

MEETING MINUTES

MAY 9, 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:

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  
BRIAN TUCKER, ASSISTANT CITY MANAGER  
MICHELLE SHUMPERT, CHIEF FINANCIAL OFFICER  
WILLIAM BRYAN, CITY ATTORNEY  
JENNIFER ADKINS, CITY CLERK

CALL TO ORDER.....9:02 A.M. Workshop

**Motion:** To Enter Closed Session to 1) receive legal advice concerning litigation involving the Ocean Boulevard Overlay District and invite Amy Neuschafer, Chief Prock, Assistant Chief Brown, and Lt. Dorio 2) discuss negotiations concerning proposed contractual arrangements with DC Blox and invite Amy Neuschafer **Moved by:** Michael Chestnut **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.

9:06 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.

9:43 A.M.

CALL TO ORDER.....10:00 A.M.

INVOCATION.....Councilwoman Hatley

PLEDGE OF ALLEGIANCE.....Councilwoman Hatley

APPROVAL OF AGENDA.....

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

**Motion:** To Continue Ordinance 2023-26 **Moved by:** Mike Lowder **Seconded by:** Philip N. Render **Vote: (summary Yes = 4 No = 3)** Yes: Michael Chestnut, Jackie Hatley, Mike Lowder, Philip N. Render.

No: Mayor Brenda Bethune, John Krajc, Gregg Smith.

**Motion:** To Continue Resolution R2023-14 **Moved by:** Mike Lowder **Seconded by:** Jackie Hatley.

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

No: Mayor Brenda Bethune, John Krajc, Gregg Smith.

APPROVAL OF MINUTES.....April 25, 2023

**Motion:** To 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.

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

1. Proclamation declaring May 7-13, 2023 Public Service Recognition Week (meeting)
  - Mark Kruea presents proclamation. This proclamation is to recognize city staff that have received the weekly First in Service Award. The city has been recognizing one team member every Friday since July of 2022.
2. Proclamation declaring week of May 14- 20, 2023 National Police Week and May 15<sup>th</sup> as Peace Officers Memorial Day (meeting)
  - Mark Kruea presents proclamation and Chief Prock and Police Department staff thanks City Council.
3. Proclamation declaring week of May 20-26 as National Safe Boating Week (meeting)
  - Mark Kruea presents proclamation and staff thanks 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**

- Stuart Behar asks City Council if the city’s parks and surrounding areas receive additional attention.

**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**

**Resolution R2023-12 to accept the dedication of a certain roadways known as Pozzallo Place (50’ Public R/W), Cagliari Court (50’ public R/W), and Brindisi Street (50’ public R/W) within the Marina Tract P-5 Development.**

*The owner has constructed a 50’ Public R/W’s known as Pozzallo Place, Cagliari Court, and Brindisi Street within the Marina Tract P-5 Development. Public utilities have been located w/in, along, and above the R/W’s. Streets comply w/current standards & construction requirements. Owner has provided executed dedication deed for the transfer of the roadways. Proposed resolution is consistent w/long-standing City policy & practice.*

**Motion M2023-35 to approve seeking a Mutual Aid Agreement between the City of Myrtle Beach Police Department and the City of Summerville, the County of Chesterfield, the County of Darlington, the City of Columbia, the City of Cheraw, and the City of Hartsville.**

*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 line. This includes all listed agencies and is a renewal to continue our partnerships and service assistance when needed.*

**Motion:** To Approve Consent Agenda Items **Moved by:** Mike Lowder **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.

## CONSENT AGENDA ITEMS APPROVED

### REGULAR AGENDA

**2<sup>nd</sup> 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*

Councilman Smith recused due to wife works with current land owner.

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

- Halestine Graham proposes alternative locations and opposes the development project.
- Stuart Behar states that if everyone doesn't like the project it should be located in different location or not at all.
- Brian Babbitt supports project fully and states that international housing has been needed in our area for years. Mr. Babbitt also states that the proposed project location is in a centrally located area where the students can get to anywhere they need within 3 miles.
- Mike and Kathy Winfree also fully support proposed project and the J1 program.

