

**DRAFT MEETING MINUTES**

**AUGUST 22, 2023**

**9:00 A.M. – WORKSHOP MEETING – TED C. COLLINS LAW ENFORCEMENT CENTER**

**10:00 A.M. – MEETING – TED C. COLLINS LAW ENFORCEMENT CENTER**

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**MYRTLE BEACH CITY COUNCIL:**

**BRENDA BETHUNE, MAYOR  
MICHAEL CHESTNUT, MAYOR PRO-TEM  
JACKIE HATLEY  
JOHN KRAJC  
MIKE LOWDER  
GREGG SMITH  
PHILIP N. RENDER**

**STAFF PRESENT:**

**JONATHAN “FOX” SIMONS, JR., CITY MANAGER  
BRIAN TUCKER, ASSISTANT CITY MANAGER  
WILLIAM BRYAN, CITY ATTORNEY  
LINDSEY ERVIN, DEPUTY CITY CLERK**

**ABSENT**

**MICHELLE SHUMPERT, CHIEF FINANCIAL OFFICER**

**CALL TO ORDER.....9:00 A.M. Workshop**

1. Living Lab Presentation – Howard Waldie, IV and Drayton Arnold (workshop)
  - Chief Innovation Officer Howard Waldie presented a Smart Cities briefing on the Living Lab to be located in the Arts and Innovation District to City Council. The Living Lab is where companies, students, faculty and other individuals can conduct research, build and prototype new technology, test the new technology and launch it in the global market. The Living Lab will be approximately 37,500 square feet which includes three floors of lab spaces, conference rooms, computer labs, office spaces and an auditorium. Howard introduced the Smart Cities Council that consists of 13 employee members across 9 departments. Howard also shared with Council the findings and takeaways from a site visit to Peachtree Corners Curiosity Lab. Assistant to the City Manager and Grants Supervisor, Drayton Arnold explained the Economic Development Agency Economic Adjustment Assistance grant to City Council. Drayton also explained that the grant funds are available on a first come first serve basis with no deadline and there is an 80/20 match requirement.

**Motion:** To Enter Closed Session to discuss property acquisition in the Arts & Innovation District **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.

9:46 A.M.

**Motion:** To Exit Closed Session **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.

9:54 A.M.

**CALL TO ORDER.....10:04 A.M.**

**INVOCATION.....Councilman Smith**

**PLEDGE OF ALLEGIANCE.....Councilman Smith**

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

**Motion:** To Approve **Moved by:** Philip N. Render **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.

**APPROVAL OF MINUTES.....March 15-17, 2023**

**Motion:** To Approve **Moved by:** Michael Chestnut **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.

**APPROVAL OF MINUTES.....April 4, 2023**

**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.....May 2, 2023**

**Motion:** To Approve **Moved by:** Michael Chestnut **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.

**APPROVAL OF MINUTES.....June 6, 2023**

**Motion:** To Approve **Moved by:** Michael Chestnut **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.

**APPROVAL OF MINUTES.....July 18, 2023**

**Motion:** To Approve **Moved by:** Michael Chestnut **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.

**APPROVAL OF MINUTES.....August 8, 2023**

**Motion:** To Approve **Moved by:** Michael Chestnut **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.

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

2. Recognition of Mayor Bob Hirsch's 100<sup>th</sup> Birthday (meeting)
  - Mayor Bethune presents proclamation for Mayor Hirsch's 100<sup>th</sup> birthday. Mayor Hirsch thanks City Council for the honor of recognition.
3. Dr. Karen Vassell – Boys & Girls Club Executive Director (meeting)
  - Dr. Vassell introduced herself and thanked the City for the donation to the Boys & Girls Club.
4. Proclamation recognizing Coast RTA's 40<sup>th</sup> Anniversary (meeting)
  - Mark Kruea presents proclamation and Mr. Brian Piascik, CEO of Coast RTA thanks City Council.
5. Constitution Week Proclamation (meeting)
  - Mark Kruea presents proclamation and Ms. Dorothy Weberling, Daughters of the American Revolution, thanks City Council.
6. Proclamation recognizing August 31<sup>st</sup> as International Overdose Awareness Day (meeting)

- Mark Kruea presented the proclamation. Chief Prock gave a presentation showcasing the community efforts, programs and several key people who have all helped to make the community aware and assist those in need. Michelle Smith, Opioid Program Coordinator, explained the Opioid Response Program to City Council.

7. Public Information Update – PIO Staff

- Erin O'Hagan reviews past, present, and future happenings and events.

