

**CITY OF NORTH MYRTLE BEACH, SOUTH CAROLINA
NORTH MYRTLE BEACH CITY HALL
CITY COUNCIL MEETING
Monday, July 15, 2024, 7:00 PM**

Minutes

1. ROLL CALL:

Mayor Hatley called the meeting to order and asked the Clerk to call the roll.

Marilyn Hatley
JO Baldwin
Bubba Collins
Fred Coyne
Nicole Fontana
Trey Skidmore
Hank Thomas

A quorum was established.

Mayor Hatley asked City Manager Mike Mahaney to deliver the invocation.

Mayor Hatley welcomed Scout Troup 899, Carolina Forest Chapter, who were in attendance working on their Civic Merit Badge and asked them to lead the Pledge of Allegiance.

2. MINUTES:

The motion to approve the minutes for the City Council Meeting of Monday, June 17, 2024, as presented, was made by Councilwoman Fontana and seconded by Councilman Collins. The motion to approve passed 7-0.

3. COMMUNICATIONS:

Mayor Hatley read a Resolution recognizing Elissa and Brianna Zamrik for their STEM signing. The STEM Program started four years ago in Horry County and the Zamriks were a part of the groundbreaking curriculum. High school seniors throughout the state who were planning to attend a two-year or four-year college and pursue a STEM degree were identified through the SC Future Makers Initiatives and selected through an application process. The STEM degree signifies they are passionate about changing the world through science, technology, engineering, or mathematics. Mayor Hatley noted the twin girls were North Myrtle Beach High School students and congratulated them on this prestigious honor.

Mayor Hatley recognized Eileen Fleming-Patonay, South Carolina Department of Employment and Workforce, and David Koch, Horry County School Board, who were in attendance.

Mayor Hatley stated the Department Monthly Reports for June 2024 were available online.

4. ANNOUNCEMENTS BY MAYOR AND CITY COUNCIL:

Mayor Hatley thanked everyone who participated in the Fourth of July celebration and march on the beach. She noted the event was beautiful and very successful. She added that many people took part in the event and thanked the City staff for all they did.

5. CONSENT AGENDA:

A. RESOLUTION: Approving the Annual Assessment Report and an updated Assessment Roll for the Cherry Grove Improvement District. Mayor Hatley asked Manager Mahaney to speak on the Resolution approving the Annual Assessment Report and updated Assessment Roll for the Cherry

Grove Improvement District. Manager Mahaney explained that the City was required to present an annual update. He stated the assessment for this year was \$1725.20 for homes and \$1190.00 for Condos totaling \$718,000. Theodore DuBose, Consultant with Haynsworth Sinkler Boyd, P.A., noted the first dredge cost was \$2400.00 per home and through cost savings and good project management, the cost had lowered. Mr. DuBose noted there were 3 more payments for this project. Councilman Thomas thanked staff and Mr. DuBose for their efforts to make the channel project happen. He added this was very important to the City and especially important for the Cherry Grove residents. He stated he hoped the main channel could be a part of future dredges. Councilman Collins noted that fishing was great this summer due to the dredge. Mayor Pro Tempore Baldwin agreed and added the channels would have dried up if the dredging had not been done. He added this project protected home values for Cherry Grove residents and thanked all who participated and brought this project to fruition.

Mayor Hatley called for a motion. The motion to approve was made by Councilwoman Fontana and seconded by Councilman Collins.

Having no further comment from Council or public, Mayor Hatley called for a vote. The motion to approve passed 7-0.

6. UNFINISHED BUSINESS:

- A. ORDINANCE/SECOND READING: Petition for Annexation and Zoning Designation for ±0.98 acres on Little River Neck Road.
- B. ORDINANCE/SECOND READING: Petition for Annexation and Zoning Designation for ±0.68 acres on Anne Street.

Mayor Hatley asked Council to consider 6A and 6B together and the Council agreed. Mayor Hatley read both ordinances by title and called for a motion. The motion to approve was made by Councilman Coyne and seconded by Councilwoman Fontana. Mayor Pro Tempore stated these were two small doughnut holes that were discussed at the last meeting.

Having no further comment from the Council or public, Mayor Hatley called for a vote. The motion to approve passed 7-0.

7. NEW BUSINESS:

- A. ORDINANCE/FIRST READING: An ordinance revising the Tax Levy for FY 2025. Mayor Hatley asked Manager Mahaney to explain to the public why the City had to roll back the tax levy. Manager Mahaney stated that property values had gone up due to a recent reassessment by Horry County. He added that state law prohibited collecting more in taxes than originally projected and due to the increase in property value, the millage had to be rolled back from 48 mils to 45 mils. Mayor Hatley called for a motion. The motion to approve was made by Mayor Pro Tempore Baldwin and seconded by Councilman Skidmore.

Having no further comment from the Council or public, Mayor Hatley called for a vote. The motion to approve passed 7-0.

