



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. NO SPEAKER MAY SPEAK FOR MORE THAN 3 MINUTES.

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

April 10, 2019

9:00 A.M. – MAGNOLIA’S – 2605 OCEAN BLVD. MYRTLE BEACH, SC 29577

- CALL TO ORDER.....
- INVOCATION.....
- PLEDGE OF ALLEGIANCE.....
- APPROVAL OF AGENDA.....
- APPROVAL OF WORKSHOP MINUTES.....April 4, 2019
- APPROVAL OF MINUTES.....March 26, 2019

PUBLIC REQUESTS, PRESENTATIONS, AWARDS, MEMORIALS:

1. Proclamation declaring week of April 14 – 20th as Communications Week.

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.

CONSENT AGENDA

REGULAR AGENDA

2nd Reading Ordinance 2018-71 an ordinance to amend Article 2, Section 203 in Definitions; and Section 1301 Wireless Communication Facilities in the Zoning Code of the City of Myrtle Beach.

The FCC approved sweeping regulations in September 2018 limiting the authority of state and local governments to regulate 5G wireless infrastructure. The FCC also established a 60-day time limit for cities to process the 5G applications from telecomm companies. In order to protect City investments made to beautify certain streets, and to expedite the review process, in October 2018 Council adopted certain “safe harbor” designs for small cell facility deployment (5G) in rights-of-way for area #1:

- *Ocean Boulevard, from 31st North southward to the intersection with Kings Highway.*
- *3rd S from Kings Highway to its terminus beyond Ocean Boulevard.*
- *Mr. Joe White from Kings Highway to Ocean Boulevard.*
- *All street ends from 31st North to 29th South that extend eastward beyond Ocean Boulevard containing at least one signal light pole.*

The purpose of this zoning code amendment is to:

- *Provide for the appropriate location and development of wireless facilities.*
- *Minimize adverse visual effects of wireless facilities through design, siting and screening.*
- *Avoid potential damage to adjacent properties from structure failure through engineering and careful siting of wireless support structures.*
- *Maximize use of any new or existing wireless support structure by encouraging collocation of multiple antennas on a single wireless support structures.*

Motion M2019-54 to approve temporary rental fees for the use of the train cars located at the Train Depot as found in the attachment until such time as those fees are formally set in the FY 2019-20 Budget Ordinance.

The City has renovated an old boxcar and caboos to provide meeting space and kitchen facilities at the Train Depot. This motion will set the fees for these new amenities only until the fees are reviewed and approved in the upcoming Budget Ordinance. These temporary fees are proposed fees at \$50/hour for City residents and \$75/hour for non-residents for the meeting car, and a flat \$150/rental the kitchen car.

Motion M2019-55 to authorize the City Manager to enter into a Concessionaire Agreement with Atlantic Golf Management for the operation and maintenance of Whispering Pines Golf Course.

The original five –year lease agreement between the City and Atlantic Golf Agreement expires in October, 2019. This agreement provides that the Concessionaire has an option to renew for an additional term upon mutually agreeable conditions. This arrangement has been extremely successful for both the City and the Concessionaire.

The following terms are included in the proposed renewal agreement:

- *A 10-year lease term.*
- *No change to the Concessionaire Payment to the City (3.5% of gross revenue over \$1,100,000).*
- *No change to the terms for the rental of the driving range:*
 - *City leases driving range from Horry County for \$22,700/year.*

- AGM operates the driving range and pays the City \$22,700 plus 10% of driving range gross proceeds in excess of \$22,700.
- Capital payment based on gross revenues of:
 - \$0 for the first \$1 million (no change).
 - 2% of gross for the next \$400,000 (no change).
 - For FY2019 – FY2022 3.0% of gross revenue in excess of \$1.4 million.
 - For FY2023 – FY2025 = 3.5% of gross revenue (\$1.750 mm x 3.5% = \$61,250).
 - FY2026 – FY2029 = 4.0% of gross revenue (\$1.750 mm x 4% = \$70,000).

Motion M2019-56 to authorize the City Manager to issue a Request for Qualifications to begin the process of selecting an architect to design the public buildings and spaces in the proposed Arts District including the City Square area.

State law requires the City to use an RFQ process to select an architect. Once a firm is tentatively selected the municipality may then negotiate price. This motion anticipates that one firm will be selected as the lead architect and will associate with other specialty firms as needed. This action only allows the City to begin this selection process. The actual agreement will be subject to Council approval.

Motion M2019-57 to direct the City Manager to prepare agendas which reflect City Council Workshop meetings on the Second and Fourth Tuesday of each month beginning at 9:00 AM for the purpose of reviewing selected items listed on the agenda for the subsequent Regular City Council Meeting to begin at 10:00 AM on those same dates, and to set Monthly Workshops on the first Thursday of each month beginning at 9:00 AM (unless otherwise indicated).

This motion reflects City Council's stated desire to hold a one-hour workshop to review more complex items immediately before the meeting at which they may be approved, and to continue the practice of holding a Monthly Workshop for the discussion of policy issues and new initiatives.

Motion M2019-58 to affirm the City Manager's decision regarding the approval of the Food Network event given that the opportunity to host such an event became apparent on a time frame that precluded City Council's normal review.

This motion merely affirms the City Manager's decision to approve this event, which became known too late in the game to be approved by City Council. This exposure on the Food Network is extremely beneficial to the City's tourism efforts.

Motion M2019-59 to approve a Design Manual with Exhibits relating to the provision of Wireless communications.

The City has developed "safe harbor designs" applicable to small cell deployment. An application that uses a safe harbor design may be exempted from all City zoning approval processes and requirements and would instead be subject to an administrative review process.

Uniformity of design is important to the City, especially along Ocean Boulevard, where a significant investment has already been made to achieve a certain look. Where multiple safe harbor designs are approved for an area, a proposed wireless telecom facility must use the design most appropriate to the location, taking into account safety, aesthetic impacts and surrounding facilities. In particular cases, the City may require use of a particular design along a corridor or at an intersection in order to maintain design uniformity.

NON-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