

**CITY OF NORTH MYRTLE BEACH, SOUTH CAROLINA
NORTH MYRTLE BEACH CITY HALL
CITY COUNCIL MEETING
Monday, November 7, 2022, 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, Absent
Bubba Collins
Fred Coyne, Absent for roll call
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 Johnson Street, a legal briefing regarding weight limitations for bridges, and a legal briefing regarding Fire Codes 1006.2.1-Egress based on occupant load, 1006.3.3-Single exits, and 1028.5-Access to a public way. The motion was made by Councilman Collins and seconded by Councilwoman Fontana. The motion passed 6-0. The Council returned to Chambers at 7:00 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, October 17, 2022, as presented, was made by Councilwoman Fontana and seconded by Councilman Collins. The motion to approve passed 6-0.

3. COMMUNICATIONS:

Mayor Hatley presented a Proclamation to Mike Mancuso with the Waccamaw Community Foundation designating November 12-18, 2022 as Community Foundations Week. Mayor Hatley proclaimed Small Business Saturday will be November 26, 2022 and urged all citizens to shop local businesses. A Proclamation was presented to the Tree Board recognizing December 2, 2022 as Arbor Day. The public was invited to participate in a tree planting ceremony on December 2, 2022 at 10 AM between City Hall and the Aquatic Fitness Center.

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

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

Mayor Hatley thanked Tom Keegan, a representative from Tim Rice's office, for attending the meeting. Mr. Keegan recognized the USMC's 247 birthday on November 10, 2022.

5. **CONSENT AGENDA:**

- A. RESOLUTION: Regarding the conversion of Johnson Street from a private right-of-way to a public right-of-way
- B. RESOLUTION: Approving an annual assessment report and updated assessment roll for the Cherry Grove Improvement District
- C. MOTION TO APPROVE: "Over the Edge" event
- D. ORDINANCE/SECOND READING: Affirm the 2006 decision of City Council to abandon the current location of Crescent Beach Access #8 in exchange for its relocation approximately 66 feet southward with improvements

Mayor Hatley asked the Council to consider Items A through D together. The Council agreed and Mayor Hatley read Items A through D 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.

6. **UNFINISHED BUSINESS:**

- A. ORDINANCE/SECOND READING: An ordinance regarding the Municipal Assessment Bonds, Series 2022 for the Cherry Grove Improvement District (a.k.a. Cherry Grove Dredging Project). Theo DuBose, attorney for Haynsworth, Sinkler, and Boyd, stated the Clerk had handed out a redline version of changes the Council needed to approve before the second reading of the ordinance. Mayor Hatley called for a motion to accept the changes that had been made to the Cherry Grove Assessment Ordinance. The motion to approve was made by Councilwoman Fontana and seconded by Councilman Thomas. The motion to approve passed 6-0. Mayor Hatley called for a motion to accept the Municipal Assessment Bonds Series 2022 for the Cherry Grove Improvement District. The motion to approve was made by Councilman Coyne and seconded by Councilwoman Fontana.

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 Planned Development District (PDD) regarding the Apache Lakes Townhomes. 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. Mr. Guyton stated the packet had new elevations and 4 different color schemes. The Council agreed to keep each of the color schemes to break up the development. She stated it was a great improvement.

Mayor Hatley opened the floor for public comment.

Tom Powell, Waters Edge Court, North Myrtle Beach, stated this would apply to a lot of what was going to be discussed. The Apache development would have 154 units and where it was located, all of the traffic would come through Barefoot. There would be a lot more traffic through Barefoot and they were concerned about the amount of traffic that Water Tower Road was generating.

Manager Mahaney presented two maps detailing the areas developments on the west side of the city. He didn't anticipate much traffic going down Club Course Drive.

Neil Witkin, 3019 Winding River Drive, North Myrtle Beach, added they were looking at 1,300 plus units and about 2,600 cars on Water Tower Road at any point in time. They were concerned about the volume of traffic on Water Tower Road. He asked if a traffic study could be conducted to see if it could handle that amount of traffic. He gave an example of his girlfriend waiting behind 17 cars to get out on Highway 90 and the majority of the homes haven't been built yet. They were going to have more problems with traffic on Water Tower Road. Mayor Hatley stated she was a proponent of widening Water Tower Road and it become the size of Robert Grissom Parkway. She stated they had to hit a certain amount of traffic before it could have something done with it. It was way down on the GSAT list. She also stated a traffic study probably wouldn't help at this time. Mr. Witkin asked if the Apache developer had to make any road improvements. Mayor Hatley indicated the developer had not been required to make any road improvements. Kevin Blayton, Director of Public Works, stated there would be turning lanes into the development.

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:** An ordinance regarding the Separate and Independent Amendment to the Master Development Agreement of the Parkway Group PDD known as the Apache Lakes Townhomes 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 Collins. Mayor Hatley stated they would be paying the Enhancement Fees that would help build the new fire station on Water Tower Road and hoped the project would start next year. It would give Barefoot a second fire station.

