

MEETING MINUTES

JULY 14, 2020

9:30 A.M.* – WORKSHOP MEETING – TED C. COLLINS LAW ENFORCEMENT CENTER


10:30 A.M.* – MEETING – TED C. COLLINS LAW ENFORCEMENT CENTER


 Roll Call.


Present: Mayor Brenda Bethune, Mike Lowder, Philip N. Render (by telephone), Gregg Smith, Jackie Hatley, John Krajc.


Absent: Michael Chestnut


CALL TO ORDER.....9:32 A.M. Workshop


 Councilman Lowder requests further discussion regarding language in Ordinance 2020-33, Section 17-23 (e) and (h). Councilman Lowder expresses he cannot be in favor of residents having additional fees if they have more waste than fits in the receptacle and lids not able fully close or outside the container. If a resident consistently has more trash than will fit into one container, they may need a second container.


 Councilman Krajc agrees with Councilman Lowder’s statement regarding not picking up if lid is not closed but feels it not a major concern, unless trash was exposed for days. Councilman Krajc states that city staff does well using their discretion and our ordinances have to have certain language to give ability to enforce certain things when needed, this gives them a mechanism to enforce.


 Mr. Pedersen states that if it is the consensus of Council that staff will exercise reasonable amount of discretion.


 Councilman Smith agrees that language allows flexibility.


 Councilman Lowder expresses continued preference that this language be removed prior to adoption of ordinance.


 Councilman Smith asks Janet Curry, Public Works Director, about tags or stamps for those that have extra waste and that were pre-paid and staff will know to haul away.


 Mrs. Curry responds that idea had been discussed during a workshop meeting and if that type of “pay as you throw’ program is preferred that can be added to ordinance.


 Councilman Lowder states that not all households have the same amount of members. Households that have a higher number of members will create a higher volume of trash than a single person household will and that households that have more members should not have to pay more even if they create more trash.


 Councilman Smith states that we do need to charge more for the ones that create more waste, the same as you pay for more gas if you drive more or insurance to cover people. Instead of passing the fee to everyone in the city, we need to have the ones creating the extra trash pay the fee.

 Councilman Lowder states they will need to agree to disagree and requests to discuss next section regarding property owners will be charge for removal of debris that had been illegal dumped on their property. There is absolutely no way they can control that from happening.

 Mayor Bethune states that we cannot control what happens on our property but it is our responsibility to keep our properties clean.


 Mr. Pedersen requests that the effective date be amended to August 1, 2020 to allow time to give notice to residents.

 **Motion:** Enter Closed Session to discuss a contractual matter, **Moved by** Jackie Hatley, **Seconded by** Gregg Smith.

 **Vote:** Motion carried (**Summary** Yes = 6)
Yes: Mayor Brenda Bethune, Mike Lowder, Philip N. Render, Gregg Smith, Jackie Hatley, John Krajc.
Absent: Michael Chestnut

10:16 A.M.



 **Motion:** Exit Closed Session, **Moved by** Jackie Hatley, **Seconded by** John Krajc.

 **Vote:** Motion carried (**Summary** Yes = 6)
Yes: Mayor Brenda Bethune, Mike Lowder, Philip N. Render, Gregg Smith, Jackie Hatley, John Krajc.
Absent: Michael Chestnut



10:32 A.M.


CALL TO ORDER..... 10:32 A.M.
INVOCATION..... Councilman Krajc
PLEDGE OF ALLEGIANCE..... Councilman Krajc


APPROVAL OF AGENDA.....

