

**MEETING MINUTES**

**August 27, 2019**

**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:**

**PRESENT:**  
BRENDA BETHUNE, MAYOR  
JACKIE HATLEY  
MARY JEFFCOAT  
PHILIP N. RENDER  
GREGG SMITH  
MIKE LOWDER

**ABSENT:**  
MICHAEL CHESTNUT, MAYOR PRO-TEM

**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  
WILLIAM A. BRYAN, CITY ATTORNEY  
JENNIFER STANFORD, CITY CLERK


 Roll Call.

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

Absent/Excused: Michael Chestnut.

**CALL TO ORDER**.....9:02 A.M. Workshop

 Motion: Enter Closed Session regarding a legal briefing and a pending property acquisition, Moved by Mike Lowder, Seconded by Mary Jeffcoat.


 Vote: Motion carried by unanimous roll call vote (summary: Yes = 6).

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

Absent: Michael Chestnut.

9:50 A.M.

 **Motion:** Exit Closed Session, **Moved by** Mary Jeffcoat, **Seconded by** Jackie Hatley.

 **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 6).

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

**Absent:** Michael Chestnut.


10:21 A.M.


**CALL TO ORDER**.....10:22 A.M. Regular

**INVOCATION**.....Councilwoman Jeffcoat

**PLEDGE OF ALLEGIANCE**.....Councilwoman Hatley

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


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


 Vote: Motion carried by unanimous roll call vote (summary: Yes = 6).

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

Absent: Michael Chestnut.

**APPROVAL OF MINUTES**.....August 13, 2019

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

 Vote: Motion carried by unanimous roll call vote (summary: Yes = 6).

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


Absent: Michael Chestnut.

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

1. Proclamation declaring week of September 17-23, 2019 as Constitution Week – Daughters of the American Revolution.

 Mark Kruea presents proclamation.


2. Proclamation recognizing the 2019 South Atlantic Shriner’s Association event on September 15 -21, 2019.

 Mark Kruea presents proclamation.

3. A Year in Review, Significant Departmental Accomplishments, FY 2018-19 - PIO Staff

 Mark Kruea reviews departmental accomplishments.

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 (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**

**2<sup>nd</sup> Reading Ordinance 2019-39** to authorize the sale of property located at 807 North Kings Highway (identified as Horry County PIN 444-01-01-0043, TMS# 181-07-07-019) to L1PMYRTLEBEACH, LLC, for \$159,000, an amount which equals the City’s purchase price and exceeds the market value of the property as reflected in the current Horry County tax records.

*The City owns property at 807 Kings Highway in the area designated as an Historic area in the proposed Arts and Innovation District. Renovations to historic structures are eligible for State and Federal tax credits, off-setting about 30% of the renovation costs. The City has received an offer from L1PMyrtleBeach, LLC (dba Mashburn Construction), to purchase the property “as-is” for \$159,000. In addition to the historic tax credits the transaction contemplates the City accepting a note for 90% of the sales price (subject to a mortgage interest) for one year to allow the buyer to realize these credits.*

*Per the proposed ordinance Council finds that the proposed sale is consistent with Council’s intent when the property was acquired by the City, that it contributes to the implementation of the Downtown Master*

Plan, and that the proposed price is reasonable. The ordinance also authorizes the City Manager to execute the sale of the property pursuant to a proposed real estate contract.

With interest on the note the buyer's total payment by the end of the year is \$166,155. The City acquired the property for \$159,000. Current County Tax Records show the fair market value as \$155,300.



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



Vote: Motion carried by unanimous roll call vote (summary: Yes = 6).

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

Absent: Michael Chestnut.

**1st Reading Ordinance 2019-40 to rezone approximately 12 acres, that being the remainder of PIN#4460000009 located along Kings Highway roughly between 29<sup>th</sup> Ave S and Ocean Boulevard from HC-2 (Highway Commercial) to MU-H (Mixed Use – High Density) in order to unify the entire property into one zone and to rezone the adjacent portion of Kings Hwy accordingly.**

*The property is now split-zoned. About 300' along Kings Highway is zoned HC2. The rest is zoned MUH. The applicant wishes to unify the zoning under MUH. The property is in the MYR flight line, and the FAA will dictate building height more so than zoning code. Key differences between HC-2 and MUH include:*

- *Minimum lot size is smaller in MUH.*
- *Maximum building coverage is reduced from 50% in HC2 to zero in MUH.*
- *HC2 allows parking in front, typically in the required 30' setback. MUH has zero front setback and no parking is allowed in front of the building.*
- *For most uses, the required parking for MUH is 50% of HC2 requirements.*

*The change allows five uses allowed under MU-H, but not allowed under HC-2: Licensed Group Homes, Rooming or Boarding Houses, Residential Care Facilities, Comedy Clubs, and Marinas. The change also prohibits more than 30 uses allowed under HC-2, but not under MU-H including: Moped Rentals, Nightclubs, Big Box Retail, Vehicle Sales, & Vehicle Repair.*



Councilman Smith recused himself due his spouses working relationship with purchaser



Motion: To Approve 1<sup>st</sup> Reading, Moved by Philip N. Render, Seconded by Mary Jeffcoat.



