

**CITY OF NORTH MYRTLE BEACH, SOUTH CAROLINA
NORTH MYRTLE BEACH CITY HALL
CITY COUNCIL MEETING
Monday, August 19, 2024, 6:30 PM**

Minutes

1. ROLL CALL:

Mayor Hatley called the meeting to order and asked the Clerk to call the roll.

Marilyn Hatley

JO Baldwin, Absent

Bubba Collins

Fred Coyne

Nicole Fontana

Trey Skidmore

Hank Thomas, Absent for roll call only

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 Planning Commission, reappointments to the Board of Zoning Appeals, and a legal briefing regarding an agreement between the City of North Myrtle Beach and the South Carolina Department of Transportation. The motion was made by Councilwoman Fontana and seconded by Councilman Collins. The motion passed 5-0. Councilman Thomas joined the meeting. 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 Mike 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, July 15, 2024, the Emergency Special Called Meeting of Tuesday, August 6, 2024, and the Special Called City Council Meeting of Monday, August 12, 2024, as presented, was made by Councilwoman Fontana and seconded by Councilman Thomas. The motion to approve passed 6-0.

3. COMMUNICATIONS:

Mayor Hatley read a Proclamation designating September 17–23, 2024, as Constitution Week and presented it to the Daughters of the American Revolution (DAR). Five members were present and Mayor Hatley thanked them for their dedication. The DAR presented the Mayor and Council with Constitutional booklets.

Mayor Hatley, Matt Gibbons, Parks and Recreation Director, and Amanda Player Wofford, Athletics and Sports Tourism Manager, introduced the players, managers, and coaches for the All-Star Baseball Teams 10 & Under and 12 & Under and congratulated them for representing the City of North Myrtle Beach in recent tournaments. Ms. Player Wofford thanked the Council for their support of the teams and thanked the managers, coaches, and parents for their support and dedication. She noted the accomplishments of both teams and Mayor Hatley presented each player with a challenge coin.

Mayor Hatley stated the Department Monthly Reports for July 2024 were available online.

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

Councilman Thomas stated that some of the residents on Cenith Drive were experiencing drainage issues due to the new section of Belle Park. He stated he would email the addresses of the owners who were having issues to Kevin Blayton, Director of Public Works.

Councilman Thomas asked that the concept of a boardwalk in Cherry Grove be revisited. He stated Manager Mahaney had drawings and he would like the Council to research if grant money could be found to fund this project. He added this would be a great asset to the Cherry Grove area and would also help with safety.

Councilman Thomas asked that the VRBO issue be addressed. At minimum, he suggested out of town owners be required to have a local representative to deal with issues. He asked that a committee be formed or a workshop be scheduled between now and Spring to discuss the issues. Mayor Hatley agreed.

Councilman Collins thanked the Horry County Transportation Board for their help with the sidewalks on Spring Street.

Councilman Thomas thanked the staff and Manager Mahaney for their efforts in applying for a potential \$3 million dollar grant for the EOC through Representative Russell Fry's office. He stated there was no guarantee, but the City's application was named for the funding.

5. **CONSENT:**

- A. MOTION TO APPROVE: New Directions Fund Raiser on September 7, 2024
- B. MOTION TO APPROVE: 9-11 Memorial Service on September 11, 2024
- C. MOTION TO APPROVE: SOS Fun Monday on September 16, 2024
- D. MOTION TO APPROVE: Richmond Shag Club Beach Gathering on September 17, 2024
- E. MOTION TO APPROVE: Columbia Shag Club Social Gathering on September 20, 2024
- F. MOTION TO APPROVE: CSRA Shag Club Social Gathering on September 20, 2024
- G. MOTION TO APPROVE: Lake Tillery Social Gathering on September 20, 2024
- H. MOTION TO APPROVE: Palmetto Shag Club Social Gathering on September 20, 2024
- I. MOTION TO APPROVE: Rock Hill Shag Club Social Gathering on September 20, 2024
- J. MOTION TO APPROVE: Ocean Drive Beach Music Festival on May 5, 2025

Mayor Hatley asked the Council to consider Items A through J together. The Council agreed and Mayor Hatley read each item 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 Hatley called for a vote. The motion to approve passed 6-0.