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

## ADOPTED

**2<sup>nd</sup> Reading Ordinance 2023-24 authorizing and directing the City of Myrtle Beach to enter into an Intergovernmental Agreement relating to South Carolina local**

**revenue services; to participate in one or more local revenue service programs; to execute and deliver one or more participant program supplements; and other matters relating thereto.**

*MASC Tax Collection Programs rebranding and name change to Local Revenue Services (LRS). MASC has been collecting business license taxes on insurance, brokers, and telecommunication companies since 1998.*

*Proposed ordinance:*

- *Authorizes City to enter into contract w/ MASC for administration & collection of current & delinquent taxes & administration of insurance, brokers, and telecommunication tax.*
- *Enacts LRS ordinance and allows COMB to enter into new Intergovernmental Agreement and Participant Program Supplement with MASC.*

**Motion:** To Approve **Moved by:** John Krajc **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.

## **ADOPTED**

**2<sup>nd</sup> Reading Ordinance 2023-25 to amend Ordinance 2021-18, a Boardwalk vendor franchise agreement with VD Vending, LLC by changing its location from 3<sup>rd</sup> Ave., N to 5<sup>th</sup> Ave., N; all other portions of the Franchise Agreement remain unchanged, including the termination date of April 30, 2024.**

*There are 4 existing Boardwalk franchises at the following locations:*

- *3rd Ave., N*
- *4th Ave., N*
- *5th Ave., N*
- *6th Ave., N*

*The current franchise at 5<sup>th</sup> Ave N is no longer participating in the City's Boardwalk Franchise program. VD Vending, LLC, the franchisee at 3<sup>rd</sup> Ave., N would like to change to the 5<sup>th</sup> Ave., N location.*

**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.

## **ADOPTED**

**2<sup>nd</sup> Reading Ordinance 2023-26 an ordinance to levy taxes and establish a municipal budget for the fiscal year beginning July 1, 2023, and ending June 30, 2024.**

*State law requires each unit of local government to approve a budget for the fiscal year detailing the community's operational and financial goals for the year. The total budget proposal for FY 2023-24 is \$358,232,411. Some notable highlights include:*

- *No proposed property tax increase.*
- *Proposed blended Water & Sewer rate of 4.6%.*
- *Storm Water fee increase of \$2.05/ ERU (adopted in separate resolution).*
- *Parking Fee extended year round.*

## **2<sup>nd</sup> READING CONTINUED DURING AGENDA APPROVAL**

**1<sup>st</sup> Reading Ordinance 2023-27 to amend the Market Common Master Plan reflecting design changes for buildings at 3324 Reed St, 3346 Reed St, 3064 Howard Ave, 3073 Howard Ave, 3078 Howard Ave, 3093 Howard Ave, and 4000 Howard Ave.**

*The purpose is to repair the exterior surfaces such as wall cladding, roof covering, window materials, and enclosing existing open corridors. The Market Common Master Plan was adopted in 2005 to guide the mixed-use core development of the former Myrtle Beach Air Force Base. The amendment is required due to the Market Common Master plan being enforced exclusively from exhibits. Planning Commission (4.4.23): Unanimous recommendation for approval, 6-0*

**Motion:** To Approve **Moved by:** Jackie Hatley **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 1<sup>ST</sup> READING**

**1<sup>st</sup> Reading Ordinance 2023-28 a series ordinance approving the financing of the installation of standby pumps at sanitary sewer pump stations in connection with the water and sewer system of the City of Myrtle Beach, South Carolina, through the borrowing by the city of not exceeding \$5,400,000, including capitalized interest, if any, from the state water pollution control revolving fund, by agreement with the South Carolina water quality revolving fund authority (the “authority”), pursuant to Title 48, Chapter 5, Code of Laws of South Carolina 1976, as amended; providing for an agreement to make and to accept a loan, the execution and delivery of a loan agreement between the city and the authority, the execution and delivery of a promissory note from the city to the authority; and other matters relating thereto.**

