CITY OF NORTH MYRTLE BEACH, SOUTH CAROLINA
NORTH MYRTLE BEACH CITY HALL
CITY COUNCIL MEETING
Monday, August 21, 2023, 7:00 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 discussion of a potential property acquisition. 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 7:00 PM. Mayor Hatley announced that no votes were taken at the session. Mayor Hatley called for a motion to adjourn the Executive Session. The motion was made by Councilwoman Fontana and seconded by Mayor Pro Tempore Baldwin. The motion passed 6-0.

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

Mayor Hatley asked the AAA Dixie Minor All-Star Baseball team to lead the Pledge of Allegiance.

2. MINUTES:
The motion to approve the minutes for the City Council Meeting of Monday, July 10, 2023, as presented, was made by Councilwoman Fontana and seconded by Councilman Coyne. The motion to approve passed 6-0.

3. COMMUNICATIONS:
Mayor Hatley presented Dorothy Weberling, Daughters of the American Revolution (DAR) Regent with a Proclamation declaring September 17 through September 23, 2023 Constitution Week. Mayor Hatley welcomed Ms. Weberling and thanked her and DAR for keeping everyone aware of our history. Ms. Weberling thanked the Mayor and gave a brief history of the Myrtle Beach Chapter.

Mayor Hatley stated that the Departmental Monthly Reports for July 2023 were available online.

4. ANNOUNCEMENTS BY MAYOR AND CITY COUNCIL:
Mayor Hatley introduced and congratulated the 9-10 year old AAA Dixie Minors All-Star Baseball Team and their coaches for winning the District Championship. Out of 110 teams, the team finished 3rd in the

state of South Carolina. The players and coaches were presented with commemorative City of North Myrtle Beach coins.

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

A. MOTION TO APPROVE: Annual Christmas Parade on December 2, 2023
B. MOTION TO APPROVE: NMB Rotary Beach Day of Giving on September 16, 2023
C. MOTION TO APPROVE: Patriotic Tribute on the Beach on September 21, 2023
D. MOTION TO APPROVE: MB Tours Beach Games on September 02, 2023
E. MOTION TO APPROVE: SOS Richmond Shag Club Social Gathering September 19, 2023
F. MOTION TO APPROVE: SOS CSRA Shag Club Social Gathering September 21, 2023
G. MOTION TO APPROVE: SOS Palmetto Shag Club Social Gathering September 22, 2023
H. MOTION TO APPROVE: SOS Columbia Shag Club Social Gathering September 22, 2023
I. MOTION TO APPROVE: SOS Rock Hill Shag Club Social Gathering September 22, 2023
J. MOTION TO APPROVE: SOS Lake Tillery Shag Club Social Gathering September 22, 2023

Mayor Hatley asked the Council to consider Items A-J together. The Council agreed and Mayor Hatley read Items A-J by title and called for a motion. The motion to approve was made by Councilwoman Fontana and seconded by Councilman Skidmore.

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

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

A. ORDINANCE/SECOND READING: Petition for Annexation and Zoning Designation for 0.76 acres on Cenith Drive
B. ORDINANCE/SECOND READING: Petition for Annexation and Zoning Designation for 0.72 acres on Cenith Drive
C. ORDINANCE/SECOND READING: Petition for Annexation and Zoning Designation for 0.38 acres on Cashmere Lane

Mayor Hatley asked the Council to consider Items A-C together. The Council agreed and Mayor Hatley read Item A-C by title and called for a motion to approve. The motion was made by Councilwoman Fontana and seconded by Councilman Thomas.

Mayor Hatley opened the floor for public comment.

Bob Weaver, 3712 Pitchers Place, Little River, asked what these ordinances were for. Mayor Hatley explained that these were donut holes that residents were building homes and currently not in the city limits. Mayor Pro Tempore Baldwin added these were small lots that were zoned in the county and had not been zoned into the city.

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

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

A. ORDINANCE/FIRST READING: Petition for Annexation and Zoning Designation for ±70.78 acres at the intersection of Highway 22 and Highway 31 **NOTE: Petitioner requested to postpone**
B. ORDINANCE/FIRST READING: Amendment to the Barefoot Resort Planned Development District (PDD) creating Barefoot Lakes **NOTE: Petitioner requested to postpone.**
C. SECOND PUBLIC HEARING: Regarding the amendment to the Barefoot Resort PDD Development Agreement creating Barefoot Lakes **NOTE: Petitioner requested to postpone.**

D. ORDINANCE/FIRST READING: Amendment to the Barefoot Resort PDD Development Agreement creating Barefoot Lakes and to authorize the City Manager to sign the document on behalf of the City **NOTE: Petitioner requested to postpone.**

Mayor Hatley asked Council to consider Items A-D together. The Council agreed and Mayor Hatley read Items A-D and called for a motion to postpone the four items until the next Council meeting. The motion was made by Councilwoman Fontana and seconded by Mayor Pro Tempore Baldwin. Mr. Noury added these Items would be on the Council agenda for the September 18, 2023 meeting.

