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, MAY 26, 2020
10:00 A.M. – MEETING – COUNCIL CHAMBER
TED C. COLLINS LAW ENFORCEMENT CENTER, 1101 NORTH OAK STREET

NOTE: CITIZENS ARE INVITED TO WATCH THE TELECONFERENCE MEETING LIVE ON THE CITY'S FACEBOOK PAGE, https://www.facebook.com/myrtlebeachcitygovernment/. THE MEETING WILL ALSO BE AVAILABLE ON THE CITY'S PUBLIC INFORMATION CHANNELS ON THE SPECTRUM AND HTC CABLE SYSTEMS (CHANNELS 1303 AND 9, RESPECTIVELY). TO ACCOMMODATE PUBLIC INPUT, WHEN APPROPRIATE, WE HAVE ESTABLISHED AN EMAIL ADDRESS, questions@cityofmyrtlebeach.com, AND A NUMBER TO TEXT, 843-882-5330. WHEN SENDING AN EMAIL OR TEXT DURING THE COUNCIL MEETING, INCLUDE YOUR NAME AND ADDRESS.

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… April 2, 2020

APPROVAL OF MINUTES… April 6, 2020

APPROVAL OF MINUTES… April 30, 2020

APPROVAL OF MINUTES… May 12, 2020

APPROVAL OF MINUTES… May 18, 2020

APPROVAL OF MINUTES… May 21, 2020

PUBLIC REQUESTS, PRESENTATIONS, AWARDS, MEMORIALS:

1. Workforce Housing Advisory Taskforce Report
2. City Facility Re-Opening Update
3. Public Information Update – PIO Staff

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) 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 2020-024 an ordinance to declare a Specific Targeted Business Development Project known as the Great American Surf Park as eligible for development incentives, pursuant to Chapter 15, Article iv, Section 15-53.1 of the Code of Ordinances.

As contemplated in a previous Letter of Intent approved by City Council in August 2019, American Surf Parks, LLC, proposes to develop a surf park and amphitheater site on the city-owned property located behind the Sports Center, east of Grissom Parkway, and south of Burroughs and Chapin Boulevard. The grounds contain approximately 295,000 cubic yards of stockpiled spoil dirt which must be removed at an estimated cost to the developer of $2,000,000. A large portion of the spoil dirt will be used on the property adjacent to the proposed surf park to create an amphitheater with a sloping seating bowl. The estimated capacity of that amphitheater is approximately 2,000 spectators with fixed seats and an additional 8,000 in the seating bowl.

Staff members estimate the total projected revenues from the surf park operations alone at nearly $450,000 per year (exclusive of rent payments) for phase one of the project. This estimate includes city property taxes, business license fees, TDF, Hospitality Fees and the city's portion of the State Admissions Tax. A separate phase two is contemplated with a proposed hotel. Staff members have not estimated the financial impact of the proposed amphitheater.

The proposed ordinance authorizes the application of the City's Voucher Incentive Program to this project. Pursuant to that program, the applicant is eligible for reimbursement of

certain fees paid to the city upon completion of the project and issuance of a project Certificate of Occupancy. The amount of the reimbursement is 2% of the construction costs of the project, which equals an estimated $41,000,000. This would allow for a Voucher Incentive of $820,000 over a five-year period.

1st Reading <u>Ordinance 2020-025</u> an ordinance to amend in the Code of Ordinances Chapter 19, Article 1, sections 19-3.1.3, 19-3.1.5, 19-3.1.6, 19-3.1.7, 19-3.1.8, 19-3.1.9 and 19-3.2 as set forth below to permit and regulate sidewalk café uses at Nance Plaza.

The decision to allow café uses in Nance Plaza was discussed during the consideration of the Arts and Innovation District, and prior to Council's decision to sell a city-owned building to be used as a brewery. This ordinance proposes to amend the Café Ordinance to allow for a café in the right-of-way of George Cox Street, adjacent to Nance Plaza, in the Arts and Innovation District, and is subject to the approval of the Zoning Administrator. The following will be considered: the size of the café does not adversely impact the remaining parts of the public way or Nance Plaza; the café does not compromise the essential purpose of Nance Plaza; and, the café maintains a minimum of 5 feet for pedestrian passage in the right-of-way.

Additional conditions to operate a café on the west side of Nance Plaza:

- *The café perimeter must be fully, or partially, enclosed by a barrier to be approved by the Zoning Administrator. (The barrier cannot interfere with pedestrian passage.)*
- *Proof of an off-premise beer and wine license issued by the SCDOR must be provided to the city.*
- *The permittee shall supply clear plastic cups for beer and wine to patrons. The permittee's name and/or business logo shall be displayed on the cups.*
- *The café cannot serve liquor, beer or wine for use in Nance Plaza in a container other than a clear plastic cup with logo.*
- *Permittee may not alcoholic beverages in the plastic cups with logos after midnight. The café shall be closed between midnight until the permitted business opens for business the next day.*
- *Permittee shall display city-approved signage, which will be viewable from the café, regarding this article and other rules and restrictions concerning alcohol consumption both inside and outside of the plaza.*

Motion <u>M2020-065</u> to appoint members of the Myrtle Beach Coronavirus Recovery Task Force.

