

MEETING MINUTES

March 28, 2023

9:00 A.M. – WORKSHOP MEETING – TED C. COLLINS LAW ENFORCEMENT CENTER

10:00 A.M. – MEETING – TED C. COLLINS LAW ENFORCEMENT CENTER

MYRTLE BEACH CITY COUNCIL:

STAFF PRESENT:

PRESENT:

BRENDA BETHUNE, MAYOR
MICHAEL CHESTNUT, MAYOR PRO-TEM
JACKIE HATLEY
JOHN KRAJC
MIKE LOWDER
PHILIP N. RENDER
GREGG SMITH

JONATHAN "FOX" SIMONS, JR. CITY MANAGER
BRIAN TUCKER, ASSISTANT CITY MANAGER
MICHELLE SHUMPERT, CHIEF FINANCIAL OFFICER
WILLIAM BRIAN, CITY ATTORNEY
JENNIFER ADKINS, CITY CLERK

CALL TO ORDER.....9:01 A.M.

- 1. WWII Memorial Update – PW Staff (workshop)
 - Chris Miller, PW, and Chris Chockley, DDC Engineering, review final renderings (presentation available upon request).

Motion: To Enter Closed Session to 1) receive legal advice concerning litigation involving Main Street properties and superblock nightclubs and invite Amy Neuschafer 2) discuss personnel matter involving City Council **Moved by:** Gregg Smith **Seconded by:** Michael Chestnut
Vote: (summary Yes = 7) Yes: Mayor Brenda Bethune, Michael Chestnut, Jackie Hatley, John Krajc, Mike Lowder, Philip N. Render, Gregg Smith.

9:23 A.M.

Motion: To Exit Closed Session **Moved by:** Philip N. Render **Seconded by:** Jackie Hatley
Vote: (summary Yes = 7) Yes: Mayor Brenda Bethune, Michael Chestnut, Jackie Hatley, John Krajc, Mike Lowder, Philip N. Render, Gregg Smith.

9:59 A.M.

INVOCATION.....Councilwoman Hatley

PLEDGE OF ALLEGIANCE.....Councilwoman Hatley

APPROVAL OF AGENDA.....

Motion: Amend to move Ordinance 2023-19 as first item and Approve **Moved by:** Philip N. Render **Seconded by:** Michael Chestnut

Vote: (summary Yes = 7) Yes: Mayor Brenda Bethune, Michael Chestnut, Jackie Hatley, John Krajc, Mike Lowder, Philip N. Render, Gregg Smith.

APPROVAL OF MINUTES.....March 14, 2023

Motion: To Approve **Moved by:** Michael Chestnut **Seconded by:** John Krajc

Vote: (summary Yes = 7) Yes: Mayor Brenda Bethune, Michael Chestnut, Jackie Hatley, John Krajc, Mike Lowder, Philip N. Render, Gregg Smith.

PUBLIC REQUESTS, PRESENTATIONS, AWARDS, MEMORIALS:

2. CCMF Update – Bob Durkin, Amie Lee (meeting)
 - Mr. Durkin reviews plans for CCMF
3. Proclamation declaring March 25th as Greek Independence Day (meeting)
 - Mark Kruea presents proclamation and members of the local Greek community graciously accept and thank council.
4. Public Information Update – PIO Staff
 - Meredith Denari reviews past, present, and future events and happenings.

NON-AGENDA ITEMS FROM PUBLIC.....30 Minute Time Limit

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, items remaining on the Consent Agenda will be briefly described by staff.*

CONSENT AGENDA

Motion M2023-25 to accept a donation for \$4,455 from the Home Depot Foundation on behalf of Neighborhood Services for the replanting of garden beds for the Garden of Hope. No match is required.

This gift is designated to cover activities related to the Garden of Hope garden replanting. The local Home Depot Store Manager and the Regional Manager will be providing 10+ employees to assist the Parks Division and Neighborhood Services with the installation of the boxes.

Motion M2023-26 to approve a Mutual Aid Agreement between the City of Myrtle Beach Police Department and the City of Aynor, the Clarendon County Sheriff’s Office, City of Charleston, Coastal Carolina University, Horry County Sheriff’s Office, Town of Briarcliffe Acres, City of Columbia Police Department, City of Conway Police Department, City of Georgetown Police Department, City of Loris Police Department, City of North Myrtle Beach Police Department, City of North Charleston Police Department, Lexington County Sheriff’s Officer, Town of Surfside Beach Police Department, and the Williamsburg Sheriff’s Office.

