

CITY OF NORTH MYRTLE BEACH, SOUTH CAROLINA
NORTH MYRTLE BEACH CITY HALL
CITY COUNCIL MEETING
Monday, December 7, 2020, 6:00 PM

Minutes

1A. ROLL CALL:

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

Marilyn Hatley
JO Baldwin
Fred Coyne
Nicole Fontana
Hank Thomas
Terry White, Absent

A quorum was established.

1B. EXECUTIVE SESSION:

The Mayor called for a motion to go into Executive Session for a discussion regarding the potential sale of city property to HTC, the appointment of one member to the Planning Commission, a legal briefing regarding a potential amendment to the Separate and Independent Amendment to the Master Development Agreement concerning the Waterway Hills/Grande Dunes North section of the Parkway PDD, a legal briefing regarding the lawsuit, *City of North Myrtle Beach, for Itself and a Class of Similarly Situated Plaintiffs, v. Horry County, 2019-CP-26-01732*. Mayor Hatley added another item to discuss a potential property exchange between the City and the United Parcel Service. The motion was made by Councilwoman Fontana and seconded by Councilman Baldwin. The motion passed 5-0. The Council returned to Chambers at 7:01 PM. The Mayor announced that no votes were taken at the session.

1C. CONTINUATION OF CALL TO ORDER:

Mayor Hatley asked the City Manager to deliver the invocation.

The Mayor led the Pledge of Allegiance.

2. MINUTES:

The motion to approve the minutes for the City Council Meeting of Monday, November 2, 2020 and the Special Called City Council Meeting of Wednesday, December 2, 2020, as presented, was made by Councilwoman Fontana and seconded by Councilman Baldwin. The motion to approve passed 5-0.

3. COMMUNICATIONS:

Mayor Hatley recognized Delton Grissett for 45 years of dedication and service to the City of North Myrtle Beach. Mike Mahaney, City Manager, gave an overview of the various job roles Mr. Grissett has held at the City and informed Council that he will be retiring as the Superintendent of Fleet Maintenance at the end of December. The City Manager noted that, to date, Mr. Grissett was the longest serving City employee and that he had not taken a sick day since 1997. Manager Mahaney stated that there would be a reception held in his honor at the Farmer's Market on Wednesday, December 9 at 11:30 am, weather permitting. The Staff and Council sincerely thanked Mr. Grissett for his years of dedicated service and stated that he will truly be missed.

Cheryl Kilday, President and CEO of the North Myrtle Beach Chamber of Commerce, Convention and Visitors Bureau presented their 2020 annual report and reviewed its COVID-19 travel and tourism

recovery strategy. Ms. Kilday presented its new name and logo, Destination North Myrtle Beach, and stated the logo will be abbreviated to Destination NMB. The logo has the recognizable South Carolina palm tree and crescent moon to help differentiate from North Miami Beach.

Mayor Hatley stated that the Departmental Monthly Reports for October 2020 were available online.

4. ANNOUNCEMENTS BY MAYOR AND CITY COUNCIL:

Mayor Hatley stated the Great Christmas Light Show is a wonderful success and has given a sense of normalcy to Christmas. She thanked the Parks and Recreation Department and those individuals who had been involved in making the light show a success.

Mayor Hatley thanked Tom Keegan, from Representative Tom Rice's office, for being at the meeting. Mr. Keegan stated Congressman Rice sent his best regards for a safe, happy, and holy Christmas.

5. CONSENT AGENDA:

- A. MOTION TO APPOINT: Appointment of Ed Horton to fill one vacant seat on the Planning Commission.
- B. RESOLUTION: To appoint two North Myrtle Beach residents to the Fireman's Insurance and Inspection Fund
- C. MOTION TO APPROVE: Approval of the 2021 City Council meeting schedule

Mayor Hatley asked if the Council would consider taking the agenda items together. The Council was in agreement. Mayor Hatley read the items by title and called for a motion. Councilman Thomas motioned to approve and was seconded by Councilman Coyne. Mayor Hatley stated John Bullard and Tammy O'Berry were the two North Myrtle Beach citizens appointed to the Fireman's Insurance and Inspection Fund. Having no further comments from the Council or the public, Mayor Hatley called for a vote. The motion to approve passed 5-0.