Vote: Motion passed (summary: Yes = 5, No = 0, Recuse = 1).

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


Recuse: Gregg Smith.


Absent: Michael Chestnut.

**1<sup>st</sup> Reading Ordinance 2019-41 to amend ordinance 2019-13 granting a golf cart rental franchise to Mark Sichitano d/b/a Myrtle Beach Golf Carts to change location of that business to 408 3<sup>rd</sup> Avenue South, Myrtle Beach, SC 29577.**

*Ordinance 2019-13 granted a franchise agreement to Mr. Sichitano at 1001 3<sup>rd</sup> South (not in the City). Mr. Sichitano's business address has changed to 408 3<sup>rd</sup> South (inside the City). Since the franchise approval is tied to the previous address, Council must consider this request to amend the franchise.*

*The proposed ordinance does not change the permitted number of golf carts (145), or the franchise expiration date of 03/1/20. This franchise owner has remained in compliance w/ the City's requirements.*

 Motion: To Approve 1<sup>st</sup> Reading, Moved by Mike Lowder, Seconded by Jackie Hatley.

 Vote: Motion carried by unanimous roll call vote (summary: Yes = 6).

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

Absent: Michael Chestnut.


**1<sup>st</sup> Reading Ordinance 2019-42 authorizing the city of Myrtle Beach, South Carolina, to execute and deliver a lease purchase agreement in an amount not exceeding \$2,605,000 between the city and the lessor thereof to defray the cost of acquiring heavy equipment for solid waste management; and other matters relating thereto.**

*This proposed ordinance approves the City's entering into a five-year Lease-Purchase. The borrowing covers operational equipment includes a total of \$2,605,000 including:*

- HVAC system for the Convention Center (\$625,000).
- 4 knuckleboom trucks (\$600,000), and 2 rear loading solid waste collection vehicles (\$480,000).
- 30 compactors (\$900,000).

*Resolution R2019-041 establishes the City's intention to finance the equipment purchase. This declaration reduces the City's borrowing costs by protecting the tax exempt status of the lease.*

 Motion: To Approve 1<sup>st</sup> Reading, Moved by Mike Lowder, Seconded by Philip N. Render.

 Vote: Motion carried by unanimous roll call vote (summary: Yes = 6).

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


Absent: Michael Chestnut.

**1<sup>st</sup> Reading Ordinance 2019-43 to amend Ordinance No. 2019-30, the 2019-20 budget ordinance, by appropriating proceeds from the sale of Washington Park.**

*City Council recently approved Ordinance 2019-034, authorizing the sale of the lot known as "Washington Park Area and Playground" to Blvd Group, LLC at a price of \$160,000. This ordinance appropriates those funds. The proposed use of the sale proceeds is:*

- Continuation of Downtown Fireworks. The Downtown Fireworks sponsor is no longer funding the weekly event in the downtown. The proposed funding allows for continuation of fireworks through the end of the season (\$34,000).
- Power washing Ocean Boulevard sidewalks - these heavily used sidewalks are stained and covered with gum. They need power washing to bring them up to City standards (\$126,000).

 Motion: To Approve 1<sup>st</sup> Reading, Moved by Mike Lowder, Seconded by Philip N. Render.

 Vote: Motion carried by unanimous roll call vote (summary: Yes = 6).


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


Absent: Michael Chestnut.

**1<sup>st</sup> Reading Ordinance 2019-44 to authorize the lease of property located at 5401 South Kings Highway containing approximately 42.6 acres identified as PIN 460-00-00-0006/TMS192-00-01-022, approximately 11.9 acres identified as pin 460-00-00-0001/TMS 192-00-01-039, and approximately 13.0 acres identified as pin 460-00-00-0005/TMS 192-00-01-021 to Ponderosa, Inc. for a five-year period for continued operation as a campground.**

*Pirateland Campgrounds include three parcels originally conveyed to the City from the US Government in 1948 and leased to Ponderosa for campground purposes since 1990. The lease agreement has been amended several times and now expires in 02/2020. Significant new lease terms include:*

- *Lease expires on February 28, 2025. No extension rights are included.*
- *On 02/29/20 (the Reset Date) the rent calculations change as follows:*
  - *Base Rent from \$120,000/year to \$160,000.*
  - *Percentage Rent from 25% of Gross Campground Receipts to 28.5%.*
  - *From 14% of concessions & amusements to 16%.*
  - *From 17% of Villa Rentals to 18%.*
  
- *This agreement is not a lease extension. The proposed action terminates the existing lease.*
- *The tenant indemnifies the City from any claims attributable to campground operations.*
- *The tenant is responsible for all campground related expenses and maintenance.*

 Motion: To Approve 1<sup>st</sup> Reading, Moved by Mike Lowder, Seconded by Mary Jeffcoat.

