

**CITY OF NORTH MYRTLE BEACH, SOUTH CAROLINA
NORTH MYRTLE BEACH CITY HALL
CITY COUNCIL MEETING
Monday, January 3, 2022, 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
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 personnel matter concerning the annual performance evaluation of the City Judge, a discussion regarding a potential contract between the City and Beam & Associates, a legal briefing concerning Horry County Ordinance #86-06 regarding Ride II funds, and a legal briefing concerning the proposed amendment to the Sandridge Development Agreement. Mayor Hatley added to the Executive Session a legal briefing regarding a potential over-lay zone related to the rezoning of 9.28 acres from R-4 to RC near 17th Avenue South. 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 7:01 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, December 6, 2021, and the City Council Executive Session of Tuesday, December 14, 2021, 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 stated that the Departmental Monthly Reports for November 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 for a prosperous and safe 2022. Mayor Hatley stated the Christmas Light Show was a great success.

5. **CONSENT AGENDA:**

- A. MOTION TO APPROVE: The Winter Run on January 22, 2022
- B. ORDINANCE/SECOND READING: Petition for annexation and zoning designation for 0.36 acres on Cenith Drive
- C. ORDINANCE/SECOND READING: Petition for annexation and zoning designation for 5.12 acres at the terminus of Wyndell Drive
- D. ORDINANCE/SECOND READING: Request to rezone 0.75 acres on Old Crane Road from R-1 to R-1A
- E. ORDINANCE/SECOND READING: Petition for annexation and zoning designation for 0.44 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 Mayor Pro Tempore 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:**

ORDINANCE/SECOND READING: Request to rezone 9.28 acres near 17th Avenue South from R-4 to RC. 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 Thomas stated this was a blighted area and there needed to be changes. He asked the Council to postpone or table the second reading and that would give time for a workshop to come up with alternative plans besides a blanket RC rezoning. Councilman Collins was in agreement. Councilman Skidmore stated he voted on it last meeting for a change, because the area needed some revitalization. He stated people probably didn't realize that R-4 was about as dense as the RC zone, but wanted a workshop to come up with some common ground. Councilman Coyne explained there needed to be restaurants and coffee shops within walking distance to service the area to minimize traffic. He would like to see an all-inclusive area and possibly an overlay to balance it out. Mayor Pro Tempore Baldwin stated he voted against it, but was torn. He would like to be proactive and one of the only options was to rezone it. He stated there had not been a lot of time to discuss and educate citizens and would like to postpone in order to have this time to discuss. Mayor Hatley stated there needed to be changes in the area and RC was recommended by the Comprehensive Plan. When the plan was developed, it included citizens, staff, and businesses in the area and had a lot of discussions regarding it. The Council continued to discuss some of the potential options to the rezoning.

Councilwoman Fontana stated she wanted to leave her motion as it was. Mayor Hatley stated if she left the motion as it was, it could not come back for a year. Councilwoman Fontana amended her motion to postpone for a workshop to look at an overlay district in that block and was seconded by Councilman Thomas. Mayor Hatley asked to amend the motion to state that the workshop would need to be prepared no later than 2 months from now. Manager Mahaney stated the staff could be prepared in one week. Councilman Thomas asked the staff to look into the option of a Planned Development District (PDD). Manager Mahaney set the workshop for Wednesday, January 12, 2022 at 1:30 PM.

Mayor Hatley opened the floor for public comment.

Les Woods, 1625 S. Ocean Boulevard, Unit 112, North Myrtle Beach, stated the Council received a letter from him on December 31, 2021. He stated there was already an established way to deal with this. R-1 has an R-1A, R-2 has an R-2A, and R-2B. His solution was to have an RC-A with some parameters whether it was the height or the number of occupancy per the square foot of living unit. He believed there was a way to minimize the dense population everyone was concerned about. Everyone's primary concern was population density. Mr. Woods read from the purpose of R-2A, which stated "while safeguarding existing residential values and environmental resources and

guarding against overloading the existing infrastructure.” That was what they were all saying. He stated it would be easy to apply if the Fire Marshal would come up with a standard on a square foot basis.