6. **UNFINISHED BUSINESS:**

- A. ORDINANCE/SECOND READING: Rezoning request for ±30.1 acres on the corner of Highway 90 and Robert Edge Parkway. Mayor Hatley recused herself from the discussion and vote and left the Chambers. Councilwoman Fontana 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 Skidmore. Councilwoman Fontana asked Manager Mahaney to read the ordinance background. Councilman Thomas stated the property was located in a highly commercialized section and the intersection was very busy. He added the property was already a part of the city and this was not an annexation. Councilman Coyne added this would clean up and correct zoning issues.

Having no further comment from the Council or public, Councilwoman Fontana called for a vote. The motion to approve passed 5-0.

- B. **ORDINANCE/SECOND READING:** Petition for Annexation and Zoning Designation for ±1.25 acres on Cenith Drive. 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. Councilwoman Fontana stated this filled doughnut holes. Mayor Hatley stated almost all of the doughnut holes on Cenith Drive were in the City now. Councilwoman Fontana asked how many were left. Jim Wood, Director of Planning and Development, stated there were only a few left.

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

7. **NEW BUSINESS:**

- A. **RESOLUTION:** Municipal State Highway Project Agreement regarding Highway 17 Corridor Safety Improvements from Conway Street to 20th Avenue South. Mayor Hatley read the resolution by title and called for a motion to approve. The motion to approve was made by Councilman Collins and seconded by Councilwoman Fontana.

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

- B. **RESOLUTION:** Reimbursement Resolution from Park Development Bonds. Mayor Hatley read the resolution by title and called for a motion to approve. The motion was made by Councilwoman Fontana and seconded by Councilman Thomas. Manager Mahaney stated this was \$27 million dollars doubling the size of the Sports Park and making it the premier facility on the east coast. Mayor Hatley explained this was for the expansion of the Sports Park and no houses were on the property. Councilwoman Fontana stated this added 99 acres to the sports park for a total of 240 acres. Councilman Collins stated that when the first park was built, Council did not know it would fill up so quickly. He added this was very much needed. Mayor Hatley added the new addition would allow for an increased number of tournaments and larger tournaments. These tournaments, especially in the off season, helped many businesses in the City and was a great economic boost.

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

- C. **ORDINANCE/FIRST READING:** To provide for the issuance of twenty-seven million dollar (\$27,000,000) general obligation bonds. 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 was in connection to Item 7B. Theodore DuBose, consultant with Haynsworth Sinkler Boyd, P.A., stated the plan was for the bonds to be issued through a public offering in December. He added the last bond rating was AA and he expected to go for the rating in November 2024, and he expected the same rating. The bonds would be priced around December 10, 2024, and will close before Christmas 2024.

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

- D. **ORDINANCE/FIRST READING:** Amendment to Chapter 4, Animals and Foul, of the Code of Ordinances of North Myrtle Beach, South Carolina regarding definitions and dangerous animals. 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 asked what the reasoning was to bring this up. Manager Mahaney explained Public Safety had issues with dangerous dogs and had requested the amendment to avoid lawsuits. Councilman Collins asked if the law pertained to pets on personal property. Dana Crowell, Chief of Police, stated the law did not pertain to private homes and would marry the city ordinance to state law.

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

- E. **ORDINANCE/FIRST READING:** Amendment to the Gator Hole Planned Development District (PDD) adding medical office uses to Phase 2. Councilman Coyne recused himself from the discussion and vote and left the chambers. Mayor Hatley read the ordinance by title and called for a motion to approve. The motion was made by Councilman Collins and seconded by Councilwoman Fontana. Mayor Hatley and Councilwoman Fontana asked if there was enough parking in the area for a medical office. Director Wood stated no site changes were required and no changes to the building were required. He stated the only change would be to change the use from sales building to medical office use.

Mayor Hatley opened the floor for public comment.

Barbara Owens, 601 Hillside Drive, Apartment 3406, North Myrtle Beach, SC 29582, stated she lived in Ocean Keyes and she was concerned there was not enough parking. Mayor Hatley stated she had assumed this went through the Ocean Keyes HOA. Ms. Williams stated it did not. Councilwoman Fontana asked Director Wood if he knew how many parking spaces were currently at the location. Director Wood stated he did not know but any approvals must still go through TRC.

