

**MEETING MINUTES**


**MAY 25, 2021**


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

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

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**CALL TO ORDER.....9:06 A.M.**

 **Motion:** To Enter Closed Session to discuss a contractual matter and invite Ken May, Doug Holder, and John Johnson, **Moved by** John Krajc, **Seconded by** Jackie Hatley.

 **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 5).  
Yes: Mayor Brenda Bethune, Philip N. Render, Gregg Smith, Jackie Hatley, John Krajc  
Absent: Michael Chestnut, Mike Lowder.

9:07 A.M.

 **Motion:** To Exit Closed Session, **Moved by** Jackie Hatley, **Seconded by** John Krajc.

 **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 5).  
Yes: Mayor Brenda Bethune, Philip N. Render, Gregg Smith, Jackie Hatley, John Krajc  
Absent: Michael Chestnut, Mike Lowder.

10:01 A.M.


**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 2021-22 FISCAL YEAR**

 **Roll Call.**

**Present:** Mayor Brenda Bethune, Philip N. Render, Gregg Smith, Jackie Hatley, John Krajc.  
**Absent:** Michael Chestnut, Mike Lowder.

10:06 A.M.

 Michelle Shumpert, Chief Financial Officer, reviews laws of public notice and that the city is in compliance. Ms. Shumpert then reviews the FY 2021 – 2022 budget.


10:09 A.M.

**INVOCATION.....Councilman Smith**


**PLEDGE OF ALLEGIANCE.....Councilman Smith**


**APPROVAL OF AGENDA.....**

 **Motion:** To Approve, **Moved by** Philip N. Render, **Seconded by** Jackie Hatley.

 **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 5).  
Yes: Mayor Brenda Bethune, Philip N. Render, Gregg Smith, Jackie Hatley, John Krajc.  
Absent: Michael Chestnut, Mike Lowder.

**APPROVAL OF MINUTES.....May 11, 2021**





 **Motion:** To Approve, **Moved by** Jackie Hatley, **Seconded by** John Krajc.

 **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 5).

Yes: Mayor Brenda Bethune, Philip N. Render, Gregg Smith, Jackie Hatley, John Krajc

Absent: Michael Chestnut, Mike Lowder.

**PUBLIC REQUESTS, PRESENTATIONS, AWARDS, MEMORIALS:**

1. Proclamation declaring the month of June as PRIDE Month (Meeting)  
 Mark Kruea presents proclamation.
2. Proclamation declaring June 4<sup>th</sup> as National Gun Violence Awareness Day (Meeting)  
 Mark Kruea presents proclamation
3. Proclamation declaring the month of June as National Safety Month (Meeting)  
 Mark Kruea presents proclamation.
4. Public Information Update – PIO Staff  
 Mark Kruea 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 (1<sup>st</sup> Reading), & then approved (2<sup>nd</sup> 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**

**2<sup>nd</sup> Reading Ordinance 2020-50 repealing Ordinances No. 2019-22, 2019-23 and 2019-24, adopted March 7, 2019, to restore city Hospitality Fees and Local Accommodations Taxes to the status and the rates they held prior to the adoption of the forgoing ordinances.**

*On 3/2019, Council adopted three ordinances to implement changes in its collections of hospitality and local accommodations taxes. The changes were based on findings that the County hospitality fee, adopted in 1997 with the consent of Horry County municipalities to fund the RIDE program, had reached its sunset date, and the municipalities could now collect Hospitality and Accommodations Taxes inside their corporate limits without exceeding the statutory caps. The City subsequently filed suit to enjoin the County from continuing to collect its Hospitality Fee inside municipalities for the exclusive benefit of unincorporated areas.*

*In October 2020 the parties signed the Settlement Agreement in Principle (the “SIP”), which was approved by the Circuit Court. On 12/2/2020, the SC Supreme Court reversed the Circuit Court’s approval of the SIP, saying that the parties’ leaving the decision as to distribution of the Common Fund to the Circuit Court meant there was not a meeting of the minds, and therefore, there could be no settlement*

agreement. On 2/12/2021, the parties signed the Class Action Settlement Agreement which was given preliminary approval by the Circuit Court on 2/16/2021 (the "Settlement Agreement") pending a fairness hearing scheduled for 4/16/2021. On 4/20/2021, the Court issued its final order approving the Settlement Agreement. Under the Settlement Agreement, the municipalities agree to roll back their local hospitality & accommodations fees & taxes to the rates they charged prior to 1/2019.

- Effective 6/30/2021, the municipalities will roll back their local Hospitality and Accommodations Taxes to the rates they charged prior to 1/2019.
- The County will resume collecting its 1.5% hospitality fee in the City on 7/1/2021.
- After withholding 1% of collections as an administrative fee, the County will return the remainder to each municipality for uses set out in statutes authorizing Hospitality and Local Accommodations Taxes.

