

**CITY OF NORTH MYRTLE BEACH, SOUTH CAROLINA
NORTH MYRTLE BEACH CITY HALL
CITY COUNCIL MEETING
Monday, March 1, 2021, 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

A quorum was established.

1B. EXECUTIVE SESSION:

The Mayor 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 Councilman Baldwin. The motion passed 6-0. The Council returned to Chambers at 6:41 PM. The Mayor announced that no votes were taken at the session and the meeting would begin at 7:00 PM.

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, February 1, 2021, the City Council Special Called Meeting of Wednesday, February 10, 2021, and the City Council Workshop of Wednesday, February 17, 2021, as presented, was made by Councilman Thomas and seconded by Councilwoman Fontana. The motion to approve passed 6-0.

3. COMMUNICATIONS:

Mayor Hatley asked if there was anyone in attendance to accept the COVID-19 Memorial Day Proclamation. Having no one in attendance, Mayor Hatley presented the next Proclamation to Polly Lowman and the North Myrtle Beach Times. Last week was their 50th Anniversary of the home town newspaper, which was originally launched during the week of February 27, 1971. Michael Lowman, Ms. Lowman's son, was present with Ms. Lowman. Ms. Lowman thanked the Mayor, Council, the City Manager, and staff. She also acknowledged the North Myrtle Beach Women's Club for their help over the years, especially in the past several months. She stated it was a great honor to work with the City and thanked each of the citizens of North Myrtle Beach, which she stated, "was the most wonderful community in the world."

Mayor Hatley mentioned the first Proclamation was a memorial to the victims and in honor of the survivors of COVID-19. This illness had affected many throughout the world and everyone knows someone that had been affected by this terrible virus. Mayor Hatley asked that everyone continue to do their part, get the vaccine and, hopefully, one day soon, we could all get back to a normal-type life and enjoy our community.

Mayor Hatley stated that the Departmental Monthly Reports for January 2021 were available online.

4. **ANNOUNCEMENTS BY MAYOR AND CITY COUNCIL:**

Mayor Hatley thanked Tom Keegan, a representative from Tom Rice's office, for being at the meeting. Mr. Keegan stated Congressman Rice extended his best regards and wishes to the Mayor, Council, and citizens of North Myrtle Beach. He stated it was fitting and proper for the Council to have recognized Polly Lowman and the North Myrtle Beach Times and the hazards of COVID-19.

5. **CONSENT AGENDA:**

- A. ORDINANCE/SECOND READING: Petition for annexation & zoning designation for 0.28 acres on 1st Avenue South
- B. ORDINANCE/SECOND READING: Petition for annexation & zoning designation for 0.36 acres on Cenith Drive
- C. ORDINANCE/SECOND READING: Amend the Code of Ordinances of the City of North Myrtle Beach for gender inclusive language
- D. RESOLUTION: To approve the Third Amendment to the Commercial Lease Agreement between the City and Midcon Cable

Mayor Hatley asked if the Council would consider taking the agenda items A, B, and C together. The Council was in agreement. Mayor Hatley read items A, B, and C by title and called for a motion. Councilwoman Fontana motioned to approve and was seconded by Councilman Baldwin. Having no comments from the Council or the public, Mayor Hatley called for a vote. The motion to approve passed 6-0. Mayor Hatley read item D by title and called for a motion. Councilwoman Fontana motioned to approve and was seconded by Councilman Thomas. Having no comments from the Council or the public, Mayor Hatley called for a vote. The motion to approve passed 6-0.

6. **UNFINISHED BUSINESS:** None

7. **NEW BUSINESS:**

- A. ORDINANCE/FIRST READING: Parasail and Banana Boat Franchise Agreement for Cherry Grove in the vicinity of Sea Mountain Highway. Manager Mahaney read the ordinance by title and Mayor Hatley called for a motion. The motion to approve was made by Councilman Baldwin and seconded by Councilman Thomas. Mayor Hatley asked if there were any comments from the public.

Donald Porter, 2200 North Ocean Boulevard, North Myrtle Beach, stated he did not see where on the beach the business would be located and how much beach it would take up. He inquired if it would be the same area as last year. Mayor Hatley stated it would be in the same area. Manager Mahaney reiterated it would be in the same area.

