

MEETING MINUTES
MAY 28, 2019
9:00 A.M. – WORKSHOP MEETING – TED C. COLLINS LAW ENFORCEMENT CENTER
10:00 A.M. – MEETING – TED C. COLLINS LAW ENFORCEMENT CENTER

 Roll Call.


Present: Mayor Brenda Bethune, Mary Jeffcoat, Mike Lowder, Philip N. Render, Gregg Smith, Jackie Vereen.


Absent/Excused: Michael Chestnut.

CALL TO ORDER.....9:04 A.M. Workshop
INVOCATION.....Councilwoman Jeffcoat
PLEDGE OF ALLEGIANCE.....Councilman Smith

THE FOLLOWING PUBLIC HEARING WILL BE HELD AT THE TED C. COLLINS LAW ENFORCEMENT CENTER 1101 NORTH OAK STREET, PRIOR TO THE START OF THE REGULAR SCHEDULED MEETING.

10:00 A.M. PUBLIC HEARING ON THE MUNICIPAL BUDGET FOR THE 2019-20 FISCAL YEAR

 Mike Shelton reviewed Property Tax Rate and Rate Limits, 3 mill as valorem tax increase, Total Levy: 77.5 mills + 6.0 mills = 83.5 mills, or equivalent rate subject to revision based upon implementation of reassessment.


 Michelle Shumpert reviews items that are included in budget FY 2019-2020.

Public Hearing Closed at 10:49 A.M.

CALL TO ORDER.....10:50 Regular Meeting

APPROVAL OF AGENDA.....

Amended to move R2019-28 as first item.

 **Motion:** To Amend and Approve, **Moved by** Philip N. Render, **Seconded by** Jackie Vereen.

 **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 6).


Yes: Mayor Brenda Bethune, Mary Jeffcoat, Mike Lowder, Philip N. Render, Gregg Smith, Jackie Vereen.

Absent: Michael Chestnut.

APPROVAL OF WORKSHOP MINUTES.....

APPROVAL OF MINUTES.....May 14, 2019





 **Motion:** To Approve, **Moved by** Mary Jeffcoat, **Seconded by** Mike Lowder.

 **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 6).

Yes: Mayor Brenda Bethune, Mary Jeffcoat, Mike Lowder, Philip N. Render, Gregg Smith, Jackie Vereen.

Absent: Michael Chestnut.

PUBLIC REQUESTS, PRESENTATIONS, AWARDS, MEMORIALS:

1. Proclamation declaring the month of June as National Safety Month.
 Mark Kruea presents proclamation.
2. Proclamation declaring the month of May as Lupus Awareness Month.
 Mark Kruea presents proclamation.
3. Proclamation declaring June 9, 2019 as Race Amity Day.
 Mark Kruea presents proclamation.
4. Public Information Update – PIO Staff/Police
 Chasity Pendergrass reviews past, present, and future events.

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

1st Reading Ordinance 2019-29 to enact Chapter 12, Motor Vehicles and Traffic, a new Article 6, shared mobility dockless electric scooters and bicycles, and unfranchised rental scooters.

Many communities are trying to manage the proliferation of dockless motorized scooter and bicycles. These conveyances are unregulated and often end up abandoned in parking spaces, bike lanes, parks, sidewalks, boardwalks, and other public places, and are often used by minors who lack proper training or safety equipment. This ordinance does not apply to pedal operated bicycles rented to consumers by a properly licensed business.

If passed this ordinance would make it:

- *Unlawful to leave mobility device or unfranchised rented motor scooter in the rights-of-way, or a rented scooter on public property anywhere in the City.*
- *Illegal to operate, or to provide or offer for use, a shared mobility device or scooter in the ROW or on public property anywhere w/in the City.*

As proposed, law enforcement officers, parking enforcement officers, any party contracted by the City are authorized to impound the device. Any such device left unattended on public property may be removed and held by the City for 24 hours. A confiscated scooter shall be released upon proof of ownership and

payment of a \$100 fee for removal and storage. Motorized scooters held for over 24 hours may be disposed of by discarding, donation, auction, or any other manner deemed appropriate by the City.



Motion: To Approve, Moved by Philip N. Render, Seconded by Mary Jeffcoat.



Vote: Motion carried by unanimous roll call vote (summary: Yes = 6).

Yes: Mayor Brenda Bethune, Mary Jeffcoat, Mike Lowder, Philip N. Render, Gregg Smith, Jackie Hatley.

Absent: Michael Chestnut.

1st Reading Ordinance 2019-30 to levy taxes and establish a municipal budget for the fiscal year beginning July 1, 2019, and ending June 29, 2020, and a Capital Improvements Program for fiscal years 2020-2024.

