

MEETING MINUTES

APRIL 11, 2023

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

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

PRESENT DURING PUBLIC HEARING & WORKSHOP MEETING:

MYRTLE BEACH CITY COUNCIL:

**BRENDA BETHUNE, MAYOR
MICHAEL CHESTNUT, MAYOR PRO-TEM
JACKIE HATLEY
JOHN KRAJC
MIKE LOWDER
GREGG SMITH**

STAFF PRESENT:

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

ABSENT:

PHILIP N. RENDER

Mayor Bethune opens Public Hearing 9:00 A.M.

A PUBLIC HEARING WILL BE HELD AT 9:00 A.M. AT THE TED C. COLLINS LAW ENFORCEMENT CENTER AT 1101 N. OAK STREET ON THE PROPOSED RULE TO SHOW CAUSE REGARDING PROPERTY LOCATED AT 1107 RAGIN STREET MYRTLE BEACH, SC.

Lambros Xethalis, property owner, explains experience with negligent contractor that was hired to complete work and also states that there are interested buyers of property in as is condition. Closed at 9:08 A.M

A PUBLIC HEARING WILL BE HELD AT 9:00 A.M. AT THE TED C. COLLINS LAW ENFORCEMENT CENTER AT 1101 N. OAK STREET ON THE PROPOSED RULE TO SHOW CAUSE REGARDING PROPERTY LOCATED AT 1211 ROSEHAVEN DR MYRTLE BEACH, SC

Opened at 9:08 A.M. Property owner nor owner representation was not in attendance regarding property. Closed at 9:08 A.M.

A PUBLIC HEARING WILL BE HELD AT 9:00 A.M. AT THE TED C. COLLINS LAW ENFORCEMENT CENTER AT 1101 N. OAK STREET ON THE PROPOSED RULE TO SHOW CAUSE REGARDING PROPERTY LOCATED AT 1101 CARVER STREET MYRTLE BEACH, SC.

Opened at 9:09 A.M. Deborah Ragin Jessup, property owner, requests an additional 90 days to finish preliminary planning stages of demolishing building. Closed at 9:12 A.M

CALL TO ORDER.....9:12 A.M. Workshop

1. Humane Society Update – Lindsey Rankin/ Jess Wnuk (workshop)
 - Ms. Wnuk reviews the amounts of animal intakes, adoptions, returned to owners, and vet services. Ms. Wnuk then gives an update of new facility plans. It is also shared of the advocating of legislation of removing all breed specific language and restrictions. Ms. Wnuk then reviews goals for the next year. (Full presentation available upon request).
2. A&I Infrastructure Update/Review – (workshop)
 - Brian Tucker reviews updates regarding theater lease, RFQ will be released the 5th, permanent housing in downtown area, street realignment and streetscapes. (full presentation is available upon request and may also be watched on city’s website).

PRESENT DURING REGULAR MEETING

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

STAFF PRESENT:
JONATHAN "FOX" SIMONS, JR., CITY MANAGER
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MICHELLE SHUMPERT, CHIEF FINANCIAL OFFICER
WILLIAM BRYAN, CITY ATTORNEY
JENNIFER ADKINS, CITY CLERK

INVOCATION.....Councilman Smith
PLEDGE OF ALLEGIANCE.....Councilman Smith

APPROVAL OF AGENDA.....

CONTINUED:

1st Reading Ordinance 2023-21 to create a Planned Unit Development known as Nance Street International Residence Hall Planned Unit Development and to rezone ~7.62 acres at the corner of Robert Grissom Pkwy & Mr. Joe White Ave (PIN 425-13-01-0080) from HC2 (highway commercial) to PUD (Nance Street International Residence Hall Planned Unit Development) to provide safe housing for seasonal international workers.

Motion: Amend to Continue Ordinance 2023-21 and approve **Moved by:** Mike Lowder

Seconded by: John Hatley

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 28, 2023

Motion: To Approve **Moved by:** Michael Chestnut **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.

PUBLIC REQUESTS, PRESENTATIONS, AWARDS, MEMORIALS:

- 3. Recognition of 7th Class of MyBeach101 (meeting)
 - Cookie Goings speaks of the immense joy felt conducting MyBeach101. A few participants came forward to express how much they learned about what it takes for a city to run and the pleasure of meeting Department Directors.
- 4. Proclamation declaring the month of April as Child Abuse Prevention Month (meeting)
 - Mark Kruea presents proclamation and recipient representative thanks council.
- 5. Proclamation declaring the week of April 9-15th as Public Safety Telecommunicators (meeting)
 - Mark Kruea presents proclamation and Chief Prock, Lt. Cathie Rhodes, along with PD dispatch service call staff thank council for recognition.
- 6. Public Information Update – PIO Staff
 - Meredith Denari reviews past, present, and future events and happenings.