 **Motion:** To Approve, **Moved by** Gregg Smith, **Seconded by** Jackie Hatley.
 **Vote:** Motion carried (**Summary** Yes = 6)
Yes: Mayor Brenda Bethune, Mike Lowder, Philip N. Render, Gregg Smith, Jackie Hatley, John Krajc.
Absent: Michael Chestnut

APPROVAL OF MINUTES.....June 23, 2020

 **Motion:** To Approve Amended Minutes, **Moved by** Gregg Smith, **Seconded by** John Krajc.
 **Vote:** Motion carried (**Summary** Yes = 6)
Yes: Mayor Brenda Bethune, Mike Lowder, Philip N. Render, Gregg Smith, Jackie Hatley, John Krajc.
Absent: Michael Chestnut

 **Motion:** To Approve Amended Minutes, **Moved by** Gregg Smith, **Seconded by** Jackie Hatley.

 **Vote:** Motion carried (**Summary** Yes = 6)
Yes: Mayor Brenda Bethune, Mike Lowder, Philip N. Render, Gregg Smith, Jackie Hatley, John Krajc.
Absent: Michael Chestnut

PUBLIC REQUESTS, PRESENTATIONS, AWARDS, MEMORIALS:

1. Chamber of Commerce Marketing Update – Karen Riordan, MBACC.
Ms. Riordan reviews marketing strategies used, brand repositioning, strategy phases and seasons, promotional timing, target audiences, air service markets, market investment, public relations and marketing in regards to COVID-19, revenue sources, economic impacts. Ms. Riordan expresses that lots of misinformation going around

through social media especially in northeastern states that staff has been addressing. The Chamber has also been working with airlines to bring back demand.

2. Covid-19 Update – City Staff
Mr. Simons reviews Covid-19 data numbers of cases.
3. Public Safety Update – Police Chief
Chief Prock reviews compliance check numbers on facemask mandate.
4. Public Information Update – PIO Staff
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 2020-32 to amend Chapter 1, Section 1-9, of the Code of Ordinances of the City of Myrtle Beach entitled General Penalty; Continuing Violations; Abatement of Prohibited Conditions, by adding provisions for abatement and restitution in Section 1-9 (d).

This proposed ordinance authorizes the City to abate City Code violations, and places general penalty provisions provided for in other sections of the Code into the appropriate Code section. The ordinance authorizes the Municipal Judge to order up to \$7,500 (or the limit provided for in State Code) in restitution to recover costs to abate such nuisances. The City has historically absorbed the cost to abate nuisances and prohibited conditions without financial recovery. This change is proposed to relieve our taxpayers of this financial burden.



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



Vote: Motion carried (**Summary** Yes = 6)

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

Absent: Michael Chestnut


ADOPTED


2nd Reading Ordinance 2020-33 to amend Chapter 17 of the Code of Ordinances of the City of Myrtle Beach entitled “Solid Waste Management” to add definitions and more clearly describe collection and enforcement provisions and to amend Exhibit C entitled “Schedule of Solid Waste Fees and Charges” of the 2020-21 Budget Ordinance.

This ordinance adds definitions and clarifies collection and enforcement provisions of the Solid Waste Management Ordinance. The purpose of these changes is to improve the quality of life for our residents and improve the overall appearance of the community. This ordinance will also amend the Schedule of Solid Waste Fees and Charges to include fees for enhanced services.

The City has historically absorbed the cost to collect and dispose of non-compliant waste and illegally dumped material without financial recovery. This practice affects the community's appearance and unfairly burdens our taxpayers. This proposal provides:

- *A fair allocation of the costs of solid waste collection services by defining standard service levels.*
- *A mechanism and fee structure for collection services over and above standard collections.*
- *Enforcement of compliant collection practices and illegal dumping corrective actions.*
- *A mechanism for financial recovery from violators.*

 **Motion:** To Amend effective date to August 1, 2020 and Approve, **Moved by** Gregg Smith, **Seconded by** John Krajc.

 **Vote:** Motion carried (**Summary** Yes = 5 No = 1)

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

No: Mike Lowder

Absent: Michael Chestnut


ADOPTED

1st Reading Ordinance 2020-34 to amend Chapter 11, Article II, Sections 34, 35, and 36 of the Code of Ordinances of the City of Myrtle Beach (Business License Ordinance) to allow for the temporary suspension of business licenses as a tool for addressing underlying unlawful or nuisance activity relating to certain businesses.

