

**CITY OF NORTH MYRTLE BEACH, SOUTH CAROLINA
NORTH MYRTLE BEACH CITY HALL
CITY COUNCIL MEETING
Monday, September 18, 2023, 7:00 PM**

Minutes

1. 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 an appointment to the Municipal Election Commission, a discussion on potential property acquisitions, a legal briefing regarding Chapter 19, Section 22, of the Code of Ordinances of the City of North Myrtle Beach, South Carolina regarding permits required for construction, and a legal brief regarding the proposed Development Agreement with Barefoot Lakes. The motion was made by Councilwoman Fontana and seconded by Councilman Collins. The motion passed 7-0. The Council returned to Chambers at 7:00 PM. The Mayor 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 7-0.

1C. CONTINUATION OF CALL TO ORDER:

Mayor Hatley asked Manager Mahaney to deliver the invocation.

Mayor Hatley led the Pledge of Allegiance.

2. MINUTES:

The motion to approve the minutes for the City Council Workshop of Wednesday, August 16, 2023, and the City Council Meeting of Monday, August 21, 2023, as presented, was made by Councilwoman Fontana and seconded by Councilman Collins. The motion to approve passed 7-0.

3. COMMUNICATIONS:

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

4. ANNOUNCEMENTS BY MAYOR AND CITY COUNCIL:

Councilman Collins thanked the City for the excellent job during the 9-11 ceremony. Mayor Pro Tempore Baldwin added that the ceremony was very touching and thanked the Parks and Recreation Department and City staff for their work with planning and setting it up. He also thanked the staff for taking Council members to see the 18th Avenue Stormwater Outfall. He further stated he attended Beach Sweep at Cherry Grove and noted there were hundreds of volunteers and thanked the Parks and Recreation Department for a tremendous job keeping the beaches clean.

5. **CONSENT AGENDA:**

RESOLUTION: Pre-Annexation Agreement for Lot 1 off Riverside Drive. Mayor Hatley read the Resolution by title and called for a motion. The motion to approve was made by Councilman Collins and seconded by Councilman Thomas.

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

6. **UNFINISHED BUSINESS:**

A. ORDINANCE/SECOND READING: Amendment to the Myrtle Beach RV Resort Planned Development District (PDD) amending living spaces. Mayor Hatley read the ordinance by title and called for a motion to approve. The motion to approve was made by Mayor Pro Tempore Baldwin 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.

B. ORDINANCE/SECOND READING: Petition for Annexation and Zoning Designation for \pm 1.13 acres at the end of Nature's Way. Mayor Hatley read the ordinance by title and called for a motion. The motion to approve was made by Councilman Coyne and seconded by Mayor Pro Tempore Baldwin. Councilman Thomas recused himself from the discussion, vote and left the Chambers. Councilman Collins asked if this was to change zoning from Highway Commercial to Residential. Mayor Hatley confirmed it was. Mayor asked Chris Noury, City Attorney, if this was spot zoning. Mr. Noury stated it was not.

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 Chapter 23, Zoning, of the Code of Ordinances of the City of North Myrtle Beach regarding allowed structures projecting into required yards. 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 this concerned pool equipment and air conditioning units. Councilman Collins stated with particular types of houses this was to avoid pools being away from the house and it made sense to correct it.

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

D. ORDINANCE/SECOND 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 to approve was made by Councilman Collins and seconded by Councilwoman Fontana. Mayor Hatley stated this was an older ordinance that needed updating. Mayor Pro Tempore Baldwin added house designs had changed since the ordinance was written. Mayor Hatley added the City must adjust ordinances with the times.

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

E. ORDINANCE/SECOND 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. Mayor Hatley read the ordinance by title and called for a motion to approve. The motion to approve was made by Councilwoman Fontana and seconded

by Councilman Skidmore. Mayor Hatley stated this would protect properties and Mayor Pro Tempore Baldwin added this would especially protect neighborhoods located against storage facilities. Having no further comment from the Council or public, Mayor Hatley called for a vote. The motion to approve passed 7-0.