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

E. ORDINANCE/FIRST READING: Amendment to the Myrtle Beach RV Resort Planned Development District (PDD) amending living space standards. Mayor Hatley read the ordinance by title and called for a motion. The motion was made by Councilman Thomas and seconded by Councilman Fontana. Mayor Hatley stated there had been questions about lot sizes. Councilman Skidmore stated since the lots were so small it was not feasible to consider the same percentage for pervious or impervious areas. Councilman Thomas explained it would be controlled by the setbacks.

   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: Petition for Annexation and Zoning Designation for ±1.13 acres at the end of Nature's Way. Mayor Hatley read the ordinance by title and called for a motion. The motion was made by Councilwoman Fontana and seconded by Mayor Pro Tempore Baldwin. Councilman Thomas recused himself from the discussion, vote and left the Chambers. Mayor Hatley noted the Planning Commission had reviewed the annexation and had no issue with it. Jim Wood, Director of Planning and Development, stated the Planning Commission and Public Works had reviewed the ordinance and had no problems or issues.

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

G. ORDINANCE/FIRST READING: Amendments to Chapter 23, Zoning, of the Code of Ordinances of North Myrtle Beach, South Carolina regarding allowed structures projecting into required yards. Mayor Hatley read the ordinance by title and called for a motion. The motion was made by Mayor Pro Tempore Baldwin and seconded by Councilwoman Fontana. Mayor Hatley stated she thought this was a good change because homes were not designed like they were when the original ordinance was written. Councilman Coyne asked if there was any discussion about the 5-foot setback for pool equipment depending on lot size. Director Wood stated that was not discussed but HVAC equipment had been allowed to encroach into the side yard but pool pumps had not been allowed. He further stated pool pumps have gotten quieter over the years and staff had received several petitions asking for consideration if they provide manufacturer certification that the units were quiet. Director Wood stated the HVAC standard was 70 decibels and if the pool company could provide documentation that the sound output was 70 decibels or below, staff would approve the request. Mayor Hatley asked if the city would make sure the levels were at or below 70 decibels. Mr. Wood stated the permit would not be issued unless the documentation was provided and complaints down the road would be investigated. Mayor Pro Tempore Baldwin asked if the same standard would apply concerning the 15-foot setback but not on the property line. Director Wood stated he thought that was in the building code and would check into that issue before second reading.

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

H. ORDINANCE/FIRST READING: Amendments to Chapter 23, Zoning, of the Code of Ordinances of North Myrtle Beach, South Carolina regarding the standards governing swimming pools as an accessory use. Mayor Hatley read the ordinance by title and called for a motion. The motion was made by Councilwoman Fontana and seconded by Mayor Pro Tempore Baldwin. Mayor Hatley reiterated her approval of the last ordinance and this ordinance. Mayor Pro Tempore Baldwin agreed and added that this would make pool placement more friendly to neighbors and was correcting how the ordinance should have been written.

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

I. ORDINANCE/FIRST READING: Amendments to Chapter 23, Zoning, of the Code of Ordinances of North Myrtle Beach, South Carolina revising the site location standards for mini-warehouse and climate-controlled storage facilities. Mayor Hatley read the ordinance by title and called for a motion. The motion was made by Councilwoman Fontana and seconded by Councilman Skidmore. Mayor Hatley stated she would like to see vinyl taken out as an exterior option. Director Wood explained that was not within this ordinance, but his staff would establish more architectural standards in another ordinance. Councilman Thomas asked if the height restriction was the same in conditioned buildings as stated in unconditioned buildings. Director Wood stated that would be dependent on the zoning district and in commercial areas the height restriction was 50-feet. Mayor Pro Tempore Baldwin added this would keep storage facilities out of residential districts where they did not belong.

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

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

Mayor Hatley opened the floor for public comment.

