



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, DECEMBER 8, 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... November 10, 2020

PUBLIC REQUESTS, PRESENTATIONS, AWARDS, MEMORIALS:

1. Medal of Honor – Police Officer Jacob Hancher
2. Arts and Innovation District Theater Update – Jim Hubbard, LS3P
3. Four Month Update of Gold Cap Ambassador Program – Brian Schmitt and Mike Snow

4. Proclamation declaring December 8, 2020, as “Arbor Day.”
5. CDBG COVID-19 Small Business Relief Program
6. 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

2nd 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).*

2nd 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.

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2nd Reading Ordinance 2020-051 to amend Ordinance 2019-030, the 2019-20 Budget Ordinance to: recognize extraordinary events of March-June 2020 and their impacts upon the 2019-20 budget; reconcile appropriations with audited results; reclassify two funds as to their fund types; and, other matters relating thereto.

Each year, the city considers whether it must adopt a wind-up ordinance to account for adjustments that changed the original adopted budget. In 2020, aside from normal issues of timing at the close of the year, a number of events occurred that necessitate a wind-up ordinance to include:

- *The pandemic, and associated economic and operational impacts.*
- *Increases in funding declared surplus by the Air Base Redevelopment Authority and, subsequently, distributed to the Horry County School District, Horry County and City of Myrtle Beach.*

The resulting changes to the 2020 Budget reflected in this amendment include:

- *Downtown Development and Debt Service Funds to reconcile with year-end accruals.*
- *Air Base Tax Increment Funds to recognize the increase in funds declared surplus by the Redevelopment Authority on October 1, 2020, and distributed to the taxing districts.*

- Conversion of the Baseball Stadium and Municipal Golf Course Fund from “enterprise” to “special revenue” funds.

2nd Reading Ordinance 2020-052 amending Ordinance 2009-052 relating to: obligations issuable for redevelopment projects benefitting the Oceanfront Redevelopment Project Area; providing for the addition of new areas to the redevelopment project area described therein; and, providing for the deposit of incremental revenues from the added redevelopment project area to the special tax allocation fund created thereunder.

The Oceanfront Redevelopment District was created in 2008 and covers parcels between the ocean and Kings Highway from 16th Avenue North to 6th Avenue South. The proposed Ordinance 2020-046 amends that original area by extending the boundaries:

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

This ordinance directs the deposit of incremental revenues arising from the expansion area into the Oceanfront Tax Increment Fund and designates the incremental revenues from the expanded Oceanfront Redevelopment District to secure future obligations issued to finance the projects provided for in the District Redevelopment Plan. The ordinance does not, however, authorize the issuance of debt. That must be done for each issuance by separate City Council action.

1st Reading Ordinance 2020-055 to rezone 1.42 acres on Seaboard Street (PIN #425-10-04-002/003) from WM (Warehouse Manufacturing) to HC-1 (Highway Commercial) in order to construct a grocery store under unified zoning regulations.

The applicant has contracted with owners of three parcels on the north/east side of 501 and the south/east side of Seaboard Street, where they desire to build a grocery store. Two of the parcels are zoned HC-1 and one is zoned WM (both allow grocery stores). Staff recommends unifying the zoning designation to simplify project zoning enforcement.

The main differences between WM and HC-1 are:

- WM allows adult uses and tattoo parlors; HC-1 does not allow them.
- WM allows for manufacturing-based uses; HC-1 does not allow them.
- HC-1 allows for group homes, adult day care and similar uses; WM does not allow them.

SCDOT required a traffic study, which resulted in two developer-funded recommendations:

- At 501 and Seaboard Street, add a new traffic signal for better signal optimization to improve traffic queues.
- Construction of a right-in/right-out entrance and exit is needed with 150’ of traffic storage on 501.

1st Reading Ordinance 2020-056 to extend the corporate limits of the City of Myrtle Beach by annexing 1.08 acres located at 1373 Cannon Road (PIN #443-03-01-0032)

and rezoning from Horry County LI (Limited Industrial) to Myrtle Beach LM (Light Manufacturing).

