

**MEETING MINUTES**  
**TUESDAY, May 12, 2020 10:00 A.M.**  
**VIA TELECONFERENCE**

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 Roll Call.

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

**CALL TO ORDER**..... 10:00 A.M.  
**INVOCATION**..... Councilman Smith  
**PLEDGE OF ALLEGIANCE**..... Councilman Smith

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

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

 **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 7).

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

**APPROVAL OF MINUTES**..... April 28, 2020

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

 **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 7).

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

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

1. Proclamation declaring the month of May as Lupus Awareness Month.

 Mark Kruea reads proclamation.

2. Recognition of Peace Officers' Memorial Day and National Police Week, May 15<sup>th</sup> and May 11 – 15, 2020.

 Mark Kruea reads proclamation.

3. Recognition of National Public Works Week, May 17 – 23, 2020.

 Mark Kruea reads proclamation.

4. Statement concerning the Willows Apartment Complex proposal.

 Mr. Pedersen states that the original PUD for the Grande Dunes area included this development and cannot be changed now.

5. Coronavirus Update and Discussion:

 Mr. Pedersen reviews Executive Orders that were been put into place.

 Mike Shelton reviews payments of encroachment and how they be treated the same and be extended and without penalty.

 Mr. Pedersen continues reviewing Executive Orders and difference between the city of Myrtle Beach and the Governor McMaster's.

- Situation Report – Emergency Manager/Fire Chief

 Bruce Arnel reviews positive coronavirus numbers

- Compliance Update – Police Chief

 Chief Prock reviews complaints and incidents regarding compliance issues due to coronavirus.

- Plan to Re-Open City Facilities – Deputy City Manager
  -  Fox Simons reviews plans to re-open to include precautions and actions taken to keep residents and visitors safe.
- 6. Public Information Update – PIO Staff
  -  Kaycey Vrettos 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**

**1<sup>st</sup> Reading Ordinance 2020-24** an ordinance to declare a Specific Targeted Business Development Project known as the Great American Surf Park as eligible for development incentives, pursuant to Chapter 15, Article iv, Section 15-53.1 of the Code of Ordinances.

*As contemplated in a previous Letter of Intent approved by City Council in August 2019, American Surf Parks, LLC proposes to develop a surf park and amphitheater site on the City-owned property located behind the Sports Center, east of Grissom Parkway, and south of Burroughs and Chapin Boulevard. The premises contain approximately 295,000 cubic yards of stockpiled spoil dirt which must be removed at an estimated cost to the developer of \$2,000,000. A large portion of the spoil dirt will be used on the property adjacent to the proposed surf park to create an amphitheater with a sloping seating bowl. The estimated capacity of that amphitheater is approximately 2,000 spectators with fixed seats, and 8,000 more in the seating bowl.*

*Staff estimates the total projected revenues from the surf park operations alone at nearly \$450,000/year (exclusive of rent payments) for phase one of the project. This estimate includes city property taxes, business license fees, TDF, Hospitality Fees, and the City’s portion of the State Admissions Tax. A separate phase two is contemplated with a proposed hotel. Staff has not estimated the financial impact of the proposed amphitheater.*

*The proposed ordinance authorizes the application of the City’s Voucher Incentive Program to this project. Pursuant to that program the Applicant is eligible for reimbursement of certain fees paid to the City upon completion of the project and issuance of a project Certificate of Occupancy. The amount of the reimbursement is 2% of the construction costs of the project, which is estimated to be \$41,000,000 which would allow for a Voucher Incentive of \$820,000 over a five year period.*

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

 **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 7).

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

**Motion M2020-58 to appoint/reappoint three members to the Planning Commission.**

*The terms of Joyce M. Kertas, Zeb Thomas, and William Pritchard expired on 4-13. All wish to be reappointed. Resumes on file from Thomas Robinson, Col. Paul T. Williamson, Trevor Greene, and Jimmy Gray (All are City Residents).*

 **Motion:** To Appoint Ms. Kertas, Mr. Thomas, and Mr. Pritchard, **Moved by** Gregg Smith, **Seconded by** Jackie Hatley.

 **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 7).

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

**Motion M2020-62 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. The report includes vehicles that staff has tagged as abandoned or derelict. Council's approval of this item 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** Mike Lowder, **Seconded by** Jackie Hatley.

