

**CITY OF NORTH MYRTLE BEACH, SOUTH CAROLINA
NORTH MYRTLE BEACH CITY HALL
CITY COUNCIL MEETING
Monday, October 4, 2021, 5:30 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, Absent

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 concerning the Cherry Grove Dredging Project, a legal briefing regarding Case #2021-CP026-06090, InSite Conway, LLC vs. Horry County and the City of North Myrtle Beach (petition for closure of Bellamy Road). Mayor Hatley added to the Executive Session a legal briefing regarding the former Seabrook Plantation Cabana House and a legal briefing regarding the Robber's Roost Development Agreement. The motion was made by Councilwoman Fontana and seconded by Councilman Baldwin. The motion passed 6-0. The Council returned to Chambers at 7:08 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.

2. MINUTES:

The motion to approve the minutes for the City Council Meeting of Monday, September 20, 2021, as presented, was made by Councilwoman Fontana and seconded by Councilman Baldwin. The motion to approve passed 6-0.

3. COMMUNICATIONS:

Mayor Hatley recognized the members of the Covid-19 Economic Recovery Task Force and thanked them for their service and leadership to the City of North Myrtle Beach during the pandemic.

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

4. ANNOUNCEMENTS BY MAYOR AND CITY COUNCIL:

Mayor Hatley stated the Irish-Italian Festival was a wonderful time and thanked the city staff for all they did to make it a successful festival. She 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 and thanked the Task Force, too.

7. NEW BUSINESS:

B. **ORDINANCE/FIRST READING:** Request to rezone 5.65 acres on Hill Street from R-3 to R-2. Mayor Hatley stated the applicant had sent in a letter to postpone this request until the next meeting. Mayor Hatley called for a motion to postpone this item. The motion to postpone was made by Councilman Coyne and seconded by Councilwoman Fontana. The motion to postpone passed 6-0.

5. CONSENT AGENDA:

- A. **MOTION TO APPROVE:** Anderson-Estep Surfing Championship and Wheel to Surf
- B. **MOTION TO APPROVE:** Fun in the Sun
- C. **MOTION TO APPOINT:** Appoint Tracie Ross to the Municipal Election Commission
- D. **ORDINANCE/SECOND READING:** Petition for annexation and zoning designation for 0.58 acres on Cenith Drive
- E. **ORDINANCE/SECOND READING:** Petition for annexation and zoning designation for 0.36 acres on Cenith Drive

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 Thomas.

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

6. UNFINISHED BUSINESS:

A. **ORDINANCE/SECOND 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.

Having no comments from the Council or public, Councilman Coyne called for a vote. The motion to approve passed 5-0.

B. **ORDINANCE/SECOND 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. Chris Noury, City Attorney, went over added language to the Agreement that had been changed, which related to the trigger of when the City would be required to make payment to the developer for the traffic signal. Councilman Coyne called for a motion. Councilwoman Fontana motioned to approve and was seconded by Councilman Baldwin.

Having no comments from the Council or public, Councilman Coyne called for a vote. The motion to approve passed 5-0.

C. **ORDINANCE/SECOND 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. Manager Mahaney read the ordinance by title and Mayor Hatley called for a motion. Councilman Thomas motioned to approve and was seconded by Councilwoman Fontana. Councilwoman Fontana thanked everyone for taking into

consideration the suggestions to satisfy the needs of the residents as well as the developer. Mayor Hatley stated this was a very good fit for the property and the residents of Barefoot would be very happy when the property was cleaned up.

Having no further comments from the Council or public, Mayor Hatley called for a vote. The motion to approve passed 5-0.

- D. ORDINANCE/SECOND 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 and Mayor Hatley called for a motion. Councilman Coyne motioned to approve and was seconded by Councilwoman Fontana.

Having no comments from the Council or public, Mayor Hatley called for a vote. The motion to approve passed 5-0.

- E. ORDINANCE/SECOND 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. Mayor Hatley read the ordinance 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 public, Mayor Hatley called for a vote. The motion to approve passed 6-0.

