

**CITY OF NORTH MYRTLE BEACH, SOUTH CAROLINA
NORTH MYRTLE BEACH CITY HALL
CITY COUNCIL MEETING
Monday, December 2, 2024, 6:30 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.

1B. EXECUTIVE SESSION:

Mayor Hatley called for a motion to go into Executive Session for a discussion regarding a potential property acquisition. The motion was made by Councilwoman Fontana and seconded by Mayor Pro Tempore Baldwin. The motion passed 7-0. The Council returned to Chambers at 7:07 PM. Mayor Hatley announced that no votes were taken and called for a motion to adjourn the Executive Session. The motion was made by Councilman Collins and seconded by Councilwoman Fontana. The motion passed 6-0. Councilman Coyne was not present in the Chambers until after the vote was taken. The regular meeting started at 7:07 PM.

1C. CONTINUATION OF CALL TO ORDER:

Jay Ortiz, Public Safety Chaplain, delivered the invocation.

Mayor Hatley led the Pledge of Allegiance.

2. MINUTES:

The motion to approve the minutes for the City Council Meeting of Monday, November 4, 2024, and the City Council Workshop of Wednesday, November 20, 2024, as presented, was made by Councilwoman Fontana and seconded by Mayor Pro Tempore Baldwin. The motion to approve passed 7-0.

3. COMMUNICATIONS:

Mayor Hatley presented a Proclamation to the Tree Board recognizing December 6, 2024, as Arbor Day. She noted how special this was to the City and that every year trees were planted in the City on Arbor Day. She commended Jim Grainger, Park and Recreation Assistant Director, and the Tree Board for their work and dedication. Assistant Director Grainger invited the public to attend the tree planting ceremony on December 6, 2024, 10:15 AM, at City Hall. He shared that Nina Ortiz, Resident Artist at the J. Bryan Floyd Community Center, had painted a mural at the facility where tags could be attached to recognize tree donors and memorials. Ann Hyler, Urban Forestry Specialist for the Pee Dee Region, praised the Mayor and Council for their dedication to the Tree

City program and stated the South Carolina Forestry Commission considered the City of North Myrtle Beach Tree Board one of the premier Tree Boards in the state.

Ryan Fabbri, Acting City Manager, presented Dana Crowell, Chief of Police, and Billy Floyd, Fire Chief, with an award from the South Carolina House of Representatives recognizing the Police and Fire Departments for their assistance to other municipalities during Hurricane Helene. Acting Manager Fabbri stated Representative William Bailey made the motion for the recognition but was unable to attend to present it.

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

4. ANNOUNCEMENTS BY MAYOR AND CITY COUNCIL:

Mayor Pro Tempore Baldwin thanked the Parks and Recreation staff for the success of the kickoff of the Christmas Light Show during Dashing Through the Glow. He stated the event sold out and was a great success. Councilman Collins invited the community to attend the Christmas Tree Lighting Ceremony on December 3rd, 2024, at 6:00 PM, at McLean Park. Councilwoman Fontana noted the time for the Christmas Parade was Saturday, December 7, 2024, at 5:30 PM. She encouraged everyone to attend the Community Christmas Cantata on Saturday, December 7, 2024, at 5:30 PM, Sunday, December 8, 2024, at 3:30 PM or 6:30 PM at Living Water Baptist Church.

5. CONSENT:

- A. RESOLUTION: Memorandum of Understanding between the City of North Myrtle Beach and the Town of Atlantic Beach
- B. RESOLUTION: A Resolution regarding the Interim City Manager position
- C. MOTION TO APPOINT: An appointment and reappointment to the Planning Commission
- D. MOTION TO APPROVE: 35th Annual St. Patrick's Day Festival on March 15, 2025
- E. MOTION TO APPROVE: 35th Annual St. Patrick's Day Parade on March 15, 2025

Mayor Hatley asked the Council to consider Items A through E together. The Council agreed and Mayor Hatley read each item by title and called for a motion. The motion to approve was made by Councilwoman Fontana and seconded by Councilman Coyne.

Having no comment from the 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 ±58.3 acres at the intersection of Highway 22 and Highway 31. Mayor Hatley read the ordinance by title and called for a motion. The motion to approve was made by Councilman Thomas and seconded by Councilman Coyne.

