

**CITY OF NORTH MYRTLE BEACH, SOUTH CAROLINA  
NORTH MYRTLE BEACH CITY HALL  
CITY COUNCIL MEETING  
Monday, January 9, 2023, 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  
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 personnel review of the City Manager, a discussion regarding a potential appointment to the Board of Zoning Appeals, a discussion regarding a potential appointment to the Planning Commission, and a legal briefing regarding a potential property acquisition. The motion was made by Councilwoman Fontana and seconded by Mayor Pro Tempore Baldwin. The motion passed 7-0. The Council returned to Chambers at 7:00 PM. Mayor Hatley announced that no votes were taken at the session.

**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 Meeting of Monday, December 5, 2022, as presented, was made by Councilman Collins and seconded by Mayor Pro Tempore Baldwin. The motion to approve passed 7-0.

**3. COMMUNICATIONS:**

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

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

Mayor Hatley thanked every city employee that helped with the Christmas Light Show. She stated it was wonderful and a great success. It kept growing each year. Mayor Hatley recognized the new Director of Parks and Recreation, Matt Gibbons and the new Chief of Police, Dana Crowell. Mayor Pro Tempore Baldwin agreed the light show was incredible.

**5. CONSENT AGENDA:**

A. RESOLUTION: Shining a light on and addressing antisemitism in our community

- B. MOTION TO APPROVE: Cancellation of the City Council Meeting scheduled for February 6, 2023 and to reschedule the meeting on February 20, 2023
- C. MOTION TO APPROVE: Ocean Drive Beach Music Festival on May 6, 2023
- D. ORDINANCE/SECOND READING: To adopt guidelines related to the redistricting plan for the revision of North Myrtle Beach ward lines
- E. ORDINANCE/SECOND READING: Amendment to Chapter 22, Vehicles for Hire, of the Code of Ordinances of North Myrtle Beach, South Carolina regarding vehicle immobilization devices
- F. ORDINANCE/SECOND READING: Amendment to the Parkway Group Planned Development District (PDD) regarding the Waterside entry sign
- G. ORDINANCE/SECOND 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
- H. ORDINANCE/SECOND READING: Petition for Annexation and Zoning Designation for 0.51 acres on Cenith Drive
- I. ORDINANCE/SECOND READING: Petition for Annexation and Zoning Designation for 0.58 acres on Cenith Drive
- J. ORDINANCE/SECOND READING: Petition for Annexation and Zoning Designation for 0.70 acres on Cenith Drive
- K. ORDINANCE/SECOND 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
- L. ORDINANCE/SECOND READING: Amendments to Chapter 15, Municipal Utilities, of the Code of Ordinances of North Myrtle Beach, South Carolina

Mayor Hatley asked the Council to consider Item A separately from Items B-L. The Council agreed and Mayor Hatley read Item A by title. She stated the resolution was very important to pass and there was no place in the community for people to be angry, ugly, disrespectful, or for any form of antisemitism. She stated everyone was welcome to the community. Mayor Hatley called for a motion. The motion to approve was made by Mayor Pro Tempore Baldwin and seconded by Councilwoman Fontana. The motion to approve passed 7-0. Mayor Hatley asked the Council to consider Items B-L together. The Council agreed and Mayor Hatley read each item by title. Mayor Hatley called for a motion. The motion to approve was made by Councilwoman Fontana and seconded by Councilman Coyne.

Mayor Hatley opened the floor for public comment.

Harry Oehler, 3624 Pitchers Place, North Myrtle Beach, asked if City Hall was going to be closed on February 20, 2023 for President's Day. Manager Mahaney stated City Hall would not be closed.

Having no further comment from the 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 Chapter 21, Article 2, Section 21-39, of the Code of Ordinances of North Myrtle Beach, South Carolina regarding parking fee/rate. 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. Manager Mahaney stated the city had spent approximately \$15 million to acquire properties and this ordinance allowed the Council to be able to adjust the rates as needed outside of the budgeting process.

Mayor Hatley opened the floor for public comment.

Gerald Russo, 418 Ocean Point Drive, North Myrtle Beach, asked if the fees were raised would they go back down. Manager Mahaney stated that it would probably be there forever to help pay for acquiring properties. He reminded Mr. Russo city residents could register two of their vehicles for free parking.

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

- B. ORDINANCE/SECOND READING: Parking fee adjustment in city-owned public parking lots and rights-of-way. 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 Collins stated this was still cheaper than other places around.

