

**CITY OF NORTH MYRTLE BEACH, SOUTH CAROLINA
NORTH MYRTLE BEACH CITY HALL
CITY COUNCIL MEETING
Monday, August 15, 2022, 5:00 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, Absent
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 legal briefing regarding Cherry Grove Beach Gear, LLC, et al vs. City of North Myrtle Beach, Case Number 4:22-cv-02198-RBH, a legal briefing regarding contract agreements with Robber's Roost Villas and Manning Communities, and a legal briefing regarding the proposed Development Agreements with the Village at Waterway Hills, Phases 2 and 3 of Waterside, and the RL Bell Tract. The motion was made by Councilwoman Fontana and seconded by Mayor Pro Tempore Baldwin. The motion passed 6-0. 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, July 18, 2022, the City Council Executive Session of Wednesday, July 27, 2022, and the City Council Executive Session of Monday, August 1, 2022, as presented, was made by Councilwoman Fontana and seconded by Councilman Coyne. The motion to approve passed 6-0.

3. COMMUNICATIONS:

Mayor Hatley stated that the Departmental Monthly Reports for July 2022 were available online.

4. ANNOUNCEMENTS BY MAYOR AND CITY COUNCIL:

Mayor Hatley stated there have been good crowds at Music on Main and it was good to see everyone having a good time.

5. CONSENT AGENDA:

- A. RESOLUTION: To approve the Mutual Aid Agreement between the City of North Myrtle Beach and Horry Georgetown Fire Chiefs' Association
- B. MOTION TO APPOINT: One reappointment to the Board of Zoning Appeals
- C. MOTION TO APPROVE: SOS Fun Sunday
- D. MOTION TO APPROVE: 9-11 Memorial
- E. MOTION TO APPROVE: Winter Run
- F. MOTION TO APPROVE: The Annual North Myrtle Beach Christmas Parade
- G. ORDINANCE/SECOND READING: Amendments to Chapter 23, Zoning, of the Code of Ordinances of North Myrtle Beach, South Carolina regarding minimum building size

Mayor Hatley asked the Council to consider Items A-F together. The Council agreed and Mayor Hatley read Items A-F 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.

Mayor Hatley read Item G by title and called for a motion. Mayor Pro Tempore Baldwin motioned to postpone the agenda item until a workshop could be conducted and was seconded by Councilwoman Fontana. Manager Mahaney stated the workshop would be held on Wednesday, September 14, 2022 at 1:30 pm.

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

6. UNFINISHED BUSINESS:

- A. ORDINANCE/SECOND READING: Amendment to the Parkway Group Planned Development District (PDD) regarding the Village at Waterway Hills. 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. Mayor Hatley stated she appreciated the developers working with them on their design concerns and giving them a plan that showed exactly what would be built. She was happy with what was submitted, with the colors, and materials used.

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

- B. ORDINANCE/SECOND READING: Amendment to the Parkway Group PDD Development Agreement regarding the Village at Waterway Hills 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. The motion to approve was made by Councilman Thomas and seconded by Councilwoman Fontana. Councilman Coyne stated he wanted to see the Enhancement Fees be \$4,500. Chris Noury, City Attorney, stated since first reading, there had been a change to the Enhancement Fees. The Public Safety Fee would be \$2,600 for a total of \$4,000 for all Enhancement Fees. Kevin Blayton, Director of Public Works, stated Exhibit D in the Development Agreement outlined the road improvements that each developer would be responsible for in order to off-set the Enhancement Fees. It would also open up the PDD for access. He explained that each of the property owners negotiated who was going to build which section of roadway and staff only informed them of what type of roadway that must be constructed. Councilman Coyne wanted to ensure that each developer had an equitable part within the roadway construction. Director Blayton stated each one had agreed to their part of the road construction. The total Enhancement Fee would be approximately \$2,430,000.

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

- C. **ORDINANCE/SECOND READING:** Amendment to the Parkway Group PDD regarding Phases 2 and 3 of Waterside. 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. Mayor Hatley stated this was similar to the last agreement and with an Enhancement Fee of \$4,000. Councilman Thomas wanted to make sure the public knew there had been months of meetings and workshops to iron out the details of these agreements. Mayor Hatley stated the original property was annexed into the city in 2008 and the density was much higher than what was currently proposed. The total Enhancement Fees would be approximately \$2,120,000.

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

- D. **ORDINANCE/SECOND READING:** Amendment to the Parkway Group PDD Development Agreement regarding Phases 2 and 3 of Waterside 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. The motion to approve was made by Councilwoman Fontana and seconded by Councilman Thomas. Mayor Hatley stated the developer would have to come back to the Council with any changes to the agreement.

Having no further comment 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:** Request to rezone 8.9 acres off West Port Drive from Highway Commercial (HC) and Mobile/Manufactured Home Residential (R-3) to Mid-Rise Multifamily Residential (R-2A). 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. Director Blayton explained the traffic comparisons between HC/R-3 and R-2A. There would be less traffic in an R-2A zone versus an HC/R-3 zone. He also stated all of the easement issues were resolved with a new plat that reflected all of the easements that would make the utility system work. Mayor Hatley stated R-2A fit the community.