The 2-year MOU will authorize law enforcement agencies to enter into a mutual aid agreement for the proper and prudent exercise of public safety across jurisdictional lines. This includes all listed agencies to include the City of Aynor, Clarendon County Sheriff’s Office, City of Charleston, Coastal Carolina University, Horry County Sheriff’s Office, Town of Briarcliffe Acres, City of Columbia Police Department, City of Conway Police Department, City of Georgetown Police Department, City of Loris Police Department, City of North Myrtle Beach Police Department, City of North Charleston Police Department, Lexington County Sheriff’s Officer, Town of Surfside Beach Police Department, and the Williamsburg Sheriff’s Office and is a renewal to continue our partnerships and service assistance when needed.

Motion M2023-27 authorizing the City Manager or his designee to re-apply and extend the grant of \$163,890 from the SC Department of Public Safety – Highway Safety and Justice Programs, Project Safe Neighborhood Grant Program that was previously accepted for the purpose of continuing the program for hiring a Detective, a Crime Analyst, and a NIBIN technician and to provide training and equipment for the personnel, 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. There is no match requirement.

The Project Safe Neighborhood Grant Program is aimed at providing funding for projects related to gang and gun-related crimes. The MBPD will continue its public safety efforts toward crime reductions and will use the grant-funded personnel and equipment to enhance police strategies, agency collaboration, and crime-solving processes to achieve reduction goals

Motion: To Approve **Moved by:** Michael Chestnut **Seconded by:** John Krajc
Vote: (summary Yes = 7) Yes: Mayor Brenda Bethune, Michael Chestnut, Jackie Hatley, John Krajc, Mike Lowder, Philip N. Render, Gregg Smith.

CONSENT AGENDA ITEMS APPROVED

REGULAR AGENDA

1st Reading Ordinance 2023-19 to amend the Market Common Master Plan to replace plans for a hotel at the corner of Farrow and Phillis with plans for 203 residential units and related amenities.

The Market Common Master Plan was adopted in 2005. Originally, the Master Plan called for ~181,000 square feet of retail in Phase 1A at the corner of Farrow Pkwy and Phillis Blvd on the property known as XYZ. In 2017, the Master Plan was amended to replace the retail with a 100-unit hotel. Due to market conditions, the hotel project never materialized. The applicant proposes to amend the Master Plan to replace the hotel with new plans for:

- 98 commercial/residential townhomes
- 105 commercial/residential cottages
- A swimming pool and club house
- 443 new parking spaces

At the City's request, the applicant conducted a Traffic Impact Analysis of the project and its vicinity. The report concluded the project does not negatively affect the level of service of area roadways or intersections; nor does the project warrant additional turn lanes.

Motion: To Approve **Moved by:** Gregg Smith **Seconded by:** John Krajc

Many residents came to speak in opposition of proposed project (full list of names signed in to speak is available upon request and may also be watched on city's website)

Vote: (summary Yes = 2 No = 5) Yes: Mayor Brenda Bethune, Gregg Smith.
No: Michael Chestnut, Jackie Hatley, John Krajc, Mike Lowder, Philip N. Render

DENIED

2nd Reading Ordinance 2023-5 granting a franchise agreement for operation of rental business of conveyances regulated by Chapter 12, Article V of the Code of Ordinances of Myrtle Beach to Austin Shelley d/b/a Ajax Golf Cart rentals located at 1307 Nature's Way, North Myrtle Beach, SC 29582, for a period of one year. The agreement includes 24 golf cart decals.

This company was approved for a franchise agreement covering 24 golf cart decals in 2022. For 2023 the applicant requests 24 decals.

Motion: To Approve **Moved by:** Gregg Smith **Seconded by:** John Krajc
Vote: (summary Yes = 7) Yes: Mayor Brenda Bethune, Michael Chestnut, Jackie Hatley, John Krajc, Mike Lowder, Philip N. Render, Gregg Smith.

