CITY OF NORTH MYRTLE BEACH, SOUTH CAROLINA
NORTH MYRTLE BEACH CITY HALL
CITY COUNCIL MEETING
Monday, December 5, 2022, 5:15 PM

Minutes

1A. ROLL CALL:
Mayor Pro Tempore Baldwin called the meeting to order and asked the Clerk to call the roll.

Marilyn Hatley, Absent
JO Baldwin
Bubba Collins
Fred Coyne
Nicole Fontana
Trey Skidmore
Hank Thomas, Absent

A quorum was established.

1B. EXECUTIVE SESSION:
Mayor Pro Tempore Baldwin called for a motion to go into Executive Session for a legal briefing regarding a multi-county business park, a discussion regarding a potential property acquisition, a discussion regarding potential contracts with Beam & Associates and Capitol Consultants regarding lobbying, a legal briefing regarding private beach accessways, a legal briefing regarding a proposed agreement for signal light on Little River Neck Road, and a legal briefing regarding sovereign citizens. Chris Noury, City Attorney, added to the Executive Session a legal briefing regarding the Americans with Disabilities Act. The motion was made by Councilwoman Fontana and seconded by Councilman Collins. The motion passed 5-0. The Council returned to Chambers at 7:00 PM. Mayor Pro Tempore Baldwin announced that no votes were taken at the session. He stated Item E needed to read a legal briefing regarding a proposed agreement for a signal light on Sea Mountain Highway and Ye Olde Kings Highway instead of Little River Neck Road.

1C. CONTINUATION OF CALL TO ORDER:
Mayor Pro Tempore Baldwin asked Manager Mahaney to deliver the invocation.

Mayor Pro Tempore Baldwin led the Pledge of Allegiance.

2. MINUTES:
The motion to approve the minutes for the City Council Workshop of Monday, October 24, 2022, the Council Meeting of Monday, November 7, 2022, and the City Council Workshop of Wednesday, November 16, 2022, as presented, was made by Councilman Collins and seconded by Councilman Coyne. The motion to approve passed 5-0.

3. COMMUNICATIONS:
Mayor Pro Tempore Baldwin stated that the Departmental Monthly Reports for September 2022 were available online. Councilman Collins stated the Christmas Parade was wonderful and there was a large crowd that attended. Mayor Pro Tempore Baldwin thanked the Parks and Recreation Department for the McLean Tree Lighting Ceremony and the great job they did to kick off the Christmas season.

4. <u>ANNOUNCEMENTS BY MAYOR AND CITY COUNCIL</u>:
None

Mayor Pro Tempore Baldwin stated there were several items of business that were proposed to be postponed and the Council would address them first.

6. <u>UNFINISHED BUSINESS</u>:

G. ORDINANCE/SECOND READING: Petition for annexation and zoning designation for 221.42 acres off Water Tower Road and Long Bay Road **NOTE: Petitioner has requested to postpone.**

H. ORDINANCE/SECOND READING: Regarding the Lauret Associates Tract Development Agreement and authorize the City Manager to sign the document on behalf of the City **NOTE: Petitioner has requested to postpone.**

I. 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 **NOTE: Petitioner has requested to postpone.**

Mayor Pro Tempore Baldwin took the three agenda items together. Manager Mahaney read the ordinances by title and stated the petitioners had requested to postpone until the January 9, 2023 meeting. Mayor Pro Tempore called for a motion. The motion to postpone was made by Councilwoman Fontana and seconded by Councilman Coyne.

Having no comment from the Council or the public, Mayor Pro Tempore Baldwin called for a vote. The motion to postpone passed 5-0.

7. <u>NEW BUSINESS</u>:

D. ORDINANCE/FIRST READING: Amendment to Chapter 5, Beaches and Waterways, of the Code of Ordinances of North Myrtle Beach, South Carolina regarding bicycles on the beach or in the dune area. Manager Mahaney read the ordinance by title and Mayor Pro Tempore Baldwin called for a motion. The motion to table for a workshop was made by Councilman Collins and seconded by Councilman Skidmore.

Mayor Pro Tempore Baldwin opened the floor for public comment.

Eric Williams, 157 Avenue of the Palms, Myrtle Beach, stated he and Kelly owned Myrtle Beach Electric Bikes and they had been trying to work with this ordinance since May. He asked why it kept getting delayed. Mayor Pro Tempore Baldwin stated a lot of time had passed since they had discussed it in the summer. The Council thought it would be best to bring it up again before an official vote. Mr. Williams asked if it had good energy behind it. Mayor Pro Tempore Baldwin stated some residents were confused and wanted to discuss it in a workshop. Mr. Williams stated he thought there were some items that didn't need to be in the category, like wheelchairs.