As approved in the resolution directing the Manager to implement Executive Order 8, the Task Force responsibilities include:

- *Review the effect all previous and subsequent Executive Orders, especially with respect to:*
  - *The health of our residents and visitors.*
  - *Local capacity to provide adequate medical treatment and facilities.*
  - *The supply of commodities, such as food, medical supplies and other essential materials.*
  - *Local economic conditions.*
  - *Enforcement of existing laws, Governor's Executive Orders and the city's Emergency Orders.*

- *Make recommendations to City Council regarding future phases of recovery.*
- *And, other tasks, as assigned by City Council.*

The proposed committee would include:

- *Medical Provider Representative*
- *City of Myrtle Beach Fire Chief*
- *City of Myrtle Beach Police Chief*
- *Hotel Owner or Manager*
- *Restaurant Owner or Manager*
- *City Convention Center Director*
- *Retail Business Owner or Manager*
- *Amusement/Attraction Owner or Manager*
- *Small Business Owner/Manager*
- *Three residents representing the south, central and center city areas.*

Committee's meeting and reporting expectations:

- *Meet as needed, and as called on by the committee's chairperson.*
- *Report to Council at each City Council Meeting until the expiration of the Civil Emergency.*
- *Report new developments and concerns to City Council along with recommendations to accelerate, slow down or maintain the target dates and maximum occupancy targets.*

Motion <u>M2020-067</u> to authorize the City Manager to enter into such documents as necessary to acquire the property fronting on both Canal and Nance Streets, shown as Canal Sec. Lot 16 (TMS #181-02-04-034), to be used for workforce housing purposes, at the appraised value of $55,000, with funds authorized exclusively for this use.

Staff proposed the acquisition of the 0.74 acre parcel for workforce housing uses. The proposed price is $55,000, which reflects the appraised value of the property. The property is zoned R-8 and can accommodate up to four single family structures within that zoning designation. The funds for the purchase would come from the Workforce Housing account, which is funded by a charge of 0.25% of the value of new construction when greater than $100,000. (No charge on projects valued less than $100,000.)

Motion <u>M2020-068</u> to authorize the City Manager to enter into negotiations with Mydatt Services, Inc. (d/b/a BLOCK by BLOCK) to provide "ambassador services" in downtown Myrtle Beach.

Within the target area (east of Kings Highway, from 29th Avenue North to 7th Avenue South, and the Arts and Innovation District), the Ambassador Program is designed to:

- *Build relationships with stakeholders (e.g. residents, visitors, property owners and business owners) and offer hospitality services in the designated area.*
- *Further enhance the reality and perception of personal safety for our residents and guests.*
- *Report and/or address maintenance issues, including burned-out street lights, damaged public property and sidewalk trip hazards.*
- *Act as a "force multiplier" for the Police Department to report actual or suspected criminal activity.*
- *Identify and report obvious zoning and building code violations.*

- *Work with the city litter teams to report unsightly debris and other major aesthetic issues.*
- *Water the hanging baskets on a daily basis.*
- *Work with local area agencies to address homelessness and to make appropriate social service referrals.*

The proposed agreement is for one year, which is to be considered a trial period. The proposed cost of this program is $449,814.46. Under the terms of the proposed agreement, the city is also obligated to provide a location for the contractor. The proposed source of funding is the "Downtown Improvement Fund." Within that fund, approximately $518,000 comes to the city as a result of the decision to close the Downtown Redevelopment Corporation. The actual deployment of ambassadors will fluctuate depending on the time of the year and the number of people anticipated to be in the target area.

Motion <u>M2020-069</u> to allocate Accommodations Tax funding for 2020.

State law provides that State Accommodations Taxes be allocated as follows:

- *The first $25,000 statutory allocation goes to the General Fund.*
- *The city receives statutory allocation of 5% of revenues after the first $25,000 is deducted.*
- *The city receives 15% of revenue after the first $25,000 is deducted for direct policing services (per Proviso No. 109.11).*
- *Promotional allocation of 15% of revenue after the first $25,000 is deducted is used to pay the Chamber for advertising and promotion of tourism (per Proviso No. 109.11).*
- *And, 65% of the balance goes to a special fund for tourism-related expenditures.*

The purpose of this motion is to allocate the 65% portion of this fund (approximately $5.19 million dollars between city-related tourism usages and 40 applicants who applied for funding through the Accommodations Tax application process).

Motion <u>M2020-070</u> authorizing the City Manager or his designee to apply for a grant for $125,363.00 from the U.S. Department of Justice's Office of Justice Programs (OJP) Bureau of Justice Assistance FY 2020 Coronavirus Emergency Supplemental Funding Program (CESF) to be used to: purchase of personal protective equipment (PPE) and sanitizing equipment for the Police Department; provide training related to mitigation, preparation, response and recovery from the COVID 19 pandemic; 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 Police Department will use the emergency supplemental funding program to purchase PPE and sanitizing equipment for the officers and provide necessary training related to mitigation, preparation, response and recovery efforts from the pandemic. No match is required.

Motion <u>M2020-071</u> authorizing the City Manager or his designee to apply for a grant for $3,500 from the United States Tennis Association (USTA) Facility Recovery Grant Program to be used to: purchase tennis equipment to assist in reopening the Tennis Center due to the COVID19 closing; 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 Parks, Recreation and Sports Tourism Department will use the recovery grant funding to purchase much needed tennis equipment. The USTA Facility Recovery Grant Program was created to help facilities defray some of the tennis-related costs associated with reopening in 2020 if the facility was closed due to the impact of COVID-19.

NON-AGENDA ITEMS FROM THE PUBLIC

COMMUNICATIONS FROM CITY BOARDS/COMMISSION MEMBERS

COMMUNICATIONS FROM CITY COUNCIL AND CITY MANAGER

1. Council Communications
2. CFO (Chief Financial Officer) Update
3. CM/ACM (City Manager/Assistant City Manager) 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