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

- C. ORDINANCE/SECOND 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 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 the staff had been working on this, it was a very good ordinance, and it didn't increase density.

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: 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 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. Councilman Thomas asked if the structures could be covered. Director Blayton stated decks were still allowed but not covered decks. Everything was subject to OCRM restrictions.

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: 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 Mayor Pro Tempore Baldwin. Councilman Collins stated they were not annexing for the sake of annexing they could control the number of units coming in, and they would be able to pave one of the major roads, too. Mayor Pro Tempore Baldwin agreed it was considerably less density and the residents would impact the beach. Mayor Hatley stated it was a win for everyone and would give connectivity to the area. Manager Mahaney pointed out on a map where the developer would be paving the road.

Mayor Hatley opened the floor for public comment.

Harry Oehler, 3624 Pitchers Place, North Myrtle Beach, stated he was concerned about the impact fees for Public Safety, but now understood why they were not there and the road would be paved instead. He thanked the Council for keeping the density down. He asked the Council to consider keeping density lower when the Comprehensive Plan was going to be updated.

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

- F. **ORDINANCE/SECOND READING:** Regarding the Lauret Associates 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 Councilwoman Fontana and seconded by Mayor Pro Tempore Baldwin.

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

- G. **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 Councilwoman Fontana and seconded by Councilman Skidmore. Mayor Hatley asked why there was an increase in units from what was previously brought to them. Robert Guyton, attorney for the developer, stated the first reading had 550 units with no fees. When the fees were added, the client increased the density to 650. The originally approved density was 750. Mayor Hatley stated if someone wanted to move to the community, build a quality project, and make money off of the city, then the developer should have been more than willing to pay a fee instead of trading off for 100 more units. They should have wanted to pay for police and fire protection. They want something extra in return. She did not appreciate it. The Council, staff, and Mr. Guyton continued to discuss the increase of units and the Development Agreement (DA). The Council agreed they wanted to approve the agreement from the first reading with 550 units and exclude the Public Safety fee. Mr. Noury stated the developer was not in agreement with the first reading's DA, so the Board would not be able to return to the first reading's DA. Mayor Hatley recommended to table the item until everyone could discuss it. Mr. Guyton stated if it was not voted up or down, he was instructed to withdraw the DA. The Board agreed this was a distasteful way to be handled. Mayor Hatley stated this was a very bitter vote for her but she would rather have some of the enhancement fees with 650 units rather than 750 units built with no enhancement fees.

Mayor Hatley opened the floor for public comment.

Harry Oehler, 3624 Pitchers Place, North Myrtle Beach, confirmed there would be approximately \$1.2 million coming into the city when they built it. He asked if they knew what product would be built, single-family or townhomes. Mayor Hatley stated she didn't believe it had been designed yet.

Having no further comment from the Council or public, Mayor Hatley called for a vote. The motion to approve passed 6-1. Councilman Collins voted nay.

7. **NEW BUSINESS:**

- A. **ORDINANCE/FIRST READING:** Petition for Annexation and Zoning Designation for 1.15 acres on Cenith Drive. Mayor Hatley read the ordinance 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 the Council or public, Mayor Hatley called for a vote. The motion to approve passed 7-0.

- B. **ORDINANCE/FIRST READING:** Petition for Annexation and Zoning Designation for 1.08 acres on Cenith Drive. 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.

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

- C. **ORDINANCE/FIRST READING:** To authorize and approve an Intergovernmental Agreement between the City of North Myrtle Beach and Horry County relating to the joint county industrial and business park and to provide the City's consent to the creation of the park. 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.

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

- D. **ORDINANCE/FIRST READING:** Amendment to the Prince Resort Planned Development District (PDD) regarding a full-service hotel and parking. 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 there had been a lot of comments and concerns from the neighbors about the height of the building going to 94.10'. She stated the cost of the underground utilities needed to be changed. Mr. Guyton stated he understood it would be changed and the developer would pay the full cost of it. Mayor Hatley stated they had never put a timeframe on completing the construction once it started. Her biggest concern was having the road closed down. Mr. Guyton stated it would be only one lane and they would refine the timeline. Mayor Hatley stated she was disappointed in the building itself. This was a plan that looked like a motel sitting on the interstate. It looked like an overnight motel instead of a resort for a week's vacation. Mr. Guyton stated he would take their comments back to the developer to have it changed for second reading. Mayor Hatley stated they were a coastal and tourist destination. It should look like a resort. She was willing to go along with the first reading, but if it didn't look better for second reading, she would not likely vote for it. Councilwoman Fontana stated the colors were horrible. Mayor Pro Tempore Baldwin stated they had never closed down a lane for 12 months. They would close it when necessary and would like for this project to do the same. Mr. Guyton agreed. Mayor Pro Tempore Baldwin stated he would like to see the access and what the final walkway would look like. He was concerned they were not getting more public parking for having an additional floor. Mr. Guyton stated what had been served as parking and put it in the structure itself. Mayor Hatley asked them to consider parking for their staff. Councilman Thomas pointed out Page 9, 14A needed to be changed.

