONTACT   Iris Ventura   FAX   FAX				
	Myrtle Beach, SC 29588				E-MAIL ADDRES	id-@	myscins.con	n		
	License #: 386225					INS	URER(S) AFFOR	DING COVERAGE		NAIC#
	Election if Course				INSURE	RA: United	States Liabil	ity Insurance Company		
NSU	RED				INSURE	RB: SCW	ND			
	Kickback Korner, LLC				INSURER C:					
	PO Box 3392					RD:				
	Myrtle Beach, SC 29577				INSURE	INSURER E :				
					INSURE	RF:	<u> </u>			.,.,.
				NUMBER: 00000418-1					10	
INI CE EX	IIS IS TO CERTIFY THAT THE POLICIES O DICATED. NOTWITHSTANDING ANY REC RITIFICATE MAY BE ISSUED OR MAY PE ICLUSIONS AND CONDITIONS OF SUCH	WIRE RTAIN POLIC	MEN V, THI CIES.	T, TERM OR CONDITION OF E INSURANCE AFFORDED I LIMITS SHOWN MAY HAVE	FANY C BY THE	ONTRACT OR POLICIES DE REDUCED BY	l OTHER DOC SCRIBED HER PAID CLAIMS.	UMENT WITH RESPECT TO REIN IS SUBJECT TO ALL TI	) WHIC HE TER	H THIS
NSR LTR	TYPE OF INSURANCE	ADDL INSD	WVD			POLICY EFF (MAYOD/YYYY)		LIMIT		4 000 000
A	X COMMERCIAL GENERAL LIABILITY	Y		BP 1589597A		07/30/2019	07/30/2020	EACH OCCURRENCE DAMAGE TO RENTED	\$	1,000,000
1	CLAIMS-MADE X OCCUR							PREMISES (Ea occurrence)	\$	100,000
								MED EXP (Any one person)	<u>\$</u>	5,000
								PERSONAL & ADV INJURY	\$	2 000 000
	GEN'L AGGREGATE LIMIT APPLIES PER:							GENERAL AGGREGATE	\$	2,000,000
	X POLICY PRO-							PRODUCTS - COMP/OP AGG	<u>\$</u>	
_	OTHER: AUTOMOBILE LIABILITY							COMBINED SINGLE LIMIT	\$	
	ANY AUTO							(Ea socident)  BODILY INJURY (Per person)	\$	
	OWNED SCHEDULED							BODILY INJURY (Per socident)	\$	
	AUTOS ONLY AUTOS							PROPERTY DAMAGE	<u>s</u>	
	AUTOS ONLY AUTOS ONLY			·				(Per accident)	\$	
$\neg$	UMBRELLA LIAB OCCUR						· · · · · · · · · · · · · · · · · · ·	EACH OCCURRENCE	<u>.</u>	
	EXCESS LIAB OCCUR							AGGREGATE	\$	
	DED RETENTIONS							AGGINE	\$	
	WORKERS COMPENSATION							PER OTH-		~
	AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE	N/A						E.L. EACH ACCIDENT	s	
	OFFICER/MEMBER EXCLUDED? (Mandatory in NH)				;	1		1		
	If yes, describe under DESCRIPTION OF OPERATIONS below		l					E.L. DISEASE - POLICY LIMIT	\$	
	WIND & HAIL			1072731-05		08/14/2019	08/14/2020	CONTENTS		20,000
DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedulo, may be attached if more space is required)  City of Myrtie Beach is also listed as additional insured.										
CEF	RTIFICATE HOLDER				CANO	ELLATION				
City of Myrtle Beach PO Box 2468 Myrtle Beach, SC 29578					SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.  AUTHORIZED REPRESENTATIVE					
	L		•		Iris Barbosa (IMB)					





## Results

Name DERRICK HAYNES DOB 1959 01 27 Gender Male

Maiden Name

SSN

Transaction 121849632F

Date of Check January 02, 2020 at 18:49

NO ARREST DATA IN ACCORDANCE WITH SEARCH CRITERIA SUBMITTED S.C. Law Enforcement Division WWW

To Whom it May Concern:

The criminal history search was based upon the criteria furnished. It did not include a fingerprint comparison, which is the only means of positive identification. This NO ARREST DATA verification is only valid as of January 02, 2020 at 18:49 since a record may be established after that time. Therefore, if no action is taken within a reasonable period, it is recommended that another check be made.

Sincerely,

Chief Mark Keel

South Carolina Law Enforcement Division



Certified to be a true and correct copy of the original document on file with the South Carolina Department of Motor Vehicles.