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

Halestine Graham and Stuart Behar both spoke of opposition of proposed Ordinance 2023-21.

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 M2023-29 authorizing the City Manager or his designee to apply for a grant of \$43,612 from the Federal Emergency Management Administration (FEMA) Fire Prevention and Safety Grant Program for the purpose of delivering public education on fire safety and prevention, to record the appropriation of such grant funds in the amount that may be approved, and to execute and deliver such grant agreement and such related documents as may be required to put the grant into effect. Match of \$2,180 coming from the Fire Department Budget.

The objectives of the Fire Prevention and Safety Program are to enhance the safety of the public and firefighters from fire related hazards. The Fire Department's objectives are to increase the public safety message within the community by delivering education within education systems, public events, community outreach programs, and interactive classes with businesses that reinforce and educate the necessary procedures of fire prevention and safety.

Motion M2023-30 to authorize the City Manager or his designee to enter into an agreement between the City of Myrtle Beach and Horry County Schools concerning the School Resource Officer Program.

This agreement is between HCSD and the City of Myrtle Beach Police Department. The agreement calls for one School Resource Officer at the following schools:

- *Myrtle Beach High School*
- *Myrtle Beach Middle School*
- *Myrtle Beach Elementary School*
- *Myrtle Beach Primary School*

The HCSD will reimburse the City 50% of the SRO's salary and benefits at Myrtle Beach High School and Myrtle Beach Middle School. The SRO's at Myrtle Beach Elementary and Primary Schools are funded through a State of South Carolina grant.

Motion: To Approve Consent Agenda items **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.

CONSENT AGENDA ITEMS APPROVED

REGULAR AGENDA

2nd 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.

- *Assignment from MHI Capital, LLC to Surfworks Land Holdings, LLC.*
- *Extend closing to October 9, 2023.*
- *Increase Earnest Money to \$150,000 which will be immediately non-refundable.*

- *Require that the Buyer provide proof of \$54 Million in legally binding commitments from an SEC regulated Fund.*
 - *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

1st Reading Ordinance 2023-21 to create a Planned Unit Development known as Nance Street International Residence Hall Planned Unit Development and to rezone ~7.62 acres at the corner of Robert Grissom Pkwy & Mr. Joe White Ave (PIN 425-13-01-0080) from HC2 (highway commercial) to PUD (Nance Street International Residence Hall Planned Unit Development) to provide safe housing for seasonal international workers.

The project is an international residence hall to house temporary seasonal workers from other countries. The City of Myrtle Beach relies on J1 students and other international groups to sustain our seasonal workforce. International workers are in need of adequate housing during their stay. Public Improvements:

- *Installing storm drainage improvements the capacity of which shall include a portion of the existing storm water within the boundary of Canal Street, Nance Street, Mr. Joe White Avenue and Robert M. Grissom Parkway.*
- *Installation of a 10-foot multi-purpose path outside the perimeter fencing, providing safe access from the Project along Mr. Joe White to RG Parkway.*
- *Developer shall install improvements within the right-of-way of Nance Street, to accommodate shuttle bus drop off, bus shelter and pick up for residents returning to and leaving from the Project, in accordance with the requirements of SCDOT*
- *Developer shall install improvements within the right-of-way of Mr. Joe White Avenue to accommodate turning movements in accordance with the requirements of the City Engineering Department and SCDOT*

CONTINUED DURING AGENDA APPROVAL

1st Reading Ordinance 2023-22 to rezone ~0.59 acres on Grissom Pkwy (PIN 42512030009) from R10 (single family) to RMH – BTW (multifamily high density with the Booker T. Washington Overlay) and a small remainder portion from R10 (single family) to Mu-M (mixed use medium density) to allow for the continued development of Bay Pointe Apartments.