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

8. PUBLIC COMMENT:

Roger Clark, 918 Edge Drive Unit G, North Myrtle Beach, SC 29582, stated he was representing the 46 homeowners in Ingram Place 2. He stated he purchased his house in 2000 and the neighborhood was built in 2001. He stated, at that time, the builder put a drain field in where he was supposed to and they did not have any issues. In 2009, the shopping center paved their lot and dumped water onto his neighborhood. The first year, several houses flooded and the residents were forced to start pumping water away from the neighborhood. He stated several years later, the City put in roads for a new development and grated the road so that water would not go into the new houses causing it to drain into his neighborhood. Mr. Clark stated it took 6 men to man pumps 24 hours a day any time it rained. He added that he had addressed Council 3 ½ years ago and the City made an agreement for an easement and added 3 drain lines to allow Ingram Place 2 to pump legally. Mr. Clark stated the adjacent property has now been sold to a developer and he was fearful what that would add to the drainage nightmare. Mayor Hatley asked Mr. Clark to meet with Director Blayton and Manager Mahaney to work on a solution. Mr. Clark stated he had met with Director Blayton and Assistant Director Hamilton and was willing to meet again but he felt the only solution was installing a new drain line because the builder owns up to the parking lot and their drain lines are on the builder's property.

Director Blayton stated his department was aware of the problem. He stated the property sale was part of the transaction that allowed the City to attain the easement to lay pipes on top of the ground that Ingram Place 2 could pump into until a long-term permanent solution was found. He added the long-term permanent solution would cost millions of dollars and was on the paving improvement list. Director Blayton stated the Outfall project was \$8-10 million over budget which deferred some of the neighborhood projects due to funding. Director Blayton noted that only 3-4 single-family homes were approved for the lots but the City reserved the easement rights so that Ingram Place 2 could continue drainage until a permanent solution was possible. Mayor Hatley asked if there was a short-term solution and Director Blayton stated the property was below street level and would require a buried drainage pipe to Highway 17 and it would be costly. Mr. Clark stated they could not accommodate more water if the land was developed, and the water wasn't coming from their development. Mayor Hatley asked if there was any short-term solution and Director Blayton stated the development was not built to current standards so there was no other solution other than a buried drain to the pond on Highway 17.

Tina Page, 916 Edge Drive, Unit A, North Myrtle Beach, SC 29582, stated she had lived in Ingram Place for 20 years and had watched men out in the rain and lightning running pumps and it wasn't their stormwater. She stated the water came into their development from numerous sources and she was terrified of what would happen if a new development was built. He explained that these were remnant lots left over from the original development. Mayor Hatley asked if there was a way to redirect the water coming from 10th Avenue South and Tiffany Lane. Director Blayton stated his department would look at it again, but he did not think so. Director Blayton stated this was normal sheet flow draining to the lowest point. Mayor Hatley stated that the City had historical rainfall recently but asked Director Blayton to look to see if anything could be done. Director Blayton agreed.

Ms. Page asked if there was anything they could do to stop the builders from getting permits to build on the lots and Mayor Hatley stated it was doubtful. Manager Mahaney suggested the HOA purchase the lots as an option. Councilwoman Fontana stated another option would be for the HOA to ask the builder to consider leaving a natural buffer of trees to assist with the drainage issue.

Manager Mahaney asked when the underground drains had been cleaned. Mr. Clark stated they had been cleaned 2 years ago and would be cleaned again this week. Councilwoman Fontana suggested setting up regular drain cleanout schedule. Ms. Page stated that had been done. Mr. Clark stated the drains were not the problem and the water they were getting now was unbearable. He added the only solution was a new drainpipe. Mayor Hatley stated Director Blayton would do a cost estimate and look into options.

Ann Williams, 601 Hillside Drive, Apartment 2504, North Myrtle Beach, SC 29582, asked the Council to consider allowing Solbello Shades on the beach. She stated she had rented umbrellas from the City for 3 years until the cost went up and these shades were safe and a better option. She added that most beaches in the area allowed the Solbello Shade. She asked if they could be allowed behind the lifeguard stands as an option. Ms. Williams stated she did not see any lifeguards on the beach today and asked if the season was over. Manager Mahaney stated that many of the 100+ lifeguards were back in school but there were approximately 65 still working. He explained that they were mainly stationed in the high-rise areas and some were roving lifeguards. Manager Mahaney stated the City would be happy to look into the Solbello Shades after the season ended and they had been reviewed by Public Safety and Beach Patrol Officers. Mayor Hatley stated the City would research allowing the Solbello Shades and thanked Ms. Williams.