OFFICIAL 10 YEAR DRIVER RECORD

**Customer No: 23709880** 

Driver License Niver \$61\6649 Director

Name:

HAYNES, DERRICK EARL

State: SC

Zip: 294406336

Address: 181 HAYNES PL City:

**GEORGETOWN** 

County: GEORGETOWN DOB: 1/27/1959

Sex: M

**Driver Training: N** 

Status - DL: NO SUSPENSION

CDL: NO DISQUALIFICATION

**License Information** 

Type Current	Class	Function	Issued	Expires	First Issued Rest.		Endor.	Document Identifier (ACN / DDN)			
DL (R)	D .	Renewal	03/04/2019	01/27/2027	10/08/2001	N	N	2200940102256005805			
Prior							·				
DL	D	Renewal	01/15/2016	01/27/2026	10/08/2001	N	N	1011525400002102			
DL	- D	Reissue	01/15/2016	01/27/2026	10/08/2001	N	N	2200940202254196637			
DL	D	Renewal	02/17/2006	01/27/2016	10/08/2001	N	N	N/A			
DL	D	Modify	03/15/2012	01/27/2016	10/08/2001	N	N	1011131300062117			
DL	D	Original	10/08/2001	01/27/2006	10/08/2001	N	N	N/A			
DL	D	Reissue	10/08/2001	01/27/2006	10/08/2001	N	N	N/A			

Address Change -

Date Changed: 03/15/2012

Address: 271 CHURCH ST

City:

SOCIETY HILL

State: SC

**Zip:** 295938605

**Point Summary** 

**Total Current Points:** 

0

**Driver Credit:** 

-0

**Adjusted Current Points:** 

0

ACC: REPORTABLE Accident: 04/07/2018

Accident Case Number: 18546226

Accident Jurisdiction: SC Acc Loc Ref: SCHDPT

Contributed: N

Posted: 04/16/2018

FR-10 Audit Number: U-725661

History: N

VIOL: 442 - Disobeying an official traffic device

Violation: 03/28/2013 **Conviction State: GA** 

ACD: M14 Conviction Loc Ref:

Conviction: 04/29/2013

Recd: 05/20/2013

Ticket#: 24809064

**Conviction Reference:** 

Post: 06/13/2013

Court Type: MUNICIPAL COURT

**Violation Points: 4** 

**Current Points: 0** 

Ticket#: 37559FG

Post: 08/19/2010

VIOL: 426 - Operating with improper lights

Violation: 06/05/2010

Conviction: 06/23/2010

**Conviction Reference:** 

ACD: E05 Conviction Loc Ref: Conviction State: SC

Recd: 07/28/2010

Court Type: MUNICIPAL COURT

**Violation Points: 2** 

**Current Points: 0** 

**End of Report** 





### Results

Name BARBARA HAYNES DOB 1963 03 11 Gender Female

Maiden Name LUNN

SSN

Transaction 1219316PWO

Date of Check January 02, 2020 at 19:03

NO ARREST DATA IN ACCORDANCE WITH SEARCH CRITERIA SUBMITTED S.C. Law Enforcement Division WWW

To Whom it May Concern:

The criminal history search was based upon the criteria furnished. It did not include a fingerprint comparison, which is the only means of positive identification. This NO ARREST DATA verification is only valid as of January 02, 2020 at 19:03 since a record may be established after that time. Therefore, if no action is taken within a reasonable period, it is recommended that another check be made.

Sincerely.

Chief Mark Keel

South Carolina Law Enforcement Division



Certified to be a true and correct copy of the original document on file with the South Carolina Department of Motor Vehicles.

# OFFICIAL 10 YEAR DRIVER

**Customer No: 22433328** 

**Driver License No: 8192622** 

Name:

HAYNES, BARBARA LUNN

Address: 210 BLUE ST

City:

