

**CITY OF NORTH MYRTLE BEACH, SOUTH CAROLINA
NORTH MYRTLE BEACH CITY HALL
CITY COUNCIL MEETING
Monday, September 20, 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
Trey Skidmore
Hank Thomas
Terry White

A quorum was established.

1B. EXECUTIVE SESSION:

Mayor Hatley called for a motion to go into Executive Session for a discussion regarding a legal briefing regarding the Cherry Grove Dredging Project, a legal briefing regarding Section 5-15-90 of the Code of Laws of South Carolina, and a possible property acquisition. The motion was made by Councilwoman Fontana and seconded by Councilman Baldwin. The motion passed 7-0. The Council returned to Chambers at 7:10 PM. The Mayor announced that no votes were taken at the session.

1C. CONTINUATION OF CALL TO ORDER:

Mayor Hatley asked Manager Mahaney to deliver the invocation.

The Mayor led the Pledge of Allegiance.

Councilwoman Fontana motioned to reconsider Item 7B from the August 16, 2021 agenda regarding the First Reading of the amendment to the Waterside Section to the Parkway Group PDD and was seconded by Councilman Baldwin. Councilwoman Fontana explained she believed the vote was on the entire project, not just the elevations. Having no further discussion from the Council, Mayor Hatley called for a vote to add this Item to the end of the agenda for reconsideration. The motion passed 7-0.

2. MINUTES:

The motion to approve the minutes for the City Council Meeting of Monday, August 16, 2021, as presented, was made by Councilman Baldwin and seconded by Councilman Thomas. The motion to approve passed 7-0.

3. COMMUNICATIONS:

Mayor Hatley stated that the Departmental Monthly Reports for August 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 sent Congressman Rice's warmest regards and best wishes. Mayor Hatley thanked Public Safety, staff, and all those involved in the 9-11 Memorial Service. She stated it was one of the nicest they have had in the city and appreciated those who helped and participated.

5. **CONSENT AGENDA:**

- A. RESOLUTION: Pre-annexation Agreement for Lot 28 on Riverside Drive
- B. RESOLUTION: Request that the South Carolina General Assembly take the necessary action to continue to allow local governments to collect user fees that fund critical needs such as public safety and infrastructure
- C. MOTION TO APPROVE: 17th Annual Irish Italian International Festival
- D. ORDINANCE/SECOND READING: A conveyance of approximately 0.16 acres to HTC in exchange for fiber optic services to City facilities
- E. ORDINANCE/SECOND READING: A conveyance of approximately 0.60 acres to Hillside Development, LLC in exchange for a drainage easement over property owned by Hillside

Mayor Hatley asked the Council to consider Items A-E together. The Council was in agreement and Mayor Hatley read the items 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 7-0.

6. **UNFINISHED BUSINESS:** None

7. **NEW BUSINESS:**

- A. ORDINANCE/FIRST READING: To amend the City's Noise Ordinance to include certain decibel levels at which noise can be maintained but cannot exceed and to place decibel level standards on obscene, profane, and/or vulgar lyrics played within the City. Mayor Hatley read the ordinance by title and called for a motion. Councilwoman Fontana motioned to approve and was 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.

- B. ORDINANCE/FIRST READING: Petition for annexation and zoning designation for 0.58 acres on Cenith Drive. Mayor Hatley read the ordinance by title and called for a motion. Councilman Thomas motioned to approve and was seconded by Councilwoman Fontana.

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

- C. Item C was taken out of order and appears after Item F in the minutes.

- D. ORDINANCE/FIRST READING: Amendment to the Barefoot Resort and Golf Planned Development District (PDD) regarding Sea Glass II. Mayor Hatley recused herself from the discussion and vote. Manager Mahaney read the ordinance by title and Councilman Coyne called for a motion. Councilman Baldwin motioned to approve and was seconded by Councilwoman Fontana.

Councilman Coyne opened the floor for public comment.

Jerry Saxon, 2609 Marsh Glen Drive, North Myrtle Beach, stated he sent a letter to the Council and wanted to read its contents for the record. This was signed by all members of the Barefoot Resort Residential Association (BRRA) Board.

Dear Sirs:

The Barefoot Resort Residential Association (BRRA), is the Master Association at Barefoot Resort, representing 29 communities, consisting of over 3,200 single family

homes and condominiums. We are one of the largest HOA communities in North Myrtle Beach. We, the Board of the BRRA, have closely followed the developments within the Barefoot Community and in particular, the expansion of the Sea Glass Cottages with regard to a change in the Barefoot PDD. After much discussion with the owners, Roger and Dargan Grigg, as well as discussing this issue with the 29 voting members of the Barefoot Community, and the distribution of a video to the 3,200 residences, the BRRA is prepared to give full support to this change in the PDD and expansion of the Sea Glass Community.

