



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, NOVEMBER 10, 2020
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**

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.

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... October 27, 2020

APPROVAL OF WORKSHOP MINUTES... November 5, 2020

PUBLIC REQUESTS, PRESENTATIONS, AWARDS, MEMORIALS:

1. MLK Commemoration – Marcella Swans and Wardell Brantley for the Carolina African-American Heritage Foundation
2. Horry Georgetown Technical College Update – Dr. Marilyn Fore
3. Recognition – Eagle Scout Cole Smith
4. Recognition of Athletic Department of the Year – Kirk Gallion
5. Proclamation recognizing Jase Skews for his efforts to raise funds for the Officer Jacob Hancher Memorial.
6. Proclamation recognizing WBTW Anchor Nicole Boone.
7. Proclamation declaring November 28, 2020, as "Small Business Saturday."
8. Public Information Update – PIO Staff

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.*

NO ITEMS LISTED ON THE CONSENT AGENDA.

REGULAR AGENDA

1st Reading Ordinance 2020-046 approving the amendment of the redevelopment plan for the Oceanfront Redevelopment Project area providing for redevelopment of certain additional area within the City of Myrtle Beach, South Carolina; designating such additional area as a redevelopment project area; making findings with respect to the additional redevelopment project area; designating additional redevelopment projects within and benefitting the redevelopment project area; and, other matters relating thereto.

Tax Increment Financing (TIF) is a redevelopment tool whereby tax values in a given district are frozen as to their availability to pay for local government operations. Any increases in tax revenues (the "tax increment") arising from redevelopment are instead earmarked to pay for public infrastructure improvements supporting the redevelopment. The city has used TIF for development of Broadway at the Beach (1995-2009) and redevelopment of the former Myrtle Beach Air Base (2005-present).

The Oceanfront Redevelopment District was created in 2008 and covers parcels between the ocean and Kings Highway, from 16th Avenue North to Sixth Avenue South. This amendment extends the boundaries:

- *Northward along the oceanfront to 21st Avenue North, including all parcels facing 21st Avenue North.*
- *Along Kings Highway to take in the Arts & Innovation District, including all properties along the northwest side of the highway, Broadway Street and Oak Street.*
- *Along Kings Highway southward to 14th Avenue South.*

The amendment further adds \$258 million for projects that may be funded from incremental taxes or other sources consistent with the Downtown Master Plan, including, among other things:

- Performing Arts Theater
- New Library and Children's Museum
- Renovations to Existing Library Structure
- City Square
- Public Utility and Streetscape Improvements
- Restoration of Transitional Properties

1st Reading Ordinance 2020-047 an ordinance of the City of Myrtle Beach, South Carolina providing for the creation of a parking system; and, other matters related thereto.

Parking facilities previously were managed by the Downtown Redevelopment Corporation (DRC). Parking revenues have paid for parking facilities operations and have leveraged the \$10 million loan pool the city has used to spur redevelopment in target areas since 2015. Recently, the City has absorbed many of the redevelopment functions of DRC, which is being reconstituted to function as Managing Partner of city-owned properties being redeveloped with historic tax credits. The creation of a parking system allows for the use of parking revenues to pay operating expenses of the system and to pledge net revenues for debt repayment. With the amendment of the Oceanfront Redevelopment Area to include the Arts & Innovation District and other strategic redevelopment areas, the parking system allows the loan pool to continue to provide interim financing for transitional properties and other public improvements under the amended Oceanfront Redevelopment Plan.

The net system revenues will be used to pay interest on amounts outstanding in the loan pool. The pool will have a senior lien on the net parking revenues, a structure that is similar to that of the existing loan pool. Creation of the parking system segregates parking activities in a separate enterprise fund to facilitate the accounting and review of parking system financials for the city's use, as well as that of lenders in the pool.

