



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 AGENDA
TUESDAY, APRIL 14, 2020
10:00 A.M. – MEETING – TELECONFERENCE CALL**

NOTE: CITIZENS ARE INVITED TO WATCH THE TELECONFERENCE MEETING LIVE ON THE CITY'S FACEBOOK PAGE, <https://www.facebook.com/myrtlebeachcitygovernment/>. THE MEETING WILL ALSO BE AVAILABLE ON THE CITY'S PUBLIC INFORMATION CHANNELS ON THE SPECTRUM AND HTC CABLE SYSTEMS (CHANNELS 1303 AND 9, RESPECTIVELY). TO ACCOMMODATE PUBLIC INPUT, WHEN APPROPRIATE, WE HAVE ESTABLISHED AN EMAIL ADDRESS, questions@cityofmyrtlebeach.com, AND A NUMBER TO TEXT, 843-882-5330. WHEN SENDING AN EMAIL OR TEXT DURING THE COUNCIL MEETING, INCLUDE YOUR NAME AND ADDRESS.

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... March 10, 2020

PUBLIC REQUESTS, PRESENTATIONS, AWARDS, MEMORIALS:

1. 2020 Horry Georgetown Technical College Update – President Fore
2. Public Information Update – PIO Staff

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) and 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.*

NO ITEMS LISTED ON THE CONSENT AGENDA.

REGULAR AGENDA

1st Reading Ordinance 2020-019 to amend Appendix A Zoning of the Code of Ordinances Section 1005 Aisles to require stacking lanes into or coming out of a parking lot or parking structure.

When lanes are stacked, it prevents queuing traffic from backing up into the public right-of-way. During the zoning rewrite, requirements for automobile stacking lanes were inadvertently eliminated. This proposal restores language that worked well in the past, and continues to make sense today.

The following proposed stacking lane requirements are for parking lots or parking structures where access connects to a street:

- *Drive-Up (Retail/Service) – Storage for 4 vehicles per aisle.*
- *Drive-Up (Financial) – Storage for 6 vehicles per aisle.*
- *Drive-Up (Food Service and Automatic Car Washes) – Storage for 8 vehicles per aisle.*
- *Parking Lots or Garages:*
 - *1 to 30 spaces – 1 per access point*
 - *31 to 50 spaces – 2 per access point*
 - *51 to 100 spaces – 3 per access point*
 - *101 to 200 spaces – 4 per access point*
 - *200+ spaces – 5 per access point*

1st Reading Ordinance 2020-020 to amend Appendix A Zoning of the Code of Ordinances Sect. 1407.C permitted uses to allow motor vehicle detailing in the C7 (Downtown Commercial) Zoning District.

Only one C7 zoning district exists in the city, and it is located along Broadway Street, between Sixth Avenue North and Withers Swash. The only motor vehicle-related use currently allowed in C7 is vehicle repair and maintenance. This use is currently allowed in four zoning districts: HC1 (Highway Commercial), HC2 (Highway Commercial), LM (Light Manufacturing) and WM (Wholesale/Manufacturing).

Vehicle washing/detailing uses soaps and solvents in the process, which are not allowed in the stormwater drainage system. C7 is adjacent to Withers Swash and it would be difficult

to regulate runoff. If approved, this use would be allowed throughout the C7, increasing the potential environmental impact.

1st Reading Ordinance 2020-021 granting a boardwalk vendor franchise agreement for the Fifth Avenue North portion of the public boardwalk to Jacinth Williams d/b/a Dogs under the Boardwalk for a period of three years, beginning May 1, 2020.

A total of four Boardwalk franchises exist at Third, Fourth, Fifth and Sixth Avenues North. The franchise at Fourth Avenue North, Ricciardi's Italian Ice, and Fifth Avenue North, Dogs under the Boardwalk, expire on April 30, 2020.

The proposed extension is a three-year agreement with an annual fee of \$1,000 paid in four monthly installments. Per the franchise agreement, the vendor must agree to:

- Provide adequate coverage to insure the city against liability arising from franchise operations.*
- Not vend at other locations.*
- Limit operational hours to 6:00 a.m. to 11:00 p.m.*
- Store carts off-site.*
- Provide proper litter receptacles and clean-up materials.*
- Refrain from verbal solicitations and amplified sounds.*
- Provide pedestrian passage on the boardwalk.*

1st Reading Ordinance 2020-022 granting a boardwalk vendor franchise agreement for the Fourth Avenue North portion of the public boardwalk to Hayley Ricciardi d/b/a Ricciardi's Italian Ice for a period of three years, beginning May 1, 2020.

A total of four Boardwalk franchises exist at Third, Fourth, Fifth and Sixth Avenues North. The franchise at Fourth Avenue North, Ricciardi's Italian Ice, and Fifth Avenue North, Dogs under the Boardwalk, expire on April 30, 2020.

The proposed extension is a three-year agreement with an annual fee of \$1,000 paid in four monthly installments. Per the franchise agreement, the vendor must agree to:

- Provide adequate coverage to insure the city against liability arising from franchise operations.*
- Not vend at other locations.*
- Limit operational hours to 6:00 a.m. to 11:00 p.m.*
- Store carts off-site.*
- Provide proper litter receptacles and clean-up materials.*
- Refrain from verbal solicitations and amplified sounds.*
- Provide pedestrian passage on the boardwalk.*

1st Reading Ordinance 2020-023 to amend Appendix A Zoning of the Code of Ordinances Section 1007.c to remove the requirement for a \$1 mortgage and to instead require a deed restriction on property utilized for required parking located off site.