This property is currently split zoned, and this request would remove the split zoning on this parcel. The subject property fronts on both Grissom Pkwy and Mr Joe White Ave in the Booker T. Washington neighborhood. Adjacent property is zoned MU-M, R10, RMH-BTW, and R10-BTW. RMH-BTW is a multifamily residential district with a minimum lot size 14,520 sq.ft. R10 has a lot size of 10,000 sq.ft. This request is in combination with Ordinance 2023-23.

Councilman Smith recused himself due to wife's working relationship with current property owner

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

Vote: (summary Yes = 6 Recused =1) Yes: Mayor Brenda Bethune, Michael Chestnut, Jackie Hatley, John Krajc, Mike Lowder, Philip N. Render.
Recused: Gregg Smith

APPROVED 1st READING

1st Reading Ordinance 2023-23 to annex approximately ~3.23 acres at PIN 425-12-03-0058 and rezone from Horry County NC (Neighborhood Commercial) to City of Myrtle Beach RMH - BTW (Residential Multifamily High Density with the Booker T. Washington Overlay).

The property is currently under Horry County's jurisdiction and is zoned NC (Neighborhood Commercial). The applicant is requesting a rezoning to RMH - BTW (Residential Multifamily High Density with the Booker T. Washington Overlay) for the construction of apartments. The applicant requested RMH-BTW to remain consistent with the zoning throughout the area. The Booker T. Washington Overlay does not contain any provisions that will impact this development as it prevents nightclubs and bars which is also prevented by the RMH zoning classification. Nance St. is planned for extension to Grissom Pkwy, joining adjacent from Monticello Dr. This road is currently private. The developers would like for this to be a public road in the future.

Councilman Smith recused himself due to wife's working relationship with current property owner

Motion: To Approve **Moved by:** Michael Chestnut **Seconded by:** John Hatley.

Vote: (summary Yes = 6 Recused =1) Yes: Mayor Brenda Bethune, Michael Chestnut, Jackie Hatley, John Krajc, Mike Lowder, Philip N. Render.
Recused: Gregg Smith

APPROVED 1st READING

Resolution R2023-9 to adopt the Myrtle Beach Housing and Community Development Annual Action Plan and Budget for FY 2023/2024.

In total, the city's Community Development Block Grant (CDBG) allocation is projected to be \$391,333. The funds are budgeted based 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 of October 1, 2023-September 30, 2024:

- Affordable Housing Program - \$91,333
- Public Infrastructure – \$300,000

Motion: To Approve **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.

APPROVED

Resolution R2023-10 a resolution endorsing the updated 2022 Horry County Solid Waste Management Plan as created by the Horry County Solid Waste Authority, Inc., with advice from the Horry County Solid Waste Technical Advisory Council.

The 1991 SC Solid Waste Policy & Management Act established a policy promoting reduction, re-use, & recycling of solid waste before landfilling or incineration. The Act establishes the following goals:

- Encourage research by state agencies & state-supported educational institutions & private entities into the reduction of solid waste.
- Encourage a regional approach to solid waste management.
- Reduce the amount of solid waste received at municipal solid waste landfills & incinerators by 40% (calculated by weight).
- Continue to set new & revised goals every 3 years.
- Recycle at least 40% of the total waste stream generated (calculated by weight).
- Each county/region make every effort to meet, individually, the state's solid waste reduction & recycling goals.

Some items of note in the updated plan include:

- Emphasize waste reduction to achieve the state disposal goal of 3.25 lbs., per person/day
- Reduce food waste and expand composting
- Increase focus on scrap tire source reduction and recycling opportunities
- Strengthen regional partnerships to bolster recycling programs
- Increase business reporting to show a more comprehensive picture of recycling in the state
- Improved education/outreach on recycling contamination and correct recycling habits

Motion: To Approve **Moved by:** Jackie Hatley **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.

APPROVED

Resolution R2023-11 to approve a partial settlement in the South Carolina opioid litigation and to authorize execution of settlement documents.

The City is one of many political subdivisions participating in a consolidated legal action styled In re South Carolina Opioid Litigation, 2018-CP-23-01294. A proposed settlement has been reached with several defendants. If the City desires to participate in the settlement and receive the benefits of the settlement, the City must indicate approval and enter into the 2023 Amended South Carolina Opioid Settlement Allocation Agreement.

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

Vote: (summary Yes = 6 Absent = 1) Yes: Mayor Brenda Bethune, Jackie Hatley, John Krajc, Mike Lowder, Philip N. Render, Gregg Smith.

Absent during vote: Michael Chestnut.