As currently written the Business License Ordinance is almost exclusively a revenue generation tool. Revocations of the license are permanent, and, as a result, staff has historically been very reluctant to propose suspensions/revocations to cure nuisances. The first proposed amendment allows the Business License Official to work more flexibly with business owners to restore suspended business licenses once the underlying issues have been resolved, and allows the Official to renew those licenses in business license in a subsequent year.

Additionally, where time is of the essence, the proposal allows the City Manager to more quickly address unlawful activity and public nuisances by suspending the license (thus temporarily closing the business) to cure public nuisances without that action necessarily leading to a permanent revocation. These suspensions may be lifted with or without conditions based on the business' submission of a plan to eliminate the underlying unlawful/nuisance behavior. In such cases, the business has 15 days to submit and receive approval of this plan or to appeal the suspension. All appeal rights remain intact.

 **Motion:** To Approve 1st Reading, **Moved by** Gregg Smith, **Seconded by** John Krajc.

 **Vote:** Motion carried (**Summary** Yes = 6)

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


Absent: Michael Chestnut

1st Reading Ordinance 2020-35 to amend Appendix A Zoning of the Code Ordinances Sec. 1407.C permitted uses to allow Brewpubs in the E (Entertainment) Zoning District.

The applicant is developing a surf park on the corner of Grissom Parkway and B&C Boulevard, behind the Myrtle Beach Sports Center. The business model includes a brewpub, which is currently not a permitted use in the Entertainment (E) Zone.

The Code defines a Brewpub as “a facility with on-site food service (not more than 50% of total sales), tap room, and retail operations that brews or produces alcoholic and non-alcoholic beverages for sale and consumption on-site as well as wholesale or off-site sales, consistent with State law (including separation from school, church, and playground uses). Brewpubs are currently permitted in the LM (Light Manufacturing) and WM (Wholesale/Manufacturing) districts.

 **Motion:** To Approve 1st Reading, **Moved by** John Krajc, **Seconded by** Gregg Smith.

 **Vote:** Motion carried (**Summary** Yes = 6)

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

Absent: Michael Chestnut

1st Reading Ordinance 2020-36 to amend the Code of Ordinances, Article VI, Sections 19-178 and 19-180 to identify certain extraordinary events and to provide additional management authority, during such events.

Designation as an “Extraordinary Event” currently allows the City Manager to implement certain event management tools as needed to protect lives and property, including:

1. *Hiring armed registered private security officers.*
2. *Requiring hoteliers and retail stores in designated areas to employ Private Security.*
3. *Utilizing public or private property when public welfare is in jeopardy.*
4. *Contracting for non-consensual towing of vehicles and motorcycles.*
5. *Using temporary signage to enforce the temporary closure of retail sales businesses within event boundaries between 11 PM and 6 AM (unless circumstances compel).*
6. *Temporarily closing or diverting pedestrian and vehicular traffic.*
7. *Enforcing no cruising zones, and temporarily prohibiting cruising on designated streets.*

Upon recommendation of the Police Chief and concurrence of the City Manager, this proposal broadens #5 above by applying the authority to enforce temporary closures to businesses other than retail (providing at least one previous attempt has been made to advise the businesses of the necessary corrective actions). In addition, as a last resort, the proposed ordinance allows the City Manager to control an Extraordinary Event by imposing a curfew in the affected area (currently authorized for Civil Emergencies, e.g. hurricanes). Both actions would require a written report to Council within 12 hours.