Tom Powell, Barefoot Resort, North Myrtle Beach, stated he had been coming to City Council meetings since 2003 and each of the members have expressed a concern over property density and stated we couldn't get too dense. Sea Glass did not fit into the criteria. In 2009, there were wildfires that reached Barefoot and took almost 100 homes. It was a big deal to get out of Barefoot and there was only one way out. There probably would be another wildfire that would come. The density of the Sea Glass Cottages was a concern, especially in the event of a fire. There were no spaces in between them. The original PUD, at the time, had good densities. He asked the Council to consider the results of their actions.

Councilman Coyne stated a workshop had been held on this project and all the changes the Council had requested had been accommodated. The challenge of this project was the changing times from when the project was first introduced. Councilman Baldwin stated they had studied this project for some time now and had several conversations regarding the project.

Having no further comments from the Council or public, Councilman Coyne called for a vote. The motion to approve passed 6-0.

- E. SECOND PUBLIC HEARING: Regarding the amendment to the Barefoot Resort and Golf PDD Development Agreement regarding Sea Glass II. Mayor Hatley recused herself from the discussion and vote. Chris Noury, City Attorney, gave an overview of the Development Agreement.

Having no comment from the Council or public, Councilman Coyne closed the public hearing.

- F. ORDINANCE/FIRST READING: Amendment to the Barefoot Resort and Golf Development Agreement regarding Sea Glass II and to authorize the City Manager to sign the document on behalf of the City. Mayor Hatley recused herself from the discussion and vote. Councilman Coyne read the ordinance by title and called for a motion. Councilwoman Fontana motioned to approve and was seconded by Councilman Thomas.

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

- C. 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. Councilman Thomas motioned to approve and was seconded by Councilwoman Fontana.

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

- G. ORDINANCE/FIRST READING: Amendment to the Barefoot Resort and Golf Planned Development District (PDD) regarding the Townhomes at Barefoot Resort. Councilman Baldwin recused himself from the discussion and vote. Mayor Hatley read the ordinance by title and called for a motion. Councilman Thomas motioned to approve and was seconded by Councilwoman Fontana. Councilman Thomas stated several changes had been made and he could support it.

Mayor Hatley stated the developer had listened to the residents and appreciated them working with the residents. She stated this project had been reduced to 58 units, which meant the density had been cut down considerably, as well as the traffic. This would enhance the piece of property and the development within Barefoot. Councilman Coyne appreciated the buffer. Councilwoman Fontana stated this was one of the best projects for the property.

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

- H. SECOND PUBLIC HEARING: Regarding the amendment to the Barefoot Resort and Golf PDD Development Agreement for the Townhomes at Barefoot Resort. Councilman Baldwin recused himself from the discussion and vote. Mr. Noury gave an overview of the Development Agreement. The cap for the townhomes would be 58 units.

Having no comment from the Council or public, Mayor Hatley closed the public hearing.

- I. ORDINANCE/FIRST READING: Amendment to the Barefoot Resort and Golf Development Agreement regarding the Townhomes at Barefoot Resort and to authorize the City Manager to sign the document on behalf of the City. Councilman Baldwin recused himself from the discussion and vote. Manager Mahaney read the ordinance by title. Mayor Hatley called for a motion. Councilwoman Fontana motioned to approve and was seconded by Councilman White. Councilwoman Fontana pointed out there needed to be a correction on the issue paper. The cap for the townhomes would be 58 units, instead of 92 units.

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

- J. ORDINANCE/SECOND READING: Amendment to the Barefoot Resort and Golf Planned Development District (PDD) regarding Villas Townhomes at the Dye Estates. Manager Mahaney read the ordinance by title. Mayor Hatley called for a motion. Councilman White motioned to approve and was seconded by Councilman Baldwin. Mayor Hatley stated the developer had been working with the residents to meet their concerns, but there was one issue about the gate that was still a concern. In speaking with the Fire Marshal regarding this issue, he did not have a problem with the iron gates, however they needed to meet current codes which included an electronic activated gate with siren. Robert Guyton, attorney for the developer, stated the developer had a concern regarding the liability and long-term maintenance of installing an electronic gate. The developer would like to contribute the funds they would have spent on the bollards to the HOA for them to put towards the purchase of the electronic gate. Director Wood explained this would need to be worked out, because there was a mistake on the agenda and it was indeed the second reading, not first reading. Mr. Guyton stated the developer had given on virtually every point the residents had requested, but this one issue and asked to hear from the residents.

A resident of Dye Townhomes stated this was the first time they had heard of the option to get rid of the bollards in lieu of a gate at the expense of the homeowners. She stated they would be open to the discussion. Their homeowner association had no reserve and there would be no money to purchase the gate. She didn't know if they could make a decision tonight.