Sabina Lynskey, 1417 Hillside Drive South, North Myrtle Beach, stated they all wanted the same thing which was a neighborhood that needed improvement. She lived in Crescent Beach and walked 17th South almost daily. They shared the same concerns about it becoming Myrtle. Ms. Lynskey stated there were two ways to get to be Myrtle, ignore it and under develop it or go ahead and over develop it. She was asking for a win win and to meet in the middle. She pointed out Councilman Skidmore made the comment that some people may not realize the density was close. She was asking that they not take a step in the wrong direction. They recognized that it was well within the rights of the property owners to build between 90 feet and 150 feet. They asked them to not go further. They did not see the value in going 15 more feet, because there was not the facilities and infrastructure yet. If they were going to build that and it was part of the plan, they were on board. They were concerned about the scope of the work. The first point in the email she had sent was this area was outside the boundary of the 17th focus area that was on page 120 of the 2018 Comprehensive Plan. The second area of concern was within the 9.28 acres there were areas that were not recommended as RC. The Future Land Use map in Appendix B indicated much of the land in question was residential urban, not mixed-use. So the Future Land Use map indicated that the residential urban area could be R-4 or RC, but it stated in the Planning Commission guidelines that they should not accept a change unless it was necessary. Residential urban and R-4 align, therefore, it was not necessary to make the change. They were asking for a plan. On page 132 of the same document, it states to complete small area plans for each focus area. When she emailed for those plans, they didn't seem like they existed and could not be found. She stated if Councilman Collins didn't have access to it and he was taking a vote that was a concern. That area needed to have a plan before they started rezoning.

Mark Mullins, 1625 South Ocean Boulevard, Unit 1601, North Myrtle Beach, stated he had spoken before and at the Planning Commission meeting. He was going to request a tabling and a work session, but now he had a couple of comments. Part of the problem was the lack of citizen input. He asked if the citizens would have a chance. Why could there not be a working session with the Planning Department with people coming in and talking through solutions? Why should it just be the Council? He stated it was obvious that people were not happy with what they decided and it was a complete contradiction of the Planning Commission's unanimous vote. Mayor Hatley stated that the public was welcome to come into the Planning Department and talk to them anytime about any zoning issues and workshops were always open to the public and they were also advertised. Mr. Mullins stated on the north part of this property, there were condos and very nice houses, but for a huge high-rise project up through the Best Western they could be purchased and a timeshare built. He asked whatever came from this, be only for the south end. Being honest and open, they knew it was only for the Castaway property, because there was nothing else on the south side. They didn't want another Wyndham or whatever toward the north, which could be done. If they could build a project like that, it would be easy to overpay for the units. If they put in this universal change, nothing could stop them from buying the property. Mayor Hatley stated that was a big if, because everyone would have to be willing to sell. Mr. Mullins stated there wasn't that many. There were buildings and estimated 8 or 9 people that would have to say yes. There wasn't a 50 unit building to get everyone. There wasn't that many. He stated he lived on the north side and selfishly he believed the north side would be where it could turn bad, because Castaway's could only be so big. He pointed out that Mayor Hatley stated there was only a few more feet. As they discussed with the Planning Commission, that's not a total picture of the situation. There were 19 floors of people on RC, the impact on the beach would be 7 more floors of people, which was approximately 60-80% more people than the current zoning. In the new proposal, they park across the street and the entire structure would be people.

Debby LaPierre, 1414 Hillside Drive South, North Myrtle Beach, stated she was a homeowner and full-time resident. She stated when she and a lot of others found out over the holiday season, that they had met, she knew she needed to take the time to look at schedules and didn't know until well after

December 6 that this was on the agenda. In talking with other neighbors, she found that a lot of people were totally against this proposal. She stated they started a walking campaign to determine the diversity of the people opposed. Since December 29, they have spoken to 145 individuals; 137 were opposed, 3 property owners wanted to do more research, 2 residents declined due to a language barrier, and 2 visitors didn't care one way or the other what they did. Of the 137 that were opposed, 39% were full-time resident property owners, 17% property owners, 28% full-time residents, and 16% visitors to the beach. This time of the year, there were many property owners and/or residents that were not at home or didn't want to open their door. These 137 contacts in addition to 350 online petitioners, 31% of which were residents, were still opposed to rezoning. She stated they could not in good conscience vote for the rezoning. She asked they table it for future consideration, which they could take time to personally talk to concerned citizens and voters of Crescent Beach and explain why they were in favor of rezoning. What they have planned for revitalizing was already zoned RC and why they felt the revitalizing 17th Ave South was dependent on the addition of 27 lots located on South Ocean Boulevard and Perrin Drive. She stated their constituents deserved answers before the final vote was taken.

A lady that did not give her name or address stated they needed a little more interface before a decision was made. She believed the Council's constituency thought all of this would be done and the people that it would be done to would not be talked to. For example, she showed a picture from the 2018 Comprehensive Plan and asked if that was a picture that was really going to happen before all the hotels come in and the infrastructure was eaten up and before they had to pay taxes for the extra infrastructure and for extra things that have to be done to satisfy the people that move in here. What would happen to the beaches and its quality? How would the water system work? Would they have to build a bigger one? Would they have pay for it? Would the building pay for it? Is the person that buys it going to pay for all of these things that were going to happen? She stated they needed to know this before anything happened. She stated she found this to be ironic that in the 2018 Comprehensive Plan there was a quote by Jenny Jacobs, "There is no logic that can be super imposed on the city. People make it if it's up to them not buildings that we must fit our plans."