Having no further comment from the Council or public, Mayor Pro Tempore Baldwin called for a vote. The motion to table to a workshop passed 5-0.

H. ORDINANCE/FIRST READING: Amendment to the Prince Resort Planned Development District (PDD) regarding a full-service hotel and parking structure **NOTE: Staff has requested to be postponed.** Mayor Pro Tempore Baldwin read the ordinance by title and called for a motion. The motion to postpone to the January 9, 2023 meeting was made by Councilwoman Fontana and seconded by Councilman Skidmore.

Having no comment from the Council or the public, Mayor Pro Tempore Baldwin called for a vote. The motion to postpone passed 5-0.

5. <u>CONSENT AGENDA</u>:

A. RESOLUTION: Adoption of Tax-Advantage Bond Compliance Policies and Procedures
B. RESOLUTION: Regarding appeals from decisions of the City Engineer involving rights-of-way and construction within areas where the City is managing land under Federal and/or state jurisdiction
C. MOTION TO APPROVE: 2023 City Council Schedule

Mayor Pro Tempore Baldwin asked the Council to consider Items A through C together. The Council agreed and Manager Mahaney read Items A through C by title. Mayor Pro Tempore Baldwin called for a motion. The motion to approve was made by Councilwoman Fontana and seconded by Councilman Skidmore.

Mayor Pro Tempore Baldwin opened the floor for public comment.

Derek Blackwell, 1301 South Ocean Boulevard, North Myrtle Beach, asked if Item B had anything to do with the first reading of the ordinance that had to deal with the dune walkovers. Manager Mahaney stated it was separate but somewhat related.

Having no further comment from the Council or public, Mayor Pro Tempore Baldwin called for a vote. The motion to approve passed 5-0.

6. <u>UNFINISHED BUSINESS</u>:

A. ORDINANCE/SECOND READING: Petition for Annexation and Zoning Designation for 3.28 acres on Highway 90. Mayor Pro Tempore Baldwin read the ordinance by title and called for a motion. The motion to approve was made by Councilwoman Fontana and seconded by Councilman Collins.

   Having no comment from the Council or public, Mayor Pro Tempore Baldwin called for a vote. The motion to approve passed 5-0.

B. ORDINANCE/SECOND READING: Amendments to Chapter 20, Land Development Regulation, of the Code of Ordinances of North Myrtle Beach, South Carolina regarding wetland water quality buffers. Mayor Pro Tempore Baldwin read the ordinance by title and 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 Pro Tempore Baldwin called for a vote. The motion to approve passed 5-0.

C. ORDINANCE/SECOND READING: Amendment to the Barefoot Resort Planned Development District (PDD) regarding Dye Club Villas. Mayor Pro Tempore Baldwin read the ordinance by title and 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 Pro Tempore Baldwin called for a vote. The motion to approve passed 5-0.

D. ORDINANCE/SECOND 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. Mayor Pro Tempore Baldwin read the ordinance by title and called for a motion. The motion to approve was made by Councilman Coyne and seconded by Councilwoman Fontana.

Having no comment from the Council or public, Mayor Pro Tempore Baldwin called for a vote. The motion to approve passed 5-0.

E. ORDINANCE/SECOND READING: Amendment to the Parkway Group Planned Development District (PDD) regarding The Preserve. Mayor Pro Tempore Baldwin read the ordinance by title and called for a motion. The motion to approve was made by Councilwoman Fontana and seconded by Councilman Collins. Councilman Collins commented this would be a good project.

Having no further comment from the Council or public, Mayor Pro Tempore Baldwin called for a vote. The motion to approve passed 5-0.

F. ORDINANCE/SECOND 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 Pro Tempore Baldwin read the ordinance by title and 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, Mayor Pro Tempore Baldwin called for a vote. The motion to approve passed 5-0.

G. ORDINANCE/SECOND READING: Petition for annexation and zoning designation for 221.42 acres off Water Tower Road and Long Bay Road **NOTE: Petitioner has requested to postpone.** The Council addressed this item earlier in the meeting.

H. ORDINANCE/SECOND READING: Regarding the Lauret Associates Tract Development Agreement and authorize the City Manager to sign the document on behalf of the City **NOTE: Petitioner has requested to postpone.** The Council addressed this item earlier in the meeting.

I. 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 **NOTE: Petitioner has requested to postpone.** The Council addressed this item earlier in the meeting.

7. <u>NEW BUSINESS</u>:

A. ORDINANCE/FIRST READING: To adopt guidelines related to the redistricting plan for the revision of North Myrtle Beach ward lines. Mayor Pro Tempore Baldwin read the ordinance by title and called for a motion. The motion to approve was made by Councilwoman Fontana and seconded by Councilman Skidmore. Councilman Collins stated this was directed to them by the State.