 Vote: Motion carried by unanimous roll call vote (summary: Yes = 6).


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


Absent: Michael Chestnut.

**1<sup>st</sup> Reading Ordinance 2019-45 to authorize the lease of property located at 5901 South Kings Highway containing approximately 20.5 acres identified as PIN 460-00-00-0002/TMS 192-00-01-038, and approximately 56.0 acres identified as PIN 460-00-00-0004/TMS 192-00-01-020 to Lakewood Camping Resort, Inc. for a five-year period continued operation as a campground.**

*Lakewood Campgrounds include two parcels originally conveyed to the City from the US Government in 1948 and leased to Lakewood Camping Resort for campground purposes since 1990. The lease agreement has been amended several times and now expires in 02/2020. Significant new lease terms include:*

- *Lease expires on February 28, 2025. No extension rights are included.*
- *On 02/29/20 (the Reset Date) the rent calculations change as follows:*
  - *Base Rent from \$120,000/year to \$160,000.*
  - *Percentage Rent from 25% of Gross Campground Receipts to 28.5%.*
  - *From 14% of concessions & amusements to 16%.*
  - *From 17% of Villa Rentals to 18%.*
  
- *This agreement is not a lease extension. The proposed action terminates the existing lease.*
- *The tenant indemnifies the City from any claims attributable to campground operations.*
- *The tenant is responsible for all campground related expenses and maintenance.*

 Motion: To Approve 1<sup>st</sup> Reading, Moved by Jackie Hatley, Seconded by Mike Lowder.

 Vote: Motion carried by unanimous roll call vote (summary: Yes = 6).

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

Absent: Michael Chestnut.

**Resolution R2019-41 declaring the intention of the city of Myrtle Beach to reimburse itself expenses with the proceeds of a Master Lease Agreement.**

A Master Lease Agreement for equipment purchases was anticipated in the City's Capital Improvement Plan to finance a total of \$2,605,000 including (see proposed ordinance 2019-42):

- HVAC system for the Convention Center (\$625,000).
- 4 knuckleboom trucks (\$600,000), and 2 rear loading solid waste collection vehicles (\$480,000).
- 30 compactors (\$900,000).

The proposed resolution preserves the tax-exempt status of the lease in the event City needs to expend its own funds before the lease is closed. Absent the proposed resolution, all expenditures would have to wait until the close of the Master Lease Agreement.



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



Vote: Motion carried by unanimous roll call vote (summary: Yes = 6).

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

Absent: Michael Chestnut.

### **Resolution R2019-42 amending the City's 2020-2024 Capital Improvement Plan to add a project for *construction of a new Solid Waste Transfer Station in 2021-22.***

This resolution directs staff to propose a financing plan for a new top-load transfer station to be constructed by the end of FY2021-22 to be included in the Recommended Capital Improvement Plan for 2021-2025. The top-load station would offer such benefits as:

- The larger tipping floor allows staff to manage more trucks and multiple waste streams.
- Materials can be staged on the floor so collection vehicles can quickly return to route.
- Materials can be unloaded at the transfer station each day that the facility is open.
- Fewer moving parts results in less frequent maintenance and downtime.
- Capacity to haul 20-ton transfer loads (now 16 tons of garbage/12 tons of yard waste).

The transfer station has not been expanded since 1977 when it handled approximately 8,000 tons of refuse/year (now about 35,000 tons/year). The size limitations have now begun to affect solid waste operations. The proposed top-loading transfer station improves efficiencies by:

- Eliminating bulk material storage in open top containers and the need to store yard waste on the ground for transfer to subcontractors.
- Reducing landfill loads.
- Improves collection times for yard waste and bulk waste on collection routes.
- Reduces waiting time at the station.



Motion: To Approve, Moved by Jackie Hatley, Seconded by Philip N. Render.



Vote: Motion carried by unanimous roll call vote (summary: Yes = 6).

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

Absent: Michael Chestnut.

### **Resolution R2019-43 designating the 2019 South Atlantic Shrine Association Annual Conference as a citywide festival from September 15 – 21, 2019, and affirming the city's co-sponsorship of the event.**

The Shriners are a fraternal organization with approximately 310,000 members located in US, Canada, Germany, Mexico, Panama, Puerto Rico, and the Philippines. Shriners support 22 children's hospitals serving more than 1,000,000 children since 1922. SASA includes about 48,000 Shriners from 20 different Shrine Centers located in the Carolinas, Virginia, Georgia, West Virginia, Kentucky, and Tennessee.

