



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, APRIL 11, 2023
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.

CITIZENS ARE INVITED TO ATTEND AND PARTICIPATE IN 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.

PUBLIC HEARING – A PUBLIC HEARING WILL BE HELD AT 9:00 A.M., TUESDAY, APRIL 11, 2023, AT THE TED C. COLLINS LAW ENFORCEMENT CENTER, 1101 NORTH OAK STREET, ON THE PROPOSED RULE TO SHOW CAUSE REGARDING PROPERTY LOCATED AT 1107 RAGIN STREET, MYRTLE BEACH, SC.

PUBLIC HEARING – A PUBLIC HEARING WILL BE HELD AT 9:00 A.M., TUESDAY, APRIL 11, 2023, AT THE TED C. COLLINS LAW ENFORCEMENT CENTER, 1101 NORTH OAK STREET, ON THE PROPOSED RULE TO SHOW CAUSE REGARDING PROPERTY LOCATED AT 1211 ROSEHAVEN DRIVE, MYRTLE BEACH, SC.

PUBLIC HEARING – A PUBLIC HEARING WILL BE HELD AT 9:00 A.M., TUESDAY, APRIL 11, 2023, AT THE TED C. COLLINS LAW ENFORCEMENT CENTER, 1101 NORTH OAK STREET, ON THE PROPOSED RULE TO SHOW CAUSE REGARDING PROPERTY LOCATED AT 1101 CARVER STREET, MYRTLE BEACH, SC.

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

APPROVAL OF MINUTES... March 28, 2023

PUBLIC REQUESTS, PRESENTATIONS, AWARDS AND MEMORIALS:

1. Grand Strand Humane Society Update – Lindsey Rankin/Jess Wnuk (Workshop)
2. A&I Infrastructure Update/Review (Workshop)
3. Recognition of Seventh Class of MyBeach 101 (Meeting)
4. Proclamation declaring the month of April as Child Abuse Prevention Month (Meeting)
5. Proclamation declaring April 9-15, 2023, as Public Safety Telecommunicators Week (Meeting)
6. Public Information Update – PIO Staff (Meeting)

NON-AGENDA ITEMS FROM PUBLIC (30 Minute Time Limit)

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 M2023-029 authorizing the City Manager or his designee to: apply for a grant of \$43,612 from the Federal Emergency Management Administration (FEMA) Fire Prevention and Safety Grant Program for the purpose of delivering public education on fire safety and prevention; record the appropriation of such grant funds in the amount that may be approved; and, execute and deliver such grant agreement and such related documents as may be required to put the grant into effect. Match of \$2,180 is coming from the Fire Department Budget.

The objective of the Fire Prevention and Safety Program is to enhance the safety of the public and firefighters from fire-related hazards. The Fire Department's goals are to increase educational public safety for education systems, public events, community outreach programs, and interactive classes with businesses to reinforce the necessary procedures of fire prevention and safety.

Motion M2023-030 to authorize the City Manager or his designee to enter into an agreement between the City of Myrtle Beach and Horry County Schools concerning the School Resource Officer Program.

This agreement is between the Horry County Schools District and the City of Myrtle Beach Police Department. The agreement calls for one School Resource Officer (SRO) at the following:

- *Myrtle Beach High School*
- *Myrtle Beach Middle School*
- *Myrtle Beach Elementary School*
- *Myrtle Beach Primary School*

HCSD will reimburse the city 50% of each SRO's salary and benefits at Myrtle Beach High School and Myrtle Beach Middle School. The SROs at Myrtle Beach Elementary and Primary Schools are funded through a State of South Carolina grant.

REGULAR AGENDA

2nd Reading Ordinance 2023-020 to amend Ordinance 2022-040 authorizing the sale of 21.6 acres (portion of TMS #1730004170) to MHI Capital, LLC, to aid in construction of the proposed surf park.

Ordinance 2022-040 authorized the execution of a purchase agreement to sell 21.6 acres to MHI Capital, Inc. for \$4.5 Million for the development and construction of a surf park. The Buyers have proposed five changes to the current contract:

- *Assignment from MHI Capital, LLC, to Surfworks Land Holdings, LLC.*
- *Extend closing to October 9, 2023.*
- *Increase Earnest Money to \$150,000 which will be immediately non-refundable.*
- *Require the buyer to provide proof of \$54 Million in legally binding commitments from an SEC-regulated fund.*
- *Replace the Donation Clause with only a Right of Repurchase.*

The project is still on schedule. The developer is continuing with design, engineering and permitting. The extension is solely to allow multiple investors to make final arrangements.

1st Reading Ordinance 2023-021 to create a Planned Unit Development known as Nance Street International Residence Hall Planned Unit Development and to rezone approximately 7.62 acres at the corner of Robert Grissom Parkway and Mr. Joe White Avenue (PIN #425-13-01-0080) from HC2 (highway commercial) to PUD (Nance Street International Residence Hall Planned Unit Development) to provide safe housing for seasonal international workers.

The project is an international residence hall to house temporary seasonal workers from other countries. The City of Myrtle Beach relies on J1 students and other international groups to sustain our seasonal workforce. International workers are in need of adequate housing during their stay. Public improvements include:

- *Installation of storm drainage improvements, the capacity of which shall include a portion of existing stormwater drains within the boundary of Canal Street, Nance Street, Mr. Joe White Avenue and Robert M. Grissom Parkway.*

- *Installation of a 10-foot, multi-purpose path outside the perimeter with fencing along Mr. Joe White Avenue to Robert M. Grissom Parkway to provide safe access to the project.*
- *Developer shall install improvements within the right-of-way of Nance Street to accommodate shuttle bus drop-off, a bus shelter and bus pick-up for residents returning to, and leaving from, the project in accordance with SCDOT requirements.*
- *Developer shall install improvements within the right-of-way of Mr. Joe White Avenue to accommodate turning movements in accordance with the requirements of the City of Myrtle Beach's Engineering Division and SCDOT.*

1st Reading Ordinance 2023-022 to rezone approximately 0.59 acres on Robert M. Grissom Parkway (PIN #425-12-03-0009) from R10 (single family) to RMH – BTW (multifamily high density with the Booker T. Washington Overlay) and a small remainder portion from R10 (single family) to Mu-M (mixed use medium density) to allow for the continued development of Bay Pointe Apartments.

