

**CITY OF NORTH MYRTLE BEACH, SOUTH CAROLINA  
NORTH MYRTLE BEACH CITY HALL  
CITY COUNCIL MEETING  
Monday, December 4, 2023, 5:45 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, Absent for roll call only  
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 legal briefing regarding City of North Myrtle Beach vs. Sun TRS Ocean Club LLC, et al. C/A No. 2021-CP-26-07489, a legal briefing regarding Michael Moshoures (SkyBar) vs. City of North Myrtle Beach, et al. Case No.: 4:22-cv-02123JD, a legal briefing regarding Cherry Grove Beach Gear, LLC et al vs. the City of North Myrtle Beach Civil Action No.: 4:22-cv-02198-RBH, a discussion regarding potential contracts with Beam & Associates and Capitol Consultants regarding lobbying, and a discussion regarding potential property acquisitions. The motion was made by Councilman Thomas and seconded by Councilwoman Fontana. The motion passed 6-0. Councilman Collins joined the meeting during the Executive Session. The Council returned to Chambers at 7:11 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 Councilman Skidmore. 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 Meeting of Monday, November 6, 2023, and the Special Called City Council Meeting of Monday, November 27, 2023, as presented, was made by Councilwoman Fontana and seconded by Councilman Collins. The motion to approve passed 7-0.

**3. COMMUNICATIONS:**

Chris Noury, City Attorney, administered the Oaths of Office to Mayor Pro Tempore J.O. Baldwin, Councilman Hank Thomas, and Councilman Fred Coyne. Each stood with their families as they were sworn into office.

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

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

Mayor Hatley thanked the City staff for the successful Tree Lighting and Christmas Parade. The Mayor also encouraged everyone to experience the Christmas Light Show. Councilman Collins thanked Jim Grainger, Parks and Recreation Operation Manager, his staff, and the Driftwood Garden Club for an excellent job on the Arbor Day ceremony.

Councilman Thomas stated that he heard several comments while on the campaign trail concerning use of plastic bags in the city and music nuisance. He added he also heard concerns about VRBO's and would like to have discussion on how the City could better monitor those. He asked the Council to discuss these issues early in the new year.

Manager Mahaney stated that the moratorium on the plastic bags was up and would be on the January agenda. He added several restaurants had requested an exception allowing restaurants to use plastic bags for food. Mayor Hatley stated all three items would be discussed in the new year.

**5. CONSENT AGENDA:**

A. RESOLUTION: Recognizing Horry County Schools for Receiving the Purple Star Designation from the South Carolina Department of Education. Mayor Hatley read the Resolution by title and called for a motion to accept. The motion 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.

Mayor Hatley presented the Resolution to David Koch, Horry County School Board Member. Mr. Koch thanked the City of North Myrtle Beach for their recognition and gave an explanation of the Purple Star Designation.

B. MOTION TO APPROVE: 2024 Council Meeting Schedule

C. MOTION TO APPROVE: Main Street Showtime Charity Car Show, April 6, 2024

D. MOTION TO APPROVE: Ocean Drive Beach Music Festival, May 4, 2024

Mayor Hatley read items B, C and D by title and called for a motion to approve all 3 together. The motion was made by Councilwoman Fontana and seconded by Councilman Collins.

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

**6. UNFINISHED BUSINESS:**

ORDINANCE/SECOND READING: Petition for Annexation and Zoning Designation for ± 0.25 acres off Oyster Lane. Mayor Hatley read the ordinance by title and called for a motion. The motion to approve was made by Councilman Coyne and seconded by Councilman Skidmore. Councilman Collins asked if this would only remain a church. Councilman Coyne stated this was primarily to attain water and sewer from the City and the deed was restricted for a church only.