- *The proposed budget includes:*
 - *A 3-mill tax increase to fund the 3rd year of the Police recruitment/retention & staffing plans.*
 - *Proposed 7.0% Water & 5.0% Sewer rate increase.*
 - *\$4.75 Residential, \$2.00 Commercial (Rollout), and \$7.25 Commercial (8 cubic yard container) Solid Waste rate increase*
 - *1% Retirement contribution increase - \$495,000.*
 - *4% Step Increase - \$335,000 (sworn Police only).*
 - *0-3% Merit increase - \$349,000 (employees other than sworn Police Officers).*
 - *4% Health insurance premium increase - \$594,000.*
 - *Service level changes*
- *10 new Police Officer & support positions (\$1,036,077).*
- *PT Administrative Assistant in the Public Defender's Office (\$20,000).*
- *Building Maintenance Office Assistant (\$50,092). Since we presented this as a service level change at retreat, we will leave this and assume that we used Edna's position to hire Amber in the City Manager's office.*
- *Full time Coordinator to Staff Charlie's Place (\$60,000)*
- *Solid Waste Residential Collection Crew (\$1,211,003)*
- *Solid Waste Regulatory Crew (\$169,545)*
- *The following changes have been made since budget retreat:*
 - *Increased TDF Credit by \$150k and a reduced Hospitality Fee transfer by like amount.*
 - *Added revenues from service charges for Banquet Hall and Large Classroom Rental (\$25,000); Train Depot Rental (\$10,000); and Train Car Rental (\$10,000).*
 - *Added expenditures for:*
- *Waves of Praise (\$137k funded by Chamber A-Tax hold-back funds).*
- *Salaries & related costs for staffing of Charlie's Place (\$60,000).*



Motion: To Approve, **Moved by** Mike Lowder, **Seconded by** Mary Jeffcoat.



Ann Dunham spoke in opposition to budget ordinance



Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 6).

Yes: Mayor Brenda Bethune, Mary Jeffcoat, Mike Lowder, Philip N. Render, Gregg Smith, Jackie Hatley.

Absent: Michael Chestnut.

Resolution R2019-26 an Intergovernmental Agreement between Horry County and the City of Myrtle Beach to allocate county-wide Community Development Block Grant (CDBG) funding and to proportionately distribute the benefits thereof.

To increase City CDBG funding Myrtle Beach relinquished direct recipient status and cooperated with Horry County and Conway to obtain Urban County Entitlement status in 2008. These jurisdictions have entered into several 3-year Intergovernmental agreements since 2008, most recently in 2016. This proposed 3-year extension is scheduled to begin 10/1/19, but Conway has opted to drop out.

The other significant change in the agreement is a decrease in the amount of the total allocation that goes to Horry County by virtue of Conway's dropping out of the agreement (from \$2,066,748 to \$1,848,034), and by a reduction in the percentage of the total (after deducting 20% for administration) that will go to the City of Myrtle Beach (decreased from 29% to 25%).

The agreement also includes compliance with HUD's 'restrictive covenant' requirement which states:

- Any projects from \$20,000 to \$50,000 must provide benefits to low-moderate-income persons or areas for a minimum of 10 years.*
- For projects from \$50,001 to \$100,000, the minimum is 15 years.*
- For projects from \$100,001 to \$150,000, the minimum is 20 yrs.*
- For projects over \$150,001, the minimum is 30 years.*



Motion: To Approve, Moved by Mike Lowder, **Seconded by** Philip N. Render.



Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 6).

Yes: Mayor Brenda Bethune, Mary Jeffcoat, Mike Lowder, Philip N. Render, Gregg Smith, Jackie Hatley.

Absent: Michael Chestnut.

Resolution R2019-27 to adopt the Myrtle Beach Housing and Community Development Annual Action Plan and budget for FY 2019/2020.

In total the City's CDBG allocation is projected to decrease from \$479,486 to \$369,758. The funds are budgeted on the federal fiscal year, and must be spent to primarily benefit low and moderate income people. The following is the proposed allocation covering the period 10/1/2019 – 9/30/2020:

- Housing Acquisition/Rehab. \$50,758*
- Neighborhood Improvements \$279,000*
- Business Façade Improvements \$40,000*



Motion: To Approve, **Moved by** Mike Lowder, **Seconded by** Gregg Smith.



Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 6).

Yes: Mayor Brenda Bethune, Mary Jeffcoat, Mike Lowder, Philip N. Render, Gregg Smith, Jackie Hatley.

Absent: Michael Chestnut.

Resolution R2019-28 to honor Andre S. Pope for his many years of service to the grand strand cycling community, and to rename the Myrtle Beach Mountain Bike Skills Park the "Andre S. Pope Mountain Bike Skills Park" in his honor.