The existing Code authorizes Council to declare an Extraordinary Event, fix the boundaries, and establish a timeline for such events. These Declarations expire within 96 hours (unless modified by Council). Declaration does not prohibit the event, but allows the Manager to use five of seven Extraordinary Event management tools. As proposed, the following would be defined as “Extraordinary Events”:

- *Debates for political office (no change).*
- *The appearance of a state, national or international political or religious dignitary (automatically designates these as Extraordinary Events rather than just permitting this designation).*
- *Events with an anticipated or actual estimated attendance greater than 10,000 (currently only applies to performances).*
- *The motorcycle event before, during, and the day after Memorial Day (proposed for deletion).*
- *Memorial Day, July 4th, and Labor Day weekends (replaces and expands on the point above).*
- *Car and truck shows with a history of disruptive and unlawful behavior (addition to current Code).*

 **Motion:** To Approve 1st Reading, **Moved by** Gregg Smith, **Seconded by** John Krajc.

 **Vote:** Motion carried (**Summary** Yes = 6)

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

Absent: Michael Chestnut



Rachel Beckerman, Myrtle Beach Skywheel, thanks City Council for listening to their concerns and expresses appreciation of the increased police presence.

Resolution R2020-32 certifying a building site as an abandoned building site containing two abandoned building units pursuant to the South Carolina Abandoned Buildings Revitalization Act, Title 12, Chapter 67, Section 12-67-100 ET SEQ., of the South Carolina Code of Laws (1976), as amended, regarding property located at 819 North Kings Highway TMS#186-07-07-017 and Horry County PIN# 4440110041.

This property was purchased with the intention of rehabilitating the existing structure into a Brewery /Restaurant on the first floor and 10 rental apartments on the second. Staff has determined the building to be abandoned as that term is defined by State law (structures must be at least 66% vacant for the past 5 years, cannot produce income, or be single-family residences).

The Act incentivizes redevelopment by reducing the cost of repurposing vacant buildings. The minimum investment threshold is \$250,000 for units with a population greater than 25,000. Credits include:

- *Income tax credits:*
 - *May equal 25% of actual expenses (not to exceed \$500,000).*
 - *Must be taken over 3 years (beginning when the building is placed back in service).*
- *Property tax credits:*
 - *May equal 25% of actual expenses, but may not exceed 75% of real property taxes due.*
 - *May be taken over eight years (beginning when the building is placed back in service).*

In theory, this action reduces property taxes to the City, County and School District. In actuality, many of the target properties would not redevelop in the absence of these incentives. The City will receive Accommodations Taxes, and Hospitality, Business License, and TDF fees from the business activity in the renovated structure. The State, County, and School District will participate in sales tax revenues.



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



Vote: Motion carried (**Summary** Yes = 6)

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

Absent: Michael Chestnut

APPROVED

Resolution R2020-33 to amend Resolution 2020-31 declaring an Extraordinary Event and authorizing the City Manager to take all steps necessary for the preservation of public health, safety and welfare by extending such action through Sunday, September 6, 2020.

Designation as an “Extraordinary Event” allows the City Manager to implement certain event management tools as needed to protect lives and property, including:

1. *Hiring armed registered private security officers.*
2. *Requiring hoteliers and retail stores in designated areas to employ Private Security.*
3. *Utilizing public or private property when public welfare is in jeopardy.*
4. *Contracting for non-consensual towing of vehicles and motorcycles.*
5. *Using temporary signage to enforce the temporary closure of retail sales businesses within event boundaries between 11 PM and 6 AM (unless circumstances compel).*
6. *Temporarily closing or diverting pedestrian and vehicular traffic.*

7. Enforcing no cruising zones, and temporarily prohibiting cruising on designated streets.

Absent this declaration, the Manager has no clear authority with respect to 1-5 above (the Code includes separate authority for 6 and 7 above). Resolution R2020-31 declared three weekends (Friday June 19 at 12:01 a.m. through Sunday, July 5, 2020 at 11:59 p.m.) as Extraordinary Events. This proposed action adds each weekend from Friday, July 12 at 12:01 a.m. through Sunday, September 6, 2020 at 11:59 p.m. as Extraordinary Events as well.