 **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 7).

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

**Motion M2020-63 to approve a lease agreement for the City-owned property generally located immediately south of Burroughs and Chapin Boulevard, between Grissom Parkway and the Myrtle Beach Sports Center to American Surf Parks, LLC for the purpose of developing a surf park and amphitheater on that site.**

*As contemplated in a previous Letter of Intent approved by City Council in August 2019, American Surf Parks, LLC proposes to develop a surf park and amphitheater site on the City-owned property located behind the Sports Center, east of Grissom Parkway, and south of Burroughs and Chapin Boulevard. The proposed term of the lease for this property is 15 years, with developer options to renew for seven additional five-year terms as long as the proposed use is maintained.*

*The proposed lease payment begins at \$180,000/year, with a 10% escalator every five years. The premises contain approximately 295,000 cubic yards of stockpiled spoil dirt which must be removed at an estimated cost of \$2,000,000. The tenant will be responsible for the initial site work expenses, but will be reimbursed in an amount equal to the annual lease payments for 10 years, or until the Tenant's initial site work investment is repaid (whichever is first).*

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

 **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 7).

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

**Motion M2020-64 authorizing the City Manager or his designee to apply for a grant of \$29,407.97 from the Federal Emergency Management Administration (FEMA) Assistance to Firefighters Grant Program for the purpose of reimbursement for personal protective equipment required to combat the COVID-19 pandemic by the Fire Department, 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. \$2,940.80 in local match is required.**

*The purpose of the AFG programs is to provide critically needed resources that equip and train emergency personnel to recognized standards, enhance operational efficiencies, foster interoperability, and support community resilience. Grant funds will be used for reimbursement for personal protective equipment required to combat the COVID-19 virus by the Fire Department. The \$3,500 match will come from the Fire Department's operating budget.*



**Motion:** To Approve, **Moved by** Gregg Smith, **Seconded by** Mike Lowder.



**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 7).

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

**Motion M2020-65 – to appoint the members of the Myrtle Beach Coronavirus Recovery Task Force.**

*As approved in the resolution directing the Manager to Implement Executive Order 8, the Task Force responsibilities would be:*

- *To review the effect all previous and subsequent Executive Orders, especially with respect to:*
  - *The health of our residents and visitors.*
  - *Local capacity to provide adequate medical treatment and facilities.*
  - *The supply of commodities such as food, medical supplies, and other essential materials.*
  - *Local economic conditions.*
  - *Enforcement of existing laws, Governor's Executive orders, and City Executive Orders.*
- *To make recommendations to City Council regarding future phases of recovery.*
- *Other issues as assigned by City Council.*

*The proposed membership would include:*

- *Medical Provider Representative.*
- *City of Myrtle Beach Fire Chief.*
- *City of Myrtle Beach Police Chief.*
- *Hotel Owner or Manager.*
- *Restaurant Owner or Manager.*
- *City Convention Center Director.*
- *Retail Business Owner or Manager.*
- *Amusement/Attraction Owner or Manager.*
- *Small Business Owner/Manager.*
- *Three residents representing the south, central and center City areas.*

*Meeting and reporting expectations*

- *To meet as needed and as called by the Committee Chairperson.*
- *To report to Council at each Council Meeting until the expiration of the Civil Emergency.*
- *To report new developments and concerns to City Council along with recommendations to accelerate, slow down, or maintain the target dates and maximum occupancy targets.*



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



**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 7).

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

**Motion M2020-66 Authorizing the City Manager or his designee to apply for a grant of \$700,000 from the U.S. Department of Justice, Office of Justice Programs for the purpose of purchasing equipment to include an IBIS Trax-HD3D system which will provide access for in-house gun cartridge casing review and the ability to enter casings into NIBIN (National Integrated Ballistic Information Network), as well as personnel and training to operate the system and housing for the NIBIN system, 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. No match is required.**

*NIBIN allows the Police to support to our community and our neighbors by enhanced firearms investigations. The Department would be a hub to process this information and provide investigative assistance. NIBIN is the only national network that allows for the capture and comparison of ballistic evidence to aid in solving and preventing violent crimes involving firearms. It is a vital resource for any violent crime reduction strategy because it allows investigators to compare their ballistics evidence against that from other local, regional and national agencies, thus generating investigative links that would rarely be revealed absent the technology. No match required.*



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



**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 7).

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

**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 Executive Session to discuss security plans with Chief Prock, possible property acquisition with Amber Campbell, a contractual matter with Lauren Clever, and a legal briefing, **Moved by** Mike Lowder, **Seconded by** Michael Chestnut.



**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 7).

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

12:11 P.M.

 **Motion:** To Exit Executive Session, **Moved by** Mike Lowder, **Seconded by** Michael Chestnut.

 **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 7).

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

1:50 P.M.

### **ADJOURNMENT**

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

 **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 7).

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

1:50 P.M.

ATTEST:

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BRENDA BETHUNE, MAYOR

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JENNIFER STANFORD, CITY CLERK