*This proposed ordinance authorizes the Mayor or City Manager to execute a loan agreement with the South Carolina Revolving Fund to provide for Sewer Pump Station Protective Measures – Standby Pump Installation. City Council adopted Resolution R2022-14 dated April 12, 2022 and the amending Resolution R2023-008 adopted on March 13, 2023 authorizing the City Manager or his designee to apply for the SRF loan. The amount to borrow will not exceed \$5,400,000 including capitalized interest, if any, from the South Carolina Revolving Fund Authority. The estimated savings by using SRF financing at 1.40% vs. current market rates for a revenue backed bond issue (est. 3.5%) is approximately \$1.3m over the 20-year term.*

**Motion:** To Approve **Moved by:** Mike Lowder **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 1<sup>ST</sup> READING**

**1<sup>st</sup> Reading Ordinance 2023-29 a series ordinance approving the financing of the installation of transmission main protective measures in connection with the water and sewer system of the City of Myrtle Beach, South Carolina, through the borrowing by the city of not exceeding \$2,550,000, including capitalized interest, if any, from the state drinking water revolving loan fund, by agreement with the South Carolina water quality revolving fund authority (the “authority”), pursuant to Title 48, Chapter 5, Code of Laws of South Carolina 1976, as amended; providing for an agreement to make and to accept a loan, the execution and delivery of a loan agreement between the city and the authority, the execution and delivery of a**

**promissory note from the city to the authority; and other matters relating thereto.**

*This proposed resolution authorizes the Mayor or City Manager to execute a loan agreement with the South Carolina Revolving Fund Authority (SRF) to borrow funds for the Water Transmission Main Protective Measures – PRV Install project. The original approval to apply for the SRF loan was authorized by City Council in Resolution R2022-15 dated April 12, 2022.*

*The loan amount allowed to borrow will not exceed \$2,550,000. The estimated savings by using SRF financing at 1.40% vs. current market rates for a revenue backed bond issue (est. 3.5%) is approximately \$640k over the 20-year term.*

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

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

**Resolution R2023-13 to amend the schedule of storm water fees according to the procedure specified in city code sec. 18-27.**

*The City commissioned a Storm Water rate study in 2021 to assess the operating and capital funding needs of the storm water program over the next 5 years. Current revenues generated through the Storm Water fee are not sufficient to cover the operating cost of the system and provide for necessary capital improvements. The 5-year Capital Improvement plan addresses a number of neighborhood storm water and flood risk mitigation projects. If approved, this resolution increase the ERU fee from \$9.30/month to \$11.35/month. Absent the resolution, the storm water fee will not produce sufficient revenue to continue to cover operations or allow for additional infrastructure improvements to the storm drainage system.*

**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.

**APPROVED**

**Resolution R2023-14 resolution of the city of myrtle beach to adopt a five-year capital improvement plan for fiscal years 2024 through 2028.**

*Budget Ordinance appropriates funding for projects in the 1st year of the CIP. This resolution establishes the remainder of the plan as a base line for capital investment in years 2-5. The resolution does not provide any appropriation but gives the plan life beyond the fiscal year until & unless it is replaced or revised. The adoption by resolution is recommended as consistent w/ best practices in governmental budgeting & financial management.*

**CONTINUED DURING AGENDA APPROVAL**

**Motion M2023-36 to appoint/reappoint three members to the Planning Commission.**

*The terms of Joyce Karetas, Zeb Thomas, and Austin Guyton expired on April 13, 2023. All wish for reappointment. On file are the resumes of Paul Williamson (City Resident), Thomas Muller (City Resident), Debra Kresch (City Resident), Lizzie Daniel (City Resident), Richard Maxey (City Resident), and Veena Wulfekuhle (City Resident). All three terms new expiration dates will be April 13, 2026.*

**Motion:** To Reappoint Joyce Karetas, Zeb Thomas, and Austin Guyton **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.

**Motion M2023-37 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:** Jackie Hatley **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.**

**ADJOURNMENT**

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

11:11 A.M.

ATTEST:

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BRENDA BETHUNE, MAYOR

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JENNIFER ADKINS, CITY CLERK