

MEETING MINUTES

MARCH 14, 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 BRYAN, CITY ATTORNEY
JENNIFER ADKINS, CITY CLERK**

CALL TO ORDER.....Public Hearing and Workshop 9:01 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 ORDINANCES NO. 2023-5 THROUGH 2023-17, GOLF CART AND MOPED RENTAL CONVEYANCE.

Public Hearing Opened at 9:01 A.M.
No one from the public came forward to speak
Public Hearing Closed at 9:02 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 ORDINANCE 2023-18, BEACH SAFETY FRANCHISE.

Public Hearing Opened at 9:02 A.M.
No one from the public came forward to speak
Public Hearing Closed at 9:02 A.M.

1. Traffic Engineering & Safety Update (Workshop)
 - Thomas Vest, MBPD, Janet Curry, Public Works Director, and Meredith Denari, Public Information, all review plans of how to make city roads more bicycle and pedestrian friendly (Full presentation available upon request).
2. MBACC Quarterly Update – Karen Riordan (Workshop)
 - Karen Riordan reviews quarter October through December 2022. (Full presentation available upon request).

INVOCATION.....Mayor Pro-Tem Chestnut
PLEDGE OF ALLEGIANCE.....Mayor Pro-Tem Chestnut

APPROVAL OF AGENDA.....

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.

APPROVAL OF MINUTES.....February 28, 2023

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.

PUBLIC REQUESTS, PRESENTATIONS, AWARDS, MEMORIALS:

3. Futrell Park Improvement Presentation (meeting)
 - Update given of Futrell Park including splash pad, new playground equipment, and fitness trail.
4. Proclamation declaring the month of March as National Procurement Month (meeting)
 - Mark Kruea presents proclamation and staff from the city's Procurement Department thanks City Council for recognition.
5. Proclamation declaring March as Women's History Month (meeting)
 - Mark Kruea presents proclamation.
6. Public Information Update – PIO Staff
 - Meredith Denari reviews past, present, and future events and happenings.

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 M2023-20 authorizing the City Manager to accept a donation in the amount of \$26,437.59 from Habitat 4 Humanity for the installation of fitness trail equipment along the Futrell Park walking path.

This funding is part of the ongoing park renovation plan and will continue the neighborhood revitalization efforts. The Futrell Park Fitness trail will be located along the current trail system and will include five separate workout stations. Workout stations include an ab crunch/leg lift station, an assisted row/push-up station, a plyometric station, a pull-up/dip station, and a stretch station.

Motion M2023-21 to accept funding from the United States Secret Service, Columbia Field Office in the amount of \$12,617 on behalf of the Myrtle Beach Police Department for FY 2022-23, to defray equipment and software costs associated with the department's joint efforts as part of the Cyber Crimes Task Force (formerly called South Carolina Electronic Crimes Task Force). No local match required.

These funds are identified as excess funds, provided by the United States Secret Service on behalf of the Myrtle Beach Police Department for FY 2022-23 to assist with the department's efforts in completing the set-up of a crime lab.

Motion M2023-22 authorizing the Myrtle Beach Police to apply for the South Carolina Department of Public Safety Bullet Proof Vest Program in the amount of \$52,189 for reimbursement of purchase. No local match is required.

The Police Department applied for this reimbursement grant on March 1, 2023 from the SC Department of Public Safety in the amount of \$52,189 which is half of the total cost of purchase. MBPD applied for the Patrick Leahy BVP grant, which the state indicates is an approved program to partner for the remaining funding from July 1, 2022 to December 31, 2023. There is no match

requirement and the City has made outlays for this purpose in excess of the amounts reimbursed by these grants.

Motion: To Approve Consent Agenda Items **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.

REGULAR AGENDA

1st 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.

1st 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.

1st 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.

1st 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.

1st 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.

1st 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.

1st 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.

1st 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.

1st 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.

1st 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.

1st 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.

1st 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.

1st 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 2023-05 through Ordinance 2023-17 EXCLUDING Ordinance 2023-9 AND 2023-15, to be voted separately **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.

Motion: To Approve Ordinance 2023-9 at City Manager's recommendation of 165 golf cart decals **Moved by:** John Krajc **Seconded by:** Gregg Smith.

Motion: To amend to increase number of golf cart decals to 185 **Moved by:** Mike Lowder
Seconded by: there was no seconded on motion to increase, motion failed
Vote: (summary Yes = 7) Yes: Mayor Brenda Bethune, Michael Chestnut, Jackie Hatley, John Krajc, Mike Lowder, Philip N. Render, Gregg Smith.

Motion: To Approve Ordinance 2023-15 at City Manager's recommendation of 50 golf cart decals **Moved by:** John Krajc **Seconded by:** Gregg Smith.

Motion: To amend to increase for an additional 20 golf cart decals **Moved by:** Mike Lowder
Seconded by: there was no seconded on motion to increase, motion failed

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

APPROVED 1ST READINGS AT CITY MANAGER'S RECOMMENDED NUMBER OF DECALS

1st 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 1ST Reading **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.

APPROVED 1ST READING

Resolution R2023-8 a resolution of the City Council of the City of Myrtle Beach, South Carolina amending amount of the application to the South Carolina water quality revolving fund authority for a loan from the state water pollution control revolving fund as approved by Resolution R2022-14; and other matters related thereto.

City Council adopted Resolution R2022-14 dated April 12, 2022 for an amount not to exceed \$2,374,000. An escalation in construction costs and materials necessitates the amount be amended by increasing the amount to be borrowed by about \$2,330,000 to total of approximately \$4,704,000.

Motion: To Approve **Moved by:** Mike Lowder **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 R2023-9 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 Continue **Moved by:** John Krajc **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.

CONTINUED

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 Continue **Moved by:** Jackie Hatley **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.

CONTINUED

Motion M2022-19 to appoint/reappoint Assistant Municipal Judges for a four-year term and consider a salary adjustment.

City code requires that Council reappoint one or more assistant judge for a term not exceeding four years. The judges must be an attorney in good standing with similar trial experience. Once appointed the judges serve under the direction of the Chief Administrative Municipal Judge.

Motion: To Reappoint Judge J. Scott Long and Judge Glenn Ohanesian AND appoint Brana Williams to fill third Assistant Municipal Judge Position. Annual salaries will be set at \$43,151.68 with beginning date on April 14th, 2023. **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.

Motion M2023-24 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:** 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.

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 to 1) to discuss proposed contractual negotiations concerning Surfpark property 2) to discuss proposed sale of city property at 17th Ave S. and invite Jason Greene **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.

11:18 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.

12:04 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.

12:04 P.M.

BRENDA BETHUNE, MAYOR

ATTEST:

JENNIFER ADKINS, CITY CLERK