The 1.5% County Hospitality Fee is projected to increase City revenues by \$18.5 million next fiscal year.

 **Motion:** To Approve, **Moved by** Jackie Hatley, **Seconded by** Philip N. Render.

 **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 5).

Yes: Mayor Brenda Bethune, Philip N. Render, Gregg Smith, Jackie Hatley, John Krajc.

Absent: Michael Chestnut, Mike Lowder.

## ADOPTED


**2<sup>nd</sup> Reading Ordinance 2021-23 to amend a lease denominated as the agreement of lease between the City of Myrtle Beach and County of Horry as landlords and the Durham Bulls Baseball Club, Inc. as tenant dated as of September 1, 1998, deleting unnecessary terms, reflecting the true parties in interest and providing for the extension of lease for two (2) years.**

*The City and County co-own the baseball stadium on a 70/30 basis. The original 20-yr. lease agreement expired after the 2018 baseball season. The City and the team agreed to a three-year extension that is set to expire after the 2021 season.*

*In late 2020/early 2021, Major League Baseball and Minor League Baseball reached a new business agreement. This new agreement will require significant capital investment in the current stadium, or require a new stadium if minor league baseball is to stay in Myrtle Beach.*

*There are no significant changes to the term of the agreement in this lease amendment. During the extension period, the parties will work collaboratively on determining the future of Pelican Stadium. This could be a new stadium at another location or modernization of the current stadium.*

 **Motion:** To Approve, **Moved by** Philip N. Render, **Seconded by** Gregg Smith.

 **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 5).

Yes: Mayor Brenda Bethune, Philip N. Render, Gregg Smith, Jackie Hatley, John Krajc.


Absent: Michael Chestnut, Mike Lowder.

## ADOPTED

**1st Reading Ordinance 2021-24 to annex 820 Bay St (PIN# 420-13-04-0119) and rezone the property from Horry County MSF 6 (Multifamily Residential) to Myrtle Beach RMM (Residential Multifamily Medium Density) in order to connect to the city sewer services.**

Applicant owns property at 820 Bay St, which is currently under County jurisdiction & zoned Horry County MSF 6 (Multifamily Residential). The applicant is adjacent to the City limits, and wishes to receive city water and sewer service. Therefore, the owner has requested annexation into the City. The Planning Commission at their 5/4/21 meeting unanimously recommended approval of the annexation request and RMM (Residential Multifamily) zoning classification.

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

 **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 5).

Yes: Mayor Brenda Bethune, Philip N. Render, Gregg Smith, Jackie Hatley, John Krajc.

Absent: Michael Chestnut, Mike Lowder.

## **APPROVED 1<sup>st</sup> READING**

**1<sup>st</sup> Reading Ordinance 2021-25 to annex 1952 Mr. Joe White Ave (PIN# 425-06-04-0013) and rezone from Horry County HC (Highway Commercial) to Myrtle Beach HC-1 (Highway Commercial) in order to expand the existing building.**

*The applicant owns property at 1952 Mr. Joe White Ave., currently under County jurisdiction & zoned HC (Highway Commercial). The applicant desires to expand their operations. In order to meet this demand they requested annexation into the City with an HC-1 zoning classification. The annexation is consistent with the City's goals of closing doughnut holes. The Planning Commission at their 5/4/21 meeting unanimously recommended approval of the annexation request and HC-1 zoning classification.*

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

 **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 5).

Yes: Mayor Brenda Bethune, Philip N. Render, Gregg Smith, Jackie Hatley, John Krajc.

Absent: Michael Chestnut, Mike Lowder.


## **APPROVED 1<sup>st</sup> READING**

**1<sup>st</sup> Reading Ordinance 2021-26 to amend the Market Common Master Plan page 11 Sec. Proposed Zoning Modifications, Additional Permitted Uses, to add "Indoor Passive Recreation".**

*"Indoor Passive Recreation" is a recreational use internal to a structure that includes games of strategy, collector card games, tabletop games, miniature gaming, "escape room" and similar games of deduction that are not otherwise regulated by state law.*

*Importantly, Indoor Passive Recreation does not include games of chance. "Indoor Passive Recreation" is allowed in the HC-2, A, E, C7, C8, MU-H and MU-M zoning districts. The Market Common Master Plan allows theaters, billiard parlors and pool halls, game arcades, bowling alleys, and skating rinks. "Indoor Passive Recreation" wasn't defined in the zoning code until 2017, thirteen years after the Market Common Master Plan was adopted. The Planning Commission at their 5/4/21 meeting unanimously recommend approval.*

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

 **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 5).

Yes: Mayor Brenda Bethune, Philip N. Render, Gregg Smith, Jackie Hatley, John Krajc.

Absent: Michael Chestnut, Mike Lowder.