ADOPTED

2nd Reading Ordinance 2023-6 granting a franchise agreement for operation of rental business of conveyances regulated by Chapter 12, Article V of the Code of Ordinances of Myrtle Beach to David Stone d/b/a Go Fast Motorsports LLC, Go Fast Scooters, located at 609 South Kings Highway, Myrtle Beach, SC 29577, for a period of one year. The agreement includes 95 golf cart decals and 20 moped decals.

This company was approved for a franchise agreement covering 95 golf cart decals and 20 moped decals in 2022. For 2023, the applicant requests the same total number of decals, 115, 95 golf cart decals and 20 moped decals.

2nd Reading Ordinance 2023-7 granting a franchise agreement for operation of rental business of conveyances regulated by Chapter 12, Article V of the Code of Ordinances of Myrtle Beach to Jack Zakhra d/b/a Zeus MB LLC, Happy Scooter, located at 311 3rd Avenue South, Myrtle Beach, SC 29577, for a period of one year. The agreement includes 50 golf cart decals and 13 moped decals.

This company was approved for a franchise agreement covering 27 golf cart decals and 36 moped decals in 2022. For 2023 the applicant requests same total number of 63 decals, but would like exchange 23 moped decal for 23 golf cart decals; 50 golf cart decals and 13 moped decals.

2nd Reading Ordinance 2023-8 granting a franchise agreement for operation of rental business of conveyances regulated by Chapter 12, Article V of the Code of Ordinances of Myrtle Beach to Derrick and Barbara Haynes d/b/a Kickback Korner LLC, Kickback Korner Golf Carts, located at 506 Yaupon Drive, Myrtle Beach, SC 29577, for a period of one year. The agreement includes 20 golf cart decals.

This company was approved for a franchise agreement covering 20 golf cart decals in 2022. For 2023 the applicant requests 20 golf cart decals.

2nd Reading Ordinance 2023-9 granting a franchise agreement for operation of rental business of conveyances regulated by Chapter 12, Article V of the Code of Ordinances of Myrtle Beach to Mark Sichitano d/b/a Myrtle Beach Golf Carts, located at 408 3rd Avenue South, Myrtle Beach, SC 29577, for a period of one year. The agreement includes 165 golf cart decals.

This company was approved for a franchise agreement covering 165 golf cart decals in 2022. For 2023, the applicant requests 20 additional golf cart decals, totaling of 185.

Staff does not recommend adding more conveyances to this franchise. While we sympathize with the applicant, we do not see how the City can justify additional decals for this franchisee without also considering requests for additional decals from other franchisees. The purpose of establishing the franchise system was to cap and limit the number of golf cart and moped conveyances on the street with the overall goal of reducing the total number of conveyances over time.

Motion: To Approve **Moved by:** Gregg Smith **Seconded by:** John Krajc

Motion: Amend to grant an additional 20 golf carts decals as requested **Moved by:** Mike Lowder **Seconded by:** Michael Chestnut
Vote: (summary Yes = 4 No = 3) Yes: Michael Chestnut, Jackie Hatley, Mike Lowder, Philip N. Render
No: Mayor Brenda Bethune, John Krajc, Gregg Smith

ADOPTED, GRANTED 185 GOLF CART DECALS

2nd Reading Ordinance 2023-10 granting a franchise agreement for operation of rental business of conveyances regulated by Chapter 12, Article V of the Code of Ordinances of Myrtle Beach to Ben Robinson d/b/a/ Rent Me Superstore, located at 106 North Kings Highway, Myrtle Beach, SC 29577, for a period of one year. The agreement includes 30 golf cart decals and 10 moped decals.

This company was approved for a franchise agreement covering 30 golf cart decals and 10 moped decals in 2022. For 2023, the applicant requests the same total number of decals, 30 golf cart decals and 10 moped decals.

2nd Reading Ordinance 2023-11 granting a franchise agreement for operation of rental business of conveyances regulated by Chapter 12, Article V of the Code of Ordinances of Myrtle Beach to Ben Robinson d/b/a/ Rent Me Superstore, located at 300 South Ocean Blvd., Myrtle Beach, SC 29577, for a period of one year. The agreement includes 114 golf cart decals and 83 moped decals.

This company was approved for a franchise agreement covering 114 golf cart decals and 83 moped decals in 2022. For 2023, the applicant requests the same number of decals, 114 golf cart decals, and 83 moped decals.