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

 **Vote:** Motion carried (**Summary** Yes = 6)

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

Absent: Michael Chestnut

APPROVED

Motion M2020-86 authorizing the City Manager or his designee to apply for a grant of \$34,600 from the National Association of State Treasurers' State and Local Government Financial Wellness Grants Program to develop and offer an expanded program to City employees and retirees; 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 required.

Building upon the CitySAVE educational program, the City's Human Resources/Organizational Development Department seeks to increase the level of accessibility to all current employees and retirees using a mobile app, website, and continuing in-person presentations. The course materials will be designed to connect with participants to raise awareness, improve knowledge, and change financial wellness behaviors. The goal of the program is to reach a broader audience and continue sharing knowledge to provide employees with tools to help plan for the future, and prepare for retirement and possible times of hardship.

 **Motion:** To Approve **Moved by** John Krajc, **Seconded by** Jackie Hatley.

 **Vote:** Motion carried (**Summary** Yes = 6)

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

Absent: Michael Chestnut

APPROVED

Motion M2020-87 authorizing the City Manager or his designee to apply for a grant of \$477,944.50 from the South Carolina Rural Infrastructure ~~Emergency Grant~~ Basic Infrastructure Grant Fund for the purpose of repairing an additional 575 linear feet of pipe comprising of the 36" Force Main on Mr. Joe White Avenue, 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.

This funding would help repair an additional 575 linear feet of the 36" Sewer force main located in the travel lane of Mr. Joe White Avenue. This force main is a key transmission line for our south end regional sewer flows from the 5th South Pump Station to the Grand Strand Water and Sewer Authority's

wastewater treatment plant. The average daily flows for this force main are approximately 1 to 2 million gallons a day. This force main is critical to providing efficient sewer service to much of the City.



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



Vote: Motion carried (**Summary** Yes = 6)

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

Absent: Michael Chestnut

APPROVED

Motion M2020-88 authorizing the City Manager or his designee to apply for a grant of \$5,000 from Eat Smart Move More South Carolina to design and install 10 vinyl wraps with artwork, bicycling and safety information, and wayfinding maps on traffic cabinets at intersections in the Arts and Innovation District and other strategic intersections used by pedestrians and cyclists; 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 required.

Eat Smart Move More SC is a non-profit organization that partners with communities to create healthy eating and active living options. The mini-grant program funds healthy eating and active living projects that support policy, systems, and environmental changes. The Bicycle and Pedestrian Committee and Planning Department request approval to apply for a grant to support Eat Smart Move More's goal of environmental change to the physical environment to influence our practices and behaviors. Artistic vinyl wraps will be created to provide information on where to walk and bike in the City and how to do so safely.



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



Vote: Motion carried (**Summary** Yes = 6)

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

Absent: Michael Chestnut

APPROVED

Motion M2020-89 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 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** John Krajc, **Seconded by** Mike Lowder.



Vote: Motion carried (**Summary** Yes = 6)


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

Absent: Michael Chestnut

APPROVED

Motion M2020-90 to authorize the City Manager to enter into a Memorandum of Agreement (MOA) with Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and the City of Myrtle Beach Police Department.

MBPD (along with other local agencies) participates with the Federal Bureau of Alcohol, Tobacco, Firearms, and explosives (ATF) in a joint operations/task force to investigate violations of Federal, State, and local laws. The MOA sets out the procedures to be used for both parties to allow ATF to reimburse MBPD for certain overtime, travel, training, and equipment costs.

 **Motion:** To Approve MOU between the Bureau of Alcohol, Tobacco, Firearms and Explosives and the City of Myrtle Beach Police Chief **Moved by** Mike Lowder, **Seconded by** John Krajc.

 **Vote:** Motion carried (**Summary** Yes = 6)

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

Absent: Michael Chestnut

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** Jackie Hatley.

 **Vote:** Motion carried (**Summary** Yes = 6)

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

Absent: Michael Chestnut

12:19 P.M.

BRENDA BETHUNE, MAYOR

ATTEST:

JENNIFER ADKINS, CITY CLERK