The property is currently outside of the city and is zoned Horry County LI. The applicant has requested similar zoning from the city (LM). This proposal is consistent with the city's long-standing policy of closing "donut holes" (unincorporated areas surrounded by property within the City of Myrtle Beach).

1st Reading Ordinance 2020-057 approving the execution and delivery by the City of Myrtle Beach, South Carolina, of a ground lease between the city, as lessor, and 9th Avenue Owner, LLC, as lessee, with respect to historic buildings located at 505, 507 and 509 Ninth Avenue North in the City of Myrtle Beach, together with a sub-lease between 9th Avenue Owner, LLC, as lessor, and the City of Myrtle Beach, as lessee, with respect to the historic buildings; and, other matters relating thereto.

The city purchased these properties from DRC last year and engaged the Rogers & Lewis Law Firm to assist in finding tax credit investors. The investors will form a limited liability corporation to use tax credits to finance a portion of the redevelopment costs of the properties. As a tax-exempt entity, the city cannot use tax credits directly. In order to realize the value of these credits for the city, it is necessary to lease the property to the 9th Avenue Owners, LLC, which will consist of a Federal Tax Credit Investor (96% member), a State Tax Credit Investor (3%) and a managing member, 9th Avenue Manager, LLC (1%). DRC is the sole member of this Manager LLC.

The Owners LLC achieves ownership status by virtue of a long-term ground lease. The private tax credit investors contribute capital to the project in return for the tax credits. A proposed lender has been identified for the upfront infrastructure improvement and construction costs. Most of this short-term loan will be retired as the tax credit's investors contribute funds. The remaining costs will be amortized or retired with proceeds from lease of the properties.

While this structure is complex, it is necessary in order for the city to realize the benefits of the historic and abandoned building tax credits. The savings to the city that arise from the use of these tax credits is as much as \$1.0 million of the total project costs of approximately \$1.8 million.

Resolution R2020-048 to amend Resolution R2020-037 adopting the Downtown Master Plan, Phase 1 of the Downtown Master Plan Implementation Plan and the Advanced Plan of the Downtown Master Plan, to also adopt the "One Grand Strand Downtown Development Framework" and to direct the City Manager to begin the process of implementing the Governance recommendations of that report and to develop a 2021 Advanced Implementation Plan. [Note: This resolution is included on this agenda for informational purposes and discussion. Council action is not anticipated until the December 8, 2020, City Council meeting].

A group of local business and community leaders have voluntarily formed "One Grand Strand" (OGS) to begin considering the development of this community and assist City Council to refine and implement the vision for the City of Myrtle Beach. Toward this end, OGS has hired a team of internationally known consultants: James Lima Planning + Development and Plan and Process, LLP (Principal Planner Rob Lane). OGS has asked the consultants to: review City Council's Downtown Master Plan (including the original

Master Plan, Implementation Plan and the Advanced Master Plan); recommend refinements to that plan; and, suggest steps to assist with implementation.

Here is a list of the most significant notes from this report:

- *The team concurs with the findings and recommendations of Council’s Downtown Master Plan and identifies complementary redevelopment strategies for the broader Opportunity Zone.*
- *The team underscores the urgency of the revitalization of Myrtle Beach’s downtown in terms of the: effect on the reality and perception of crime in the community; impact on the local economy and the quality of life of our residents; and, the image of the community to our visitors.*
- *The report suggests certain implementation actions, most notably the formation of a “Place Management Organization” (PMO) comprised primarily of downtown business and property owners, to assist City Council with the governance of this multi-decade effort.*

The effect of this resolution is to:

- *Adopt the One Grand Strand Downtown Development’s Framework as an additional element of Council’s overall Downtown Master Plan.*
- *Specifically concur with the report’s recommendation regarding the creation of the “Place Management Organization” (PMO).*
- *And, to direct the City Manager to:*
 - *Begin working with area business and property owners toward the creation of that PMO and to bring back a plan for implementing such by the end of February.*
 - *Begin development of a specific 2021 Advanced Implementation Plan to reflect the work accomplished thus far, along with the recommendations of the Advanced Master Plan and the recommendations of One Grand Strand Downtown Development Framework.*

Resolution R2020-049 to amend Resolution R2020-034, setting forth the policy of the City Council concerning Workforce Housing, for the purpose of adopting the “City Employee Residency Assistance Program.”