2nd Reading Ordinance 2023-12 granting a franchise agreement for operation of rental business of conveyances regulated by Chapter 12, Article V of the Code of Ordinances of Myrtle Beach to Ben Robinson d/b/a/ Rent Me Superstore, located at 1205 North Ocean Blvd., Myrtle Beach, SC 29577, for a period of one year. The agreement includes 46 golf cart decals and 37 moped decals.

This company was approved for a franchise agreement covering 46 golf cart decals and 37 moped decals in 2022. For 2023, the applicant requests the same number of decals, 46 golf cart decals, and 37 moped decals.

2nd Reading Ordinance 2023-13 granting a franchise agreement for operation of rental business of conveyances regulated by Chapter 12, Article V of the Code of Ordinances of Myrtle Beach to David Stone d/b/a Go Fast Motorsports/Savemart Scooters, located at 412 6th Avenue North, Myrtle Beach, SC 29577, for a period of one year. The agreement includes 34 golf cart decals and 5 moped decals.

This company was approved for a franchise agreement covering 34 golf cart decals and 5 moped decals in 2022. For 2023 the applicant requests the same total number of decals, 39, total of 34 golf cart decals and 5 moped decals.

2nd Reading Ordinance 2023-14 granting a franchise agreement for operation of rental business of conveyances regulated by Chapter 12, Article V of the Code of Ordinances of Myrtle Beach to David Stone d/b/a Go Fast Motorsports/Sunshine

Scooters, located at 713 North Ocean Blvd., Myrtle Beach, SC 29577, for a period of one year. The agreement includes 30 golf cart decals and 5 moped decals.

This company was approved for a franchise agreement covering 30 golf cart decals and 5 moped decals in 2022. For 2023 the applicant requests the same total number of decals, 35, total of 30 golf cart decals and 5 moped decals.

2nd Reading Ordinance 2023-15 granting a franchise agreement for operation of rental business of conveyances regulated by Chapter 12, Article V of the Code of Ordinances of Myrtle Beach to Bayliss Spivey d/b/a KOA Campground located at 613 5th Avenue South, Myrtle Beach, SC 29577, for a period of one year. The agreement includes 50 golf cart decals.

This company was approved for a franchise agreement covering 50 golf cart decals in 2022. For 2023 the applicant requests additional 50 golf cart decals, totaling 100 golf cart decals.

Staff does not recommend adding more conveyances to this franchise. While we sympathize with the applicant, we do not see how the City can justify additional decals for this franchisee without also considering requests for additional decals from other franchisees. The purpose of establishing the franchise system was to cap and limit the number of golf cart and moped conveyances on the street with the overall goal of reducing the total number of conveyances over time.

Motion: To Approve **Moved by:** Gregg Smith **Seconded by:** John Krajc

Motion: Amend to grant additional 20 golf cart decals **Moved by:** Mike Lowder **Seconded by:** Michael Chestnut

Vote: (summary Yes = 3 No = 4) Yes: Michael Chestnut, Jackie Hatley, Mike Lowder.

No: Mayor Brenda Bethune, John Krajc, Philip N. Render, Gregg Smith.

ADOPTED AT 50 GOLF CART DECALS

2nd Reading Ordinance 2023-16 granting a franchise agreement for operation of rental business of conveyances regulated by Chapter 12, Article V of the Code of Ordinances of Myrtle Beach to Ron Simantov d/b/a Blue Coral Surf LLC, Moped USA, located at 1301 South Kings Highway, Myrtle Beach, SC 29577, for a period of one year. The agreement includes 20 golf cart decals.

This company was approved for a franchise agreement covering 20 golf cart decals in 2022. For 2023 the applicant requests 20 golf cart decals.

2nd Reading Ordinance 2023-17 granting a franchise agreement for operation of rental business of conveyances regulated by Chapter 12, Article V of the Code of Ordinances of Myrtle Beach to Sarah Yakoel d/b/a Gil Scooter/Evry LLC, located at 109 South Kings Highway, Myrtle Beach, SC 29577, for a period of one year. The agreement includes 20 golf carts.

This company was approved for a franchise agreement covering 20 golf cart rentals in 2022. For 2023, the applicant requests 20 golf cart decals.