## **APPROVED 1<sup>st</sup> READING**

**1<sup>st</sup> Reading Ordinance 2021-27 to close and abandon a portion of Stockholder St right-of-way, extending from Robert Grissom Pkwy to Executive Ave/Cannon Rd.**

*This portion of Stockholder Ave was separated from the rest of Stockholder Ave when RGP was constructed in 1998. The applicant owns two of the five adjacent properties and is interested in redeveloping the property. If approved, the right-of-way would be divided along the centerline, and deeded over to the abutting property owners.*

*In 2006, a similar request was made and the City Council at the time denied the petition, preferring to keep access to the utilities. At their 5/4/21 meeting, the Planning Commission unanimously recommended denial for the following reasons:*

- o *Two adjacent property owners (Clay Dill, Steven Jordan) opposed the proposal.*
- o *Abandoning the right-of-way would leave two of the properties without direct access to a public roadway, creating two non-conforming lots.*

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

 **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 4 No = 1).

Yes: Mayor Brenda Bethune, Gregg Smith, Jackie Hatley, John Krajc.

No: Philip N. Render.

Absent: Michael Chestnut, Mike Lowder.

**DENIED**

**1<sup>st</sup> Reading Ordinance 2021-28 to levy taxes and establish a municipal budget for the fiscal year beginning July 1, 2021, and ending June 30, 2022.**

*State law requires local government to approve a budget for the fiscal year detailing the community's operational and financial goals for the year. The budget contains no proposed property tax increase and property taxes remain at 78.9 cents /\$100 of assessed valuation (\$0.729 for operations & \$0.06 for debt service). The budget does include a proposed combined Water & Sewer rate of 4.5% and a combined Water & Sewer connection fee increase of 67.3% (the City remains among the lowest in the area). A Storm Water fee increase of \$1.38/ ERU has been proposed and will be presented in a separate resolution at second reading.*

*The FY21-22 Budget is balanced w/ fund balance targets & ratios of recurring revenues to expenditure met. The General Fund is balanced w/ ratio of recurring sources to recurring uses at 102.8% & fund balance at 15.7% of recurring expenditures.*

 **Motion:** To Approve, **Moved by** Philip N. Render, **Seconded by** Gregg Smith.

 **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 5).

Yes: Mayor Brenda Bethune, Philip N. Render, Gregg Smith, Jackie Hatley, John Krajc.


Absent: Michael Chestnut, Mike Lowder.

**APPROVED 1<sup>st</sup> READING**

**Resolution R2021-19 to ratify and consent retroactively to certain Horry County Ordinances.**

*This Resolution is a companion document to Ordinance 2020-50. In compliance w/ the Settlement Agreement, this Resolution grants retroactive consent to Horry County to County Ordinances as required by Section 6.2.1 of the Settlement Agreement.*

 **Motion:** To Approve, **Moved by** Philip N. Render, **Seconded by** John Krajc.

 **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 5).

Yes: Mayor Brenda Bethune, Philip N. Render, Gregg Smith, Jackie Hatley, John Krajc.

Absent: Michael Chestnut, Mike Lowder.

## APPROVED

### **Motion M2021-71 to authorize City Manager to extend the Right of Entry and Maintenance Agreements between the City of Myrtle Beach and the Grande Dunes Master Association.**

*This motion authorizes the parties to extend their agreements to share landscaping responsibilities for public rights of way located adjacent to all or parts of Marina Parkway, North Ocean Boulevard, Grand Dunes Boulevard, Cipriana Drive, and 62<sup>nd</sup>, 71<sup>st</sup>, and 79<sup>th</sup> Avenues North. Pursuant to these agreements, the City covers the costs associated with the standard level of maintenance, and the Master Association is responsible for improvements above this base standard. These agreements are annual agreements, which will automatically renew for 1-year unless either party gives the other a 60-day notice.*

 **Motion:** To Approve, **Moved by** Gregg Smith, **Seconded by** Philip N. Render.


 **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 5).


Yes: Mayor Brenda Bethune, Philip N. Render, Gregg Smith, Jackie Hatley, John Krajc.

Absent: Michael Chestnut, Mike Lowder.

## APPROVED

### **NON-AGENDA ITEMS FROM THE PUBLIC**

 City resident, Tina Turner, states that she was assaulted with a bottle while riding her bike and that something must to be done about the crime in the area of 38<sup>th</sup> Ave. N.

 City resident, Russell Reinhardt, speaks of the condition of the SCDMV building on Howard Ave.

 City resident, Allen Irwin, expresses that police response is too long in emergencies.

### **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** Philip N. Render, **Seconded by** Jackie Hatley.

 **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 5).

Yes: Mayor Brenda Bethune, Philip N. Render, Gregg Smith, Jackie Hatley, John Krajc.

Absent: Michael Chestnut, Mike Lowder.

11:37 A.M.

ATTEST:

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BRENDA BETHUNE, MAYOR

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JENNIFER ADKINS, CITY CLERK