Ramona Dickson, 2557 Pete Dye Drive, North Myrtle Beach, stated they didn't know why there was a liability issue now, when there was not one back in April. Manager Mahaney stated the first he heard about the bollards was today and called the Fire Chief. The recommendation came back that the gate had to be siren activated. Mayor Hatley asked what the residents had currently. Ms. Dickson stated they had white posts with clothes line wire across them. She stated the posts would not do anything. Ms. Dickson stated they knew they would need to be replaced. Mayor Hatley inquired who told them they would need replaced. Ms. Dickson stated it was

about a year and a half ago and she couldn't say if it was the developer or not. She stated you couldn't leave it the way it was now, because it was unsightly. Mayor Hatley asked if they wanted to replace the ones they have now, knowing they bought there with those in place. Ms. Dickson stated they did want them replaced. She stated there were no plastic bollards in Barefoot and this was on a main road. Garry Spain, Fire Chief, stated the bollards were preferred for fire emergencies. Ms. Dickson stated there were no other white bollards in Barefoot Resort.

Mike Wooten, a representative for the developer, stated they received back comments from TRC, which included a request from the Fire Department to replace what was there with bollards. They submitted them with the revised plans and those were accepted. Mr. Wooten stated the reason they want a change was because with the wire through it, it's almost impossible to get through. He stated they were not unsightly and significantly less expensive than the electronic gates. The developer had consented to almost everything these 10 residents had requested, except this one, which just came up last week. They do not want to spend the additional money when the bollards were preferred and it met their budget. Mr. Wooten stated the current ones would be replaced with what the Fire Department had recommended. Mayor Hatley asked if the bollards could be placed closer together to prevent golf carts from getting through. Mr. Wooten stated they could. Councilman Baldwin asked if the HOA could build the gate in the future. Mr. Wooten stated they could do this in the future. Councilman Baldwin stated Mr. Wooten would be taking care of their major concern of the unsightly things they have currently and would be preventing the golf carts from driving through them. Mr. Wooten stated they would be taking care of this and reiterated they had met each concern of the residents. Mr. Wooten stated they were asked to present a bollard approach and they had. Councilman Coyne asked if the bollards came in different colors other than white. Chief Spain stated they came in orange and white, in order to be visible. The Council and staff discussed the bollards and how they worked. Mr. Wooten stated they would make it attractive. Ms. Dickson stated they had made this issue known before the meeting and it had been discussed since April. Manager Mahaney stated it made it to his desk that day after 2:00 pm. Ms. Dickson stated they liked the new design and approved it, but the gate was one issue they wanted changed.

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

- K. **SECOND PUBLIC HEARING:** Regarding the amendment to the Barefoot Resort and Golf PDD (Dye Estates MF-4) for the Villas Townhomes at the Dye Estates. Mr. Noury gave an overview of the Development Agreement. The cap for the townhomes would be 37 units.

Gary Penebre, 5109 White Iris Drive, North Myrtle Beach, stated the substation used to house 3 emergency vehicles and in the last 6 months there had only been one vehicle occupied there. Chief Spain stated they have had the same amount of staff and equipment there for the past 5 years. He stated they were storing the reserve engine there, but removed it 3 years ago. Mr. Penebre stated there was a disabled engine outside the station. Chief Spain explained the brakes had been disabled and could not get the parts in to be fixed due to Covid. He stated he would be glad to show Mr. Penebre the station, if he would like.

Having no further comments from the Council or public, Mayor Hatley closed the public hearing.

- L. **ORDINANCE/FIRST READING:** Amendment to the Barefoot Resort and Golf Development Agreement regarding the Villas Townhomes at the Dye Estates and to authorize the City Manager to sign the document on behalf of the City. Manager Mahaney read the ordinance by title and Mayor Hatley called for a motion. Councilwoman Fontana motioned to approve and was seconded

by Councilman Baldwin. Councilwoman Fontana pointed out there needed to be a correction on the issue paper. The cap for the townhomes would be 37 units, instead of 92 units.

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

- M. **ORDINANCE/FIRST READING:** Amendment to the Waterside Section to the Parkway Group PDD. Mayor Hatley read the ordinance by title and called for a motion. Councilwoman Fontana motioned to approve and was seconded by Councilman White. Mayor Hatley stated the second reading would be at the October 4, 2021 meeting.

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:

Roger Clark, 918 Edge Drive, Unit G, North Myrtle Beach, wanted to thank the City Council, Manager Mahaney, Director Blayton and his group for thinking outside the box to help the residents of Ingram Place and the serious flooding issues they had faced.

9. ADJOURNMENT:

Mayor Hatley adjourned the meeting at 8:17 PM.

Respectfully submitted,
Dawn Snider, Acting Clerk

MARILYN HATLEY, MAYOR

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