7. NEW BUSINESS:

- A. **ORDINANCE/FIRST READING:** Request to rezone 1.07 acres on 24th Avenue North between Hilburn Street and Park Street from Highway Commercial (HC) to Mid-Rise Multifamily Residential (R-2A). Mayor Hatley read the ordinance by title and called for a motion to approve. The motion to approve was made by Councilman Thomas and seconded by Councilman Coyne. Councilman Thomas stated this would continue the continuity of adjoining properties. Mayor Hatley stated very rarely did the Council change Highway Commercial to Residential and this would be an exception. Councilman Coyne stated this would make sense in this situation and would help pull the neighborhood together and would be complimentary to other multi-family units within several hundred feet of the property.

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

- B. **ORDINANCE/FIRST READING:** Amendment Chapter 7, Business License, Taxes, and Regulations, of the Code of Ordinances for North Myrtle Beach, South Carolina regarding Hospitality Fees. Mayor Hatley read the ordinance by title and called for a motion to approve. The motion to approve was made by Councilwoman Fontana and seconded by Mayor Pro Tempore Baldwin. Mayor Hatley stated this was housekeeping. There was a clerical error in the ordinance, and this would clean it up.

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

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

Mayor Hatley read 7C by title and called for a motion to approve. The motion to approve was made by Mayor Pro Tempore Baldwin and seconded by Councilman Coyne. Mayor Pro Tempore Baldwin asked for clarification on the paperwork. Jim Wood, Director of Planning and Development, stated there was a typo in the issue paper. Mayor Hatley asked for clarification that the City would be annexing 70.78 acres zoned Highway Commercial now. Director Wood stated the property was presently zoned Commercial Forest Agriculture (CFA) by Horry County. After much discussion, Councilman Skidmore stated he still had issues with the access, lot sizes, and home sizes and he would like to defer this to a workshop. Councilman Collins stated he had the same concerns. Councilman Thomas requested that agenda Items 7C – 7F be deferred to a workshop to allow staff and the Developer to work on the concerns and issues. After a lengthy discussion, Mayor Pro Tempore Baldwin rescinded his motion to approve 7C in favor of deferring this item to a workshop. Mayor Hatley asked Mayor Pro Tempore Baldwin to amend his motion to include 7D, 7E, and 7F. Mayor Pro Tempore Baldwin amended the motion to defer Items 7C, 7D, 7E, and 7F to a workshop. Mayor Hatley read Items 7D, 7E, and 7F by title. The motion to defer Items 7C, 7D, 7E, and 7F was seconded by Councilman Coyne. Councilman Coyne stated this would allow Council to be more comfortable with the items of concern. Mayor Hatley added this would also allow the citizens more time to feel comfortable. Mayor Hatley added that not everyone was against this development, but the workshop would allow both sides to work together toward an agreement. Councilman Skidmore stated he was

still concerned with the access and he felt another look needed to be taken to add a second access, even if it was an emergency exit. Councilman Coyne stated he would like more information on elevations, lot sizes, and home sizes compared to other communities in Barefoot. Councilwoman Fontana encouraged everyone present to attend the workshop. Mayor Hatley added that the workshop date would be publicized on the city's website and social media pages.

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

8. PUBLIC COMMENT:

Mayor Hatley opened the floor for public comment.

Randy Larson, 5118 Windy Pines Drive, North Myrtle Beach, stated he appreciated that the Barefoot Lakes items were deferred to a workshop but was concerned because the Mayor only allowed 6 minutes and only 2 people to speak. Mayor Hatley explained that a workshop was for the Council, Staff, and whoever was representing the Developer. It is not designed to be for public comment. Mayor Hatley further stated that public comment would be allowed at the Public Hearing. She assured Mr. Larson that he would get the opportunity to speak at the Public Hearing and if there was time, she would allow some people to speak at the workshop. Mayor Hatley explained that there was a process and thanked Mr. Larson for his input.

Alan Simeon, 5700 Seabird Court, North Myrtle Beach, stated Barefoot Lakes would have Highway 31 on one side; Highway 22 on the other side; forest and swamp on the third side and only one access road. If that road was blocked during an emergency, where would the residents go? He stated this area was not ideal for a development or a neighborhood. Mayor Hatley assured Mr. Simeon the Council would work through to answer all the questions. Mr. Simeon further stated that with respect to Del Webb, they were not Del Webb, they were Barefoot.