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

- B. ORDINANCE/FIRST READING: Parasail and Banana Boat Franchise Agreement for Crescent Beach in the vicinity of 17th Avenue South. 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.

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

- C. ORDINANCE/FIRST READING: Petition for annexation & zoning designation for 2.47 acres on Riverside Drive. Mayor Hatley read the ordinance by title and called for a motion. The motion to

approve was made by Councilman Baldwin and seconded by Councilwoman Fontana. Mayor Hatley asked if there were any comments from the public. Mayor Hatley stated this would be zoned R-1 in accordance with the comprehensive plan.

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

- D. **SECOND PUBLIC HEARING:** An amendment to the Second Separate and Independent Amendment to the Master Development Agreement between the City and NGD regarding the Grande Dunes North Section of the Parkway PDD. Chris Noury, City Attorney, went over the highlights of the amendment to the Master Development Agreement. He stated the first public hearing was conducted by the Planning Commission. Mr. Noury stated the main amendments related to 2.12, which allowed the density for the project to be 998 units down from 1,216 units. He added that Section 4.6 involves the beach access parking fees for the project. NGD agreed to pay \$1100 for each residential unit and the fee would be due at the time of building permit issuance. NGD would start to build the amenity center at the 150th building permit issuance and if the amenity center was not completed within 18 months, the beach access parking fee would be increased to \$1650 per unit until the amenity center was completed. Once the CO for the amenity center was issued, the beach access parking fee would revert back to \$1100 per unit. Mayor Hatley explained it was located between Highway 22 and the Grande Dunes in Myrtle Beach.

Mayor Hatley opened the floor for public comment.

Karen Platte, 1950 Vercelli Drive, Myrtle Beach, stated she had lived at the Grande Dunes for 8 years and would be in the neighborhood that was adjacent to this property. She stated the master association documents gave the developer great leeway to make great changes with very little to no oversight, nor architectural controls. She believed the Council needed to be aware of this information. She stated the Ocean Club had only 80 resident parking spaces. There was an overflow lot, which was not owned by Grande Dunes. That lot would be sold and developed. Mayor Hatley thanked her for her comments.

- E. **ORDINANCE/FIRST READING:** An amendment to the Second Separate and Independent Amendment to the Master Development Agreement (DA) between the City and NGD regarding the Grande Dunes North Section of the Parkway PDD. Mayor Hatley read the ordinance by title and called for a motion. The motion to approve was made by Councilman White and seconded by Councilman Coyne. Mayor Hatley stated she understood about the club parking and that was why they were paying the \$1100 fee. Mayor Hatley asked Jim Wood, Director of Planning and Development, if everything written in the Master DA had to be followed. Director Wood stated he could not speak to Myrtle Beach or the HOA's process internally at the Grande Dunes, but they would have to follow everything in the PDD and Master DA and provide a pattern book, which defined the architectural designs. If they wanted to make changes, there would have to be a public hearing and major amendment. Mayor Hatley confirmed this was a PDD and any changes would have to go through the City to request those changes. Director Wood confirmed this would be the case.

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

- F. **ORDINANCE/FIRST READING:** An amendment to the Parkway Group PDD and Waterway Hills Village at Grande Dunes. Mayor Hatley read the ordinance by title and called for a motion. The motion to approve was made by Councilman White and seconded by Councilwoman Fontana.

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

G. **ORDINANCE/FIRST READING:** An amendment to Article V, Section 12-72 of the North Myrtle Beach Code of Ordinances. Mayor Hatley called for a motion. The motion to approve was made by Councilman Thomas and seconded by Councilwoman Fontana. Mayor Hatley asked Manager Mahaney to read the ordinance by title. Councilman Thomas stated he was concerned about an R-1 section in Cherry Grove that had been there for 45 years. Over the past several years, some commercial areas have been developed next to it and he was concerned that quiet hours needed to be earlier and the bar/restaurant noise closed down earlier than 11:00 PM, if the commercial area was next to an R-1 district. Councilman Baldwin stated he agreed, but it would be tougher to separate it if a business that had been there for a long time and a residential neighborhood was built adjacent to it. He stated 11:00 PM was a good start and it would be tough on some people to make that adjustment. Mayor Hatley stated it was not just in Cherry Grove, but in Barefoot, too. There was an existing restaurant, then a residential development built next to it. She inquired how old neighborhoods would be separated from new neighborhoods. Councilman Thomas suggested a two-step approach; older R-1 neighborhoods would be protected and older commercial businesses would be protected, if a residential neighborhood was built behind it. He continued to say the ordinance was very restrictive on noise after the 11:00 PM timeframe and it was a step in the right direction. Mayor Hatley stated the City has always had a noise ordinance, but this past year was the worst for noise complaints. She stated restaurant owners and businesses could still have music, but should take it inside the business. If it were outside, then make sure it did not interrupt the neighborhood.