Dennis Stamey, 2910 Whooping Crane Drive, North Myrtle Beach, stated he wanted to remind Council that he was adamantly opposed to the Barefoot Lakes Development which had been considered a conservation parcel for a long time. He asked that the following parameters be included for the record: that no amendments be allowed in the Development Agreement that would increase the number of homes greater than 49, decreased the house size, lot size, or the 125' buffer between the development and Cedar Creek neighborhood homes, and no future access be granted to the Barefoot PDD for future development across Water Tower Road. He stated this would protect Barefoot. He added the City could show their support for Barefoot and surrounding neighborhoods by agreeing to repair and take full responsibility for Outfall #2, which was permitted, inspected, and approved by the City when Barefoot was constructed.

Alan Simeon, 5700 Seabird Court, North Myrtle Beach, stated he had asked Council in the past what Barefoot residents would benefit from this development. He stated he had been told they might get a pig farm, a shopping mall, or nice neighbors. He stated 95% of the respondents to Barefoot's survey opposed the development but the Mayor questioned how the survey was worded. He asked how the Mayor phrased her instructions to Council on how to vote on the Bluewater Development. Mr. Simeon added that Barefoot residents felt they had a better chance with a jury of 12 than they had with a City Council that made their decision regardless of what the residents wanted. Mr. Simeon stated the only thing that prevailed here was greed.

John Karpovich, 5100 Stonegate Drive, North Myrtle Beach, asked what the purpose of the Planning Commission was. Mayor Hatley stated the Planning Commission made recommendations to Council but were not the final decision makers. Mr. Karpovich asked if the members were appointed by Council and Mayor Hatley confirmed they were. He stated he did not understand how the Planning Commission could vote 7-0 in opposition of this development and the majority of the Council voted in favor of the development. Mr. Karpovich stated it appeared the Planning Commission's findings were totally discarded. He asked if there was something that they were missing that turned this around. He stated this application had been kicked around for 12 years and somehow it was now go time for the applicant. He stated the appearance was not good due to the opposition of the community.

Mark Porter, 5718 Herring Gull Circle, North Myrtle Beach, stated the back of his property was common with Tract C and he was pro-Barefoot Lakes and pro-49 single-family homes and R-1 zoning as opposed to the potential for hundreds of homes that could be allowed under the County's CFA zoning. He stated the argument that this would increase traffic had no credence and would only add ½ car for every 50 cars waiting at the bridge. He added he was pro-homes having fire suppression systems installed, pro-storm water system design and capacity being able to handle this development, and pro-for the existing storm water drainage system that existed on Tract C. Mr. Porter stated he was pro-Council doing what was best for Barefoot. He asked the Council to support the project because it was best for Barefoot.

Having no further comment from the Council or public, Mayor Hatley called for a vote. The motion to approve passed 4-3. Mayor Pro Tempore Baldwin, Councilman Collins, and Councilman Skidmore voted nay.

- B. ORDINANCE/SECOND READING: Amendment to the Barefoot Resort Planned Development District (PDD) providing access to Barefoot Lakes. Mayor Hatley read the ordinance by title and called for a motion. The motion to approve was made by Councilman Coyne and seconded by Councilwoman Fontana. Mayor Pro Tempore Baldwin stated that because this was the second reading, amendments could not be made unless it came back before Council. He added that there was no guarantee that an amendment would not come back before this Council, but allowing access for this development could be a better outcome than what could come in the future if Council did not approve this amendment. Councilman Coyne agreed with Mayor Pro Tempore Baldwin and stated this vote could not bind a future Council but there was a certain level of comfort due to this amendment.

Having no further comment from the Council or public, Mayor Hatley called for a vote. The motion to approve passed 4-3. Mayor Pro Tempore Baldwin, Councilman Collins, and Councilman Skidmore voted nay.

- C. ORDINANCE/SECOND READING: Barefoot Lakes Development Agreement and to authorize the Acting 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 was made by Councilman Thomas and seconded by Councilman Coyne. Mayor Hatley stated Council had discussed removing the 6-month offer to purchase clause at the last meeting and asked Chris Noury, City Attorney, to clarify if it had been removed. Mr. Noury stated the language had been removed from the Development Agreement but was left on the issue paper as an oversight.