Andre Pope is a lifelong resident of Horry County and a long-time leader the local cycling community. Mr. Pope had a desire to support this community by providing a safe space for mountain bikers to improve

their skill levels, and was instrumental in developing the concept, securing funding, designing and constructing the current Myrtle Beach Bike Trails Park.

Per this resolution Council:

- Express its appreciation for the long-standing leadership that Mr. Pope has demonstrated within and on behalf of the cycling community in the Grand Strand.
- Honors Mr. Pope's contributions by renaming the Myrtle Beach Bike Skills Park as the Andre S. Pope Bike Skills Park.

 **Motion:** To Approve, **Moved by** Mike Lowder, **Seconded by** Philip N. Render.

 **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 6).

Yes: Mayor Brenda Bethune, Mary Jeffcoat, Mike Lowder, Philip N. Render, Gregg Smith, Jackie Hatley.


Absent: Michael Chestnut.

Resolution R2019-29 designating the Franklin G. Burroughs-Simeon B. Chapin Art Museum's "Can't You Sea?/ Ocean Plastic ARTifacts" a legislative festival from June 15 through September 8, 2019.

The Franklin G. Burroughs-Simeon B. Chapin Art Museum will hold a visual art exhibit from June 15 through September 8, 2019 and asks to be allowed to place light pole banners on Ocean Boulevard from Kings Highway to Springmaid Boulevard, to place a sculpture on the front lawn of the museum. Per this proposed resolution, City Council:

- Finds that the events referenced above constitute a "Legislative Festival" to be known as the "Can't You Sea?/ Ocean Plastic ARTifacts Festival".
- Approves the requested placement of festival-related signs and light pole banners.

 **Motion:** To Approve, **Moved by** Gregg Smith, **Seconded by** Jackie Vereen.

 **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 6).


Yes: Mayor Brenda Bethune, Mary Jeffcoat, Mike Lowder, Philip N. Render, Gregg Smith, Jackie Vereen.

Absent: Michael Chestnut.

Motion M2019-78 to approve an agreement between the City of Myrtle Beach and Thurmond Kirchner & Timbes, P.A., W. Ronald Bonds, Esq. and Law Office of Michael Y. Saunders, Esq. for the provision of legal services in connection with the investigation and initiation of a law suit for the recovery of accommodations fees, hospitality fees, and business license fees due the Client from short term rental companies.

This document provides for an agreement between the City and this firm for legal services related to the investigation and initiation of a law suit for the recovery of accommodations fees, hospitality fees, and business license fees due the Client from short term rental companies. The firm will be compensated solely on a contingency fee basis in the amount of 1/3rd of the recovery plus related expenses. The City would also pay the firm a third of any future relief or recovery for one year after the lawsuit is settled, or commencing in the first year in which that future recovery is paid, or as otherwise ordered by the Court.

 **Motion:** To Approve, **Moved by** Mike Lowder, **Seconded by** Mary Jeffcoat.


 **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 6).


Yes: Mayor Brenda Bethune, Mary Jeffcoat, Mike Lowder, Philip N. Render, Gregg Smith, Jackie Hatley.

Absent: Michael Chestnut.

Motion M2019-79 to appoint/reappoint one member to the Chapin Memorial Library Board.

The term of Alicia Thompson expired February 23, 2019. Ms. Thompson (City Resident) wishes to be reappointed. We have also received resumes from Sara Sobota (City Resident) and Jennifer Fickenworth (City Resident).


 **Motion:** To Reappoint Alicia Thompson, **Moved by** Mary Jeffcoat, **Seconded by** Gregg Smith.


 **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 6).

Yes: Mayor Brenda Bethune, Mary Jeffcoat, Mike Lowder, Philip N. Render, Gregg Smith, Jackie Vereen.

Absent: Michael Chestnut.

NON-AGENDA ITEMS FROM THE PUBLIC

 Keith Burroughs spoke in regards of the Waccamaw Tribe.

 Dawn Ungaro requests that CBD oil be reconsidered for its medicinal benefits.

COMMUNICATIONS FROM CITY BOARDS/COMMISSION MEMBERS

COMMUNICATIONS FROM CITY COUNCIL AND CITY MANAGER

1. Council Communications
2. CFO Update
3. CM/ACM Update
 - Setting an alternative Workshop Meeting date for July.

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



Motion: To Adjourn, **Moved by** Mike Lowder, **Seconded by** Philip N. Render.



Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 6).

Yes: Mayor Brenda Bethune, Mary Jeffcoat, Mike Lowder, Philip N. Render, Gregg Smith, Jackie Vereen.

Absent: Michael Chestnut.

11:49 A.M.

ATTEST:

BRENDA BETHUNE, MAYOR

JENNIFER STANFORD, CITY CLERK