1st Reading Ordinance 2020-048 an ordinance to authorize the City Manager to execute a Purchase and Sale Agreement (and any other related documents and/or minor modifications thereto) with Ponderosa, Inc. (current operators of the Pirateland Family Camping Resort), conveying city-owned properties totaling 63.92 acres, identified as portions PIN #460-00-00-0006 (TMS #192-00-01-022), PIN #460-00-00-0001 (TMS #192-00-01-039) and PIN #460-00-00-0005 (TMS #192-00-01-021) to that group at a price of \$26,442,361.

The city-owned parcels (located south of current city limits) were conveyed to the city from the U.S. Government in 1948 and have been leased to the purchaser and used for campground purposes since 1990. The property is currently under lease to the purchaser through February 28, 2025. The purchaser proposes to continue to use the property as a campground. No other use is contemplated.

The key business points of the proposed transaction are, as follows:

- *The sales price is a negotiated figure mid-way between the city’s appraisal of the property and the proposed purchaser’s appraisal. Together with the city-owned parcels in 2020-049 below, the total sales price is \$60,000,000 (\$413,679 per acre).*
- *Of that amount, a total of \$10,000,000 will be paid at closing (scheduled by 12/31/2020).*
- *The remaining \$50,000,000 will be paid within five years from the date of closing.*
 - *The city will hold a mortgage for that amount secured by these properties.*
 - *In order to incentivize the payment of the remainder within this five year period, the interest rates applied to the unpaid balance increase each year and a sales credit based on the 2020 lease amount is reduced each year.*
- *The purchaser will execute an “Annexation Petition” no earlier than five years after closing, provided: the petition is legally permissible, the proposed city zoning allows all existing uses and the city takes over stormwater system maintenance (currently maintained by Horry County).*

1st Reading Ordinance 2020-049 an ordinance to authorize the City Manager to execute a Purchase and Sale Agreement (and any other related documents and/or minor modifications thereto) with TBD (wholly owned by Lakewood Camping Resort), conveying city-owned properties totaling 81.12 acres identified as portions of PIN #460-00-00-0002 (TMS #192-00-01-038) and PIN #460-00-00-0004 (TMS #192-00-01-020) to that group at a price of \$33,557,639.

The city-owned parcels (located south of current city limits) were conveyed to the city from the U.S. Government in 1948 and have been leased to the purchaser and used for campground purposes since 1990. The property is currently under lease to the purchaser through February 28, 2025. The purchaser proposes to continue to use the property as a campground. No other use is contemplated.

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- *The purchaser will execute an “Annexation Petition” no earlier than five years after closing, provided: the petition is legally permissible, the proposed city zoning allows all existing uses and the city takes over stormwater system maintenance (currently maintained by Horry County).*

Resolution R2020-045 to amend R2017-006 setting forth hours of operation and other matters relating to the city’s paid parking program to add the “Oceanfront Employee Parking Decal Program” for employees of businesses located east of Kings Highway.

No City Code requirement exists that requires businesses to provide employee parking. While some businesses east of Kings Highway provide off-site parking or make other

arrangements at the employer's expense, most employees are left to solve this issues themselves. The lack of an employee parking program often results in those employees parking in non-parking places, and they accrue a large volume of tickets for illegal parking. The purpose of this program is to provide a low-cost alternative to illegal parking through a program specifically for the employees of businesses located east of Kings Highway.

This proposal adds an annual \$50 Oceanfront Employee Parking Decal exclusively for employees of businesses located east of Kings Highway. These decals could be used only at coin-operated meters (street ends, pay station lots and Mackay Meter spaces are considered prime parking spaces and could not be used for Oceanfront Employee Parking Decals). A number of workers east of Kings Highway participate in the non-residential decal program, but that loss of revenue should be off-set by a greater volume of Oceanfront Employee Parking Decal sales.

Motion M2020-139 to appoint/reappoint one member to the Human Rights Committee.

The term of Steve Gamble expires on November 14, 2020. He does not wish to be reappointed. On file, we have resumes for Adam Hayes (non-city resident) and Tania M. Appel (non-city resident). This term expires November 14, 2023.