- B. ORDINANCE/FIRST READING: Rezoning request for ±30.1 acres on the corner of Highway 90 and Robert Edge Parkway. Mayor Hatley recused herself from the discussion and vote and left the Chambers. Mayor Pro Tempore Baldwin read the ordinance by title and called for a motion. The motion to approve was made by Councilman Thomas and seconded by Councilman Skidmore. Councilman Thomas asked if this parcel was already within the boundaries of North Myrtle Beach. Mayor Pro Tempore Baldwin confirmed it was in the City and was not changing zoning but just moving lot boundaries. Jim Wood, Director of Planning and Development, explained that the zoning was completed before the lots were put in place and this action would match up with the lot boundaries. Councilman Coyne asked if there would be a reduction in the Highway Commercial part. Director Wood stated there might be a minimal increase but it would be very minor.

Having no further comment from the Council or public, Mayor Pro Tempore Baldwin called for a vote. The motion to approve passed 6-0.

- C. ORDINANCE/FIRST READING: Rezoning request for ±10.4 acres at 37th Avenue South and Smith Street creating Foxfire Village Planned Development District (PDD). **NOTE: Petitioner has requested to postpone.** Councilman Skidmore recused himself from the discussion and vote and left the Chambers. Mayor Hatley read the ordinance by title and called for a motion. The motion to postpone was made by Councilman Collins and seconded by Mayor Pro Tempore Baldwin.

Having no further comment from the Council or public, Mayor Hatley called for a vote. The motion to postpone passed 6-0.

- D. ORDINANCE/FIRST READING: Amendment to the Bahama Island Development District (PDD) revising the access and offsite improvements. Mayor Hatley read the ordinance by title and called for a motion. The motion to approve was made by Mayor Pro Tempore Baldwin and seconded by Councilwoman Fontana. Councilman Coyne stated he had some concerns because originally Council had asked for turning lanes to be added to the county area to take the burden off the residents that lived there but the Developer asked to drop this so Council voted it down. He stated he understood the financial standpoint for the City but this still didn't address or minimize the original problem. Mayor Hatley asked if staff had any concerns after the revisions were made. Dana Hamilton, Assistant Director of Public Works, stated that his department had concerns and shared exhibits depicting problems with the turning movements. He noted the biggest concern was vehicles having to swing out into opposing traffic in order to make the turn. Assistant Director Hamilton added the applicant had offered a widening plan at one time and that was what the cost estimate was based on but his department was concerned about the unknown factors of cost with the right-of-way acquisitions. They had not seen surveys and were not sure of the exact right-of-way. They were unable to determine the true cost of this improvement.

Councilman Skidmore asked if he could add to the motion because there would only be one meeting per month in the summertime. He added he would like to add that staff meet with the Developer and work on widening Bowline Boulevard and Old Crane Road to accommodate these movements for the second reading. Mayor Hatley stated Mayor Pro Tempore Baldwin would have to be willing to amend his original motion. Mayor Pro Tempore Baldwin agreed. Mayor Hatley asked Assistant Director Hamilton if the turning issue was his biggest concern and he confirmed that it was. Councilwoman Fontana asked if a school was close and if children were crossing at this intersection. Assistant Director Hamilton stated the school was further down the road and no children should be crossing at this intersection. Councilman Collins stated that if Council passed this tonight and the conditions were not met by second reading, the decision would be delayed. Mayor Hatley confirmed that was correct. Councilman Thomas asked if acquiring additional right-of-way would solve the problem. Assistant Director Hamilton stated this was unknown until they were able to see the surveys. Councilman Skidmore stated the intersection was already being used because the dry docks were open. Mayor Pro Tempore Baldwin stated this would solve an existing problem. Councilman Coyne stated there were 361 units in the park and half were park models so that solved part of the issue but that left 180 that were not park models. Mayor Hatley stated she was concerned because the Council normally saw more of the plan, styles and landscape. Manager Mahaney stated the plan was approved several years ago. Director Wood stated the RV park was approved by Council March 2023, and the drawings were in the original packet and the only reason this was back on the agenda was to change the access. Director Wood presented a copy of the original PDD for review and Mayor Hatley confirmed that nothing would change except the access. Councilwoman Fontana added the only other change was to increase the maximum rental term beyond 90 days in December, January, and February to accommodate long-term rentals and snowbirds.

Having no further comment from the Council or public, Mayor Hatley called for a vote. The motion to approve passed 7-0.

- E. **SECOND PUBLIC HEARING:** Regarding the First Amendment to the Bahama Island Phase II Master Development Agreement. Mayor Hatley called for a motion. The motion to approve was made by Councilwoman Fontana and seconded by Mayor Pro Tempore Baldwin. Chris Noury, City Attorney, stated the main points of the amendment were to delete Section 10(E) of the current Development Agreement regarding off-site roadway improvements which require the consent of Horry County. The County indicated it would not provide its consent to the proposed roadway improvements and replace with language that would require the Developer to do the following things: 1. Provide a left turn pocket (taper and storage) on Bowline Boulevard for left turn lanes into the project; 2. Install a radio activated emergency gate within the existing right-of-way for C Versie Road as a secondary access to the project. Mr. Noury noted that a third item was added today to the Developer's obligations at the request of Kevin Blayton, Director of Public Works. Mr. Noury stated he had spoken to the Developer and they indicated that they would be willing to add the third obligation. 3. Widening of Bowline Boulevard and Old Crane Road at the intersection to accommodate turning movements for truck-trailer combination vehicles. Each of the improvements referenced were located within the jurisdiction of North Myrtle Beach and did not require the approval of Horry County. In addition, the amendment required the Developer to pay to the City \$300,000 at the time of application for the third building permit for the cost of the roadway improvements. Mr. Noury added that Director Blayton also asked that verbiage be added stating the \$300,000 may be adjusted based on the City's review of surveys, plats, plans, and cost estimates. Mr. Noury stated the Developer indicated that they would be willing to have that language included in the Development Agreement. Mr. Noury stated this was the second public hearing and a motion to accept the proposed changes to the Development Agreement would be made under Section 7F.