Mayor Pro Tempore Baldwin opened the floor for public comment.

Margaret, 46th Avenue South, North Myrtle Beach, asked with all the annexations and population growth, what would trigger another Council member? Manager Mahaney stated it was based on the census. After the next census, it would be revisited.

Having no further comment from the Council or public, Mayor Pro Tempore Baldwin called for a vote. The motion to approve passed 5-0.

B. ORDINANCE/FIRST READING: Amendment to Chapter 22, Vehicles for Hire, of the Code of Ordinances of North Myrtle Beach, South Carolina regarding vehicle immobilization devices. Mayor Pro Tempore Baldwin 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 Coyne stated this was the right thing to do.

Having no further comment from the Council or public, Mayor Pro Tempore Baldwin called for a vote. The motion to approve passed 5-0.

C. ORDINANCE/FIRST READING: Amendment to the Parkway Group Planned Development District (PDD) regarding the Waterside entry sign. Mayor Pro Tempore Baldwin read the ordinance by title and called for a motion. The motion to approve was made by Councilwoman Fontana and seconded by Councilman Skidmore.

Having no further comment from the Council or public, Mayor Pro Tempore Baldwin called for a vote. The motion to approve passed 5-0.

D. ORDINANCE/FIRST READING: Amendment to Chapter 5, Beaches and Waterways, of the Code of Ordinances of North Myrtle Beach, South Carolina regarding bicycles on the beach or in the dune area. The Council addressed this item earlier in the meeting.

E. ORDINANCE/FIRST READING: Amendment to Chapter 21, Article 2, Section 21-39, of the Code of Ordinances of North Myrtle Beach, South Carolina regarding parking fee/rate. Mayor Pro Tempore Baldwin read the ordinance by title and called for a motion. The motion to approve was made by Councilwoman Fontana and seconded by Councilman Skidmore.

Mayor Pro Tempore Baldwin opened the floor for public comment.

Margaret, 800 46th Avenue South, North Myrtle Beach, asked if the company was contacted to renegotiate the contract before the fee was increased. Manager Mahaney stated they could discuss that on the next ordinance. This ordinance would take the rate mechanism out of the annual budget to put it in line with the parking season.

Having no further comment from the Council or public, Mayor Pro Tempore Baldwin called for a vote. The motion to approve passed 5-0.

F. ORDINANCE/FIRST READING: Parking fee adjustment in city-owned public parking lots and rights-of-way. Mayor Pro Tempore Baldwin read the ordinance by title and called for a motion. The motion to approve was made by Councilman Coyne and seconded by Councilwoman Fontana. Manager Mahaney explained the city had spent approximately $15 million to acquire property to stay ahead of the growth and need for beach parking. City residents could get a free decal to park at the beach. It didn't have to do with the staff cost, but the amount of money spent to acquire property for parking. Other areas had significantly higher costs.

Having no further comment from the Council or public, Mayor Pro Tempore Baldwin called for a vote. The motion to approve passed 5-0.

G. ORDINANCE/FIRST READING: Amendment to Chapter 16, Offenses and Miscellaneous Provisions, of the Code of Ordinances of North Myrtle Beach, South Carolina regarding urban camping and improper use of public places. Mayor Pro Tempore Baldwin read the ordinance by title and 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 Pro Tempore Baldwin called for a vote. The motion to approve passed 5-0.

H. ORDINANCE/FIRST READING: Amendment to the Prince Resort Planned Development District (PDD) regarding a full-service hotel and parking structure **NOTE: Staff has requested to be postponed.** The Council addressed this item earlier in the meeting.

I. ORDINANCE/FIRST READING: Petition for Annexation and Zoning Designation for 0.51 acres on Cenith Drive. Mayor Pro Tempore Baldwin read the ordinance by title and 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 Pro Tempore Baldwin called for a vote. The motion to approve passed 5-0.

J. ORDINANCE/FIRST READING: Petition for Annexation and Zoning Designation for 0.58 acres on Cenith Drive. Mayor Pro Tempore Baldwin read the ordinance by title and 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 Pro Tempore Baldwin called for a vote. The motion to approve passed 5-0.

K. ORDINANCE/FIRST READING: Petition for Annexation and Zoning Designation for 0.70 acres on Cenith Drive. Mayor Pro Tempore Baldwin read the ordinance by title and called for a motion. The motion to approve was made by Councilwoman Fontana and seconded by Councilman Collins.

   Having no comment from the Council or public, Mayor Pro Tempore Baldwin called for a vote. The motion to approve passed 5-0.