Motion M2020-140 to approve a Special Event Permit to Bridgette Bolie/B-Nice Creations for the “Welcome New Businesses Event” on November 14, 2020, from 9:00 a.m. to 3:00 p.m. on Sixth Avenue North. The City Manager is authorized to make changes to these plans as he deems necessary in keeping with the nature of the event and as circumstances dictate.

This event is designed to direct the public's attention to new and existing businesses on Broadway Street. The event requires closing of the right-of-way adjacent to the businesses on Sixth Avenue North. The applicant expects participation of approximately 100 people.

Motion M2020-141 to approve a Special Event Permit to Samantha Tipton/Waccamaw Co-Operative for the “Holiday Farmers Market Bazaar.” The event will be held outside 44th and King Restaurant/Magnolia Row on Thursdays and in Valor Park and Grand Park on Saturdays, from November 12 through December 19, 2020. The City Manager is authorized to make changes to these plans as he deems necessary in keeping with the nature of the event and as circumstances dictate.

This event includes a community based farmers market and holiday-themed artisan market. The event has been held since 2015 on Howard Avenue, but will be new to 44th and King/Magnolia Row. The applicant expects 15-20 vendors and up to 1,000 participants each day.

Motion M2020-142 to approve a Special Event Permit to BEI-Beach, LLC, for the “Annual Tree Lighting Ceremony and Holiday Events at The Market Common” in the area adjacent to the Grand 14 Cinema on November 21, 2020. The City Manager is authorized to make changes to these plans as he deems necessary in keeping with the nature of the event and as circumstances dictate.

This is the 13th year of this event, which is designed to drive traffic to The Market Common. The event includes a tree lighting ceremony in front of the movie theater. During this event,

Reed Street, between DeVille and Howard, and Deville Street, between Blizzard and Nevers, will be closed. The other holiday events during the period covered by the permit include pictures with Santa, holiday vendors and street music. No road closures are associated with those events.

Motion M2020-143 to approve a Special Events Permit to the Ocean Front Merchants Association for “Goodbye 2020, Hello 2021” to be held in Plyler Park. The event will take place from 8:00 p.m., December 31, 2020, to 1:00 a.m. on January 1, 2021. The City Manager is authorized to make changes to these plans as he deems necessary in keeping with the nature of the event and as circumstances dictate.

This New Year’s Eve celebration will include a DJ, various strolling entertainment and a caricature artist. Food, along with beer and wine, will be available. Other activities include bounce houses, Secret Santa Shop, holiday train and glitter tattoo artists. The applicants are expecting 500 attendees.

Motion M2020-144 to approve a Special Event Permit to BEI-Beach, LLC, for the “Southern Times Square at The Market Common” from 9:00 p.m. on December 31, 2020, to 1:00 a.m. on January 1, 2021. The City Manager is authorized to make changes to these plans as he deems necessary in keeping with the nature of the event and as circumstances dictate.

This is the seventh year for this event and the third year that it has been held entirely in the Valor Memorial Garden area. This event will feature live music on a temporary stage, movie screen with streaming video, ball drop at midnight, kids’ activities, bounce houses, fireworks at midnight, street performers and food vendors. The event grounds will encompass Valor Memorial Garden and various road closures for beer gardens.

Motion M2020-145 to approve an agreement between City of Myrtle Beach Police Department and the Department of Veteran Affairs.

This agreement allows MBPD officers to enter the Veterans Affairs property and to assist VA law enforcement staff in order to provide law enforcement services.

Motion M2020-146 authorizing the City Manager or his designee to apply for a grant of \$100,000 from the South Carolina Department of Parks, Recreation and Tourism’s Recreation Trails program for the purpose of: construction of a pedestrian/bicycle bridge to connect the multi-use paths in Thunderbolt Park; 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.

