

**MEETING MINUTES  
DECEMBER 10, 2024**

**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  
DEBBIE CONNER  
JACKIE HATLEY  
MIKE LOWDER, MAYOR PRO-TEM  
GREGG SMITH

**CITY STAFF PRESENT:**  
JONATHAN “FOX” SIMONS, JR., CITY MANAGER  
BRIAN TUCKER, ASSISTANT CITY MANAGER  
JOSH BRUEGGER, ASSISTANT CITY MANAGER  
MICHELLE SHUMPERT, CHIEF FINANCIAL OFFICER  
WILLIAM BRYAN, CITY ATTORNEY  
JENNIFER ADKINS, CITY CLERK

**ABSENT:**  
BILL MCCLURE

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

1. Legislative Update - 2025 Session Preview – Tony Denny (workshop)
  - City’s lobbyist, Tony Denny, bills that have passed during 2024 Session and previews bills for the 2025 Legislative Session (entire presentation may be viewed on the city’s YouTube channel).

**Motion:** To Enter Executive Session to 1) to receive legal advice relating to interpretation of ordinances with Chapter 15 of the Municipal Code and to discuss negotiations concerning purposed contractual arrangements with oceanfront developer relating to the 23<sup>rd</sup> Ave PUD and invite Fox Simons, Will Bryan, Brian Tucker, Josh Bruegger, Michelle Shumpert, Marla Bell, Patrick Lloyd, Amy Neuschafer. **Moved by:** Debbie Conner **Seconded by:** Michael Chestnut  
**Vote: (summary Yes = 6 Absent = 1)** Yes: Mayor Brenda Bethune, Michael Chestnut, Debbie Conner, Jackie Hatley, Mike Lowder, Gregg Smith.  
Absent: Bill McClure

9:22 A.M.

**Motion:** To Exit Executive Session **Moved by:** Mike Lowder **Seconded by:** Debbie Conner  
**Vote: (summary Yes = 6 Absent = 1)** Yes: Mayor Brenda Bethune, Michael Chestnut, Debbie Conner, Jackie Hatley, Mike Lowder, Gregg Smith.  
Absent: Bill McClure

9:47 A.M.

**CALL TO ORDER**.....10:00 A.M.  
**INVOCATION**.....Mayor Pro-Tem Lowder  
**PLEDGE OF ALLEGIANCE**.....Mayor Pro-Tem Lowder

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

**Amend:** To correct scrivener’s error of M2024-97 and M2024-98 to change dollar amount from \$2,000 to \$5,000 and change numbering of last two motions as M2024-100 and M2024-101.

**Motion:** To Approve amended agenda with corrections **Moved by:** Mike Lowder **Seconded by:** Michael Chestnut

**Vote: (summary Yes = 6 Absent = 1)** Yes: Mayor Brenda Bethune, Michael Chestnut, Debbie Conner, Jackie Hatley, Mike Lowder, Gregg Smith.  
Absent: Bill McClure

**APPROVAL OF MINUTES**.....November 12, 2024

**Motion:** To Approve **Moved by:** Debbie Conner **Seconded by:** Jackie Hatley

**Vote: (summary Yes = 6 Absent = 1)** Yes: Mayor Brenda Bethune, Michael Chestnut, Debbie Conner, Jackie Hatley, Mike Lowder, Gregg Smith.  
Absent: Bill McClure

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

2. Public Information Update – PIO Staff

- Video was played that reviews the city’s past, present, and future events and happenings.

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

- Mark Sowers requests that that city use property behind Sports Center for a new recreation

**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 M2024-94** authorizing the City Manager or his designee to apply for a grant in the amount of \$1,002,636 from the Horry County Transportation Committee through the South Carolina Department of Transportation for the purpose of resurfacing State-owned roadways within our jurisdiction; 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. Matching funds associated with the FY25 Annual Resurfacing project of City-owned streets, estimated at \$1,740,000.