6. UNFINISHED BUSINESS: None

7. NEW BUSINESS:

- A. ORDINANCE/FIRST READING: Reinstate 1% Hospitality Fee and 1 ½ % Accommodations Fee. Mayor Hatley read the ordinance by title and called for a motion. The motion to approve was made by Councilman Baldwin and seconded by Councilman Thomas. Mayor Hatley explained the ordinance will be slightly changed before second reading, because the Supreme Court sent a small portion of the decision back for further review. The City would not pass on the second reading, until some decisions and agreements were ratified. Having no further comment from the Council or public, Mayor Hatley called for a vote. The motion to approve passed 5-0.
- B. ORDINANCE/FIRST READING: Petition for annexation and zoning designation for 0.78 acres on Little River Neck Road. Mayor Hatley read the ordinance by title and called for a motion. The motion to approve was made by Councilman Coyne and seconded by Councilman Baldwin. Having no comment from the Council or public, Mayor Hatley called for a vote. The motion to approve passed 5-0.
- C. ORDINANCE/FIRST READING: Petition for annexation and zoning designation for 1.02 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 Baldwin. Having no comment from the Council or public, Mayor Hatley called for a vote. The motion to approve passed 5-0.
- D. ORDINANCE/FIRST READING: Petition for annexation and zoning designation for 0.36 acres on Cenith Drive. Mayor Hatley read the ordinance by title and called for a motion. The motion to approve was made by Councilman Thomas and seconded by Councilwoman Fontana. Mayor Hatley explained the parcels on Cenith Drive were granted access to City sewer and water, with

the understanding when the lots became contiguous with the City, they would be annexed into the City. The annexation of Possum Trot allowed them to become contiguous with the City. Having no further comment from the Council or public, Mayor Hatley called for a vote. The motion to approve passed 5-0.

- E. ORDINANCE/FIRST READING: Petition for annexation and zoning designation for 0.36 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. Having no comment from the Council or public, Mayor Hatley called for a vote. The motion to approve passed 5-0.

8. PUBLIC COMMENT:

Derek Blackwell, 1301 South Ocean Boulevard, North Myrtle Beach, asked the Council if they remembered when Ocean Boulevard was two lanes, when cars drove on the beach, or the pink polka dot house. He stated he had lived in the city a very long time and he had a permit issue that he didn't understand why he could not receive and wanted to address the Council. He inquired why he was not allowed to get a permit from Public Works for his walk over and gazebo, when he had met all the city regulations and received a permit from OCRM and DHEC. Manager Mahaney stated he received a letter on December 1, from Micki Fellner, Assistant to the City Manager, stating the position of the City and why the permit would not be granted. He stated the plans that were submitted to the City versus OCRM were two different plans. The City had never permitted a gazebo seaward or angled walkways. Manager Mahaney forwarded those documents to the Council. Mr. Blackwell asked if he could send his response to the Council. Mayor Hatley stated she did see some of the documents and the two different drawings that were straight out and at an angle. She stated if he built a gazebo on an angled walkway, it would block the view of the adjoining property. Mr. Blackwell stated it was only about a 6 degree angle and there were angle walkways all over the place. Mr. Blackwell stated he had a letter from his neighbor which stated he was happy about what he proposed to build.

