


**MEETINGMINUTES
TUESDAY, APRIL 14, 2020 10:00 A.M.
VIA TELECONFERENCE**


 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 Chestnut
PLEDGE OF ALLEGIANCE..... Councilman Krajc


APPROVAL OF AGENDA.....


 **Motion:** To Approve, **Moved by** Philip N. Render, **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.....March 10, 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 .


 John Pedersen reviews in detail of the Declaration of Civil Emergency that was issued on April 13, 2020. Order will automatically expire in 30 days unless extended or Mayor recinds before that 30 days. The order that went out the previous day had been

PUBLIC REQUESTS, PRESENTATIONS, AWARDS, MEMORIALS:

1. 2020 Horry Georgetown Technical College Update – President Fore


 President Fore thanks council and staff for their service. Order by Governor to complete Spring semester online, 6,100 students, 600, including full time and adjunct, employees on the Myrtle Beach campus, delivery online, there will be interesting scheduling especially with the hands-on courses. Within next two weeks may begin bringing 2-3 students to complete those hand on classes on campus. Full summer classes will be online. Stalled commencement will plan a grand event into fall or December at convention center. No faculty or staff have tested positive with the virus. Three students have tested COVID positive. Reviews campus improvements to be done. Donations made of masks and food for the needs of the area.

 Councilman Render thanks Dr. Fore for update and the job she’s doing.

 Councilman Krajc also thanks Dr. Fore.

 Mayor Bethune gives thanks for generous donations.

2. Public Information Update – PIO Staff

 Kaycey Vrettos gives update on 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 (1st Reading), & then approved (2nd 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

1st Reading Ordinance 2020-19 to amend Appendix A Zoning of the Code of Ordinances Section 1005 Aisles to require stacking lanes into or coming out of a parking lot or parking structure.

Stacking lanes prevent queuing traffic from backing up into the public right-of-way. During the zoning rewrite, requirements for automobile stacking lanes were inadvertently eliminated. This proposal restores language that worked well in the past, and continues to make sense today.

The proposed stacking lane requirements where parking lot or parking structure access is to or from a street, are:

- *Drive-Up (Retail/Service): storage for 4 vehicles/aisle.*
- *Drive-Up (Financial): storage for 6 vehicles/aisle.*
- *Drive-Up (Food Service) & Automatic Car Washes: storage for 8 vehicles/aisle.*
- *Parking Lots or Garages:*
 - *1 - 30 spaces – 1/access point.*
 - *31 - 50 spaces – 2/access point.*
 - *51 - 100 spaces – 3/access point.*
 - *101 - 200 spaces – 4/access point.*
 - *200+ spaces – 5/access point.*



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



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 .

1st Reading Ordinance 2020-20 to amend Appendix A Zoning of the Code of Ordinances Sect. 1407.C permitted uses to allow motor vehicle detailing in the C7 (Downtown Commercial) Zoning District.

There is only one C7 zoning district in the City, located along Broadway Street between 6th North and Withers Swash. The only motor vehicle-related use currently allowed in C7 is vehicle repair and maintenance. This use is currently allowed in four zoning districts: HC1 (Highway Commercial), HC2 (Highway Commercial), LM (Light Manufacturing), and WM (Wholesale/Manufacturing) Districts.

Vehicle washing/detailing uses soaps and solvents in the process, which are not allowed in the stormwater drainage system. C7 is adjacent to Withers Swash and it would be difficult to regulate runoff. If approved, this use would be allowed throughout the C7, increasing the potential environmental impact.

 **Motion:** To Deny, **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 .

1st Reading Ordinance 2020-21 granting a boardwalk vendor franchise agreement for the 5th Avenue North portion of the public boardwalk to Jacinth Williams d/b/a Dogs under the Boardwalk for a period of three years beginning May 1, 2020.

There are four existing Boardwalk franchises located at 3rd, 4th, 5th, and 6th N. The franchises at 4th (Ricciardi's Italian Ice) & 5th (Dogs under the Boardwalk) expire on 4/30/2020. The proposed extension is a 3 year agreement with an annual fee of \$1,000 (in 4 monthly installments). Per the franchise agreement the vendor must agree to:

- *Provide adequate coverage to insure the City against liability arising from franchise operations.*
- *Not vend at other locations.*
- *Limits operational hours to 6 A.M. – 11 P.M.*
- *Store carts off-site.*
- *Provide proper litter receptacles and clean-up materials.*
- *Refrain from verbal solicitations, and amplified sounds.*
- *Provide pedestrian passage on the boardwalk.*

 **Motion:** To Approve and allow franchisee to make four \$250 installment payments, **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 .