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

- D. ORDINANCE/SECOND READING: Amendment to the Parkway Group Planned Development District (PDD) creating phases Four and Five of the Palmetto Coast Industrial Park. Mayor Hatley read the ordinance by title and called for a motion. The motion to approve was made by Councilman Collins and seconded by Councilwoman Fontana. Councilman Thomas thanked the Developer for the revisions on the landscaping. Mayor Hatley stated the Developer took the Council's ideas and made the changes. Mayor Pro Tempore Baldwin stated the Developer went above and beyond what was asked of them. Councilman Collins agreed and thanked the Developer for listening to what the Council asked.

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

- E. ORDINANCE/SECOND READING: Palmetto Coast Industrial Park Phases Four and Five Development Agreement and to authorize the Acting 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 was made by Mayor Pro Tempore Baldwin and seconded by Councilman Collins.

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

- F. ORDINANCE/SECOND READING: Amendment to Parkway Group Planned Development District (PDD) revising neighborhood three (Wax Myrtle) at Waterside. 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 Collins stated there had been conversation recommending this be moved to a workshop due to having only one access and the number of houses proposed. Mayor Hatley stated she was still not happy with adding 100 more homes or the design change that crowded more houses in. Mayor Hatley asked Acting City Manager Fabbri to schedule a date for a workshop. Acting City Manager Fabbri asked if Council wanted to combine other items with this workshop. Mayor Pro Tempore Baldwin stated he felt there needed to be workshop scheduled for short-term rentals first and then a workshop on this item. Acting City Manager Fabbri agreed to contact Council with possible dates in January.

Mayor Pro Tempore Baldwin amended the motion from approval to a future workshop date for further discussion and was seconded by Councilwoman Fontana.

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

7. **NEW BUSINESS:**

- A. MOTION TO APPROVE: 2025 City Council Meeting Schedule and Time Change. Mayor Hatley read the ordinance by title and called for a motion. Mayor Hatley stated the schedule was basically the same as last year but with the meeting time changed to 6:00 PM. Mayor Pro

Tempore Baldwin and Councilman Thomas stated they were in favor of the time change to 6:00 PM. Councilwoman Fontana stated this change had not been discussed with her or with Councilman Coyne. Councilman Coyne stated he needed more time to think about the change due to the time spent in executive session. Mayor Hatley suggested moving executive sessions to the end of the meeting instead of the beginning. Councilwoman Fontana suggested giving Councilman Coyne more time before a vote was taken. Acting City Manager Fabbri suggested approving the dates and leaving the meeting time at 7:00 PM tonight and revisiting the time at the first meeting in January 2025, if warranted.

The motion to approve the meeting dates for 2025 amending the meeting time to 7:00 PM was made by Councilman Collins and seconded by Councilwoman Fontana.

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: Petition for Annexation and Zoning Designation for ±13.32 acres on Tom E Chestnut Road. 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 Skidmore. Councilman Thomas stated the Developer had decreased the density as requested by the Council and he felt this was a good fit for the neighborhood now. Mayor Hatley stated she appreciated that the Developer had listened to the Council's recommendations. She added the property was now contiguous with the other lots around it.

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

- C. ORDINANCE/FIRST READING: Amendment to Chapter 6, Buildings; Construction; Related Activities, of the Code of Ordinances of North Myrtle Beach, South Carolina, addressing reinspection fees. Councilman Coyne 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 approve was made by Councilwoman Fontana and seconded by Councilman Thomas. Councilman Collins stated he felt the increase from \$20 to \$100 would hurt the little guy more than the large contractor and he asked that staff explain the increase. Suzanne Pritchard, Planning and Development Assistant Director, explained that reinspection fees were rarely used but there had been an issue with contractors using the City's Building Inspectors as quality control in some neighborhoods. She added that certain contractors do not verify that work was complete and ready for inspection before they scheduled as many as 70 inspections for one day and 65 were failed because the work was not ready for inspection. Assistant Director Pritchard added that the department did not have the staff to handle 70 inspections that were not ready in one day. Mayor Hatley stated she knew that was an issue and she had no problem with the increase. Assistant Director Pritchard stated the fee would be the same as Myrtle Beach and Horry County. Councilman Skidmore asked if the reinspection fee would be imposed for the first reinspection. Assistant Director Pritchard stated the fee would only be used when reinspection was required due to the contractor not being ready for the original inspection. Jim Wood, Planning and Development Director, stated the fee had not been raised in over 17 years and was extremely low. He added that inspectors were already heavily overloaded. Mayor Hatley noted that more inspectors may need to be hired. Councilman Collins asked how the increase would be made known to the contractors. Director Wood stated the fee would be on the building permit application. Councilman Collins asked when this would go into effect and Director Wood stated it would begin when the ordinance was adopted.