Mayor Hatley asked if Councilwoman Fontana would like to revise her motion. Councilwoman Fontana motioned to revise the motion to include the developer need to the change aesthetics and add more public parking by second reading. Mayor Pro Tempore seconded the revised motion.

Mayor Hatley opened the floor for public comment.

Cheryl Kilday, Destination North Myrtle Beach, stated this was a great project and she would like to partner with the city to announce road closures to visitors and residents through their website. They could help communicate to the public on this project as well as others. Mayor Hatley stated they could also direct them how to get around the road closers.

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

**8. PUBLIC COMMENT:**

Henry Oehler, 3624 Pitchers Place, North Myrtle Beach, stated he thought the staff did a great job on the Christmas Light Show. There was an average of 10 to 15 minute wait, which was great. Going forward, he would like them to consider the potential of Champions Boulevard between the park entrance and

Robert Edge. He would like to see a second lane going into Park Pointe. He asked to see the plans for the apartments and commercial development across from Park Pointe and the city didn't have them yet.

Liliana Tschonett with the Office of Disaster Assistance, spoke to the Council regarding the information that was available to help the residents after Hurricane Ian. The deadlines were January 23, 2023 with FEMA and their deadline was January 20, 2023. The office was located on Pawley's Island and was opened Monday-Friday, 9 AM-6 PM and Saturday 9 AM-12 PM. SBA was a long-term recovery loan program that was only available for a limited time. She left brochures and information for the public to pick up. Cheryl Kilday stated they had this information on their website and they were coming to the Business After Hours function.

Frank MacKinnon, 323 59<sup>th</sup> Avenue North, North Myrtle Beach, stated the Light Show was wonderful and he loved it, but as a permanent resident, he should have free access to the show. He stated they used to be able to pull into the pier and it was free. He stated now there were many people there and you couldn't find your way through it.

Jim Shortle, 1806 North Ocean Boulevard #304C, North Myrtle Beach, stated he sent out an email earlier regarding problems with the stormwater outfall project. His building was shaking. He stated he tried to talk to someone at the city and no one was available. He did receive a call from their project manager who stated they had seismic monitors. Mr. Shortle stated dishes were vibrating off of shelves and buildings were going to be damaged. He stood out there for 10 minutes and his feet were numb because of the vibration. He stated this couldn't go on. They had just had their pool resurfaced and if there was a single crack, the city would be buying a pool. The building was sitting on a slab and was afraid the building was going to shift. He believed the units were not able to be occupied. He asked what could be done. Mayor Hatley asked for Kevin Blayton and Manager Mahaney to look into it. Manager Mahaney suggested he emailed specifics. Mr. Shortle stated the city was on notice and the homeowners were not going to full around with insurance. They were going to bring the bills for damages to the city. He asked what they were going to do to get it solved. Manager Mahaney stated they had monitors and it wasn't usual for damages to happen. The contractor would be paying for damages. He stated when they did the Ocean Outfall Project, they paid for several of the damages. He asked for Mr. Shortle to email those specific damages to the project manager. Mr. Shortle stated there was no notification, not even a newspaper article to the residents about this. They just showed up. Mayor Hatley stated this wasn't going to be settled tonight and he needed to work with Kevin, Manager Mahaney, and the general contractor. Manager Mahaney stated there was a vibration monitoring plan. The city signed a \$20 million contract and couldn't get in the middle of the contract and say to them you have to do this and you have to do that. There was a procedure for doing this, just as there was on Ocean Drive. When Harrold Worley's hotel had damages, he didn't bring them to me, he emailed them to the company. They ultimately settled with him. That same process would be in affect with this ocean outfall. He suggested he discuss it with Kevin after the meeting.

**9. ADJOURNMENT:**

Mayor Hatley thanked everyone for coming and adjourned the meeting at 8:21 PM.

Respectfully submitted,

Allison K. Galbreath, City Clerk

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MARILYN HATLEY, MAYOR

Minutes approved and adopted this 20<sup>th</sup> day of February 2023