

MEETING MINUTES

May 14, 2019

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:

PRESENT:
BRENDA BETHUNE, MAYOR
MICHAEL CHESTNUT, MAYOR PRO-TEM
MARY JEFFCOAT
PHILIP N. RENDER
GREGG SMITH
JACKIE HATLEY
MIKE LOWDER


CITY STAFF

PRESENT:
JOHN G. PEDERSEN, CITY MANAGER
JONATHAN “FOX” SIMONS, JR., ASSISTANT CITY
MANAGER
BRUCE BOULINEAU, ASSISTANT CITY MANAGER
MICHAEL SHELTON, CHIEF FINANCIAL OFFICER
TOM ELLENBURG, CITY ATTORNEY
JENNIFER STANFORD, CITY CLERK

 Roll Call.

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

CALL TO ORDER.....9:09 A.M. Workshop

 Lauren Clever gives an update of the Master Downtown Implementation Plan.


9:34 A.M.


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

INVOCATION.....Councilman Lowder

PLEDGE OF ALLEGIANCE.....Councilman Lowder

APPROVAL OF AGENDA.....

 Motion: To Approve, Moved by Mary Jeffcoat, Seconded by Michael Chestnut.


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

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


APPROVAL OF WORKSHOP MINUTES.....

APPROVAL OF MINUTES.....April 23, 2019

 **Motion:** To Approve, **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, Mary Jeffcoat, Mike Lowder, Philip N. Render, Gregg Smith, Jackie Hatley.

 Mark Kruea reviewed a recap of the Hospitality Fee.

PUBLIC REQUESTS, PRESENTATIONS, AWARDS, MEMORIALS:


1. Proclamation declaring week of May 12 - 18th as National Police Week and Memorial Day as Peace Officers Day.

 Mark Kruea presents proclamation.

 Chief Prock thanks City Council.


2. Proclamation declaring week of May 20 – 27th as National Beach Safety Week.

 Mark Kruea presents proclamation.

 Captain Mitchell thanks City Council and presents beach sign of Sunny Swell.

3. Proclamation declaring week of May 19 – 25th as National Public Works Week.


 Mark Kruea presents proclamation.


 Janet Curry thanks council for the recognition and appreciation.

4. Recognition of US Army Recruiters for their assistance with Horry County Junior ROTC Drill Meet.

 Mark Kruea presents proclamation.

5. Recognition of graduates of the first Citizens Fire Academy.


 Chief Gwyer states that program had many applicants, more than available openings.

 Monika Newman thanks council for opportunity.


6. Declare the month of May as GBS/CIDP Awareness Month.

 Mark Kruea presents proclamation.

7. Presentation by White Pony Express.

 Mary Brooks states that mission is to eliminate hunger and homelessness.

8. Public Information Update – PIO Staff/Police

 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 (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

2nd Reading Ordinance 2019-28 to amend Appendix A, of the Zoning Ordinance to allow indoor urban micro farms as a permitted use in the LM (Light Manufacturing), WM (Wholesale Manufacturing) Districts, and as a conditional use in the MU-M (Mixed Use Medium Density) District.

“Indoor farms” is defined as: a roofed and enclosed building or structure used for the cultivation of fruits, vegetables, plants, flowers, or herbs ... for the primary purpose of sale. Typical operations include greenhouses, vertical farming, hydroponic systems and aquaponic systems. Currently there is no provision in the Zoning Ordinance to allow for indoor farming.

Planning Commission recommends a two-year pilot program with conditions in the MU-M zone:

- *All activities shall be conducted within completely enclosed buildings.*
- *The indoor urban farming space shall be no more than 2,000 square feet.*
- *The indoor urban farm shall have a retail component.*
- *Delivery vehicles shall have a capacity no larger than one ton.*
- *The facility and its operator shall hold all licenses required by the State.*
- *Operating hours shall be consistent with those of surrounding businesses.*
- *No use may generate any odor that reaches the odor threshold.*
- *There shall be no exterior dumping or disposal of wastewater.*
- *These uses cannot create electrical disturbances that adversely impact another person.*
- *No use may generate noise that is audible by a panel of healthy listeners.*
- *No use may generate any vibration perceptible to the sense of touch outside the walls.*



Motion: To Approve, 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, Mary Jeffcoat, Mike Lowder, Philip N. Render, Gregg Smith, Jackie Hatley.

Resolution R2019-23 granting a special event permit to Palmetto Event Productions, Inc. on behalf of CCMF LLC for the “Carolina Country Music Festival” on June 6-9, 2019, and affirming the city’s co-sponsorship. 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.

Palmetto Event Productions & CCMF LLC has planned the 5th annual “Carolina Country Music Fest”, for 6/6/19 - 6/9/19 from 1:00 p.m. - 11:30 p.m. at the Burroughs & Chapin Pavilion Place. This year’s performers include: Alabama, Dierks Bentley, Florida Georgia Line, Thomas Rhett and other A-List artists. The Festival will also include food, beverage and merchandise vendors, and is expected to attract 25,000-32,000 /concert-goers each day.