City Council set the Workforce Housing Policy through the adoption of R2020-034 in August 2020. Since then, Council has also contracted for management of this initiative with Habitat for Humanity of Horry County. The effect of this amendment is to adopt the “City Employee Residency Assistance Program” designed to make living in the city more affordable for the majority of our full-time employees (those making less than \$75,000 or 93.4% of the city’s workforce). Additional incentives are provided for residency within designated “target areas.”

As proposed, the program has two elements.

Homeownership Assistance:

- *Employee picks a target amount they would like to save for a down payment, closing costs or write down the interest rate (maximum of \$10,000), along with a target date for achieving this goal (maximum of 52 pay periods).*
- *City withholds 50% of the target amount per pay period until they reach 50% of the target.*

- When employee reaches 50%, the city matches it at a rate of \$1.00 by the city and \$1.00 by the employee (40% within a target area with a match of \$1.50 to \$1.00).
- The city's match would be secured by a second mortgage.
- For every year that the employee lives in the home and continues to be employed by the city, the second mortgage is reduced by 1/5 of the original amount.
- At the end of fifth year, the second mortgage is satisfied.

Rental Assistance:

- Employees who currently reside outside the city will be eligible to apply for rental assistance of \$100/month upon moving into the city (\$150/month within a target area) for a maximum of three years.
- Employees who currently rent a unit in the city, but outside of a target area, would be eligible for a stipend of \$50/month.
- Employees who currently rent a unit in the city inside of a target area would be eligible for a stipend of \$75/month.
- As a condition of eligibility, employees must annually provide copy of the lease and agree to notify the city if they move out of the unit for which they receive the stipend.

Proposed funding for this program (\$100,000) is available from the City's Workforce Housing Fund. That fund is comprised of revenues derived from a charge of 0.25% of the value of each construction permit (after the first \$100,000). By ordinance, these funds cannot be used for other unrelated purposes. The balance of that fund currently exceeds \$700,000, exclusive of the \$246,000 commitment to Habitat for Humanity for program management services.

Resolution R2020-051 certifying a building site as an abandoned building site pursuant to the South Carolina Abandoned Buildings Revitalization Act, Section 12-67-100 ET. SEQ., of the South Carolina Code of Laws (1976), as amended regarding property located at 1229 Shine Avenue in the City of Myrtle Beach, Horry County TMS #186-00-01-121 and Horry County PIN #44215030004.

The Abandoned Buildings Revitalization Act of 2013 (as amended) is a state effort to incentivize the redevelopment of buildings that are at least 66% vacant for the past five years that are not income-producing properties (single-family residences are not eligible). The minimum threshold for investment is \$250,000 for cities or counties with a population exceeding 25,000. The act provides income tax credits equal to 25% of actual rehabilitation expenses (not to exceed \$500,000 for any taxpayer in a tax year), which must be taken over three years after the building is placed back in service. The act also provides a property tax credit of 25% of actual expenses (not to exceed 75% of the property taxes due on the building). This credit may be taken up to eight years after the building is placed back in service.

The abandoned structure at 1229 Shine Avenue was acquired to be rehabilitated into a restaurant and bar. Staff determined that the building meets the statutory definition of an "abandoned structure," with no cost to the city. Instead, the city benefits from increased property taxes (after the initial eight years) and business license fees attributable to the renovated structure.

Resolution R2020-052 to repeal Resolution R2020-047, adopted on December 1, 2020, ratifying and retroactively consenting to certain Horry County ordinances (collection of 1.5% Hospitality Fee).

Resolution R2020-052 was adopted on December 1, 2020, in compliance with the County Hospitality Fee Lawsuit Settlement Agreement. On December 2, 2020, the Supreme Court handed down a decision that had the effect of invalidating that agreement. This action rescinds Council's action on December 1, 2020, in accordance with the Supreme Court's ruling.