This grant will cover the cost of constructing a pedestrian/bicycle bridge over the canal in Thunderbolt Park that feeds into the lake at the trailhead by the outdoor classroom, renovated Outdoor Recreation Center, picnic shelter and bicycle repair station. This bridge will connect the 1.2 miles of trails around the lakes to trails throughout the Market Common district and the city. A local match of 20% is required and \$25,000 has been allocated in the Capital Improvements Project account for Phase 4 of Thunderbolt Park landscaping and amenities.

Motion M2020-147 authorizing the City Manager or his designee to apply for a grant of \$125,000 from the United States Conference of Mayor’s Childhood Obesity Prevention/Environmental Health and Sustainability awards program for the purpose of: expand the existing Crabtree Gym Youth and Teen Martial Arts/Self Defense recreation program to Pepper Geddings and Mary C. Canty Recreation Centers; 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 required.

This grant will cover the cost of expanding the existing Crabtree Memorial Gymnasium Youth and Teen Martial Arts/Self Defense recreation programs to Pepper Geddings and Mary C. Canty Recreation Centers. Youth in kindergarten through fifth grades are currently being bused to these centers for the after school program.

Motion M2020-148 to approve a pass-through agreement (the “Agreement”) between the City and the South Carolina Department of Health and Environmental Control (DHEC) for: distribute \$1,000,000 in appropriated state matching funds for Ocean Water Quality Outfall Initiatives for fiscal year 2020-21; authorize the City Manager or his designee to execute and deliver the Agreement and to accept; and, record the funds, which have been estimated and appropriated by Ordinance 2020-031 (FY2020-21 Budget Ordinance) in accordance with the agreement.

This agreement is supported by appropriations from the state budget in 2020 in accordance with Proviso 34.59 which is effective for the fiscal year ending June 30, 2021. The \$1,000,000 state funds may support any of the following projects as outlined within the city’s funding request letter to enhance beachfront water quality, improve stormwater drainage and remove open storm drains that currently run across the beach: construction of a potential header pipe for the existing 25th Avenue South ocean outfall; watershed-based Stormwater Master Plan implementation projects; and, preliminary design of the future 24th Avenue North ocean outfall. Unexpended funds distributed pursuant to this agreement may be carried forward to succeeding fiscal years and expended for the same purposes. This agreement may be renewed annually for four additional one-year periods contingent upon available funding.

Motion M2020-149 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 that 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.

Motion M2020-150 to authorize the City Manager to enter into an Agreement with Habitat for Humanity of Horry County for the purposes of managing and executing the City’s Workforce Housing Program.

Under the terms of the proposed contract, the city's Workforce Housing Program would be led by Habitat for Humanity of Horry County. The delegation allows the city to tap into Habitat for Humanity's local expertise as well as that of their corporate office.

Under the proposed terms of the agreement, Habitat for Humanity would be responsible for the following elements of the City's Workforce Housing Program:

- *Task 1 – Needs Assessment*
- *Task 2 – Identify Team Partners*
- *Task 3 – Land Acquisition*
- *Task 4 – Workforce Housing Funding and Development*
 - *Task 4A – New Residential Workforce Housing Development*
 - *Task 4B – Residential Workforce Housing (Rehabilitation of Existing Housing Stock)*
- *Task 5 – Operations*
- *Task 6 – Maintenance and Repair*

The proposed contract is for an 18-month period. The cost is \$72,000 for the rest of Fiscal Year 2020-21 and \$144,000 for Fiscal Year 2021-22. The source of funds for this contract is the city's Workforce Housing Fund. The money in this fund is derived from Council's Workforce Housing Fee, a 0.25% charge made on the value of new construction less \$100,000. These funds may not be used for any purpose other than workforce housing.

NON-AGENDA ITEMS FROM THE PUBLIC

COMMUNICATIONS FROM CITY BOARDS/COMMISSION MEMBERS

COMMUNICATIONS FROM CITY COUNCIL AND CITY MANAGER

1. Council Communications
2. Chief Financial Officer (CFO)/CFO Emeritus Update – Report on Sale of Municipal Bonds
3. City Manager/Assistant City Manager (CM/ACM) Update – Status of New Solid Waste Ordinance and Transfer Station 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