DARLINGTON

County: DARLINGTON DOB: 3/11/1963

State: SC

Zip: 295322626

Sex: F

**Driver Training: N** 

Status - DL: NO SUSPENSION

CDL: NO DISQUALIFICATION

License Information									
Type Current	Class	Function	Issued	Expires	First Issued	i Rest.	Endor.	Document Identifier (ACN / DDN)	
CDL (R)	В	Renewal	09/11/2019	03/11/2024	05/17/2004	Υ	Υ	1600550104266717080	
Prior								•	
CDL	В	Renewal	03/04/2019	03/11/2024	05/17/2004	Υ	Y	1600940104256004368	
CDL	В	Renewal	12/27/2013	03/11/2019	05/17/2004	Υ	Υ	1011316200015012	
CDL	В	Modify	08/05/2015	03/11/2019	05/17/2004	Υ	Υ	1011504000015622	
CDL	В	Returned	12/27/2013	03/11/2019	05/17/2004	Υ	Y	1600940704256003104	
CDL	В	Renewal	03/09/2009	03/11/2014	05/17/2004	Υ	Υ .	N/A	
CDL	В	BP to DL	05/17/2004	03/11/2009	05/17/2004	Υ	Υ	N/A	
CBP	В	Returned	12/20/2003	06/20/2004	12/20/2003	Υ	Υ	N/A ·	
CBP	В	Original	12/20/2003	06/20/2004	12/20/2003	Υ	Υ	N/A	
DL	D	Returned	03/07/2001	03/11/2006	03/06/1996	Y	N	N/A	
DL	D	Renewal	03/07/2001	03/11/2006	03/06/1996	Υ	N	N/A	

Current

Name:

Restrictions: **Endorsements:** 

P1 **Excepted Interstate** Bus (Passengers)

Name Change -

BRÖCKENBERRY, BARBARA LUNN

**Point Summary** 

**Total Current Points:** 

0

**Driver Credit:** 

<u>-0</u>

SC Driver License Surrendered

License Type: CDL (R)

**Adjusted Current Points:** 

Function: Renewal

Function: Returned

Posted: 03/04/2019

Issued: 08/05/2015

Date Surrendered: 03/04/2019

Reason for Return: RETURNED VOLUNTARILY

Returning State: SC

Date Changed: 08/05/2015

**SC Driver License Surrendered** 

Posted: 03/04/2019

Issued: 12/27/2013

Date Surrendered: 03/04/2019

License Type: CDL

Reason for Return: RETURNED VOLUNTARILY

Class: B

Class: B

Returning State: SC

Certified to be a true and correct copy of the original document on file with the South Carolina Department of Motor Vehicles.

Ti@kiee#:S896iceE,VDirector

OFFICIAL 10 YEAR DRIVER RECORD

**Customer No: 22433328** 

Name: HAYNES, BARBARA LUNN

VIOL: 421 - Speeding 10-mph or less

Violation: 12/13/2011

ACD: S51 Conviction Loc Ref:

ACD: S92 Conviction Loc Ref:

**Conviction State: SC** 

Violation: 04/06/2010

Conviction State: VA

Conviction: 01/11/2012

Conviction: 06/03/2010

**Conviction Reference:** Court Type: MUNICIPAL COURT

**Violation Points: 2 Current Points: 0** 

VIOL: 441 - Speeding more than 10 mph b ut LT 25 mph

**Actual Speed: 75** Recd: 06/28/2010

Recd: 01/20/2012

Ticket#: 1000331600 Posted Speed: 60 Post: 07/20/2010

Driver License No. 8192622

Post: 02/02/2012

**Conviction Reference:** 

Court Type: DISTRICT COURT

**Violation Points: 4 Current Points: 0** 

End of Report

# **Exhibit A**

# **Kickback Korner Golf Carts, LLC**

# **Balance Sheet**

# December 31, 2019

# **ASSETS**

# **Current Assets:**

-Cash	\$2,000
-Receivables	0
-Inventories	0
Total Communit Assets	

#### **Total Current Assets**

\$2,000

# **Property and Equipment:**

Total Assets	\$30,000
<b>Total Property &amp; Equipment</b>	\$28,000
Less Accum Depreciation	2,500
-Golf Carts & Trailer	30,000
-Fixtures and Equipment	\$ 500
• •	

# Kickback Korner Golf Carts, LLC

## **Balance Sheet**

# December 31, 2019

# **Liabilities and Owner's Equity**

# **Current Liabilities:**

Total Liabilities & Owner's Fauity	<b>¢30 00</b>	n
Owner's Equity	\$30,000	)
Total Liabilities	C	)
Long Term Debts	C	)
Total Current Liabilities	(	)
-Accrued Liabilities	(	)
-Accounts Payable	\$ (	)

#### **Exhibit B**

### **Kickback Korner Golf Carts, LLC**

We believe that public convenience and necessity requires the granting of this application because golf carts have become a mainstay for tourists visiting Myrtle Beach. Our golf cart business is conveniently located in South Myrtle Beach and provides an energy-efficient way for the public to get around. Our golf carts are reliable and affordable allowing renters to get to their destinations quicker than by walking. Seventy-five percent of our customers express gratitude and appreciation for our location because they fly into the beach and otherwise would not have transportation.