*Per the CTC’s review and approval of the road project application, the grant amount approved will be allocated for the estimated \$2,742,636 road rehabilitation effort that includes a combination of City and State-owned streets within our jurisdiction. This project is described as rehabilitating the aforementioned roadways, which may include but is not limited to milling, full-depth patching, resurfacing, and pavement markings.*

*The City of Myrtle Beach Public Works Department will have full responsibility for the procurement, construction, maintenance, and inspection of this project. The City’s capital improvement funds will be financially supporting the City’s contribution estimated at \$1,740,000, whereas the Horry CTC grant application is estimated to be \$1,002,636.*

**Motion M2024-95** authorizing the City Manager or his designee to accept a grant in the amount of \$16,054 from SC Department of Public Health (SC DPH) for the purpose of purchasing mosquito control equipment and supplies; and 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 requirement.**

*SC Department of Public Health (SC DPH) is distributing Hurricane Recovery Funds to local municipalities for mosquito control. SC DPH has prioritized funding for municipalities that are most affected by hurricane-influenced mosquito population surges due to significant rainfall.*

**Motion M2024-96 to approve a Memorandum of Understanding between the Myrtle Beach Police Department and US Department of Affairs.**

*The US Department of Affairs Ralph H. Johnson Veterans Health Care Services is seeking renewal of a Memorandum of Understanding with Myrtle Beach Police Department to continue interagency coordination. This MOU provides for MBPD to respond for assistance, investigations, and support as needed in the form of resources in the event of a need on the property which both law enforcement teams will work together to address. This is a 3 year agreement.*

**Motion M2024-97 to accept a donation in the amount of ~~\$2,000~~ \$5,000 from Bradley Housing Developers on behalf of Neighborhood Services for its outreach programs.**

*This donation is designated for the outreach programs implemented by the Neighborhood Services Department.*

**Motion M2024-98 to accept a donation in the amount of ~~\$2,000~~ \$5,000 from Tuscan Properties on behalf of Neighborhood Services for its outreach programs.**

*This donation is designated for the outreach programs implemented by the Neighborhood Services Department.*

**Motion:** To Approve Consent Agenda Items **Moved by:** Mike Lowder **Seconded by:** Debbie Conner

**Vote: (summary Yes = 6 Absent = 1)** Yes: Mayor Brenda Bethune, Michael Chestnut, Debbie Conner, Jackie Hatley, Mike Lowder, Gregg Smith.

Absent: Bill McClure

## **CONSENT AGENDA ITEMS APPROVED**

## **REGULAR AGENDA**

**2<sup>nd</sup> Reading Ordinance 2024-65 to amend the Ocean Village PUD to address a 1.7 acre portion of the property located along N Kings Hwy and 52<sup>nd</sup> Ave N (TMS 174-06-18-022).**

*The Ocean Village PUD was adopted in 2016 and consists of two phases:*

- *Phase 1 is a 6.23-acre Ocean Village gated residential neighborhood along 52nd Ave N; and*
- *Phase 2 is 1.7 acres along North Kings Highway reserved for future development consistent with Mixed Use – Medium Density (MU-M) zoning.*

*The amendment changes the Phase 2 Dunes Marketplace portion of the PUD to be developed as a Live/Work building generally consistent with Highway Commercial (HC) zoning. The primary structure within the Dunes Marketplace portion of the PUD is anticipated to house commercial use on the first floor with residences occupying the floors above. Planning Commission recommends approval (5/4) with the following recommendations:*

- *In the event the project does not go forward, the property does not revert to MU-M zoning; and*
- *The applicant explores putting up no parking signs along 52nd Ave N OR puts resident decal parking on 52nd Ave N.*

**Motion:** To Approve **Moved by:** Debbie Conner **Seconded by:** Gregg Smith

**Vote: (summary Yes = 6 Absent = 1)** Yes: Mayor Brenda Bethune, Michael Chestnut, Debbie Conner, Jackie Hatley, Mike Lowder, Gregg Smith.

Absent: Bill McClure

**ADOPTED**

**2<sup>nd</sup> Reading Ordinance 2024-66 to amend the Code of Ordinances, City of Myrtle Beach, Appendix A Zoning, Article 5 Board of Zoning Appeals, Section 505 Procedures to add new section 505.c *Time Limitations*.**

*The purpose of the proposed amendment is twofold:*

1. *Provides a 6-month deadline for Variances and Special Exceptions approved by the Board of Zoning Appeals (BZA).*
  - *For example, if someone is granted a 5' Setback Variance to install a shed, and the shed isn't permitted within 6 months of receiving the Variance, the Variance approval becomes null and void.*
2. *Limits re-application for a denied BZA Variance, Special Exception, or Appeal to a minimum 12 months after denial.*

*Planning Commission (11.5.24): recommends approval (8/0)*

**Motion:** To Approve **Moved by:** Mike Lowder **Seconded by:** Michael Chestnut

**Vote: (summary Yes = 6 Absent = 1)** Yes: Mayor Brenda Bethune, Michael Chestnut, Debbie Conner, Jackie Hatley, Mike Lowder, Gregg Smith.