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

**7. NEW BUSINESS:**

A. ORDINANCE/FIRST READING: Rezoning Request for ±0.37 acres on West Port 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. Councilman Skidmore asked if the property had always been in the Waterway Mobile Home Park. Jim Wood, Director of Planning and Development, stated he was unsure of the history of the property but the Planning Commission

evaluated it and concluded the likelihood of it ever being put to use as Highway Commercial use was small and it was appropriate to downzone it to R-3. Mayor Hatley stated that she did not know how she felt about this rezoning. Councilman Thomas added the parcel had commercial property in front of it, a mobile home park behind it, and multi-family right past it. Mr. Wood stated R-3 was the only choice to avoid spot zoning. Councilman Coyne stated that looking at the map, the zoning made sense. Councilman Collins asked how many homes could be put on the 0.37 acres. Mr. Wood stated he did not know but could get that analysis by second reading, if needed. Councilman Skidmore stated it appeared the Petitioner planned to extend lots. Mayor Hatley stated this property acted as a buffer for the homes in that area and she was still unsure how she felt about rezoning.

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

B. **ORDINANCE/FIRST READING:** Petition for Annexation and Zoning Designation for ±1.71 acres on Little River Neck Road. 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 Skidmore. Councilman Thomas clarified that he did not want to annex outside the City's borders but in this case, he felt R-1 was appropriate because the City bore the responsibility for this area. Mayor Hatley agreed and added the City was already providing fire and police services but not receiving property tax to help with the cost of those services. Mayor Pro Tempore Baldwin stated the current county zoning did not fit with City zoning.

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 ±1.26 acres on Cenith Drive **NOTE: Petitioner has requested to withdraw.** Mayor Hatley read the ordinance by title and called for a motion to withdraw. The motion was made by Councilwoman Fontana and seconded by Mayor Pro Tempore Baldwin.

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

8. **||PUBLIC COMMENT:**

Mayor Hatley opened the floor for public comment.

Gerry Ferguson, 1602 25<sup>th</sup> Avenue North, North Myrtle Beach, read the following statement:

When City Council passed a plastic bag ban, it was a giant step towards protecting our environment, however, our merchants were allowed to use thick plastic bags temporarily because of a supply chain issue with paper bags. The supply chain issue is over and some national chains still daily disgorge carts filled with the thick plastic bags. These bags are labeled washable, recyclable and reusable but not biodegradable. Even though they may be washable and reusable, do you ever see anyone entering a store with carts full of these bags? And does anyone seriously believe that all the bags are put in recycle bins? If you care that much about the environment, you are bringing your own washable, reusable cloth bags. I urge the Council to close the plastic bag ban loophole and ban the thick plastic bags. Please finish the good work you started. And, may I add that I am very proud of our local merchants, who have not only complied with the ban, but have even embraced it. Some have colorful, personalized bags, even bags made of sugar cane pulp instead of wood pulp. If our local businesses and some national chains can comply, so can all the chain stores. It is in your hands. Thank you for your time.

Barbara MacKinnon, 323 59<sup>th</sup> Avenue South, North Myrtle Beach, read the following statement:

I'm here tonight to remind you that you agreed to revisit the issue of the 2.25 mil plastic bags that Walmart is using in January 2024. In the original ordinance, there was no intention to allow these extra-thick bags that contain about 4 to 4 ½ times more plastic. It's time to finish what you started in July 2022, when you set the date for the end of light weight single-use bags at Oct 1, 2022, and agreed

to take a look again in 18 months. The feeling at the time was that 2.25 mil bags are clearly not the solution. So now is the time to end the use of 2.25 mil bags. I understand merchants need time to use their supplies and purchase new bags. In July 2022, you gave them three months. So let's give them until April. It's not like this hasn't been an issue since February 2019. If you need more evidence, I can provide that:

1. Just look at what's happened to the Walmart bags that have been in my channel for the past 11 months. They're covered with slime and barnacles. Little crabs crawl out of them.
2. Consider the research showing that loggerhead turtles react to plastic that's been in ocean the same way they react to food. Once you've seen my bags, you'll understand why.
3. Realize that plastics don't biodegrade like paper and cotton, they photodegrade - breaking into smaller and smaller pieces until they are micro-pieces. Micro-plastics. AND They are becoming ubiquitous in our environment – and in our bodies. Micro-plastics have been found in human placentas, in breast milk, and in a newborn's first diaper. They are full of chemicals, some of which are endocrine disrupters.
4. AND know that microplastics are here forever.