**NON-AGENDA ITEMS FROM PUBLIC.....30 Minute Time Limit**

- Craig Kramer addressed Council regarding a sidewalk encroachment issue in the Highlands neighborhood. The driveways are shorter and therefore some residents cannot park their car in their driveway because they encroach on the sidewalk. If residents cannot park in their driveway they park in the street. Tickets and warnings are being issued to residents if their car encroaches the sidewalk.
- Robert Duffy stated he drives a smaller car and still cannot park in his driveway in the Highlands neighborhood without encroaching on the sidewalk.
- Kenya Hennigan presented to Council a proposal of The Cooper Facility Project which is a futuristic halfway home for reentry of parolees.
- William Parker walks his dog in the Highlands neighborhood but says it is difficult with cars encroaching on the sidewalk and parking in the street.
- James Worrell stated there needs to be a waiver for Highlands to allow on street parking.
- Patrick Bashore states the short driveways in the Highlands neighborhood should have never been approved that way. Issuing tickets or warnings for encroaching on the sidewalk will bring property values down.
- Dave Euga was told by his home builder, DR Horton, that the City approved the shorter driveways in the Highlands neighborhood but now the City is writing tickets. There is no mail delivery if everyone is parking in the street.
- Assistant City Manager Brian Tucker acknowledged the Highlands neighborhood residents and the driveway/sidewalk issues. A complaint was made which is why tickets and warnings have been issued.

**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 M2023-67 to approve Memorandum of Agreement between the City of Myrtle Beach and the South Carolina Department of Juvenile Justice.**

*The City does not operate or manage its own detention facility for juveniles, or otherwise have such a facility available to it for the detention of juveniles. The South Carolina Constitution, and state and federal law mandate juveniles who are held in detention be confined in separate and distinct facilities from adults similarly confined. The South Carolina Department of Juvenile Justice operates a facility for the detention of juveniles. The City will pay SCDJJ \$50 per juvenile per 24-hour day. Anything less than 24-hrs is not considered a full day and the City will be charged \$25 per juvenile.*

**Motion M2023-68 authorizing the City Manager or his designee to apply for a grant in the amount of \$150,000 from the South Carolina Department of Parks, Recreation and Tourism – Park and Recreation Development Fund (PARD) for the purpose of a park renovation at the Lyons Cove Memorial Park Playground, to record the appropriation of such grant funds in the amount approved, and to execute and deliver the grant agreement and such related documents as may be required to put the grant into effect. Local required match of \$30,000 is available in the Parks Division’s playground equipment capital improvements budget.**

*The grant will be used to renovate the playground at the Lyons Cove Memorial Park, including purchasing new playground equipment, benches, mulch, and boarder. The Horry County Legislative Delegation endorses the projects and recommends amount for funding. Projects need endorsement of majority weighted vote factor of County Legislative Delegation members.*

**Motion:** To Approve Consent Agenda Items **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.

## **CONSENT AGENDA ITEMS APPROVED**

### **REGULAR AGENDA**

**2<sup>nd</sup> Reading Ordinance 2023-35 a series ordinance approving the financing of Broadway Stream and Wetland Enhancement Improvements through the borrowing by the city of not exceeding \$612,600, including capitalized interest, if any, from the state water pollution control revolving fund, by agreement with the South Carolina Water Quality Revolving Fund Authority (the “Authority”), pursuant to Title 48, Chapter 5, Code of Laws of South Carolina 1976, as amended; providing for an agreement to make and to accept a loan, the execution and delivery of a loan agreement between the city and the authority, the execution and delivery of a promissory note from the city to the authority; and other matters relating thereto.**

*This proposed ordinance authorizes the Mayor or City Manager to execute a loan agreement with the South Carolina Revolving Fund to provide for Broadway Stream and Wetland Improvements. City Council adopted Resolution R2022-16 dated April 12, 2022 authorizing the City Manager or his designee to apply for the SRF loan. The project consists of improvements to the pond and stream on Withers Swash, north of Broadway Street. Improvements include construction of a forebay, wetland, and stream as well as installation of buried logs, wetland plantings and grading and seeding of banks.*

**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.

## **ADOPTED**

**1<sup>st</sup> Reading Ordinance 2023-36 to create a Planned Unit Development known as Seaside Farms Planned Unit Development.**

*The Seaside Farms PUD request is in conjunction with Ordinance 2023-37. The project consists of 5 multifamily buildings, 1 building that will be either multifamily or short-term rentals, and a*

*commercial outparcel. Public improvements include area stormwater improvements, a 10' multipurpose path along Pine Island Rd between Grissom Pkwy & Hwy 15, and improvements to Pine Island Rd to accommodate turning movements. Planning Commission unanimously (7/0) recommends approval (8/1/23).*

**Motion:** To Approve **Moved by:** John Krajc **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.

#### **APPROVED 1<sup>ST</sup> READING**

**1<sup>st</sup> Reading Ordinance 2023-37 to annex ~17.84 acres along Pine Island Rd (PIN 42500000313) into the City of Myrtle Beach and rezone the property from Horry County HC (Highway Commercial) to PUD (Seaside Farms Planned Unit Development)**

*This Seaside Farms PUD is an annexation request in conjunction with Ordinance 2023-36. The property is currently under Horry County's jurisdiction and is zoned HC (Highway Commercial). The current site is a fallow piece of land that does not have any habitable structures on it at this time. The annexation of this parcel would allow the city to fill a large portion of a donut hole that is in a central part of our community. Planning Commission unanimously (7/0) recommends approval (8/1/23).*