Absent: Bill McClure

**ADOPTED**

**2<sup>nd</sup> Reading Ordinance 2024-67 to amend Ordinance No. 2023-026, the 2023-24 Budget Ordinance, recognizing material events and their impacts upon the 2023-24 budget and reconciling budgets with audited results.**

*Each year, as the result of closing & adjusting entries, the city considers whether it must adopt a wind-up ordinance to account for adjustments that changed the original adopted budget. In addition, the year ended June 30, 2024, allowing for the opportunity to address other funding needs.*

**Motion:** To Approve **Moved by:** Gregg Smith **Seconded by:** Michael Chestnut

**Vote: (summary Yes = 6 Absent = 1)** Yes: Mayor Brenda Bethune, Michael Chestnut, Debbie Conner, Jackie Hatley, Mike Lowder, Gregg Smith.

Absent: Bill McClure

**ADOPTED**

**2<sup>nd</sup> Reading Ordinance 2024-69 to amend the Code of Ordinances, City of Myrtle Beach, Appendix A Zoning Article 18 Overlay Zones to add new Section 1808 Short Term Rental Conversion Overlay Zone for commercial districts east of Kings**

## Highway preventing conversion of short-term rental use to long-term rental use.

*Ordinance 2024-27, passed on 4.9.24, approved a moratorium on short-term rental properties being converted to long-term rentals in areas east of Kings Hwy. After the passing of this temporary moratorium the City contracted with Arnet Muldrow to analyze the economic impact of the conversion of short-term rental properties into long-term rentals. The study concluded for every 1,000 units converted from short-term rental to long-term rental, lost revenue includes:*

- *The City of Myrtle Beach = \$2.48 Million*
- *Horry County = \$1.19 Million*
- *State of South Carolina = \$3.94 Million*
- *The Study further estimates a loss of 48 jobs for every 1,000 units converted.*

*In addition to revenue impacts, the Study also analyzed cost of service, specifically public safety calls. The conclusion:*

- *Police response to a long-term rental unit costs 93% more than response to a short-term rental unit.*
- *Fire response time spent at a long-term rental unit is 28.7% longer than response time spent at a short-term rental unit.*

*Planning Commission (11.19.24) recommends approval (8/0):*

- *finding the amendment is consistent with the Land Use and Economic Development Elements of the Comprehensive Plan. This area was always intended to be primarily used for short-term rentals, which are essential to our local economy.*

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

City Attorney, Will Bryan, requests that City Council consider an amendment to add an exception making it clear that owners that are currently operating with a long-term business license can continue using their unit as a long-term rental so long as they maintain their long-term license. Attorney requests that amendment language be added reads as:

1808.D Exception: Owners of units within the overlay zone that are legally operating with a business license for long term rental at the time of adoption may continue to use the licensed unit as a long-term rental so long as the owner maintains the business license for long term rental.

**Motion:** To Approve with Amendments **Moved by:** Gregg Smith **Seconded by:** Debbie Conner

**Vote of the Amended Motion: (summary Yes = 6 Absent = 1)** Yes: Mayor Brenda Bethune, Michael Chestnut, Debbie Conner, Jackie Hatley, Mike Lowder, Gregg Smith.

Absent: Bill McClure

## ADOPTED

Alex Fogel comes forward to speak on behalf of Nora Hutchinson (entire statement may be heard on city's website)

**1<sup>st</sup> Reading Ordinance 2024-28 to close and abandon certain alleys between lots 181, 183, 182, & 184 of the eastern section.**

*The newly created 23rd Ave., PUD calls for an alleyway swap in conformance to City Code. City Code section 5-27-150 outlines the city's policy on relocation/consolidation policy on alleyways. The applicant has determined the two (2) alleyways between lots 181 and 183 and lots 182 and 184 (see Exhibit A to the ordinance) shall be abandoned. In return the City shall receive title to a 20 (20) foot portion of the South Side of Lot 181 and a twenty (20) foot portion of the South Side of Lot 182, Eastern Section of Myrtle Beach.*