This property is currently split-zoned and this request would remove the split zoning on this parcel. The property fronts on both Grissom Parkway and Mr. Joe White Avenue in the Booker T. Washington neighborhood. Adjacent property is zoned MU-M, R10, RMH-BTW, and R10-BTW. RMH-BTW is a multifamily residential district with a minimum lot size of 14,520 sq. ft. R10 has a lot size of 10,000 sq. ft. This request is in combination with Ordinance 2023-023.

1st Reading Ordinance 2023-023 to annex approximately 3.23 acres at PIN #425-12-03-0058 and rezone from Horry County NC (Neighborhood Commercial) to City of Myrtle Beach RMH - BTW (Residential Multifamily High Density with the Booker T. Washington Overlay).

This property is currently under Horry County's jurisdiction and it is zoned NC (Neighborhood Commercial). The applicant is requesting a rezoning to RMH - BTW (Residential Multifamily High Density with the Booker T. Washington Overlay) for the construction of apartments. The applicant requested RMH-BTW to remain consistent with the zoning throughout the area. The Booker T. Washington Overlay does not contain any provisions that will impact this development as it prevents nightclubs and bars (also prevented by the RMH zoning classification). Nance Street is planned for extension to Grissom Parkway, joining adjacent from Monticello Drive. This road is currently private. The developers would like for this to be a public road in the future.

Resolution R2023-009 to adopt the Myrtle Beach Housing and Community Development Annual Action Plan and Budget for Fiscal Year 2023-24.

In total, the city's Community Development Block Grant (CDBG) allocation is projected to be \$391,333. The funds are budgeted based on the federal fiscal year and must be spent to primarily benefit low and moderate income people. The following is the proposed allocation covering the period of October 1, 2023-September 30, 2024:

- *Affordable Housing Program – \$91,333*
- *Public Infrastructure – \$300,000*

Resolution R2023-010 a resolution endorsing the updated 2022 Horry County Solid Waste Management Plan as created by the Horry County Solid Waste Authority, Inc., with advice from the Horry County Solid Waste Technical Advisory Council.

The 1991 South Carolina Solid Waste Policy and Management Act established a policy promoting reduction, re-use, and recycling of solid waste before landfilling or incineration.

The Act establishes the following goals:

- *Encourage research by state agencies, state-supported educational institutions, and private entities for the reduction of solid waste.*
- *Encourage a regional approach to solid waste management.*
- *Reduce the amount of solid waste received at municipal solid waste landfills and incinerators by 40% (calculated by weight).*
- *Continue to set new and revised goals every three years.*
- *Recycle at least 40% of the total waste stream generated (calculated by weight).*
- *Each county/region to make every effort to meet (individually) the state's solid waste reduction and recycling goals.*

Some items to note in the updated plan include:

- *Emphasize waste reduction to achieve the state disposal goal of 3.25 pounds per person/day.*
- *Reduce food waste and expand composting.*
- *Increase focus on scrap tire source reduction and recycling opportunities.*
- *Strengthen regional partnerships to bolster recycling programs.*
- *Increase business reporting to show a more comprehensive picture of recycling in the state.*
- *Improved education/outreach on recycling contamination and correct recycling habits.*

Resolution R2023-011 to approve a partial settlement in the South Carolina opioid litigation and to authorize execution of settlement documents.

The City of Myrtle Beach is one of many political subdivisions participating in the South Carolina Opioid Litigation, 2018-CP-23-01294, a consolidated legal action. A proposed settlement has been reached with several defendants. If the city desires to participate in the settlement and receive the benefits of the settlement, the city must indicate approval and enter into the 2023 Amended South Carolina Opioid Settlement Allocation Agreement.

Motion M2023-031 to issue a Rule to Show Cause to require the owner(s) or parties in interest of property known as 1107 Ragin Street to show cause as to why they should not be ordered to bring the property into compliance with Chapter 10 of the Code of Ordinances of the City of Myrtle Beach.

If approved, the Rule to Show Cause Order compels the property owner to either bring the structure or property back into compliance with City Code, or to demolish the structure. The order allows the city to mitigate the non-compliance issues if the property owner fails to do so, and to lien the property for the costs incurred.

Motion M2023-032 to issue a Rule to Show Cause to require the owner(s) or parties in interest of property known as 1211 Rosehaven Drive to show cause as to why they

should not be ordered to bring the property into compliance with Chapter 10 of the Code of Ordinances of the City of Myrtle Beach.

If approved, the Rule to Show Cause Order compels the property owner to either bring the structure or property back into compliance with City Code, or to demolish the structure. The order allows the city to mitigate the non-compliance issues if the property owner fails to do so, and to lien the property for the costs incurred.

Motion M2023-033 to issue a Rule to Show Cause to require the owner(s) or parties in interest of property known as 1101 Carver Street to show cause as to why they should not be ordered to bring the property into compliance with Chapter 10 of the Code of Ordinances of the City of Myrtle Beach.

If approved, the Rule to Show Cause Order compels the property owner to either bring the structure or property back into compliance with City Code, or to demolish the structure. The order allows the city to mitigate the non-compliance issues if the property owner fails to do so, and to lien the property for the costs incurred.

Motion M2023-034 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 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, then 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