This amendment changes the method of securing the continuing use of property designated for off-site parking spaces when that parking is counted to meet required parking standards. The existing \$1 mortgage provision was intended to give the city a small amount of control to ensure that property was not conveyed for other uses. A conveyance of such property

would have resulted in a business that relied upon such parking to becoming non-conforming. In reality this has not been a useful tool to achieve the desired effect. To be useful, the city would have to satisfy all of the higher priority mortgages in order to secure the use of property being used for parking by a private business.

As a better approach, staff has suggested changes to:

- Substitute a requirement for a deed restriction on such property instead of the \$1 mortgage.
- Require recordation of the deed restriction prior to the issuance of a building permit instead of the certificate of occupancy, as is currently the case with the \$1 mortgage.

Resolution R2020-026 to certify a building site as an abandoned building site pursuant to the South Carolina Abandoned Buildings Revitalization Act, Title 12, Chapter 67, Section 12-67-100, of the South Carolina Code of Laws (1976), as amended regarding property located at 3421 Knowles Street (formerly Dusenbury Street) in the City of Myrtle Beach, Horry County TMS #1860001110 and Horry County PIN #44602020076.

The property owner intends to rehabilitate the structure into a brewery/restaurant, as permitted by City Code. The act is a state effort to incentivize the redevelopment of buildings that are at least 66% vacant for the past five years and do not produce an income. Single-family residences are not eligible. The minimum investment threshold is \$250,000 for units with a population greater than 25,000.

Upon certification, the property is eligible for income tax credits equaling 25% of costs (not to exceed \$500,000 for any taxpayer in a tax year). That credit must be taken over three years, and it begins when the building is placed back in service. The structure is also eligible for a property tax credit equaling 25% of costs (not to exceed 75% of the real property taxes due on the building). The credit must be taken over a period of eight years, and begins when the building is placed back in service.

Motion M2020-047 to approve a Special Events Permit to Caitlen Buffkin/BEI – Beach, LLC, for the Farmers’ Market, to be held every Saturday from 10:00 a.m. to 3:00 p.m. from the first Saturday following the expiration of the State and Local Orders prohibiting such events to August 2, 2020. The event will be held on DeVille Street between Lewis and Nevers Streets. 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 year, 2020, is the 13th year of this event. The event will held every Saturday, beginning August 2, 2020. The applicant expects 500 attendees each week. DeVille Street will be closed between Lewis and Nevers Streets. Currently, the Special Events Ordinance restricts such events to a maximum 90-day duration. This is a summer and early summer version of this event. The companion Motion M2020-048 follows and includes the late summer and early fall version (otherwise identical event).

Motion M2020-048 to approve a Special Events Permit to Caitlen Buffkin/BEI – Beach, LLC, for the Farmers’ Market, to be held every Saturday from 10:00 a.m. to 3:00 p.m. from August 2, 2020, to October 31, 2020. The event will be held on DeVille Street between Lewis and Nevers Streets. 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 year, 2020, is the 13th year of this event. The event will held every Saturday, beginning August 2, 2020. The applicant expects 500 attendees each week. DeVille Street will be closed between Lewis and Nevers Streets. Currently, the Special Events Ordinance restricts such events to a maximum 90-day duration. This is a late summer to early fall version of this event (preceded by the otherwise identical event approved in Motion M2020-047).

Motion M2020-051 authorizing the City Manager or his designee to apply for a grant of \$67,493 from the Federal Emergency Management Administration (FEMA) Assistance to Firefighters Grant Program for these purposes: to purchase 20 sets of structural firefighting gear for the 20 new hires currently in training; to record the appropriation of such grant funds in the amount that may be approved; and, to execute and deliver the grant agreement and such related documents as may be required to put the grant into effect. A \$7,499 local match is required.

The purpose of the AFG programs is to provide critically needed resources that equip and train emergency personnel to recognize standards, enhance operational efficiencies, foster interoperability and support community resilience. Grant funds will be used to purchase 20 sets of structural firefighting gear for the 20 new hires in training. All gear is replaced on a five-year rotation. This is a one-time reimbursement after purchase. The \$7,499 match will come from the Fire Department's operating budget.

Motion M2020-052 authorizing the City Manager or his designee to apply for a grant of \$33,600 from the 2020 Homeland Security Grant Program for the purpose of funding the Pee Dee Regional Incident Management Team to create a base Incident Action Plan to: respond to new and emerging threats; record the appropriation of such grant funds in the amount that is approved; and, execute and deliver the grant agreement and such related documents as may be required to put the grant into effect. No match requirement.

The Homeland Security Grant Program's purpose is to prepare for addressing threats (examples: weapons of mass destruction events, biological/chemical/explosive threats, unmanned aircraft, etc.). This project will continue to monitor new and emerging threats. The Pee Dee Regional Incident Management Team continues its education on new and emerging technology to assist in preparing for all incidents. The project continues to maintain a multi-discipline of personnel to keep an all-hazards approach with emergency and non-emergency expertise. Training team members is the primary goal.

Motion M2020-053 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. The report includes vehicles that staff tagged as abandoned or derelict. Council's approval of this item 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 M2020-054 to appoint/reappoint two members to the Chapin Memorial Library Board.

The terms of Jennifer Finckenworth and Dr. Subhash C. Saxena expired on March 23, 2020. Both wish to be reappointed. On file, we have resumes from Tamara DeHaven Rike (city resident) and Sherry Katzenberger (non-city resident).

Motion M2020-055 to appoint one member to the Charlie’s Place Advisory Board.

On file, we have a resume from Quay Graham (non-city resident).

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 vote or action in Executive Session.

ADJOURNMENT