The proposed request includes closing a number of streets prior to and during the event including:


- *Ocean Boulevard between 8th and 9th N.*
- *8th N – all lanes and parking spaces from Kings Highway to Ocean Boulevard.*
- *Chester Street between 7th and 8th N and parking lanes.*
- *9th N – Eastbound lane and parking spaces along eastbound lane from Kings to the Boulevard.*
- *8th North beach access.*

Per proposed resolution City Council:


- *Adopts site plan and authorizes Manager to make necessary changes.*

- Affirms festival co-sponsorship and agrees to provide certain in-kind services, including the City stage, traffic control, road closures, barricades, litter control, heightened Police presence as required, and EMS.
- Authorizes area businesses to display temporary welcome signs.
- Extends welcome to festival participants.

Festival related business license fees, A-Tax and Hospitality Fee revenues, and TDF revenues are estimated at \$145,000 (based on an estimated 75% out-of-market ticket sales). In addition, the promoter pays the City a fee of \$5 per ticket sold to defray the public safety cost. This fee is estimated to generate in excess of \$150,000. The total estimated cost of in-kind event-related public services is \$225,000.

 Councilman Chestnut recused himself due to he will be a vendor during this event.

 Motion: To Approve, Moved by Mary Jeffcoat, Seconded by Gregg Smith.

 Vote: Motion passed (summary: Yes = 6, No = 0, Recuse = 1).

Yes: Mayor Brenda Bethune, Mary Jeffcoat, Mike Lowder, Philip N. Render, Gregg Smith, Jackie Hatley.


Recuse: Michael Chestnut.

Resolution R2019-24 declaring an extraordinary event, and directing the Manager to take all steps necessary for the preservation of public health, safety, welfare from May 31, 2019 through June 12, 2019 – Carolina Country Music Festival.


City Code defines an extraordinary event as a large-scale organized rally or event of national/international significance, an unpermitted rally or event that would otherwise be declared a special event, or an event with a history of attracting a significant number of vehicles and people to a certain area. In such cases, Council may declare an extraordinary event, fix the location and establish the time of such event. This proposed resolution declares the Carolina Country Music Festival as an extraordinary event.

The declaration allows the Manager to take certain actions in response to event-related emergencies:

- *Request assistance from the federal, state and other local governments.*
- *Hire additional law enforcement officers and private security officers.*
- *Require businesses in designated areas to employ private security officers.*
- *Utilize public or private property when there is compelling necessity for the protection of lives, health and welfare.*
- *Facilitate non-consensual towing of vehicles and motorcycles.*
- *Require the temporary cessation of the operation of businesses within the event boundaries (from 11 p.m. to 6 a.m., unless circumstances compel otherwise).*
- *Temporarily divert pedestrian and vehicular traffic.*
- *Establish and enforce no cruising zones and a temporary cruising prohibition.*
- *Restrict access to rooftops of structures within the boundaries of the event to personnel deemed essential for the operation of that property (access requires an escorting law enforcement officer).*

 Councilman Chestnut recused himself due to he will be a vendor during this event.

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

 Vote: Motion passed (summary: Yes = 6, No = 0, Recuse = 1).


Yes: Mayor Brenda Bethune, Mary Jeffcoat, Mike Lowder, Philip N. Render, Gregg Smith, Jackie Hatley.

Recuse: Michael Chestnut.

Resolution R2019-025 granting a special event permit to the Oceanfront Merchants Association for, “Hot Summer Nights” from June 10, 2019 – September 3, 2019, and affirming the City’s co-sponsorship. 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.

This is the eighth year for this event which provides a variety of activities in the downtown during the summer months including a DJ, bands, balloon artist, stilt walkers, photo booth and two bounce houses. The proposed resolution affirms the City’s co-sponsorship, authorizes the City to publicize the events, and waives the normal rental fee for Plyler park (valued at \$29,575).


 Motion: To Approve, Moved by Mike Lowder, Seconded by Philip N. Render.


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

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

Motion M2019-66 to appoint/reappoint three members to the Board of Zoning Appeals.

The terms of Robert Shelley, Bob Bethune, and Michael Schwartz expired on February 22, 2019. Mr. Shelley as well as Mr. Schwartz both wish for reappointment. We have two resumes of individuals interested in the vacancy: Julian DuRant (City Resident) and Thomas Robinson (City Resident).


 Motion: To Reappoint Robert Shelley and Michael Schwartz and appoint Julian DuRant and Approve, Moved by Jackie Hatley, Seconded by Mike Lowder.


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


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

Motion M2019-67 to appoint/reappoint three members to the Accommodations Tax Advisory Committee.

The terms of Ms. Singleton and Ms. Mills expired on February 22, 2019. Ms. Mills does wish to be reappointed. Ms. Singleton does not wish to be reappointed. Ms. Harwell has resigned. We have received resumes from Jeffrey Urso (City Resident), Julian DuRant (City Resident), and Jamie Broadhurst.

 Councilman Smith recused himself due to a working relationship with applicant, Jamie Broadhurst.

 Motion: To Reappoint Ms. Mills and appoint Jeffrey Urso and Jamie Broadhurst and Approve, Moved by Philip N. Render, Seconded by Michael Chestnut.