1st Reading Ordinance 2020-22 granting a boardwalk vendor franchise agreement for the 4th Avenue North portion of the public boardwalk to Hayley Ricciardi d/b/a Ricciardi's Italian Ice for a period of three years beginning May 1, 2020.

There are four existing Boardwalk franchises located at 3rd, 4th, 5th, and 6th N. The franchises at 4th (Ricciardi's Italian Ice) & 5th (Dogs under the Boardwalk) expire on 4/30/2020. The proposed extension is a 3 year agreement with an annual fee of \$1,000 (in 4 monthly installments). Per the franchise agreement the vendor must agree to:

- *Provide adequate coverage to insure the City against liability arising from franchise operations.*
- *Not vend at other locations.*
- *Limits operational hours to 6 A.M. – 11 P.M.*
- *Store carts off-site.*
- *Provide proper litter receptacles and clean-up materials.*
- *Refrain from verbal solicitations, and amplified sounds.*
- *Provide pedestrian passage on the boardwalk.*

 **Motion:** To Approve and allow franchisee to make four \$250 installment payments, **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 .

1st Reading Ordinance 2020-23 to amend Appendix A Zoning of the Code of Ordinances Section 1007.c to remove the requirement for a \$1 mortgage and to instead require a deed restriction on property utilized for required parking located off site.

This amendment changes the method of securing the continuing use of property designated for off-site parking spaces when that parking is counted to meet required parking standards. The existing \$1 mortgage provision was intended to give the City a small amount of control to ensure that property was not conveyed for other uses. A conveyance of such property would have resulted in the business that relied upon such parking to becoming non-conforming.

In reality this has not been a useful tool to achieve the desired effect. To be useful, the City would have to satisfy all of the higher priority mortgages in order to secure the use of property being used for parking by a private business. As a better approach staff has suggested changes to:

- *Substitute a requirement for a deed restriction on such property rather than the \$1 mortgage.*
- *Require recordation of the deed restriction prior to the issuance of a building permit, instead of the certificate of occupancy (as is currently the case with the \$1 mortgage).*



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 .

Resolution R2020-26 to certify a building site as an abandoned building site pursuant to the South Carolina Abandoned Buildings Revitalization Act, Title 12, Chapter 67, Section 12-67-100, of the South Carolina Code of Laws (1976), as amended regarding property located at 3421 Knowles Street (formerly Dusenbury Street) in the city of Myrtle Beach, Horry County TMS#1860001110 and Horry County PIN# 44602020076.

The property owner intends to rehabilitate the structure into a Brewery/Restaurant, as permitted by Code. The Act is a State effort to incentivize the redevelopment of buildings that are at least 66% vacant for the past five years and are not income-producing. Single-family residences are not eligible. The minimum investment threshold is \$250,000 for units with a population greater than 25,000.

Upon certification the property is eligible for income tax credits equaling 25% of costs (not to exceed \$500,000 for any taxpayer in a tax year). That credit must be taken over three years (beginning when the building is placed back in service). The structure is also eligible for a Property tax credit equaling 25% of costs (not exceeding 75% of the real property taxes due on the building). That credit must be taken over eight years (beginning when the building is placed back in service).



Motion: To Approve, **Moved by** John Krajc, **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 M2020-47 to approve a Special Events Permit to Caitlen Buffkin/ BEI – Beach LLC for the Farmers’ Market, to be held every Saturday from 10am – 3pm from the first Saturday following the expiration of the State and Local Orders prohibiting such events to August 2, 2020. The event will be held on Deville Street between Lewis and Nevers Streets. The City Manager is authorized to make changes to these plans as he deems necessary in keeping with the nature of the event and as circumstances dictate.