Gregory Snow, 5210 Windy Pines Drive, North Myrtle Beach, stated that repair on the Barefoot Resort Bridge had been going on for over two months now and he wanted to address pedestrian safety. He shared that a couple and their dogs would be coming through the city in the next two weeks. Their mission was to walk from Maine to Florida to support a non-profit group, Elevate Youth. He noted that their route would not include traveling through Barefoot Resort but he felt this could be perceived as a reflection of the city's unfriendly stance on pedestrian safety. Mr. Snow noted that the 2018 Comprehensive Plan stated a clear commitment to pedestrian safety. Mr. Snow listed the following items he was advocating for:

1. Repair and Reopen the Barefoot Resort Bridge. It's reopening can stand as a testament to our commitment to making our city walkable and safe for all.
2. Champion Pedestrian Safety. While we cannot ensure every inch of their route is safe, we can actively promote a safer environment, particularly for individuals like Matt and Grace.
3. Recommit to our 2018 Comprehensive Plan. This blueprint focused on pedestrian amenities and safety should be at the forefront of our endeavors once more.

Additionally, he requested that our Council and community keep Matt, Grace, and their canine companions in their thoughts, offering prayers for a safe passage through our city.

Mayor Hatley asked Manager Mahaney to share an update on the Barefoot Pedestrian Bridge project. Manager Mahaney stated the repair was ongoing and that when the repair is in progress, the bridge will have to be one lane only. Therefore, the repair would be done in January or February when maintenance was routinely done. Mr. Snow stated the same approach would not be taken with cars and he felt the city was dragging their feet on the pedestrian bridge. Manager Mahaney stated this was a half a million-dollar

sidewalk and he respectfully disagreed with Mr. Snow's statement. He further stated that the city could not make the bridge one lane at this time of year. Councilman Thomas stated a plan had been approved and was in the works. Mr. Snow asked if that could be communicated and Manager Mahaney asked the acting Public Information Officer, Ryan Fabbri, to take care of it. Mayor Hatley stated she had received many inquiries about the project and felt it was important to get as much information out as possible and thanked Mr. Snow for his comments.

William Schafer, 3667 Diamond Stars Way, Little River, asked if a crosswalk or stop sign was going to be put in for Park Pointe so that residents could cross safely to the park. Manager Mahaney stated it was being studied. Kevin Blayton, Director of Public Works, explained the city was under contract with AO Hardee to extend Champions Boulevard and had asked them to add a lane to accommodate traffic and extensions of Pedestrian sidewalks. Part of this was a study of the potential pedestrian crossing at that location. At present, there was no plan for a stop sign, but it may include a lighted or flashing sign if it met the Federal and State requirements. Mr. Schafer stated it was not very safe now. Mayor Hatley thanked Mr. Schafer for his comments.

Bob Weaver, 3712 Pitchers Place, Little River, stated that he understood sometimes rules and regulations caused people to get killed. He shared his wife had almost been hit twice coming out of the development. He noted that the biggest threat came from City workers in white trucks speeding up the road. Mr. Weaver asked for action before someone was killed. Mayor Hatley stated there were steps that they had to go through and they were researching the issue. Mayor Hatley thanked Mr. Weaver for his comments.

Kim Belcher, 1100 Possum Trot Road, North Myrtle Beach, stated she was at the meeting to fight for the turtles. She asked the City Council to put something in building permits to stop developers from killing turtles. She stated many turtles were covered up with mud during the construction at Del Webb and died. She added she had met with the Mayor and City Manager and had emailed most of the Council members asking for a law to be written to stop this. Ms. Belcher continued with questions. Manager Mahaney stated the City did not direct the daily activities of contractors or developers but when he was notified, he went to the site and initiated a chain of events including installation of a silk fence, agreement that no sediment left the site, grading was according to the plans, etc. The contractor did set traps and relocated 30-40 turtles. He added turtles in the wild would have left the area when construction started but since these turtles had been fed, they were domesticated and trusting and that this was a tragedy. Manager Mahaney added there was no state law that protected this type of turtle. Mayor Hatley replied the City did respond when contacted but reiterated there was no state or federal law that protected these tarpans, therefore, there was no way to charge anyone for those unfortunate circumstances. Mayor Hatley assured Ms. Belcher she had been heard and appreciated her comments. Ms. Belcher asked that a provision be added to permits before issuance. Mayor Hatley thanked Ms. Belcher again for bringing this to the Council's attention.