Motion M2020-151 to accept a grant in the amount of \$90,000 from the SC Emergency Management Division Flood Mitigation Grant Program and to authorize the City Manager or his designee to: enter into an agreement for the purpose of funding Phase 1 Highway 501 and Balsam Street drainage improvement project; record the appropriation of such grant funds in the amount approved; and, execute and deliver the grant agreement and such related documents as may be required to put the grant into effect. Local match is \$30,000.

Re-current flooding necessitates the drainage improvement project encompassing Highway 501 near Eighth Avenue North, Cedar Street, Balsam Street and Fourth Avenue North. The project will include replacing several under-sized storm water pipes with appropriately sized reinforced concrete pipes, headwalls, box culverts and the construction of a detention pond.

Motion M2020-152 to accept a donation from the Myrtle Beach Area Chamber of Commerce on behalf of the Parks, Recreation and Sports Tourism Department for an amount of \$10,000 to defray the cost of promotional items for city sports marketing.

This is a routine grant acceptance. The city has a Local Government Contingency Agreement with the Chamber whereby the Chamber sets aside approximately 5% of the A-Tax revenues received from the respective local government. These funds are to be used for city sports marketing.

Motion M2020-154 authorizing the City Manager or his designee to apply for a grant of \$47,958.42 from Pee Dee Region Healthcare Preparedness Program (HPP) funds for the purpose of: purchasing a radio tuner and ancillary equipment; recording the appropriation of such grant funds in the amount that may be approved; and executing and delivering the grant agreement and such related documents as may be required to put the grant into effect. No match is required.

Having a well-maintained communication system is paramount during any medical surge event. To ensure this, portable and mobile radios must be kept within system specifications which requires specialized equipment. A radio tuner along with ancillary equipment is required to perform this process. The Fire Department is attempting to obtain funding to support the proper maintenance of the communication equipment. The department lacks the equipment to properly calibrate radio equipment to the county-wide 800 MHz radio system. We currently rely on outside vendors whose availability could be questionable during a natural or man-made disaster.

Motion M2020-155 authorizing the City Manager or his designee to apply for a grant of \$75,707.11 from Pee Dee Region Healthcare Preparedness Program (HPP) funds for the purpose of the Fire Department: purchasing an updated AreaRae Rapid

Deployment Kit; recording the appropriation of such grant funds in the amount that may be approved; and, executing and delivering the grant agreement and such related documents as may be required to put the grant into effect. No match is required.

The current AreaRae system that the Fire Department operates is no longer supported by the manufacturer and needs to be replaced. Funds will be used to purchase the updated AreaRAE Rapid Deployment Kit (AreaRAE RDK). This will update and upgrade a needed resource for the MBFD HazMat/ Pee Dee WMD Team and will be available as a regional asset. The AreaRAE RDK will bring the gas monitoring capability up to six from five, with radiation detection is added, and a weather station is also included, as well.

Motion M2020-156 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 M2020-158 to appoint/reappoint one member to the Myrtle Beach Convention Center Board of Directors.

The term of Yvette Jefferson (non-city resident) expires on December 12, 2020. Ms. Jefferson wishes to be reappointed. On file are the resumes of Michael Foshee and Dan Wiener (both city residents).

Motion M2020-159 to appoint/reappoint one member to the Myrtle Beach Housing Authority.

The term of John Stack expires on December 9, 2020. Mr. Stack does wish to be reappointed. On file is the resume of William Brown. Both gentlemen are non-city residents.

Motion M2020-160 to appoint/reappoint one member to the Technology Advisory Group Committee.

The committee has one vacant seat. On file are the resumes of Dan Wiener (city resident), Mark Mancini (non-city resident) and Robyn Pigott (non-city resident).

Motion M2020-161 to appoint/reappoint one member to the Seniors Advisory Board.

The term of Phil Hayes (city resident) expires on December 12, 2020. Mr. Hayes wishes to be reappointed. We have no resumes on file at this time.

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
3. City Manager/Assistant City Manager (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 vote or action in Executive Session.

ADJOURNMENT