Mr. Noury advised to pass the ordinance then look into the language that Councilman Thomas suggested at a later time. Councilman Thomas stated this ordinance was a step in the right direction and the Council could come up with enforceable language that would not be detrimental to businesses, and help residents, too. Mayor Hatley agreed and opened the floor to public comment.

Dean Tippety, 321 Second Avenue South, North Myrtle Beach, stated we have been through this noise ordinance before and there were three articles that brings to light any usage after 11:00 PM, Section 12.72 G and H. Mr. Noury stated sections G and H language were stricken through and replaced with the new language presented tonight. Mr. Tippety asked if this also took care of 12.78a. Mr. Noury stated this was only addressing 12.72. Mr. Tippety asked what was considered if a place had two sides. Mayor Hatley stated the business could not let the music go beyond their property. Manager Mahaney explained the new procedure would start with an officer being dispatched to a location after a complaint came in. If the officer deemed the noise excessive, they would go to the source of the noise and ask for them to turn it down, if it was after 11:00 PM. If another call would come in and the officer had to go back to the same location, a ticket would be given. If another call comes in the same night, at the same location, someone would be going to jail. Manager Mahaney stated this would be the new procedure and it would be advertised heavily. If fireworks were to be set off, which were illegal, a ticket would be written and then jail time for a second offense. The City was getting too many phone calls from residents and the City was trying to protect the full-time resident's quality of life. Mr. Tippety relayed a story when he called in a noise complaint and the officer stated it sounded good to him. Manager Mahaney stated it would be up to the officer's judgement and they were highly trained.

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

8. PUBLIC COMMENT:

Ray Collins, 611A 21st Avenue South, North Myrtle Beach, stated he loved the City and moved here because of all the music, festivals, events and beach and this past year had been lousy. He stated that last year the City had canceled the St. Patrick's Day Parade and a bunch of them went down Main Street on their golf carts, following each other, which was a parade in his definition. In September 2020, a few hundred got together and it wasn't sponsored by any group or the City. They had the City

police escort them through Main Street, turned left on Ocean Drive, and left on 2nd Avenue North. There had been a lot of bantering back and forth. Mr. Collins stated he didn't want to be threatened by his City when he was on his golf cart driving around and didn't want to get a ticket, nor did he deserve one. When he saw on the NMB website about everyone obeying this and that and it was written in all capitals, which indicated hollering at someone on social media, he was not happy. He stated he did not know anyone personally at the meeting, but believed there may be one or two people that had a vendetta against a business owner involved in the Main Street Crawl.

Mayor Hatley stated she appreciated his comments and wanted to clarify a few things. She stated she knew he was insinuating her, but she did not have anything against any business owner and had never "hated" anyone in her life. She wanted businesses to do well. The City did cancel the St. Patrick's Day parade, but the crawl was not cancelled. It was legal to drive golf carts up and down Main Street. If he and his neighbors would like to decorate their golf carts and drive around, that was fine. The concern came when dance teams, trucks, cars, and ball teams were added, which would become a parade. There were rules, regulations, and applications that had to be filled out for a parade. There can't be these types of things mixed with traffic, because of safety. She stated she would want them to have a good time and be safe. The police, Public Works Department, sanitation people would have to be called in. It would all have to be organized. When it first started out as golf carts riding around, nothing was said, but when you add the other items, it's a safety issue. Mayor Hatley stated all cities have these types of rules and application processes. When one person did not follow those regulations, you would not be able to make other people follow them either. Anyone could come into the town and take over Main Street, because the other person did not follow the rules. Mayor Hatley stated there had been some misunderstandings and it was not about someone not doing well or disliking someone, but about rules and regulations and the things that have to be done, because the City has to be fair. Mr. Collins stated it was not good politics to have a police officer deliver a letter to a private citizen.