Elizabeth Burgess, 1056 Tiffany Lane, North Myrtle Beach, SC 29582, stated she purchased her home in 2002 and she was guaranteed to be next to wetlands that were not going to be developed. She stated that the wetlands have been developed and she can no longer park in her neighborhood due to flooding. She added that her foundation was also cracking due to the flooding. Ms. Burgess stated pumps and hoses had to be used because flooding was so bad and there were no trees. She added that this was the city of trees and she would appreciate the residents having the quality of good life. Ms. Burgess stated she had a tree fall on her house, also due to the constant building and development. She invited the Council to visit her residence during any rainstorm and thanked Council for any assistance they could offer. Mayor Hatley thanked Ms. Burgess.

Ted Adams, 329 52nd Avenue North, North Myrtle Beach, SC 29582, thanked the Council for acquiring Mike Mahaney as City Manager. He stated he came before Council a month ago with a noise nuisance complaint that had been in the hands of Code Enforcement for 2 years and nothing had been done. He stated that Manager Mahaney took over and today a man came out and advised what the City was going to do. Mr. Adams stated that he felt if Manager Mahaney had not intervened for him, no one would have been there. Mr. Adams thanked the Mayor and Council again for acquiring Manager Mahaney. Mayor Hatley thanked Mr. Adams.

Barbara Campbell, 2241 Waterview Drive, North Myrtle Beach, SC 29582, stated that her church, Today's Harvest Church, would be holding voter registration for the next 6 weeks on Sunday afternoons 3:00-5:00 PM. She stated that her church had been involved with a Biblical Citizenship Course on the

Constitution and the Bill of Rights through Patriot's Academy and explained that local churches, HOA's, and governments could also get involved and offer the course. She stated she passionately believed that at a time such as this, everyone needed to stand up for our country and teach our children what our forefathers had done and what the Constitution was founded on. Ms. Campbell noted that September 7, 2024, would be the 250th day of the first meeting of the Continental Congress in Philadelphia and a national prayer call would be held on that day. Ms. Campbell thanked the Mayor and Council. Councilman Collins asked which church. Ms. Campbell stated it was Today's Harvest Church on 33rd Avenue North. Ms. Campbell also provided flyers with important voter registration dates. Mayor Hatley thanked Ms. Campbell.

Jerry Greene, Jr., 2507 Nixon Street, North Myrtle Beach, SC 29582, stated his permanent address was in Columbia but he owned a home in North Myrtle Beach and had been visiting here for 60 years. He stated he attended the first SOS in the 80's and had been coming every year since. He stated he was very familiar with the beach bars and the past and present owners. He stated the owners were good people and ran professional businesses and good things came out of the beach clubs. He stated he never had to worry about seeing a fight break out or walking through a metal detector to get in. Mr. Greene stated he did not recall any of the original beach clubs suing the City or consistently violating ordinances. He stated the clubs were good for North Myrtle Beach and collectively created revenue during SOS. Mr. Greene shared that on July 20, 2024, he and his wife were attending Junior SOS and parked at Harold's. He stated they and the kids attending Junior SOS were subjected to loud, vulgar music coming from the Skybar. He added that when they were leaving around 11:30 PM, all hell broke out at the Skybar. Mr. Greene stated he would not say what happened that night, but he knew the Council was aware. He stated his concern was what was going to happen next with this club. Mr. Greene stated he researched the Skybar and its owners and concluded that nothing good comes out of it. He added that the Skybar was a blackeye on the City and asked Council to consider bringing the bar into conformity or closing it down. Mayor Hatley thanked Mr. Greene.

Councilwoman Fontana congratulated Cheryl Kilday and Destination North Myrtle Beach on their 25th Anniversary and thanked them for the nice gathering at Greg Norman's.

9. **ADJOURNMENT:**

Mayor Hatley called for a motion to adjourn. The motion to adjourn was made by Councilwoman Fontana and seconded by Councilman Coyne. The motion passed 6-0. The meeting adjourned at 8:11 PM.

Respectfully submitted,

Allison K. Galbreath, City Clerk

MARILYN HATLEY, MAYOR

Minutes approved and adopted this 16th day of September 2024