Having no further comment from the Council or public, Mayor Hatley closed public comment and stated no vote was needed for a public hearing.

- F. **ORDINANCE/FIRST READING:** First Amendment to the Bahama Island Phase II Master Development Agreement and to authorize the City Manager to sign the document on behalf of the City. Mayor Hatley read the ordinance by title and called for a motion. The motion to approve that added language to the Agreement that the Developer would be obligated to widen Bowline Boulevard and Old Crane Road at the intersection to accommodate turning movements for truck-trailer combination vehicles was made by Councilman Skidmore and seconded by Councilman Thomas. Mayor Hatley asked about adding the language regarding the \$300,000 payment. Mr. Noury stated the language would be refined and would be included in the second reading. Councilman Coyne asked how this tied in with the discussion on Item 6D specifically regarding the surveys on the turning lane. Councilman Thomas stated that Council would determine if the modified survey and modified turning lanes fit and if they met engineering requirements. Mayor Hatley agreed and added all aspects would be presented together. Councilman Collins stated that the issues were related and if an issue was recognized and not corrected, there may be a different outcome at the next meeting. Mr. Noury noted that the Developer would be obligated to pay the City \$300,000 but that number could be adjusted based on the plats, surveys, plans, diagrams, cost estimates, and staff review.

Having no further comment from the Council or public, Mayor Hatley called for a vote. The motion to approve passed 7-0.

- G. **ORDINANCE/FIRST READING:** Petition for Annexation and Zoning Designation for ±1.25 acres on Cenith Drive. Mayor Hatley read the ordinance by title and called for a motion. The motion to approve was made by Councilwoman Fontana and seconded by Councilman Thomas. Mayor Hatley asked if most of the lots on Cenith were zoned R-1. Director Wood stated most lots were zoned R-1 but this lot would be zoned R-1B to be consistent with the properties on the waterway side of the development. Councilman Coyne stated this would also be consistent with the zoning approved at the last meeting for this street.

Having no further comment from the Council or public, Mayor Hatley called for a vote. The motion to approve passed 7-0.

8. **PUBLIC COMMENT:**

Ted Adams, 329 52nd Avenue North, North Myrtle Beach, shared with Council that he was a veteran pilot who survived a mid-air collision between an F102 and an Air Command Bomber and he was one of the two pilots that got out. He added that he shared this to let Council know that he had experienced enough excitement and noise in his life. He stated he had a noise problem at his home which prohibited him from enjoying time in his yard reading. Mr. Adams stated his neighbor's pool pump was illegally loud and was illegally located until a few months ago when the location was made legal. He added that the police came a week before and measured the noise level with their meter and it exceeded the limit for the time period between 11:00 PM and 7:00 AM at 6.4 decibels. Mr. Adams stated that he came to Council 2 years ago and Council asked the Code Enforcement Department to enforce the ordinance. He stated that Ben Caldwell met with him and advised the pool pump would be required to move to the other side of the house but, as yet, it has not been moved. Mr. Adams stated the police advised him that Code Enforcement was responsible for enforcing the noise ordinance, not the police. Mr. Adams stated he was back at square one and asked Council to help. Mayor Hatley asked for the address for the noise. Mr. Adams stated the address was 331 52nd Avenue North. Manager Mahaney stated the City would need to investigate further and get back to Mr. Adams. Manager Mahaney stated he recalled the City paying to relocate the pool pump due to the set-back issues. Manager Mahaney added that he was also not sure the decibel reading was over the allowed limits but the City would do everything they could to help. Bonnie Adams, Mr. Adams wife, added the decibel reading was 64 not 6.4 and the pump had not been moved. Manager Mahaney stated he authorized approximately \$2,000 to move the pump and wasn't aware it had not been moved. Mr. Adams thanked the Council. Councilman Collins thanked Mr. Adams for his service.

Councilman Collins thanked the Scouts for attending the meeting and shared that 2 of his sons were Eagle Scouts.

9. **ADJOURNMENT:**

Mayor Hatley thanked everyone for attending and called for a motion to adjourn. The motion to adjourn was made by Councilwoman Fontana and seconded by Councilman Skidmore. The motion passed 7-0. The meeting adjourned at 7:50 PM.

Respectfully submitted,

Allison K. Galbreath, City Clerk

MARILYN HATLEY, MAYOR

Minutes approved and adopted this 19th day of August 2024