
R2019-2: RESOLUTION SETTING FORTH THE POLICY OF THE CITY OF MYRTLE BEACH REGARDING ENHANCED BEAUTIFICATION OF MEDIAN AREAS IN AND THE RIGHTS OF WAYS ALONG ARTERIAL STREETS AND THROUGHFARES.

Applicant/Purpose: Staff/ to differentiate beautification efforts along arterial streets from encroachments in residential neighborhoods and to implement a method by which such improvements could take place throughout the City.

Brief:

- Wikipedia defines an arterial road as “ a high-capacity urban road [used primarily to] deliver traffic from collector roads to freeways or expressways, & between urban centers at the highest level of service possible (streets primarily serving residential communities or commercial businesses, are not considered “arterial streets).
- The following roads may be considered “arterial roads”: Highway 17, Kings Highway, Robert Grissom Parkway, Highway 15, Farrow Parkway, Coventry Boulevard, Harrelson Boulevard, US 501, Joe White Avenue 21st North, 29st North (west of Kings Highway), 38st North (west of Kings Highway), 62nd North (west of Highway 17), 71st West (west of Highway 17), 79th West (west of Highway 17), 82nd Parkway, Grand Dunes Boulevard, & Marina Parkway.
- The rights-of-ways & medians of such arterial streets are experienced by millions of residents and visitors each

Issues:

- The beautification of the medians & rights-of-ways advances Council’s policy goals of enhancing the quality of life for our residents, & promoting economic prosperity.
- Pursuant to this proposed policy:
 - The City may accept donations of landscaping & plant materials along such ROW, pursuant to staff review; & Council approval of specific landscaping plans.
 - Once donated, these materials are the property of the City & subject to modification, including removal, at the City’s discretion.
 - Pursuant to a limited right of entry agreement, the City may also contract w/any 3rd party to increase the frequency of maintenance of the landscaping, (including grass mowing). Provided that agreement stipulates that:
 - The City is indemnified/insured by the 3rd party for any accident or loss incurred in such area during any work provided by such 3rd party.
 - The agreement is subject to Council’s annual review & approval.
 - The 3rd party agrees to pay for the incremental cost of such increased frequency of maintenance activities.
 - An acknowledgement that upon non-renewal the frequency of such maintenance is subject to reverting to the City’s standard.
 - The improvements may not present the appearance that the ROW or median is privately owned, or that public parking areas are not publicly available.

Public Notification: Normal meeting notification.

Alternatives:

- Modify the proposed policy.
- Deny the proposed policy

Financial Impact: Enhanced landscaping materials would be donated. The additional labor costs would also be off-set by the other party to the agreement. There is no net cost to the City.

Manager’s Recommendation: I recommend approval.

Attachment(s): Proposed resolution.

CITY OF MYRTLE BEACH
COUNTY OF HORRY
STATE OF SOUTH CAROLINA

RESOLUTION SETTING FORTH THE
POLICY OF THE CITY OF MYRTLE
BEACH REGARDING ENHANCED
BEAUTIFICATION OF MEDIAN AREAS
IN AND THE RIGHTS OF WAYS
ALONG ARTERIAL STREETS AND
THOROUGHFARES.

WHEREAS, Wikipedia defines an arterial road as “ a high-capacity urban road. The primary function of an arterial road is to deliver traffic from collector roads to freeways or expressways, and between urban centers at the highest level of service possible.”; and

WHEREAS, in that regard, streets that primarily serve residential communities or commercial businesses, are not considered “arterial streets); and

WHEREAS, in the City of Myrtle Beach the following roads may be considered “arterial roads”:

- Highway 17 (the “By-pass).
- Kings Highway.
- Robert Grissom Parkway.
- Highway 15.
- Farrow Parkway.
- Coventry Boulevard.
- Harrelson Boulevard.
- US 501.
- Joe White Avenue.
- 21st Avenue North.
- 29st Avenue North (west of Kings Highway).
- 38st Avenue North (west of Kings Highway).
- 62nd Avenue North (west of Highway 17).
- 71st Avenue West (west of Highway 17).
- 79th Avenue West (west of Highway 17).
- 82nd Parkway.
- Grand Dunes Boulevard.
- Marina Parkway.

and

Whereas the rights-of-ways and medians of such arterial streets are seen and experienced by millions of residents and visitors each year; and

WHEREAS, the City of Myrtle Beach has determined that the provisions of this resolution will substantially advance, and are reasonably and rationally related to, legitimate government interests by promoting the health, safety, morals, convenience, order, prosperity, and welfare of the citizens of this City.

NOW, THEREFORE, THE CITY OF MYRTLE BEACH HEREBY RESOLVES THAT:

1. The beautification of the medians and rights-of-ways advances the City’s Council policy goals with respect to enhancing the quality of life for our

1 residents, and promoting economic prosperity for the businesses within the City
2 limits.

- 3 2. The City may accept donations of landscaping and plant materials along such
4 rights-of-way, pursuant to staff review; and City Council approval of specific
5 landscaping plans.
6 3. Once donated by a private party these landscaping and plant materials are the
7 property of the City of Myrtle Beach and subject to any future modification,
8 including total removal, at the City's sole discretion.
9 4. Pursuant to a limited right of entry agreement, the City may also contract with
10 any Homeowners Association, property Owners' Association, Developer,
11 Business, or other third party to increase the frequency of maintenance of the
12 landscaping, including the frequency of grass mowing, at any such locations.
13 Provided that limited right of entry agreement stipulates that:
14 a. The City is properly indemnified and insured by the third party for any
15 accident or loss incurred in such area during any work provided by such
16 third party, such indemnification and insurance shall conform to the
17 requirements of the City's Director of Risk Services.
18 b. The agreement is subject to City Council's annual review and approval.
19 c. The third party agrees to pay for the incremental cost of such increased
20 frequency of maintenance activities.
21 d. An acknowledgement that upon the non-renewal of the agreement (by
22 either party), the frequency of such maintenance is subject to reverting
23 to the City's standard level of maintenance for such improvements.
24 5. Under no circumstances may any such landscaping improvement present the
25 appearance that the right-of-way or median is actually under private
26 ownership.
27 6. Under no circumstances may any such landscaping improvement present the
28 appearance or reality that public parking areas are not publicly available.
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30 SIGNED, SEALED and DATED, this 8th day of January, 2019.
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35 BRENDA S. BETHUNE, MAYOR

36 ATTEST:
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JENNIFER STANFORD, CITY CLERK