Mayor Hatley opened the floor for public comment.

Terry McPhail, 901 West Port Drive, Unit 1405, North Myrtle Beach, stated he was a resident of Carolina Keyes and traveled the road daily. He stated he didn't understand how adding 178 units on the property, with an estimate of 2 vehicles per unit, would be less traffic. It was already hard to get in and out because people blocked the lanes. People take left turns when they shouldn't be. It was a problem and a safety issue, and he's seen many wrecks in the area. They have a concern by adding that many units in the small 8.9 acres. It would influence safety and the structure that was going there. Mayor Hatley stated Council didn't have any idea how many units were going on the property. She explained when the Council rezoned property, they can't rezone based by what's going to be built, but if the zoning fitted within the area. She stated R-2A fit and they did ask for an engineer study for the road. The study found that it would be less traffic in the R-2A zoning. Mayor Pro Tempore Baldwin stated the actual peak hour trips were 32.04 versus 209.27 which was substantially lower. Mr. McPhail asked what time of the year this was conducted, because the time of year had an impact on the traffic. Director Blayton explained that the traffic projection was not an actual traffic count. The projections were used based on land use and federal standards and national projection rates. Mayor Hatley stated land had to be zoned and they were tasked with determining which zone would

be less traffic. She reminded the audience that commercial units could have 2-3 levels of residential on top of it.

Jackie Wilkin, 901 West Port Drive, Unit 1813, North Myrtle Beach, stated she understood the projection letter for residential versus commercial. However, two years ago, she got in touch with a representative in Conway and explained they could not get out. You couldn't get more than 4 or 5 cars out before the light changed. People went through the light and parking lot to get onto Highway 17. It was the only way in and out from Carolina Keyes. Her husband was backed up to the Carolina Keyes sign one day waiting to get out. She saw where the traffic flow was done in March. Right now, you could not get out of there unless you waited 2-3 lights. Ambulances couldn't get in and out if it was trafficked up. They needed to do something with the road there. Mayor Hatley asked if they had a lot of short-term rentals in Carolina Keyes. Ms. Wilkin stated they did not. Mayor Hatley explained the traffic count would be the same in March as it would be now unless they were counting the Starbucks traffic. Ms. Wilkin stated that was what ruined the entrance in and out of there. People were coming out of the plaza, Starbucks, and Walgreens. It was a cluster and asked if the ground would be paved up from what was now dirt and trees. Mayor Hatley stated if it was developed it would be paved, even in commercial or mobile home zoning. Ms. Wilkin stated if it was paved up then it would drain into Carolina Keyes. Mayor Hatley explained the developer would have to abide by the stormwater drainage ordinances and the building inspectors would make sure of it. Ms. Wilkin asked if West Port Drive would be the only entrance. Mayor Hatley stated they had not seen a plan and it was illegal for them to look at a plan before they rezoned the property. Director Blayton stated they only looked at the public road access which was West Port Drive. He explained there were wetlands on the property and a portion would be unbuildable. Ms. Wilkin asked how big the buildings were going to be. Director Blayton stated they have not seen plans and wouldn't until they submitted them. Mayor Hatley stated they had to decide if the land zoned as R-2A would fit in the community. Ms. Wilkin stated no one knows what's going on it? She stated if it was rezoned would they find out what would go on it. Mayor Hatley stated they had to wait to see what the owner wanted to develop. Jim Wood, Director of Planning and Development, stated in straight zoning, they were unable to ask, by state law, what kind of project they planned to do. In a Planned Development District, they could ask for a plan upfront, but not in straight zoning. Once the development proposal comes in, the staff in each department, in a Technical Review Committee (TRC), would evaluate the plan. It would not come back for a public hearing. Councilman Coyne inquired if Carolina Keyes was zoned as R-2A. Director Wood confirmed it was and both properties were compatible. Ms. Wilkin asked if the road would be improved so they could get in and out. Mayor Hatley explained TRC would evaluate it and see what improvements would need to be done.

Larry, Carolina Keyes, North Myrtle Beach, stated if they rezoned to build exactly what they wanted, they could then build however tall they wanted, like a 10-story. Mayor Hatley stated they could only build what was allowed in an R-2A zone and a 10-story was not allowed. Mr. Larry asked why they didn't do a traffic count. He goes in and out everyday and unless someone has been hiding behind a tree, it hasn't been done. Director Blayton reiterated that there was not a physical traffic count of actual vehicles on West Port Drive, and it was not necessary in this situation. They were taking traffic projections from the Institute of Transportation Research Engineers, which is a federal guideline that was used for all development projects and all traffic projections, and comparing projections from current zoning, the land as is today, to projections of the new zoning. Mayor Hatley stated the study showed there would be more traffic if the owner developed the property in the current zoning. She explained they weren't trying to increase the traffic. Mr. Larry stated they would be increasing it and wanted it explained. Councilman Skidmore stated another factor they needed to consider was in the current zoning, the property could be a recreational vehicle park. It would double the density of a mobile home park. Mr. Larry stated they could put fewer mobile homes on the property. Councilman Coyne stated the traffic was going to change and the impact would be lower with this zoning. Mayor

Hatley stated the developer was going to do something with the property and this would be the smartest way to go.