Linda Grimm, 3801 Catchers Court, North Myrtle Beach, read the following letter:

> I am addressing the turnover of the roads from the developer to the City in Park Pointe community. I would first like to thank those of you that took the time to answer questions and visit our community to discuss our concerns, especially Mr. Thomas and Mr. Baldwin. There are approximately 10 homes out of 176 homes in our development that are affected by the decision to not allow staining of driveways through the right of way. In our opinion, this is discriminating against our neighborhood as there are hundreds of homes in North Myrtle Beach developments that have the same staining as in our neighborhood. These neighborhoods have stained driveways both with and without sidewalks. Many of us traveled through these other neighborhoods to obtain ideas for enhancing the property value of our own homes and found the stained driveways to be of value and provided a preservation to the concrete. I have pictures of these homesites available should you like to review them. It is a reasonable opinion that seeing the stained driveways in other developments in North Myrtle Beach that in turn the stained driveways would be accepted in our neighborhood as well. We have been told through some contacts with city council members and the city attorney that the section being

cited are 19-6, 19-11, and especially 19-22. In reviewing these sections there is nothing written that is specific to applying driveway sealer. In the past 30 years that these ordinances have existed it has not been applied to a driveway being sealed. If the driveway sealer is to be included in the ordinance, it should be a new ordinance that is very clear written that it is driveway sealer. If the neighborhood is required to remove the stain from the right of way, are the other communities being required to follow suit? Again, if they are being grandfathered in so should our neighborhood. It again would be perceived as discrimination if they are allowed to maintain the upgrade to their property and we are required to remove the stain and thus lowering the value to our property. In regard to my property specifically, we do not have a sidewalk in front of our house. This may be a separate consideration as the letter we received from the developer indicates the improvement extends across the abutting sidewalk which does not exist on our property. I also have a picture of our driveway should you like to review it. The second issue I had planned to discuss was the palm trees that were installed as part of the street trees required before turnover to the city. I was very pleased to see that as of today, the dead trees have been marked for replacement. Thank you to the City for the attention to this matter. The question now is what is the timeframe for replacement of the trees and after the City takes over the streets, who will be responsible for maintaining them? Again, thank you for taking the time to listen and respond to my concerns.

Director Wood stated that the City would ultimately be responsible for trees planted in the right of way but the developer was required to warrant the trees for one year. Ms. Grimm asked if the painted driveways would be considered grandfathered in. Manager Mahaney stated this could not be debated at this time but it was his understanding many residents were not willing to sign the encroachment agreement. There was a difference for this development because the city had not accepted the streets yet. Mayor Hatley added the products on the driveways were slippery and were not approved by the city. She added that it looked beautiful but the City had to be very careful about safety. Ms. Grimm asked again if the other neighborhoods would be grandfathered in or would be required to remove the staining. Manager Mahaney suggested Ms. Grimm speak with the City Attorney after the meeting for discussion. Ms. Grimm agreed and the Mayor thanked her for her comments.

Claiborne Woods, 3668 Diamond Stars Way, Little River, thanked the Council for their dedication. He stated this was his 4th time addressing the Council about safety. Mr. Woods stated he feared Park Pointe may have the same situation as Maui with one way in and one way out. He commended the City for the safety during the Christmas Light Show but stressed there was a traffic problem 12 months a year. He stated he felt if the homes were valued higher, there would not be a problem but asked the Council to act in order to protect North Myrtle Beach. He noted growth continued with the new apartments being built. Mayor Hatley stated this was well stated and thanked Mr. Woods for his comments.

Bob Hutton, 5208 Windy Pines Drive, North Myrtle Beach, reported his group, "Keep Water Tower Road Clean" had picked up 34 bags of garbage and were making an impact. He thanked the City staff for responding to their requests for supplies. The next pick up would be in October. He also asked that smoking on the beaches be banned. He stated the last time he brought this up there was an issue with who would police it but he asked that signs be put up anyway to help curb the litter. Mayor Hatley thanked him for his comments.

Terry Cunningham, 1103 North Ocean Boulevard, North Myrtle Beach, stated she stood with Kim Belcher on saving the turtles and would yield her time to her so that her questions could be addressed. Mayor Hatley asked Ms. Belcher to email her questions to Council to be addressed. Ms. Belcher stated she had already emailed the questions but would email them again.

9. <u>ADJOURNMENT</u>:

Mayor Hatley thanked everyone for coming to the meeting and called for a motion to adjourn. The motion was made by Councilwoman Fontana and seconded by Mayor Pro Tempore Baldwin. The motion passed 6-0. The meeting adjourned at 8:14 PM.

Respectfully submitted,

Allison K. Galbreath, City Clerk

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MARILYN HATLEY, MAYOR

Minutes approved and adopted this 18th day of September, 2023