Phil Byrd, 1709 South Ocean Boulevard, North Myrtle Beach, stated his understanding was that the two parcels of land that were in question were owned by the same owner as Castaways and Best Western. They wished the property to be rezoned to redevelop the property to maximize their ownership of the property. Mr. Byrd stated he was all for owner's rights. They would like to maximize their potential for earning money. He gave the example of someone building a subdivision that was by an airport that had been there for 50 years. People move into the subdivision and then start complaining about the noise. The airport was there before they were. It's an essence they have to deal with. The fact the owner wants to increase their profit margin and get a bigger zoning was his problem and would have to deal with. They purchased the property at R-4. Mr. Byrd stated he lived there with his wife full time. During the season, it was a zoo. Finally, they increased the roadwork. There was no more room. Where would you put all the people and all the cars that would come down there? They were going to exasperate a situation that was already bad. He stated the advantage was increased revenue for taxation for the city. The disadvantages were substantially more than that. There would be an increase in crime. The more people in a small area would increase crime. They would have to spend the money to hire more officers to patrol the area. The committee decided unanimously not to recommend this to Council. People were citing the damage and the increase crime because of the population. There would be more people in a small area. You would have an increase in crime. We already have a blueprint right down the street of what could happen. Do you want to repeat it or not? Understand we have a blueprint down the street. Most people in the room did not want to repeat this. When they bought the property it was zoned R-4. If they are not interested in that, sell the property. If they want to build Castaways to the size and density it was zoned for, then go for it. We do not need a 19-story high-rise.

Mayor Hatley closed the floor for public comment. Having no further comment from the Council or public, Mayor Hatley called for a vote. The motion to postpone passed 6-1. Mayor Hatley voted nay.

7. **NEW BUSINESS:**

- A. **ORDINANCE/FIRST READING:** Petition for annexation and zoning designation for 0.70 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 Councilwoman Fontana and seconded by Councilman Coyne. Mayor Hatley inquired if this was annexed into the city, how many homes could be developed. Jim Wood, Director of Planning and Development stated if the developer chose to subdivide, they estimated three lots could be built on it.

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

- B. **SECOND PUBLIC HEARING:** Regarding the second amendment to the Master Development Agreement regarding the Sandridge Tract. Mayor Hatley opened the floor for public comment. Having no comment from the Council or public, Mayor Hatley closed the floor for public comment.
- C. **ORDINANCE/FIRST READING:** Second amendment to the Master Development Agreement regarding with the Sandridge Tract 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 moved to postpone the decision to amend the Development Agreement to allow the developer to meet with staff to discuss the development timing and the impact of the development regarding traffic congestion in the area in addition to the timing and scope of the proposed improvements to Champions Boulevard and was seconded by Councilman Collins. Chris Noury, City Attorney, went over the proposed amendments to the Development Agreement. Mr. Noury explained the developer would like to contribute \$180,000 toward the all-weather road in front of the Sports Complex in lieu of building the road. He stated staff had not had the opportunity to evaluate how the \$180,000 was determined.

Mayor Hatley opened the floor for public comment.

Harry Oehler, 3624 Pitchers Place, North Myrtle Beach, asked how the \$180,000 came about and was this what it really cost to extend Champions Boulevard to Water Lilly. He stated development was inevitable, but it was a matter of how we got there. He stated he had been coming down to the North Myrtle Beach area for 20 years and loved it. To see the explosion in the Carolina Forest area, he didn't want to see that too fast here, but knew it would happen. He wanted to make sure his tax dollars were going a long way. Not knowing what the \$180,000 was going to actually do and understanding the developer's point of view that putting in a dirt road for emergency use as opposed to putting in a rubber or actual road. He didn't want to get something too fast. His second concern was how high the levels were going to be. He'd like to see what it would be and get more details on the levels.

Edwin Hines, represented the applicant, wanted to make it clear that under the Development Agreement, they had the right to install the dirt or all-weather road as it existed today. The goal was to provide an alternative and not waste the money. They could effectively do the project as it was now, but preferred to do it this way. With the help of staff, he believed the traffic situation had been a lot better and it was a result of the successful holiday show. This had been addressed many times.

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

- D. **ORDINANCE/FIRST READING:** Petition for annexation and zoning designation for 0.60 acres on Old Crane 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 Mayor Pro Tempore Baldwin.