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:** Creating the Third Amendment to the Sandridge Tract Development Agreement and 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 Councilman Coyne. Manager Mahaney reminded them this item had been asked to be postponed. Mr. Guyton stated it would be postponed until the next Council meeting. Mayor Hatley called for the motion to be amended. The amended motion to postpone was made by Councilman Thomas and seconded by Councilman Coyne. The motion to postpone passed 6-0.

7. **NEW BUSINESS:**

- A. **ORDINANCE/FIRST READING:** Petition for Annexation and Zoning Designation for 3.28 acres on Highway 90. Mayor Hatley recused herself from the discussion and vote. Manager Mahaney read the ordinance by title and Councilman Coyne called for a motion. The motion to approve was made by Councilman Collins and seconded by Councilwoman Fontana.

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

- B. **ORDINANCE/FIRST READING:** Amendments to Chapter 20, Land Development Regulation, of the Code of Ordinances of North Myrtle Beach, South Carolina regarding wetland water quality buffers. Manager Mahaney read the ordinance by title and Mayor Hatley called for a motion. The motion to approve was made by Councilwoman Fontana and seconded by Councilman Skidmore. Mayor Hatley stated this protected the wetlands and was a very good ordinance. Councilman Coyne stated it was what was expected within PDD's and formalized it.

Mayor Hatley opened the floor for public comment.

Madison Cooper, 951 Shine Avenue, Myrtle Beach, read her comment: Good evening, Mayor and Council. Thank you for giving me the opportunity to speak with you tonight regarding the proposed wetland buffer requirement. CCAR is very concerned about the nature of this text amendment. Our recently updated environment policy position reads, "CCAR supports the US Army Corps of Engineers and the SC Department of Health and Environmental Control (DHEC), as subject-matter experts, continuing to have jurisdiction over wetlands and wetland buffers. Where local wetland protections and considered, they should remain voluntary." Given our policy statement, the concern with this text amendment are that it is mandatory but also that it provides for a minimum rather than a maximum buffer. My question would be, ultimately who makes the decision about how large a mandatory buffer should be? Who will be the local wetlands expert? The fact that the proposed ordinance does not provide flexibility with respect to buffer zones leads one to believe that this policy is being used as a way to control and limit growth generally rather than simply as a means to protect and preserve functional wetland environments. Additionally, the intent of imposing strict buffer provisions seems to be anti-development but by contrast by requiring development to satisfy performance standards instead of arbitrary across-the-board buffer requirements can enhance wetlands protection while allowing desirable flexibility to property owners. Ideally, the buffer zone requirements would be stated as a no-build presumption that may be overcome on the basis of clearly articulated standards or waived if the application of the requirement will preclude reasonable use of the property, with the applicant free to propose other means that may be less intrusive on its property rights and development plans in order to satisfy performance standards directed at protecting the wetlands from impairment. Again, CCAR supports wetland policies that are voluntary and have an incentive-based focus.

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: Amendment to the Barefoot Resort Planned Development District (PDD) regarding Dye Club Villas. Manager Mahaney read the ordinance by title and Mayor Hatley called for a motion. The motion to approve was made by Councilwoman Fontana and seconded by Councilman Thomas. The Council agreed it was nice they dropped the density from 132 to 21.

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 amendment to the Barefoot Resort Development Agreement regarding the Dye Club Villas. Mr. Noury went over the main provisions to the Development Agreement.

Mayor Hatley opened the floor for public comment. Having no comment from the public, she closed the floor for public comment.

- E. ORDINANCE/FIRST READING: Amendment to the Barefoot Resort PDD Development Agreement regarding the Dye Club Villas 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. The motion to approve was made by Councilman Thomas and seconded by Councilwoman Fontana.

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: Amendment to the Parkway Group Planned Development District (PDD) regarding The Preserve. Manager Mahaney read the ordinance by title and Mayor Hatley called for a motion. The motion to approve was made by Councilwoman Fontana and seconded by Councilman Coyne. Greg Duckworth and Josh Hughes, agents for the developer, went over several aspects of the property including the commercial component that would have to work within a community setting. The Council agreed to go to a workshop before the second reading. The workshop was set for Wednesday, November 16, 2022 at 1:30 PM.

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

- G. SECOND PUBLIC HEARING: Regarding the amendment to the Parkway Group PDD Development Agreement regarding The Preserve. Mr. Noury went over the main provisions to the Development Agreement.

Mayor Hatley opened the floor for public comment. Having no comment from the public, she closed the floor for public comment.

- H. ORDINANCE/FIRST READING: Amendment to the Parkway Group PDD Development Agreement regarding The Preserve 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.