**Motion:** To Continue **Moved by:** Mike Lowder **Seconded by:** Jackie Hatley

**Vote: (summary Yes = 5 No = 1 Absent = 1)** Yes: Mayor Brenda Bethune, Michael Chestnut, Debbie Conner, Jackie Hatley, Mike Lowder.  
No: Gregg Smith  
Absent: Bill McClure

**CONTINUED**

**1<sup>st</sup> Reading Ordinance 2024-70 to approve a development agreement between the City of Myrtle Beach and IRH Myrtle Beach LLC and provide an incentive voucher as authorized by section 15-53 of the city code.**

*IRH Myrtle Beach LLC is a nationally respected developer, builder and operator of specific purpose-built housing for seasonal workers. The project consists of several phases that will total a \$40,000,000 investment to construct dormitory style housing to accommodate up to 1,200 employees participating in the BridgeUSA J-1 work-travel program, H-2B participants and U.S. college internship program participants. The Developer has requested the City enter into a development agreement for the Project and provide an incentive voucher of 1% of the total construction cost as authorized in Sections 15-50 et seq. of the City Code as enacted by Ordinance 2020-4 (the "Voucher Incentive Program"). The City has issued permits to construct two of the four dormitory buildings with plans to have one building open for the 2025 summer season. The Incentive Voucher program allows a reimbursement of any fees or taxes paid directly to the City up to 1% of total construction cost upon the completion of construction.*

**Motion:** To Approve **Moved by:** Michael Chestnut **Seconded by:** Debbie Conner

**Vote: (summary Yes = 6 Absent = 1)** Yes: Mayor Brenda Bethune, Michael Chestnut, Debbie Conner, Jackie Hatley, Mike Lowder, Gregg Smith.  
Absent: Bill McClure

**APPROVED 1<sup>st</sup> READING**

**Motion M2024-99 authorizing the City Manager or his designee to accept grants in the amount of \$10,000,000 from SC Department of Commerce (\$5,000,000) and the SC Department of Parks, Recreation and Tourism (\$5,000,000) for the purpose of downtown revitalization by way of upgraded streets, sidewalks, crosswalks, parking, and innovation advancement through co-work/incubator and Living Lab planning and design.**

*To accept and allocate funds approved in the FY25 State budget by the SC Department of Commerce and SC Department of Parks, Recreation, and Tourism for the purpose of supporting the City's efforts towards downtown revitalization and enhancement of the City's innovation ecosystem and infrastructure.*

**Motion:** To Approve **Moved by:** Michael Chestnut **Seconded by:** Gregg Smith

**Vote: (summary Yes = 6 Absent = 1)** Yes: Mayor Brenda Bethune, Michael Chestnut, Debbie Conner, Jackie Hatley, Mike Lowder, Gregg Smith.  
Absent: Bill McClure

**APPROVED**

**Motion M2024-99 M2024-100 to appoint/reappoint three members to the Community Appearance Board.**

*The terms of Seth McCoy, Joe Jumper, and Mayur Jeram expire on December 31, 2024. All do wish for reappointment as well Chairman's recommendation of reappointment of all three. Their new terms will expire on December 31, 2027.*

**Motion:** To Reappoint Seth McCoy, Joe Jumper, and Mayur Jeram **Moved by:** Mike Lowder  
**Seconded by:** Debbie Conner

**Vote: (summary Yes = 6 Absent = 1)** Yes: Mayor Brenda Bethune, Michael Chestnut, Debbie Conner, Jackie Hatley, Mike Lowder, Gregg Smith.  
Absent: Bill McClure

**Motion ~~M2024-100~~ M2024-101 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 staff 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:** Mike Lowder **Seconded by:** Michael Chestnut

**Vote: (summary Yes = 6 Absent = 1)** Yes: Mayor Brenda Bethune, Michael Chestnut, Debbie Conner, Jackie Hatley, Mike Lowder, Gregg Smith.  
Absent: Bill McClure

## **APPROVE**

**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:** Debbie Conner

**Vote: (summary Yes = 6 Absent = 1)** Yes: Mayor Brenda Bethune, Michael Chestnut, Debbie Conner, Jackie Hatley, Mike Lowder, Gregg Smith.  
Absent: Bill McClure

10:47 AM

ATTEST:

\_\_\_\_\_  
BRENDA BETHUNE, MAYOR

\_\_\_\_\_  
JENNIFER ADKINS, CITY CLERK