Dennis Stamey, 2910 Whooping Crane Drive, North Myrtle Beach, stated he was one of the homes that had a continuous border with the potential Development and read the following statement:

1. I wish to go on record opposing any development or mining on this property.
2. For the record, The BRRRA board doesn't speak for me.
3. I hold in my hand a general report from the US Fish and Wildlife Service concerning the potential for endangered or protected flora, fauna, and fowl on this property, from turtles to bats and even a red headed woodpecker that are indicative of this habitat's potential home. I believe it would behoove the city to ask for a specific report from the service that will enumerate each species on this property. I can even provide you with a website where your request can be made. Only people doing explicit business on the property can obtain an itemized list of protected species. Otherwise, I would present the list to you. The city can and does have potential business and can generate a full report.
4. The developers, and the mayor in a private meeting with several of us, have indicated that these new homes be similar in size and scope, both land and heated space under roof to the Cedar Creek community. My house has a contiguous border with this property and is fairly representative of the bordering homes as well as all of Cedar Creek. It sits on 34,800+ square feet of land (5 times the projected space) and has approximately 2400 square feet of heated, living space. The proposed development doesn't come close to matching these dimensions as indicated that they would. Why would these smaller houses on smaller land masses be allowed? Do you not think that being in such close proximity to our homes would not decrease our property values? Why does every postage stamp sized parcel in the city need a house or building on it? No way can these homes sell for what our homes do.
5. I would like to offer an alternative and not just be negative. One mature pine tree can hold up to 600 gallons of water and can absorb up to 150 gallons of water in a day; a mature oak can transpire over 40,000 gallons a year. When those pines and oaks are removed where is that water going to go? Which leads me to the following: I read the minutes and rationale of your Planning Commission from the July 18 meeting, (also a file attached to the minutes for this evening) where in the report from them to you as Council, indicated that according to your own prescribed land use documents, that the primary use for this property is a park. Not a housing development. Funding may or may not be an

issue in building a park. If your Parks and Recreation Department develops a facilities master plan then they are more competitive for federal and state level grants for purchasing land and developing natural parks. I know this because my own son who is currently a County Administrator in Virginia has used this process to develop over 10+ parks, and counting, at minimal cost to the localities he served. Perhaps the City should follow the recommendations of its Planning Commission. Annex the property and build a much-needed nature park in an underserved area of the city. Thank you for the opportunity to speak to you all today and I greatly appreciate the consideration.

Damien Triouleyre, 902 Perrin Drive, North Myrtle Beach, stated he worked for three years to preserve Ingram Dunes and was still working to preserve Waites Island. He stated it was very powerful to have so many people present at a meeting. He stated he wanted the attendees to be encouraged because when he started the process to preserve Ingram Dunes, not everyone was in agreement. He added he was reminded by Mayor Hatley's words that everyone kept listening to each other and speaking to each other until they found a solution. He encouraged the attendees to stay with the process because he felt the City Council and Mayor were excellent and fair. Mr. Triouleyre encouraged everyone to work toward a park, if possible, for the Barefoot Lakes property. Mayor Hatley added the group raised the money and bought the land and she was sure if the residents wanted to raise money and purchase this property, the Developer would be glad to sell it. Mr. Triouleyre stated there were grants out there to help. Mayor Hatley thanked Mr. Triouleyre for his input.

Lora Grainger, 5712 Club Course Drive, North Myrtle Beach, stated she lived on Club Course Drive and Water Tower Road and she got the traffic both ways. She added that the traffic was bad all times of the day because they were used as a pass through. She asked if police and fire presence would be increased with this development. Additionally, she asked if the increase in students and the impact on schools was being considered. She noted that she saw police frequently but did not see them at 2:00 AM when drag racing was going on. She asked how this was going to change. Mayor Hatley stated this was a small development compared to the others in Barefoot. Ms. Grainger stated she was told the tiny houses at the front of Barefoot would not have any impact, but they had. Ms. Grainger asked again if there would be more police and fire protection offered and Mayor Hatley assured her if it was needed, it would be provided. Councilwoman Fontana added the City would also be building a fire station with a police substation on Water Tower Road. Ms. Grainger stated that the cut through traffic to get to the commercial buildings on Water Tower road had increased and that concerned her as well.