Motion: To Approve Ordinances 2023-6 through 2023-17 as written, EXCLUDING 2023-9 and 2023-15, to be voted separately. **Moved by:** Mike Lowder **Seconded by:** Jackie Hatley

Vote: (summary Yes = 7) Yes: Mayor Brenda Bethune, Michael Chestnut, Jackie Hatley, John Krajc, Mike Lowder, Philip N. Render, Gregg Smith.

ADOPTED ORDINANCES 2023-6 THROUGH 2023-17 AS WRITTEN, EXCLUDING 2023-9 AND 2023-15.

2nd Reading Ordinance 2023-18 to authorize the City Manager to enter into amended franchises for water safety services and beach concessions.

This ordinance amends the current water safety and concession services franchise agreements.

Motion: To Approve **Moved by:** Mike Lowder **Seconded by:** Jackie Hatley

Vote: (summary Yes = 7) Yes: Mayor Brenda Bethune, Michael Chestnut, Jackie Hatley, John Krajc, Mike Lowder, Philip N. Render, Gregg Smith.

ADOPTED

1st Reading Ordinance 2023-20 to amend Ordinance 2022-40 authorizing the sale of 21.6 acres, a portion of TMS 1730004170 to MHI Capital, LLC to aid in construction of the proposed surf park.

*Ordinance 2022-40 authorized the execution of Purchase agreement to sell 21.6 acres to MHI Capital, Inc. for \$4.5 Million for the development and construction of a surf park
The Buyers have proposed five changes to the current contract.*

- o *Assignment from MHI Capital, LLC to Surfworks Land Holdings, LLC.*
- o *Extend closing to October 9, 2023.*
- o *Increase Earnest Money to \$150,000 which will be immediately non-refundable.*
- o *Require that the Buyer provide proof of \$54 Million in legally binding commitments from an SEC regulated Fund.*
- o *Replace the Donation Clause with only a Right of Repurchase.*

The project is still on schedule. The developer is continuing with design, engineering and permitting. The extension is solely to allow the multiple investors to make final arrangements.

Motion: To Approve **Moved by:** Mike Lowder **Seconded by:** John Krajc

Vote: (summary Yes = 5 No = 2) Yes: Mayor Brenda Bethune, Jackie Hatley, John Krajc, Mike Lowder, Gregg Smith.

No: Michael Chestnut, Philip N. Render

ADOPTED

Motion M2023-23 to appoint/reappoint four members to the Seniors Advisory Board.

The term of Tammy Lail expired on February 28, 2023. The terms of Patty Sleem and Brenda Watkins Noel expired on March 8, 2023. There was also a resignation and that seat will remain to expire on February 9, 2025. On file are the resumes of L. Keith Compton (City Resident), Lauren Keith Hudson (City Resident), Robert N. Saunders (City Resident), Patricia Hampton (City Resident), and Carolyn Milliron (City Resident). All three seats will expire on March 8, 2026.

Motion: To Reappoint Patty Sleem, appoint L. Keith Compton and Lauren K. Hudson and appoint Carolyn Milliron to fill unexpired term. **Moved by:** Gregg Smith **Seconded by:** Philip N. Render.

Vote: (summary Yes = 7) Yes: Mayor Brenda Bethune, Michael Chestnut, Jackie Hatley, John Krajc, Mike Lowder, Philip N. Render, Gregg Smith.

Motion M2023-28 to appoint/reappoint two members to the Chapin Memorial Library Advisory Board.

The terms of JJ Fickenworth and Dr. Subhash Saxena expired on March 23, 2023. Ms. Fickenworth does wish for reappointment. On file is the resume of Sandi Huddleston-Edward (City Resident). Board Chairman recommends the appointment of Ms. Huddleston-Edward. Both seat's new expiration date will be February 14, 2026.

Motion: To Reappoint JJ Fickenworth and appoint Sandi Huddleston-Edwards **Moved by:** Philip N. Render **Seconded by:** Gregg Smith

Vote: (summary Yes = 7) Yes: Mayor Brenda Bethune, Michael Chestnut, Jackie Hatley, John Krajc, Mike Lowder, Philip N. Render, Gregg Smith.

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:** John Krajc

Vote: (summary Yes = 7) Yes: Mayor Brenda Bethune, Michael Chestnut, Jackie Hatley, John Krajc, Mike Lowder, Philip N. Render, Gregg Smith.

1:27 P.M.

BRENDA BETHUNE, MAYOR

ATTEST:

JENNIFER ADKINS, CIY CLERK