**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.

#### **APPROVED 1<sup>ST</sup> READING**

**1<sup>st</sup> Reading Ordinance 2023-38 an ordinance approving the execution and delivery by the City of Myrtle Beach, South Carolina, of a lease agreement between the city, as lessee, and Horry County Department of Airports, as lessor, with respect to land adjacent to Warbird Park and other matters relating thereto.**

*Warbird Park is one of the City's most popular parks. The park's popularity is expected to grow with the addition of the World War II Memorial scheduled to open later this year. Additional parking and restroom facilities are needed to accommodate the growing number of visitors. Agreement has a one year term that is automatically renewed provided the City is not in default and neither party expresses intent to terminate. Department of Airports has reserved the right to recapture the leased property if it is needed for County of Airport purposes and no alternative property is available. If the Department of Airports recaptures the leased property, Lessor is required to relocate the City to adjacent property, if available, and to reimburse the City for the cost of all improvements made subject to a reduction of 6.67% for each year the agreement has been in effect.*

**Motion:** To Approve **Moved by:** Philip N. Render **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.

#### **APPROVED 1<sup>ST</sup> READING**

**Resolution R2023-19 resolution declaring the intention of the City of Myrtle Beach to reimburse itself for certain stormwater management system expenses with the proceeds of long term debt to be issued by the city in 2023.**

*A proposed debt issue in the Stormwater Management Fund (upon adoption of a bond ordinance) will finance various stormwater management system projects included in the 5-year Capital Improvement Plan. Project includes:*

- Various Flood Risk Mitigation projects.
- Beach Renourishment 82nd Avenue N. to Singleton Swash.
- Arts & Innovation District Storm Water improvements.
- Withers Swash Improvements - Design.
- 5th Avenue N. Drainage Improvements.

*Resolution preserves the proposed bonds' tax exemption in the event the City expends its own funds in order to begin work before the bonds are closed. This resolution allows design work, engineering, and construction project costs to be incurred and reimbursed upon the issuance of debt.*

**Motion:** To Approve **Moved by:** Gregg Smith **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.

**APPROVED**

**Motion M2023-69 authorizing the City Manager or his designee to apply for a grant of \$12,000,000 from the Economic Development Agency for the purpose of constructing a living lab in the Arts and Innovation District of Downtown Myrtle Beach, 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. There is a match requirement of \$6,260,000 coming from various possible sources, including the city's capital improvement budget and various potential public private partnerships.**

*The City of Myrtle Beach is requesting funding for the construction of a living lab in the Arts and Innovation District to accomplish growth in economic diversification, job creation, and tech-based entrepreneurship throughout the Grand Strand region. This lab addresses the limited local well-paying job market and diversifies the Grand Strand's tech-based by supporting regional growth that attracts the workforce and assists in developing technology ecosystems through partnerships that place equity and access at the forefront of programming. This lab is approximately 37,500 square feet of new construction that includes three floors of lab spaces, conference rooms, computer labs, office spaces, and an auditorium. This centralized location for innovation incorporates higher education partners, community organizations, and international tech-based companies that test, research, and implement their products globally.*

**Motion:** To Approve **Moved by:** Michael Chestnut **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.

**APPROVED**

Stuart Behar, city resident, stated he is concerned about the City's \$6.2 million dollar match coming from various possible sources and that the money should go towards the salaries of those who work in public safety.

**Motion M2023-70 to consider renewal of the City Attorney's Contract.**

*The City Attorney serves at the pleasure of the City Council under an annual contract which is reconsidered annually by City Council.*

**Motion:** To Amend to renew contract and increase salary to \$190,000.00 **Moved by:** Jackie Hatley **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.

**APPROVED**

**Motion:** To Approve amended motion **Moved by:** Jackie Hatley **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.

**APPROVED**

**Motion M2023-71 to consider renewal of the City Manager's Contract.**

*The City Manager serves at the pleasure of the City Council under an annual contract which is reconsidered annually by City Council.*

**Motion:** To Approve **Moved by:** Philip N. Render **Seconded by:** Michael Chestnut

**Vote:** None

**Motion:** To Amend to renew contract and increase salary to \$265,000.00 and to remove the part of Section IX D, requiring the manager to provide Council the results of his annual physical.

**Moved by:** Gregg Smith **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.

**APPROVED**

**Motion:** To Approve amended motion

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

**APPROVED**

**Motion M2023-72 to consider salary adjustments for the Assistant Municipal Judges.**

*The Assistant Municipal Judge's salaries are determined by City Council. These positions do not receive annual merit or cost-of-living adjustments*

**Motion:** To Approve salary adjustment to \$43,160.00 **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**

**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 1) to continue to discuss property acquisition in the Arts & Innovation District, 2) to discuss property acquisition in the Downtown area **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.

12:09 P.M.

**Motion:** To Exit Closed Session **Moved by:** Mike Lowder **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.

1:20 P.M.

## **ADJOURNMENT**

**Motion:** To Adjourn **Moved by:** Mike Lowder **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.

1:20 P.M.

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BRENDA BETHUNE, MAYOR

ATTEST:

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LINDSEY ERVIN, DEPUTY CITY CLERK