Rick Rush, 2109 Mirabel Court, North Myrtle Beach, President of Tuscan Sands HOA, stated there was a stormwater drainage issue that had not been discussed at any meetings so far. He added there was a court case that was scheduled to be heard the first quarter of 2024 and he felt the City Council should ask the Developer where the stormwater would go in the development. He added that once streets were put in, the water would fall into Outfall #2 which was at capacity, according to a Watershed Study. He added there was a catastrophic event September 9, 2020, and he felt the development should be postponed until the court case was settled and the problem remediated. Mayor Hatley stated the City's engineers would address the issue at the workshop, but she could not address it further because of pending litigation that named the City of North Myrtle Beach.

Gregory Snow, 5210 Windy Pines Drive, North Myrtle Beach, stated he had been involved in the International Standards Organization (ISO) to bring about a more civilized, safe, and efficient society. He added that he supported the City's commitment in 2018 to ISO aimed at securing better insurance rates for North Myrtle Beach. One of the initiatives focused on emergency service access to new developments. It stated that single access developments should be limited to 29 residential units. He stated he found it alarming that the City was now willing to bypass its own carefully constructed guidelines with the Barefoot Lakes Development. He added he found it concerning and atrocious that the commitment to reducing insurance rates and risks seemed to have been set aside. He urged the City to think critically about the precedent this would set and the direction it took the community. He asked the Council not forget the ordinances were adopted for the safety and well-being of the community. He stated he hoped the Council

would reconsider the decision about 84-units in the Barefoot Community and remain true to the promises made to the constituents. Mayor Hatley thanked Mr. Snow for his comments.

Kim Belcher, 1100 Possum Trot, North Myrtle Beach, stated she was speaking again for the turtles. Ms. Belcher stated that she had questions at the last meeting and was told to email them to the Council and City Manager, but she had not received a reply. City Manager, Mike Mahaney, responded that she would receive a response, but several items were not correct. He explained that Del Webb did not meet the criteria for an Environmental Statement. Manager Mahaney stated there were no state or federal laws that governed wildlife assessment or relocation of this size. Manager Mahaney added that it was sad to lose a golf course pond but the residential community, when fully developed, would be able to better maintain and manage the ponds that have become home to a variety of wildlife. Manager Mahaney added that the Developer, Pulte, had indicated they were willing to bring a wildlife relocation professional onboard in the early stages especially when the wildlife had been domesticated. Manager Mahaney also stated that he had mentioned in the last meeting, the turtles had been domesticated by people feeding them. Mayor Hatley assured Ms. Belcher that Manager Mahaney would address her concerns. Ms. Belcher stated she disagreed, and she felt A.O. Hardee was responsible, not Pulte or Del Webb. Ms. Belcher stated she felt the City should work for the people who lived here and not A.O. Hardee. Mayor Hatley responded the City Council did work for the people. Mayor Hatley added that the turtles Ms. Belcher referred to were not protected under any state or federal laws, therefore, the City could not put a law in place because it would not hold up in court. Mayor Hatley added she and the Council were sorry the turtles were harmed but there was absolutely nothing in the law that protected that species. Ms. Belcher replied that she had spoken with Senator Tim Scott and he committed to help her get a bill signed. Mayor Hatley stated the City would follow the law, if instated. Ms. Belcher stated she felt the Mayor could have done something through permitting and she felt the Council and Mayor were paid off by A.O. Hardee.

Claiborne Woods, 3668 Diamond Stars Way, Little River, thanked the Mayor and Council for allowing him to speak. Mr. Woods stated he had safety concerns with the intersection of Park Pointe and Champions Boulevard. Mr. Woods stated his desire was to see improvements before a serious accident occurred and someone was hurt or killed. Mr. Woods praised the Parks and Recreation staff and the police for the stellar job they did during events at the park. Mr. Woods asked that the City take the same procedures to ensure safety at other times. Mr. Woods added that one of the problems were motorists driving around the locked gates and he asked that the gates be moved to the other end of Champions Boulevard. Mr. Woods thanked the Council for their time. Mayor Hatley stated that the Council and staff would continue to look at this issue and see what could be done.

A participant from the audience that did not give her name or address spoke up asking about drag racing on Long Bay Road. Mayor Hatley stated they would look into it.

9. **ADJOURNMENT:**

Mayor Hatley thanked everyone for attending and adjourned the meeting at 8:17 PM.

Respectfully submitted,

Allison K. Galbreath, City Clerk

MARILYN HATLEY, MAYOR

Minutes approved and adopted this 2nd day of October 2023