L. ORDINANCE/FIRST READING: Amendments to Chapter 23, Zoning, of the Code of Ordinances of North Myrtle Beach, South Carolina regarding minimum site dimensions mobile/manufactured homes. Councilman Skidmore recused himself from the discussion and vote. Mayor Pro Tempore Baldwin 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 Coyne explained the lots were the same square footage but allowed for more contemporary shapes.

   Mayor Pro Tempore Baldwin opened the floor for public comment.

   Damien Triouleyre, 902 Perrin Drive, North Myrtle Beach, asked if it was 4,000 square feet and if the ordinance would allow for variations in mobile homes. Jim Wood, Director of Planning and Development, stated the ordinance was written many years ago and it stated the site had to be 40x60 in size. There was not a lot of variation in sizes at the time; it suited what was being manufactured. He stated taking off the 40x60 size would allow for flexibility and current market mobile homes. Mr. Triouleyre stated he thought it was a good idea.

   Having no further comment from the Council or public, Mayor Pro Tempore Baldwin called for a vote. The motion to approve passed 4-0.

M. ORDINANCE/FIRST READING: Amendments to Chapter 23, Zoning, of the Code of Ordinances of North Myrtle Beach, South Carolina regarding standards for oceanfront decks and dune walkovers. Mayor Pro Tempore Baldwin 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 Pro Tempore Baldwin opened the floor for public comment.

Derek Blackwell, 1301 South Ocean Boulevard, North Myrtle Beach, stated the Council was aware that he had a permit application in the permit office about this ordinance for a long time. He could not get a permit out of the office. Manager Mahaney stated he had been issued a permit that was perpendicular to the shore and had a 12x12 deck and he had the understanding that Mr. Blackwell had picked up the permit. This ordinance was to codify what had been the city's practice for 25-30 years. Mr. Blackwell stated he had submitted numerous permits with a top on the deck. Manager Mahaney stated this was not the venue for a debate and he needed to discuss this with the City Attorney or the Director of Public Works. Mr. Blackwell stated it seemed they were trying to change the code after he had submitted a permit many times.

Having no further comment from the Council or public, Mayor Pro Tempore Baldwin called for a vote. The motion to approve passed 5-0.

N. ORDINANCE/FIRST READING: Amendment to Chapter 16, Offenses and Miscellaneous Provisions, of the Code of Ordinances of North Myrtle Beach, South Carolina establishing the Trespass Enforcement Authorization Program. Mayor Pro Tempore Baldwin 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 Coyne stated this would enable officers to do their jobs and it was great for second homeowners to help against trespassing.

Having no further comment from the Council or public, Mayor Pro Tempore Baldwin called for a vote. The motion to approve passed 5-0.

O. ORDINANCE/FIRST READING: Amendments to Chapter 15, Municipal Utilities, of the Code of Ordinances of North Myrtle Beach, South Carolina. Mayor Pro Tempore Baldwin read the ordinance by title and called for a motion. The motion to approve was made by Councilwoman Fontana and seconded by Councilman Collins.

Having no comment from the Council or public, Mayor Pro Tempore Baldwin called for a vote. The motion to approve passed 5-0.

8. <u>PUBLIC COMMENT</u>:

Henry Oehler, 3624 Pitchers Place, North Myrtle Beach, stated they had mixed results so far on traffic getting through to Park Pointe. Some have been happy, and some have had challenges. He stated as long as everyone was on the same page with the cycling of officers, they were going to do fine. Some residents stated some of the officers were not fully aware of the rules for Park Pointe residents. He asked about the 270 apartments coming in, the right-of-way and wanted to know when the full length of Champion's Boulevard would be. Manager Mahaney stated they had been to a meeting and were working hard to have Long Bay Road from Water Tower to Water Lily paved before the new park opened, hopefully by April 2025. The estimated cost was over $10 million. Mr. Oehler asked for some consideration for Park Pointe residents. Mayor Pro Tempore Baldwin stated they were working on multiple ways to help.

Damien Triouleyre, 902 Perrin Drive, North Myrtle Beach, stated he was impressed with the parade and appreciated everyone's involvement. He has had a number of people come visit him and complement on how well the city was run. They have gotten better and better. He wanted to share some good movement on Waites Island this year. One of the family members sold her part to the state. There had been a lot of

good discussions from family, the Governor's office, and Coastal Carolina. Waites Island was beautiful and wanted to celebrate the movement around it.

9. <u>ADJOURNMENT</u>:

Mayor Pro Tempore Baldwin thanked everyone for coming and adjourned the meeting at 7:46 PM.

Respectfully submitted,

Allison K. Galbreath, City Clerk

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MARILYN HATLEY, MAYOR

Minutes approved and adopted this 9th day of January 2023