SASA has held its annual meeting in the City on many occasions, including the first annual meeting in 1974. SASA will hold its 45<sup>TH</sup> annual meeting in Myrtle Beach during the week of September 15, 2019.

This event is expected to attract roughly 20,000 Shriners, plus family members. The Festival includes several events open to the public, including a golf outing, a sub-association competition, a marketplace, and early evening parade. This proposed resolution expresses Council's:

- Appreciation for selecting the City as the site of 45<sup>th</sup> Annual Meeting and a participant welcome.
- Designation of the week of 9/16/19 as a Citywide Festival with welcoming banners authorized.
- Approval of a reasonable variance to the noise ordinance during the beach bash on 9/21/19.
- Approval to provide certain in-kind services along the parade.
- Approval of the parade review stand and extending the parade duration from four to six hours.
- Approval of the use of the Landmark Resort parking lot for trailers.
- Approval to solicit in non-solicitation area from one hour prior to and one hour after the parade.
- Best wishes for a successful meeting and an invitation for SASA to return as often as possible.



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



Vote: Motion carried by unanimous roll call vote (summary: Yes = 6).

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

Absent: Michael Chestnut.

**Resolution R2019-44 amending R2019-05, setting forth the policy of the City of Myrtle Beach regarding the provision of workforce housing, to allow for greater participation in the Workforce Housing Advisory Board.**

The proposed resolution does not modify the original intent of the Workforce Housing Advisory Board to:

- Study existing workforce housing and recommend actions to improve quality and quantity.
- Conduct a "best practices" review of programs used in other communities.
- Recommend income and credit guidelines and other applicable regulations.
- Recommend an organizational structure to perpetuate the Workforce Housing Initiative.
- Recommend an initial allocation of funding for programs for workers who also qualify for low-income housing programs, and those that do not.

As initially proposed, the WHAB included the Directors of Planning, DRC, and Neighborhood Services; appointments from the Housing Authority, Habitat for Humanity, and New Directions; and representatives from the Home Builders Association, real estate, hospitality industry, government/school district, Chamber of Commerce, health care industry, the clergy, and the community at large. It has been difficult to recruit individuals to meet each of these organizations and industries. We have multiple qualified applicants in some categories. The proposed amendment addresses this by:

- Providing that WHAB membership is open to anyone desiring to participate - modeled on the Military Appreciation Days Committee, which is open to any interested person.
- Extending the report due date from January 31, 2020 to March 31, 2020.



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



Vote: Motion carried by unanimous roll call vote (summary: Yes = 6).

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

Absent: Michael Chestnut.

**Motion M2019-113 to accept a donation from the Myrtle Beach Area Chamber of Commerce on behalf of the Recreation Department for an amount of \$10,000 to defray the cost of promotional items for distribution to potential visitors and event planners.**

*The Chamber of Commerce sets aside approximately 5% of the A-Tax revenues received from the City and other local governments. These funds are made available to support future advertising and tourism-promotion expenditures of the respective local government.*



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



Vote: Motion carried by unanimous roll call vote (summary: Yes = 6).

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

Absent: Michael Chestnut.

**Motion M2019-114 to accept the return of \$32 from Boy Scout Troop 801 on behalf of Chapin Library to be spent in an effort to promote reading in the community and bring the community together through literacy.**

*These funds are excess funds, originally donated to Boy Scout Troop 801 by the Friends of Chapin Library in an amount of \$900, to fund Cody King's Eagle Scout project. The project consisted of him building and installing Little Libraries, small book stations. These stations are located at the following City facilities: Mary C. Canty Recreation Center, Pepper Gedding's Recreation Center, Myrtle's Market, and Savannah's Playground. They will provide convenient access for people to take and return books.*



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



Vote: Motion carried by unanimous roll call vote (summary: Yes = 6).

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

Absent: Michael Chestnut.


**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:** Enter Closed Session for a legal briefing, **Moved by** Mike Lowder, **Seconded by** Mary Jeffcoat.


 **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 6).

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

**Absent:** Michael Chestnut.

11:37 A.M.

 **Motion:** To Exit Closed Session, Moved by Mike Lowder, Seconded by Mary Jeffcoat.

 **Vote:** Motion carried by unanimous roll call vote (summary: Yes = 6).


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

**Absent:** Michael Chestnut.

12.11 P.M.

### **ADJOURNMENT**

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

 **Vote:** Motion carried by unanimous roll call vote (summary: Yes = 6).

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

**Absent:** Michael Chestnut.

12:12 P.M.

ATTEST:

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BRENDA BETHUNE, MAYOR

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JENNIFER STANFORD, CITY CLERK