APPROVED

Motion M2023-31 to issue a Rule to Show Cause to require the owner(s) or parties in interest of property known as 1107 Ragin Street, to show cause why they should not be ordered to bring the property into compliance with Chapter 10 of the Code of Ordinances of the City of Myrtle Beach.

If approved, the Rule to Show Cause Order compels the property owner to either bring the structure (or property) back into compliance with City Code, or to demolish the structure. The order allows the City to mitigate the non-compliance issues if the property owner fails to do so, and to lien, the property for the costs incurred.

Motion: To Approve **Moved by:** Mike Lowder **Seconded by:** Michael Chestnut.

Motion: To amend to 1) within 14 days wrap structure and construction fence property, 10ft radius around property 2) within 90 days engineering and permitting must be completed 3) after initial 90 days, and additional 180 days,, construction must be completed 4) if transfer sale of property, consent of new owner all conditions of rule to show cause transfer with sale of property **Moved by:** John Krajc **Seconded by:** Michael Chestnut.

Vote: (summary Yes = 6 Absent = 1) Yes: Mayor Brenda Bethune, Michael Chestnut, Jackie Hatley, John Krajc, Mike Lowder, Gregg Smith.

Absent during vote: Philip N. Render

Vote on Amended Motion: (summary Yes = 6 Absent = 1) Yes: Mayor Brenda Bethune, Michael Chestnut, Jackie Hatley, John Krajc, Mike Lowder, Gregg Smith.

Absent during vote: Philip N. Render

APPROVED

Motion M2023-32 to issue a Rule to Show Cause to require the owner(s) or parties in interest of property known as 1211 Rosehaven Dr., to show cause why they should not be ordered to bring the property into compliance with Chapter 10 of the Code of Ordinances of the City of Myrtle Beach.

If approved, the Rule to Show Cause Order compels the property owner to either bring the structure (or property) back into compliance with City Code, or to demolish the structure. The order allows the City to mitigate the non-compliance issues if the property owner fails to do so, and to lien, the property for the costs incurred.

Motion: To Approve **Moved by:** Michael Chestnut **Seconded by:** Mike Lowder.

Vote: (summary Yes = 6 Absent = 1) Yes: Mayor Brenda Bethune, Michael Chestnut, Jackie Hatley, John Krajc, Mike Lowder, Gregg Smith.

Absent during vote: Philip N. Render

APPROVED

Motion M2023-33 to issue a Rule to Show Cause to require the owner(s) or parties in interest of property known as 1101 Carver Street, to show cause why they should not be ordered to bring the property into compliance with Chapter 10 of the Code of Ordinances of the City of Myrtle Beach.

If approved, the Rule to Show Cause Order compels the property owner to either bring the structure (or property) back into compliance with City Code, or to demolish the structure. The order allows the City to mitigate the non-compliance issues if the property owner fails to do so, and to lien, the property for the costs incurred.

Motion: To Approve **Moved by:** Mike Lowder **Seconded by:** Michael Chestnut.

Vote: (summary Yes = 5 No = 1 Absent = 1) Yes: Mayor Brenda Bethune, Michael Chestnut, Jackie Hatley, John Krajc, Mike Lowder.

No: Gregg Smith

Absent during vote: Philip N. Render

APPROVED

Motion M2023-34 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 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: To Approve **Moved by:** Michael Chestnut **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.

APPROVED

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.

Motion: To Enter Closed Session 1) discuss proposed sale of property in the Downtown-Oceanfront area and invite Ken May, Lizzy Daniel, Chuck Clarity, Joe Holloway, Jeff King, and Jim Hubbard 2) discuss proposed contractual arrangements with Myrtle Beach Downtown Alliance 3) discuss proposed contractual arrangements involving development of property on 17th Ave. South and within the Osceola PUD. **Moved by:** Philip N. Render **Seconded by:** Mike Lowder **Vote: (summary Yes = 7)** Yes: Mayor Brenda Bethune, Michael Chestnut, Jackie Hatley, John Krajc, Mike Lowder, Philip N. Render, Gregg Smith.

11:55 A.M.

Motion: To Exit Closed Session **Moved by:** Mike Lowder **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.

1:02 P.M.

ADJOURNMENT

Motion: To Adjourn **Moved by:** Mike Lowder **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.

1:02 P.M.

BRENDA BETHUNE, MAYOR

ATTEST:

JENNIFER ADKINS, CITY CLERK