 Vote: Motion passed (summary: Yes = 6, No = 0, Recuse = 1).

Yes: Mayor Brenda Bethune, Michael Chestnut, Mary Jeffcoat, Mike Lowder, Philip N. Render, Jackie Hatley.


Recuse: Gregg Smith.

Motion M2019-71 to approve a Special Events Permit to Caitlen Buffkin/ BEI – Beach LLC for a Pet Appreciation event, May 18, 2019 from 11:00 am – 4:00 pm. 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.

This event is proposed to take place in front of Grand 14 Movie Theater at The Market Common. The expected attendance is approximately 250. The applicant understands that she must pay for any City services.

 Councilwoman Jeffcoat recused herself due to husband's representation of applicant.

 Motion: To Approve, Moved by Gregg Smith, Seconded by Michael Chestnut.

 Vote: Motion passed (summary: Yes = 6, No = 0, Recuse = 1).


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

Recuse: Mary Jeffcoat.

Motion M2019-72 to approve a Special Event Permit to Chalmers Lester of Surf City Surf Shop to host a surfing contest in association with the Eastern Surf Association on the beach at 66th Ave. North on May 18, 2019 (with a contingency date of May 19) from 7:30 am to 4:30 pm. 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.

The site plan for this event consists of 3 10x10 tents on the beach at 66th North. Expected attendance is 35-45. No City services are required.

 Motion: To Approve, 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, Mary Jeffcoat, Mike Lowder, Philip N. Render, Gregg Smith, Jackie Hatley.

Motion M2019-73 to approve a Special Event Permit to Ground Zero to host Sunday Celebrations concerts. Ground Zero is proposing to hold this event at the Burroughs & Chapin Pavilion Place (big lot only) on June 23, June 30, July 7 and July 14, 2019 from 6:30 pm to 9:30 pm. 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.

This event features nationally known religious bands in concerts on four dates during the season. The expected attendance is estimated at 1,000 and 2,000 for each concert date. No street closures are requested, although the promoter has asked to be allowed to be allowed to take up some parking spaces to park the busses for these concerts. The promoter has also asked for the use of approximately 60 barricades during concert events. This event was previously held on the same location from 2010- 2016.

 Motion: To Approve, 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, Mary Jeffcoat, Mike Lowder, Philip N. Render, Gregg Smith, Jackie Hatley.

Motion M2019-74 to authorize the City Manager to enter into an agreement with retiring City Attorney Thomas E. Ellenburg, for the purpose of providing continuity of representation, institutional memory, advice, and counsel to the newly appointed City Attorney, in furtherance of a seamless transition.

City Council has selected Will Bryan effective May 23, 2019 to be the next City Attorney to replace Tom Ellenburg. Tom will remain as a full-time employee to assist with transition issues until his retirement date on June 30. After that time Mr. Ellenburg has agreed to be "of Counsel" to the City to assist Council and Mr. Bryan with the City's legal affairs. The proposed fee is a retainer of \$1,000/week covering services up to 60 hours per month.

 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, Mary Jeffcoat, Mike Lowder, Philip N. Render, Gregg Smith, Jackie Hatley.

Motion M2019-75 to approve a Special Event Permit to Eric Tatro for the Tatro Family BBQ Block Party. Mr. Tatro is proposing to hold this event on Doolittle Lane on May 25, June 29 and August 10, 2019 from 5:00 PM to 11:00 PM. 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.

This event is essentially a neighborhood block party to be held on Doolittle Drive. The special event authorizes the temporary street closure. This event has been held for a number of years with no complaints from the neighbors.

 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, Mary Jeffcoat, Mike Lowder, Philip N. Render, Gregg Smith, Jackie Hatley.

Motion M2019-76 to approve Mutual Aid Agreements between the City of Myrtle Beach and the Lancaster County Sheriff's Office, and the Goose Creek Police Department.

These mutual aid agreements authorize these agencies to provide assistance to the City, and the City to provide assistance to these agencies, as needed. There are a number of agreements in place through which additional law enforcement support is provided to the City during events such as the Memorial Day Weekend Bikefest, and the Carolina country Music Festival. In addition, these agencies may assist the City to manage peak crowd conditions on busy weekends.

 Motion: To Approve, Moved by Mike Lowder, Seconded by Mary Jeffcoat.


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

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

Motion M2019-77 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 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, Mary Jeffcoat, Mike Lowder, Philip N. Render, Gregg Smith, Jackie Hatley.

NON-AGENDA ITEMS FROM THE PUBLIC

 Steve Elias spoke regarding a seasonal ice skating rink in Market Common.

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 Mary Jeffcoat.

 Vote: Motion carried by unanimous roll call vote (summary: Yes = 7).
Yes: Mayor Brenda Bethune, Michael Chestnut, Mary Jeffcoat, Mike Lowder, Philip N. Render, Gregg Smith, Jackie Hatley.

12:12 P.M.

ATTEST:

BRENDA BETHUNE, MAYOR

JENNIFER STANFORD, CITY CLERK