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

- E. **ORDINANCE/FIRST READING:** Amendment to the Bahama Island Planned Development District (PDD) adding eight campsites to the NMB RV Resort. 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 Collins.

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

- F. **SECOND PUBLIC HEARING:** Regarding the amendment to the Bahama Island PDD Development Agreement regarding the NMB RV Resort. Mr. Noury explained the main element of the agreement was the developer's proposed contribution of \$400 for impact fees for each park model site with a sewer connection. The Planning Commission forwarded a recommendation for each park model site to have a \$1,100 Beach Access Fee and a \$200 Park Enhancement Fee. Councilman Thomas, in agreement with other Councilmembers, suggested the fees be the same as what had been required with other Development Agreements.

Having no further comment from the Council or public, Mayor Hatley called for a motion. Councilman Thomas motioned to accept the Development Agreement with the condition the Impact Fees and Park Enhancement Fees be raised to the current levels, which was \$1,100 and \$200 and was seconded by Councilman Collins. Mayor Hatley called for a vote. The motion to approve passed 7-0.

- G. **ORDINANCE/FIRST READING:** Amendment to the Bahama Island Planned Development District (PDD) Development Agreement regarding the NMB RV Resort 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. Councilman Coyne motioned based on the fee increase, as discussed in the prior agenda item, and 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.

8. PUBLIC COMMENT:

Linda Eleuteri, 316 49th Avenue North, North Myrtle Beach, stated that Cherry Grove flooded all the time. She was glad they tabled the discussion on the Crescent Beach area, because they needed to look at how the roads would be impacted. She stated she left her friend's house in Crescent Beach at 9:00 PM and went down Ocean Blvd. She knew the city had spent a lot of money and tried to do the storm drains and everything else. The street was flooded and barely one car could get through. She stated they did have a lot of rain, but today there was 3 feet of water on the roads. She stated she had pictures of a boat going down the road on 50th. She said people look at their ocean and marsh land and it was filled with trash. She stated today was trash day and probably 50% of the cans were in the marsh. She would like to know if the city had any plans to fix the drainage problem. Manager Mahaney stated there was an estimate done and it was \$25,000 per property for 20 years. It was like New Orleans and the only solution would be to dike all of Cherry Grove. He explained there was a King Tide this weekend. Ms. Eleuteri stated it was going to be 6 feet and that was not more than normal. Manager Mahaney explained there were 50 mph winds, too. Cherry Grove has flooded for years and unless they did what New Orleans did, the area would still flood. Ms. Eleuteri stated if we could afford millions

to build a road that wasn't even in our state, they could afford money to put towards drainage. Mayor Hatley stated the problem wasn't with just Cherry Grove and they have worked very hard to improve the channels and new drainage. She stated they inherited a lot of drainage issue with the city incorporated in 1968. Manager Mahaney stated they have applied to state and federal departments for additional funds for drainage. Councilman Thomas stated there would only be two options; to dike everything or elevate the property. New property development would need to be elevated two feet and the trick would be to contain the water on the property and take it straight to the channel. The elevation of the land would not change and the flooding has gotten worse over time. Councilman Thomas stated the first King Tide started on January 1, 1970 and now they come every other month. Mayor Hatley stated areas all around were being flooded and they would strive to do all they could to help with the drainage. Ms. Eleuteri stated her concern was the development in Crescent Beach and wanted their storm system taken care of.

Sabina Lynskey, 1417 Hillside Drive South, North Myrtle Beach, asked to clarify the decision on Item 6. Mayor Hatley stated it was voted to postpone and the first vote still stood.

Damien Triouleyre, 902 Perrin Drive, North Myrtle Beach, thanked the Council for postponing the rezoning to take time to make a great plan. He didn't live far from the area. He envisioned a beautiful place there that was not too high, with two or three apartments with some shops. You could be in your condo or nearby and walk to a nice shop, restaurant, or coffee shop. He asked if they could do an overlay and set parameters that would create a really beautiful place where people could come. He stated there was not that many opportunities in our town. It was getting pretty well built out. This was one of the last large parcels near the ocean. They could create something that everyone could be proud of and enjoy, whether a visitor or live here full time. Mayor Hatley stated that was a great idea and the property owners would probably be sure to do this. Mr. Triouleyre wanted the city to encourage the property owner to do this.

Elizabeth Calloway, Crescent Beach, requested the workshop be in the evening in order for those that work to attend.

9. **ADJOURNMENT:**

Mayor Hatley adjourned the meeting at 8:15 PM.

Respectfully submitted,

Allison K. Galbreath, City Clerk

MARILYN HATLEY, MAYOR

Minutes approved and adopted this 7th day of February 2022.