2020 will be the 13th year of this event. The event will held every Saturday once the current social distancing requirements are relaxed. The applicant expects 500 attendees each week. Deville Street will be closed between Lewis and Nevers for this event. Currently the Special Events Ordinance restricts such events to a maximum 90 day duration. This is the spring-early summer version of this event. Companion motion M2020-48 includes the late summer-early fall version, which will be followed by the otherwise identical event approved in M2020-48.

Motion M2020-48 to approve a Special Events Permit to Caitlen Buffkin/ BEI – Beach LLC for the Farmers’ Market, to be held every Saturday from 10am – 3pm from August 2, 2020 to October 31, 2020. The event will be held on Deville Street between Lewis and Nevers Streets. The City Manager is authorized to make changes to these plans as he deems necessary in keeping with the nature of the event and as circumstances dictate.

2020 will be the 13th year of this event. The event will held every Saturday beginning August 2nd. The applicant expects 500 attendees each week. Deville Street will be closed between Lewis and Nevers for this event. Currently the Special Events Ordinance restricts such events to a maximum 90 day duration. This is the summer-early fall version summer version of this event, which will be preceded by the otherwise identical event approved in M2020-47.

 **Motion:** To Approve M2020-47 and M2020-48, **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 M2020-51 authorizing the City Manager or his designee to apply for a grant of \$67,493 from the Federal Emergency Management Administration (FEMA) Assistance to Firefighters Grant Program for the purpose of purchasing 20 sets of structural firefighting gear for the 20 new hires currently in training, 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. \$7,499 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 to purchase 20 sets of structural firefighting gear for the 20 new hires currently in training. All gear is replaced on a 5-year rotation. This is a one-time reimbursement after purchase. The \$7,499 match will come from the Fire Department’s operating budget.

 **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 M2020-52 authorizing the City Manager or his designee to apply for a grant of \$33,600 from the 2020 Homeland Security Grant Program for the purpose of funding the Pee Dee Regional Incident Management Team to create a base Incident Action Plan to respond to new and emerging threats, to record the appropriation of such grant funds in the amount that is 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 requirement.

The purpose of the Homeland Security Grant Program is to prepare for addressing threats (such as weapons of mass destruction events, biological/chemical/explosive threats, unmanned aircraft...). This project will continue to monitor new and emerging threats. The Pee Dee Regional Incident Management Team continues its education on new and emerging technology to assist in preparing for all incidents. The project continues to maintain a multi-discipline of personnel to keep an all hazards approach with emergency and non-emergency expertise. Training team members is the primary goal.

 **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 M2020-53 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** 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 .

Motion M2020-54 to appoint/reappoint two members to the Chapin Memorial Library Board.

The terms of Jennifer Finckenworth and Dr. Subhash C. Saxena expired on March 23, 2020. Both wish to be reappointed. On file, we have resumes from Tamara DeHaven Rike (City Resident) and Sherry Katzenberger (Non-Resident).

 **Motion:** To Reappoint Jennifer Finckenworth and Dr. Subhash C. Saxena, **Moved by** Philip N. Render, **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 .

Motion M2020-55 to appoint one member to the Charlie's Place Advisory Board.

On file, we have the resume for Quay Graham (Non-Resident).

 **Motion:** To Appoint Quay Graham, **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 .

NON-AGENDA ITEMS FROM THE PUBLIC VIA EMAILS

- Cindy Lily, 810 47th Ave., requests consideration of reopening beaches to allow exercise if continued practice of social distancing.
- Bridget Tyndall, expresses concern of amount of people still on the roads, husband is stuck in traffic all day long, suggests people keep something in car stating the place where they're going.
- Denitta Elliott, requests retraction to media regarding hotels closures as they are being bombarded with phone calls of cancelations.

COMMUNICATIONS FROM CITY COUNCIL AND CITY MANAGER

1. CFO Update


 Mike Shelton spoke in regards to business license due dates and payment options.


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 review pending litigation, **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 .

11:26 A.M.

 **Motion:** To Exit Executive Session, **Moved by** Jackie Hatley, **Seconded by** Philip N. Render.

 **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 .

12:19 P.M.

ADJOURNMENT



Motion: To Adjourn, **Moved by** Philip N. Render, **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.

12:20 P.M.

ATTEST:

BRENDA BETHUNE, MAYOR

JENNIFER STANFORD, CITY CLERK