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

- I. ORDINANCE/FIRST READING: Petition for annexation and zoning designation for 221.42 acres off Water Tower Road and Long Bay 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. Councilman Collins stated they were not taking 221 acres lightly and wanted to go to another workshop to work out more details. Councilman Thomas agreed he wanted a workshop to be more comfortable with it. Councilman Collins stated he had asked for the differences between R2 and R2-A. Mayor Hatley stated she had struggled with it, but believed if it was left like it was, over 1,200 units could be built. They would use the same roads and there was an advantage to work with the developer to get some things the city needed. She didn't mind another workshop but wanted to pass the ordinance on first reading. Mayor Hatley stated it was important for the public to know that the Council was not looking to grow the population, it would come in its own way. They were trying to manage what would affect the city in the future. The Council was in agreement to hold a workshop on Wednesday, November 16, 2022 at 1:30 PM.

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

- J. SECOND PUBLIC HEARING: Regarding the 221.42 acres off Water Tower Road and Long Bay Road known as the Lauret Associates Tract Development Agreement. Mr. Noury went over the main provisions to the Development Agreement. Manager Mahaney stated the fee in lieu of the Enhancement Fees were estimated to be \$3.3 million. He asked Mr. Guyton for the cross sections of the road to be presented at the workshop. The county was meeting on November 15, 2022 to vote on paving the dirt road that was not in the city.

Mayor Hatley opened the floor for public comment. Having no comment from the public, she closed the floor for public comment.

- K. **ORDINANCE/FIRST READING:** Regarding the Lauret Associates Tract Development Agreement and 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. The motion to approve was made by Councilwoman Fontana and seconded by Councilman Coyne.

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 they had a meeting on September 19, 2022 regarding the dirty sidewalks and wanted to know if there was any relief from the contractors. Manager Mahaney stated they had been approached but hadn't heard back from them. He was going to have someone look into it.

Derek Blackwell, 1301 South Ocean Boulevard, North Myrtle Beach, asked why it was taking so long to get a permit that everyone had signed and approved. Councilman Thomas asked if there was an appeal process. Manager Mahaney stated they were meeting this week on the appeal process. Mr. Blackwell stated he had been working on this for two years. Manager Mahaney stated they had denied it before and would deny it again. They were trying to determine if the Army Corps of Engineers would hear the appeal, if it would go to court, or create a new mechanism they didn't have. The staff couldn't meet on the topic until this week. Mayor Hatley stated they had given him an answer of denial, he didn't like what it was. Mr. Blackwell stated they didn't follow their own rule and no reason was given. Mayor Hatley stated they were looking at the path for the appeal process. He asked what the code was he wasn't following. Mayor Hatley stated they needed to look at this not in a public setting.

Stacey Bugg, 600 Spicewood Court, North Myrtle Beach, stated he brought a couple of other people with him and was there to discuss the 264% increase to the solid waste fees. It went from \$22 to \$80 and the rate was to include roll back services. He stated they never needed extra pick up services and they had never received roll back services. He stated there were some discrepancies in the billing fees that he didn't understand. He stated he sent an email to Manager Mahaney and his assistant sent back an email that the calculation was determined by the cost to the city. He stated he found the information to be false. They were not all treated the same. He discussed the route schedule on the website. Mayor Hatley stated they wouldn't be able to discuss this with him because they didn't have the facts in front of them. She asked if he had sat down with the Director of Public Works. Mr. Bugg stated he had not. She asked him to come to City Hall to work out his concerns. She stated if he had a short-term rental, he was going to pay the \$80 fee per month. Mr. Bugg insisted there were inconsistencies. It was agreed he would come to City Hall to speak with Kevin Blayton, Director of Public Works.

Ken Irish, 165 Palmetto Harbour Drive, North Myrtle Beach, stated he owned three rental properties in Crescent Beach and has never had a garbage pail. He stated he's lived next door since 2008 and never had a garbage pail and got charged \$80 a month. He stated they used a dumpster and didn't understand why their bill had increased. Mayor Hatley stated they would look into it. Short-term rentals had been an issue within the neighborhoods and trash was one of the biggest issues. Mr. Irish stated in Crescent Beach, the homes were smaller and didn't generate as much trash as the bigger homes with more people staying at them. He stated a sanitation worker picked up two neighbor's trash, backed up to his rental and took a picture, then left. He didn't understand it.

Jeff Burrell, 404 21st Avenue South, North Myrtle Beach, understood the fee and the schedule. He stated there was a trash problem. He stated they created a law, stating short-term rentals would pay for excess trash and short-term rentals were defined as 90-days or less. However, it didn't define the size of the house. The smaller homes usually didn't have a problem, but the larger ones did. He stated making that the only criteria for the fee seemed to be short-sighted.

Randy Davies, Destination North Myrtle Beach, thanked the Council for the Proclamation for Small Business Saturday. They had 700 small businesses that were a part of the Chamber and wanted to encourage everyone to shop small and local.

9. **ADJOURNMENT:**

Mayor Hatley thanked everyone for coming, their comments, and adjourned the meeting at 8:36 PM.

Respectfully submitted,

Allison K. Galbreath, City Clerk

MARILYN HATLEY, MAYOR

Minutes approved and adopted this 5th day of December 2022