Dana Brown, North Myrtle Beach, stated she understood the need for the increase but she felt the bigger issue was builders not calling for the reinspection at all. She added she felt the builders would be less likely to call for reinspection with the increase. She added she felt more building inspectors were needed. Mayor Hatley asked how this was handled. Assistant Director Pritchard stated a Stop Work Order was put in place when a property did not pass inspection but work was done afterward. The builder was then required to apply for a new permit detailing the work.

Tom Ort, 5112 Windy Pines Drive, North Myrtle Beach, stated when his house was inspected, the inspector did not go upstairs and he felt they were shortcutting due to being overworked. He stated there were 8 developments being built on Water Tower Road and Water Tower Road could not handle the building. He added the City was constructing a fire department and a police department on Water Tower Road and the ground was sunken on the road at the location forcing cars to slow down or they could not get through. He noted that with the density of homes going in, there would be major problems for future generations. He added residents on Highway 90 already had difficulty getting out of their developments and he was concerned the same was going to happen at Barefoot. Mayor Hatley stated she would like for the City and Horry County to talk about working together on widening Water Tower Road.

Stephanie Hudson, 3508 Club Course Drive, North Myrtle Beach, stated the City had done a good job creating turn lanes for the commercial traffic on Water Tower Road and she asked if there was a possibility of adding additional turn lanes for the developments. Mayor Hatley asked Kevin Blayton, Public Works Director, if this might be a good project for GSAT. Director Blayton stated widening Water Tower Road was already on the GSAT Long Range Transportation Plan but was not currently funded because they only fund projects in 5-year increments. He added GSAT was accepting project submittals in the next 6 months and the City could prioritize a project that was not already included in the RIDE 4 Project for submittal. He added that typically the City would require turn lanes for developments but that area was under joint jurisdiction with Horry County. Mayor Hatley asked Director Blayton to set up a meeting with the county engineers to talk about ideas on how to relieve the traffic and turning issues on Water Tower Road.

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

- D. ORDINANCE/FIRST READING: Amendment to Chapter 23, Zoning, of the Code of Ordinances of North Myrtle Beach, South Carolina, addressing tree replacement value. Mayor Hatley read the ordinance by title and called for a motion. The motion to approve was made by Councilwoman Fontana and seconded by Mayor Pro Tempore Baldwin. Councilwoman Fontana stated this was a great idea that helped with people taking advantage of the Tree Bank. Councilman Coyne stated the current ordinance was written 17 years ago and was past due for an increase. Mayor Hatley agreed it was time to update. Mayor Pro Tempore Baldwin stated it was great to see the ordinance amended to make it more difficult to cut down a tree without paying a fee. He added he felt other areas of the tree ordinance needed to be looked at and possibly updated at a future workshop. Councilman Skidmore and Councilman Collins agreed with Mayor Pro Tempore Baldwin on scheduling a workshop in the near future.

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:**

Harry Oehler, 3624 Pitchers Place, Little River, thanked the Council, Parks and Recreation, Public Works, and Public Safety for the great job done with the lightshow. He added traffic was moving through every 3-5 minutes and there were no complaints.

9. **ADJOURNMENT:**

Mayor Hatley wished everyone a Merry Christmas and called for a motion to adjourn. The motion to adjourn was made by Councilman Collins and seconded by Councilwoman Fontana. The motion passed 7-0. The meeting adjourned at 8:16 PM.

Respectfully submitted,

Allison K. Galbreath, City Clerk

MARILYN HATLEY, MAYOR

Minutes approved and adopted this 6th day of January 2025