Roger Clark, 918G Edge Drive, North Myrtle Beach, stated he had lived there since 2000 and behind the neighborhood was a shopping center that used to be called Cowboys. In 2008 or 2009, they paved their dirt parking lot and dumped the water into the neighborhood. Five homes had been flooded and most of the homes were vacation, not full-time residential. When a major rain event happened, it looked like a mountain stream coming through the city streets. Over the years, they have operated gas pumps and now have several electric pumps and a generator. He stated they talked with Mr. Turner and he came out to look at the situation, but Mr. Turner said there was nothing they could do about it. Mr. Clark stated he wanted to put a couple rows of cinder blocks and a wooden fence on top of it. Mr. Turner told him he could not impede the natural flow of water. Mr. Clark told Mr. Turner that the shopping center was dumping all of their water on them and Mr. Turner said they were grandfathered in. Over the years, they have tried to do something about this. About 4-5 years ago, there was a meeting prioritizing the flooding issues and they were fourth on the list, because everyone agreed there was a problem, but didn't know a solution. He had been told by Mr. Anderson's representative, Scott Jackson, to stop pumping. He was promised the City would have a solution. Mr. Anderson stated he would look at anything that made sense. Mr. Blayton had been very kind and helped with a proposal of an open ditch between the properties to near Highway 17. If we offered to put underground pipes, it would be about \$180,000. If the neighborhood would get a hard rain, 5 houses would flood, if we got a hurricane, 10 houses would flood and more from a surrounding neighborhood.

Manager Mahaney stated the Council had an email on this situation and would need to have an Executive Session. He stated he estimated the cost of the project would be a half million dollars. It was not done before, because it was a half million dollars to stop 4 or 5 houses from flooding. Manager Mahaney stated the City was trying to help out and would have an Executive Session, but it was a

private matter between two private parties and should be resolved in court. Kevin Blayton, Director of Public Works, stated this project had been there since the mid 1980's. He stated the stormwater system on site that was managed by the HOA was simply not adequate and there was no outfall from that system. Mr. Clark stated any rain that came was like a stream down the street and comes up very quickly. This water was coming from three different areas. Mayor Hatley stated she would like Manager Mahaney and Director Blayton to look at this issue to see if there was any way to help. Manager Mahaney stated there would be an Executive Session on it. Mayor Hatley stated, unfortunately, his neighborhood did not put in the proper drainage system back in the early 1980's, but assured Mr. Clark they would see what they could do.

Damien Triouleyre, 902 Perrin Drive, North Myrtle Beach, thanked the Council for honoring Polly Lowman and the Times for everything they have done over the past 50 years. It had been a tough year and what the Council has dealt with has been unbelievable, but Mayor Hatley handled it with grace and a lot of care. He stated Mayor Hatley had listened and helped. He wished them well going through this. He stated he could not imagine the comments they had received this year, and they had to err on the side of safety and they had been wise. He wished them luck getting through the rest of the year.

Lawton Dews, 1408 Summer Wind Court, North Myrtle Beach, stated he appreciated all the comments everyone had given him about the information he puts out on a daily basis on COVID-19. Some of the reporting was done by individual zip codes, which was not being reported that way now. He was working with someone in Columbia to resume this type of reporting and if it did he would resume his daily reporting. He stated there were a few theories about COVID. One was it would go on indefinitely. Two, there would be an endemic, where COVID would eventually withdraw to only a specific part of the world and the third was the pandemic would end in the not too distant future. Mr. Dews stated those were the three views and he would start daily reporting again when he could. Mayor Hatley thanked him for the reporting he had done.

Cheryl Kilday, Destination North Myrtle Beach, North Myrtle Beach, stated she brought some copies of the new marketing and advertising campaigns for Destination North Myrtle Beach. They were working with a Google demo program, as well. For the new map, all 9 miles of our beaches were captured with a street view. Many businesses were updated through this program and they have already started distributing the 2021 Visitor's Guide.

9. ADJOURNMENT:

Mayor Hatley thanked everyone for coming and stated the next Council meeting would be the third Monday in March. The meeting was adjourned at 8:12 PM.

Respectfully submitted,

Dawn Snider, Acting Clerk to Council

MARILYN HATLEY, MAYOR

Minutes approved and adopted this 15th day of March 2021.