Wayne Zair, Carolina Keyes, North Myrtle Beach, stated if this went to the Planning Commission, he asked if the public was allowed access to the plans and create improvements. There must be something done if they were going to get double the amount of traffic. He stated they were discussing .3 additional peak traffic hours. It was based on an urban area. This was not an urban area, but a suburban area. The numbers were .48 in peak hours, which was 2 ½ times more peak trips. He wanted to know why it was an urban area. The numbers they were giving them were misleading. He asked what type of access the public would have. Director Wood stated when a project would be submitted, it would have an internal review and not go to City Council or the Planning Commission. It would be reviewed at the weekly TRC meeting. Any plans would be subject to a FOIA request, and we would provide a copy of the plan. Straight zoning did not go to the Planning Commission.

Steve Sanderson, Carolina Keyes, North Myrtle Beach, stated he thought there was a cut through on the property that went by SeaBlue to Highway 17. Director Blayton stated he believed there was a state drainage easement between SeaBlue and the beachwear store. It has never been designated as a street and he thought it ended on the delineated wetland on the corner of the property. They would not be able to put a road on it. Mr. Sanderson stated they could cut a road out by SeaBlue and get on 17 and it wouldn't put them on West Port Drive. Director Blayton stated the only way they could do that was to fill in the wetlands and they would need state and federal permits to do it. Mr. Sanderson stated maybe they needed to get state and federal permits to fix it. There was a dirt road behind Santee Cooper that golf carts used now. He stated that was another exit and entrance into the property. They could buy or get an easement and cut a road through there. There would be two ways in and out. Mr. Sanderson stated Starbucks was a lot of the traffic issue. One exit was West Port Drive, and it was horrible. Everyone was doing the drive thru, but there should be an exit immediately after it, turn right, and have no left turns. They don't circle back around, get on West Port and back up traffic. Mayor Hatley stated TRC would be looking at the plans and look at the best possible way to move traffic.

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: Amendment to the Parkway Group Planned Development District (PDD) creating the Grande Dunes North sign package. Mayor Hatley read the ordinance by title and called for a motion. The motion to approve was made by Mayor Pro Tempore Baldwin and seconded by Councilwoman Fontana. Mayor Hatley stated she didn't have a problem with the signs.

Having no further 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 and zoning designation for 80.75 acres off Water Tower 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. Mayor Hatley stated this was not a large project and would connect to the city. The roads would be connecting to Champions Boulevard and impact our community, which was why she was in favor of annexing in the property. Councilwoman Fontana stated this would give them a say so and control of what would happen within the property instead of another county pocket. Mayor Pro Tempore Baldwin stated he would like to see the improvements to Water Tower Road to make sure it was all within the Development Agreement. Mayor Hatley stated before second reading, they would like to see it.

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: Regarding the 80.75 acres off Water Tower Road known as the RL Bell Tract Development Agreement. Mr. Noury went over the main points of the Development Agreement.

Mayor Hatley opened the floor for public comment.

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

- E. ORDINANCE/FIRST READING: Creating the RL Bell Tract Development Agreement 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. The motion to approve was made by Councilman Thomas and seconded by Councilwoman Fontana. The total Enhancement Fee would be approximately \$996,000.

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

8. PUBLIC COMMENT:

Neil Witkin, 3019 Winding River Drive, North Myrtle Beach, stated sometimes Barefoot Resort comes to the Council to ask questions and seek information. Other times, Barefoot may have a request for assistance or otherwise known throughout your constituency as complaints, but not tonight. Barefoot's volunteers perform a multitude of community services and he wanted to introduce the Council to some of those activities. He introduced Karen Ward with their Beach Cleanup Committee.

Karen Ward, 5650 Barefoot Resort Bridge Road, Unit 114, North Myrtle Beach, stated she was involved in the Spring Beach Cleanup in Windy Hill in April. There were many attendees and volunteers to help clean up. They found a little bit of everything. They do the cleanups two times a year to keep the beach and dunes clean. It was very fun and successful, and they will be doing another one in October or November. They were looking forward to the project. Mayor Hatley thanked them for their efforts and stated it was important for residents and the city to work together. Mr. Witkin stated they also have a committee for beach cleanup at Crescent Beach. Mayor Hatley stated they also have volunteers that do Water Tower Road. She stated if everyone would be as active, the city would be spotless.

9. ADJOURNMENT:

Mayor Hatley thanked everyone for coming to the meeting and adjourned the meeting at 8:06 PM.

Respectfully submitted,

Allison K. Galbreath, City Clerk

MARILYN HATLEY, MAYOR

Minutes approved and adopted this 19th day of September 2022