- F. ORDINANCE/SECOND READING: An amendment to the Waterside Section of the Parkway Group PDD. 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. Mayor Hatley stated this development had been approved in 2016 and this was the design of the homes within the PDD. Councilman Coyne stated there had been some improvement, but the design integrity of homes had slipped. He would like to see a better product come to upper scale neighborhoods. Mayor Hatley agreed with Councilman Coyne and stated some of the designs could have been much better. The developer sold himself short on their design.

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

- G. ORDINANCE/SECOND 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 Mayor Hatley called for a motion. Councilwoman Fontana motioned to approve and was seconded by Councilman Baldwin. Councilman Coyne stated it was a shame this had to get to this point. He stated better judgement needed to be made by businesses. Mayor Hatley stated this was a family beach and did not want to lose that charm. She stated this type of music should be played within an enclosed area, not an outdoor area. It was their job to take care of the community and protect families. Councilman Thomas stated he agreed, but asked Council to table the ordinance in order for other businesses to give some input. Mayor Hatley stated she preferred to pass the ordinance and listen to the businesses about their concerns and make changes at a different time. She had no problem amending the ordinance. Councilman Coyne was in agreement with Mayor Hatley, because they had tweaked ordinances in the past and they could do the same with this one. Councilman Skidmore and Councilwoman Fontana were in support of passing the ordinance and then open to changing it in the future.

Mayor Hatley opened the floor for public comment.

Beth Callaway, 2707 Hillside Drive, North Myrtle Beach, stated she thanked the Council for passing the fireworks ordinance, because it had made a big difference in her neighborhood. She wanted to point out the noise, not from businesses, but from individual houses, cars, and motorcycles blaring their music. She stated the strength of the fireworks ordinance was stating the consequences of a fine and jail time. She asked if the noise ordinance would include consequences.

George Gregory, 401 Sea Mountain Highway, North Myrtle Beach, represented Elliott Realty. He stated they were concerned about this ordinance because of the decibel levels that could present a problem to the city. He stated they met with Mr. Noury and were told with the help of Nexsen Pruet, they had drafted this ordinance. He stated there was a constitutional issue with it. He stated they agreed with what they were doing. They were a family beach and wanted to maintain it. They had spent the last three years in hard negotiations, but it was a good process with the city and the short-term rental community. Good ordinances for noise, trash, and parking were the result. Mr. Gregory stated they had taken those three years of work and thrown it out. There were some very simple changes to make. They would like to maintain the integrity of the balance of the ordinance as to short-term rentals. He requested to have the opportunity to get them the information and they could pass the second reading in two weeks. He stated they agreed with the premise and why it was being done. He wanted to work with Mr. Noury to get something that was cleaner. He requested to table the second reading to the next meeting and work with the city.

Mayor Hatley stated they were going to work with them to make some changes, but she felt the need to get this on the books and pass it. Mr. Gregory stated it would take them a couple of weeks to draft changes. Mayor Hatley stated they could amend it in two weeks. Councilman Baldwin stated the positive effects of passing this were critical and vulgar language need to stop immediately. Mr. Gregory asked if he had a public commitment to make reasonable changes. Mayor Hatley stated yes.

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

7. NEW BUSINESS:

- A. ORDINANCE/FIRST READING: Amendment to the Chestnut Greens Planned Development District (PDD) regarding the Amenity Center and entrance. Manager Mahaney read the ordinance by title and Mayor Hatley called for a motion. Councilman Thomas motioned to approve and was seconded by Councilwoman Fontana. Mayor Hatley stated she had looked at the plans and it looked good. It looked like it would be a great place to live. Councilman Coyne stated this was a good example of a high level of quality and creativity.

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

- B. Item B was taken out of order and postponed. It appears in the minutes after the Announcements by Mayor and City Council.
- C. ORDINANCE/FIRST READING: An ordinance to close and abandon a portion of Water Lilly Road for the expansion of the North Myrtle Beach Park and Sports Complex. 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.

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

8. **PUBLIC COMMENT:** None

9. **ADJOURNMENT:**

Mayor Hatley adjourned the meeting at 8:01 PM.

Respectfully submitted,

Allison K. Galbreath, City Clerk

MARILYN HATLEY, MAYOR

Minutes approved and adopted this 18th day of October 2021.