One of the concerns in the summer of 22 was supply chain. While I haven't researched the supply chain for paper bags, I read just last week that "From October 2021 to October 2023, supply chain pressure, which is tracked by the Federal Reserve Bank of New York, fell from near-record highs to a record low. I don't think supply problems can be used as an excuse anymore. We're here to ask that you put the issue on the agenda for January. And that you make it clear that 2.25 mil plastic bags are no longer acceptable in NMB. I want to conclude by saying - As important as it is to get rid of these heavy plastic bags, we don't want to lose sight of the real goal – bring your own bag.

Bob Hutton, 5208 Windy Pines Drive, North Myrtle Beach, congratulated the newly re-elected Councilmembers. Mr. Hutton shared an update on Keep Water Tower Road Beautiful committee noting the third garbage pickup last month was encouraging and less bags of litter were filled. Mr. Hutton thanked the Police Department for providing patrol cars during pick up time and the North Myrtle Beach Honor Student volunteers. Mr. Hutton commended Choate Construction for their commitment and efforts to keep the roadway litter free during construction. Mr. Hutton asked the Council to consider banning smoking on the beach and to please look into the road behind Food Lion in Windy Hill, which needed repair. Mayor Hatley stated the road was on private property but the City could send a letter to the owners and thanked Mr. Hutton for his comments.

Kim Belcher, 1100 Possum Trot, North Myrtle Beach, stated she was speaking again for the turtles. Ms. Belcher stated she received a letter from the City Attorney and responded back twice without a return response. Ms. Belcher stated this had been going on for six months and it had been one month since she received a response. Ms. Belcher asked for an update on the case against A.O. Hardee. Ms. Belcher quoted a portion of the ordinance and asked why the laws were not being followed. Ms. Belcher stated state laws were the same and accused the City of not following the laws because of who A.O. Hardee was. Mayor Hatley asked what Ms. Belcher was asking the City to do. Ms. Belcher stated she wanted the City to follow the law and impose jail time and/or fines on Mr. Hardee. Councilman Thomas stated a lot of development had taken place over the years in the City and county but he knew of no developer, contractor, or development that had ever been cited. He added that now that this had been brought to their attention, he felt they would be more conscious about the issue. Councilman Thomas stated that Mr. Hardee had been warned but the consequences had nothing to do with who he is. He assured Ms. Belcher that she had been heard on several occasions but it could not be undone and thanked Ms. Belcher for bringing the issue to the Council's attention. Ms. Belcher demanded the City follow the law. Mayor Hatley asked the City Attorney, Chris Noury, to respond. Mr. Noury confirmed he had responded to Ms. Belcher's request clarifying the City's animal laws. He stated the City's practice in the past concerning cruelty and harm to animals dealt primarily with domesticated animals and the Police Department was the arm of the City that handled those violations. Mr. Noury stated the Police Department was a busy department and their main responsibility was to keep the public safe but they did keep in mind the protection of animals. Mr. Noury added that typically those laws were enforced regarding cats, dogs and domesticated animals, not wildlife. Ms. Belcher called for the laws to be changed to protect wildlife. Mayor Hatley stated Ms. Belcher had

heard from the City Attorney and at least one of the Council members and asked Manager Mahaney if he had anything to add. Manager Mahaney stated he felt this was not actionable by the City and added that Ms. Belcher had the right to pursue action privately. Manager Mahaney added the decision had been made and the City would not be ticketing Mr. Hardee and it had nothing to do with who he was. Mayor Hatley stated the decision had been made and closed the discussion.

Harry Oehler, 3624 Pitchers Place, North Myrtle Beach, thanked the Council and staff for coming out and discussing the traffic pattern in his neighborhood on October 30, 2023. He added things were going well with no issues and delays due to the Light Show were minimal. Mr. Oehler congratulated the re-elected Councilmembers and wished everyone Happy Holidays.

9. **ADJOURNMENT:**

Mayor Hatley wished everyone a Merry Christmas and called for a motion to adjourn. The motion was made by Mayor Pro Tempore Baldwin and seconded by Councilwoman Fontana. The motion passed 7-0. The meeting adjourned at 7:54 PM.

Respectfully submitted,

Allison K. Galbreath, City Clerk

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MARILYN HATLEY, MAYOR

Minutes approved and adopted this 8<sup>th</sup> day of January 2024