Mayor Hatley suggested they sit down and talk about the situation with the Staff. Manager Mahaney suggested this situation may go toward litigation and this wasn't the place to discuss the details of it. The elected officials were not tasked with enforcing the agreement with the Army Corps of Engineers. Chris Noury, City Attorney, stated Manager Mahaney was correct and one of the primary reasons to be considered was the impact this could have on federal funding regarding beach erosion. Every step must be taken to not negatively impact that funding. Mr. Noury stated he would be glad to go over them with Mr. Blackwell. Councilman Thomas asked which set of drawings were approved by DHEC. Mr. Blackwell stated they both were within the guidelines. He stated the angled walkway was the preferred drawing and stated that OCRM loved it, because it kept the staircase off the primary dunes. He stated he was making less of an impact on the dunes. Manager Mahaney stated the drawings were different and wanted to discuss it at a later time. Mayor Hatley stated for further discussion, he needed to refer to Mr. Noury.

Cheryl Kilday introduced her team from Destination North Myrtle Beach.

Sherry Kelley, 708 Creekfront Road, North Myrtle Beach, wanted to make the noise ordinance stronger in the City. She had lived in her home for 30 years, where her back porch was a refuge. When Antonio's started to have outside bands, the noise became very evasive and there has been no respect for the surrounding residential community. They have been so loud, she was unable to watch television. Her windows rattle, like military helicopters make them do. It was destroying their quality of life. Mayor Hatley stated the Chief of Police would be handling those calls. Manager Mahaney stated there would be a work session in the near future to address these issues. He asked Ms. Kelley to call the non-emergency police number to make sure she reported any problems and it could be documented. Ms. Kelley asked if the public would be involved in the future meetings. Manager

Mahaney stated there would be a workshop and two readings with any ordinance changes and the public was welcome to attend.

Shepard Broadfoot, 702 Creekfront Road, North Myrtle Beach, asked the Council take into consideration the special circumstances of the location of this business and what could become of it. It could turn into a bar and not a fine dining restaurant. They face up the creek, not across the creek. People across the creek are affected. He stated even Frank Boulineau called when they had a rock and roll band, which was causing a lot of noise. The restaurant was a nuisance, not only for the noise, but for the parking. He stated they have called the police several times. He had pictures on his phone of how close the homes were to the restaurant. One of his neighbors has pictures that won't stay on the wall, because of the noise. He didn't know what was going to happen with the business, but the noise ordinance needed to go further. Mayor Hatley confirmed they were going to get on top of the situation, because there was more than one restaurant and bar, which were near residential areas, that have moved their bands outside and this had generated several complaints.

Wes Wagner, 710 Creekfront Road, North Myrtle Beach, stated he had been in the Cherry Grove area since 1959 and was 200 feet from Antonio's. When there was a band inside the building, he could not turn his television up loud enough to be able to hear it, it was so overwhelming. He had complained for two years and called the Police Department six or eight times. Mayor Hatley stated she didn't realize this had been going on for two years. Mr. Wagner stated he had the police come out one time, when the music was extremely loud and no one was even in the building. He stated he had basically given up and went to his local Councilman to seek help. On November 1, they had a band and it was so loud, you couldn't hear yourself think. Mr. Wagner stated he had a friend that lived a mile away that called, because he heard the band from their house. He was concerned that their property values would decrease and was looking to sell his home. If he were to sell, he would have to disclose there was a nuisance. He asked the Council to consider an ordinance that was already on the books for an arcade. Any noise made within the arcade must be contained within the building.

Don Worth, 712 Creekfront Road, North Myrtle Beach, stated he had been a resident for 20 years and the noise was intolerable and invited anyone to come around to hear it. His home was located 13 feet away from the building and the noise knocks pictures off of his wall. He asked the Council to look closely at the ordinance and put restrictions on it. The restaurant was a financial failure and it was trying to bring in band after band to make money.

Mayor Hatley assured the residents the Council would be looking into the matter in the near future.

9. ADJOURNMENT:

Mayor Hatley thanked everyone for coming and wished them a wonderful Christmas holiday season. The meeting was adjourned at 7:56 PM.

Respectfully submitted,

Allison K. Galbreath, Clerk to Council

MARILYN HATLEY, MAYOR

Minutes approved and adopted this 4th day of January 2021.