

**CITY OF NORTH MYRTLE BEACH, SOUTH CAROLINA  
NORTH MYRTLE BEACH CITY HALL  
CITY COUNCIL MEETING  
Monday, September 16, 2024, 6:15 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 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 legal briefing regarding Michael Moshoures (SkyBar) vs. the City of North Myrtle Beach, et al. Case No.: 4:22-cv-02123JD, and a legal briefing regarding the City's participation in the proposed settlements of the Class Action Settlement Agreements in the case of City of Camden, et al. v. Tyco Fire Products LP, et al. and BASF Corporation, MDL No. 2:18-MN-2873-RMG; Case Nos. 2:24-CV-02321-RMG and 2:24-CV-03147-RMG. The motion was made by Councilwoman Fontana and seconded by Councilman Thomas. 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 and called for a motion to adjourn the Executive Session. The motion was made by Councilman Collins and seconded by Councilman Skidmore. The motion passed 7-0. The regular meeting started at 7:00 PM.

**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, August 19, 2024, as presented, was made by Councilwoman Fontana and seconded by Councilman Collins. The motion to approve passed 7-0.

**3. COMMUNICATIONS:**

Mayor Hatley read a Proclamation designating Saturday, September 28, 2024, as GFWC North Myrtle Beach Women's Club Step Up to End Hunger Day of Service. Mayor Hatley noted there were 105 members of the Women's Club and commended them on their work in the community. Connie Lawson, Step Up to End Hunger Day Chairperson, thanked the Mayor and Council and challenged North Myrtle residents to get involved in assisting with this project.

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

Councilman Skidmore thanked Kevin Blayton, Public Works Director, and his staff for meeting with the South Carolina Department of Transportation regarding drainage issues. He asked if House Demo Status stated in the Public Works August report under Progress and Goal concerning the 6<sup>th</sup> Avenue South parking lot, was referencing the two remaining beach houses on the property. Director Blayton confirmed it was the remaining 3-story homes on the backside of the property. Director Blayton added that an economical determination had not been made as to whether to tear down, move, or sell the houses. Councilman Skidmore stated he felt the Council should discuss the options before a determination was made. Manager Mahaney stated the last estimate was \$750,000 to renovate the two houses and under the U.S. Lifeguard Standards, only 13 could be housed per dwelling and males and females were required to be housed separately. Manager Mahaney added that was the reason he did not proceed with renovating the houses. He stated it did not make economic sense to spend \$750,000 to house 26 lifeguards when 100 were needed. Mayor Pro Tempore Baldwin stated that renovation came up at a previous meeting and he felt renovation was a viable option at that time. Manager Mahaney stated he was not involved previously. Manager Mahaney stated he was aware that several Council members met with Richard Vernon, Facilities Superintendent, at the site but he was not asked to be involved. He added that decisions were made without the facts. Mayor Pro Tempore Baldwin stated he understood but he would like to know what was going on with the houses and what the options were. Manager Mahaney stated he would get the current cost estimate to him. Mayor Hatley asked when the most current estimate was attained. Manager Mahaney stated it had been about a year ago. He added it was before the Mayor, Councilman Collins, and Councilman Thomas toured the buildings and he was not consulted. Mayor Hatley stated she was of the understanding that Manager Mahaney would look into the renovation costs and let the Council know. Manager Mahaney agreed to submit the most current cost estimates to the Mayor and Council.

Mayor Pro Tempore thanked the staff for their efforts concerning the storm that came in today. He stated the City was very fortunate to not have the damage neighboring areas did. He added staff had worked over the weekend in preparation and he was appreciative.

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

Councilman Collins thanked the Lions Club, Parks and Recreation, and Public Safety for a wonderful 9/11 ceremony. Councilman Collins stated he hoped more advertising went out next year to get more people informed and involved. Mayor Hatley stated she felt many residents were attending church on Wednesday night but there was still a good crowd. She estimated several hundred attended.

Manager Mahaney stated staff was prepared to schedule a workshop concerning short-term rentals, as requested by Councilman Thomas. The date was set for October 2, 2024, at 1:30 PM

**5. CONSENT:**

- A. RESOLUTION: A resolution opting out of the City's participation in the proposed settlements of the Class Action Settlement Agreements in the case of City of Camden, et al. v. Tyco Fire Products LP, et al. and BASF Corporation, MDL No. 2:18-MN-2873-RMG; Case Nos. 2:24-CV-02321-RMG and 2:24-CV-03147
- B. MOTION TO APPOINT: An appointment to the Planning Commission
- C. MOTION TO REAPPOINT: Three reappointments to the Board of Zoning Appeals

- D. MOTION TO APPROVE: Myrtle Beach Tours Beach Games September 16, 2024 through November 16, 2024
- E. MOTION TO APPROVE: Annual North Myrtle Beach Christmas Parade on December 7, 2024

Mayor Hatley asked the Council to consider Items A through E together. The Council agreed and Mayor Hatley read each item by title and called for a motion. The motion to approve was made by Councilwoman Fontana 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.

**6. UNFINISHED BUSINESS:**

- A. ORDINANCE/SECOND 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 Collins. Mayor Hatley stated this was the bond for the North Myrtle Beach Park and Sports Complex expansion. Mayor Pro Tempore Baldwin stated things were looking good and he was thankful it was not more homes. Councilman Collins added the debt service would be covered by the current millage.

Neil Whitken, 3019 Winding River Drive, North Myrtle Beach, asked how long it would take to pay off \$27,000,000. Mayor Hatley stated it would take 9 years.

Susan Platt, 942 South Ocean Boulevard, North Myrtle Beach, asked if this would increase the City's debt ceiling from \$549,000 to \$27,549,000. Mayor Hatley confirmed that was correct.

Damien Triouleyre, 902 Perrin Drive, North Myrtle Beach, stated he felt it was a good thing that the City was expanding the Sports Complex because his understanding was that the City actually made money and it was not a losing proposition. He stated that teams now come here from all over the country and not only the City prospers but the businesses prosper, too. Mayor Hatley agreed and stated the Sports Complex offers a huge economic impact for the City and the businesses. Councilman Collins stated most of the events took place during the City's shoulder season.

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: 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 Councilman Collins and seconded by Mayor Pro Tempore Baldwin. Councilman Collins stated this was a tool for law enforcement to be able to take care of situations as they occur.

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: 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 to approve was made by Mayor Pro Tempore Baldwin and seconded by Councilwoman Fontana. Councilman Skidmore stated at first reading, there were questions and concerns about parking. He asked for clarification from Jim Wood, Director of Planning and Development. Director Wood stated his staff did a field check

and confirmed there currently were 25 spaces which was more than were needed for medical office uses.

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. **ORDINANCE/FIRST READING:** Amendment to the Surf Estates Planned Development District (PDD) revising the entry at the Sea Mountain Hwy beach store. Mayor Hatley read the ordinance by title and called for a motion to approve. The motion to approve was made by Councilman Thomas. The motion to approve failed due to no second.
- B. **ORDINANCE/FIRST READING:** Petition for Annexation and Zoning Designation for ±13.32 acres on Tom E. Chestnut Road. Mayor Hatley read the ordinance by title and called for a motion to approve. The motion was made by Mayor Pro Tempore Baldwin and seconded by Councilman Collins. Mayor Hatley asked what the zoning designation was for the nearest development. Director Wood stated the zoning was consistent with the adjoining neighborhood, Palmetto Harbor, which was zoned R-1B. He added that the zoning for the adjoining Kingswood neighborhood was R-1A. Councilman Skidmore stated he had spoken to staff and researched with Horry County GIS about the property and stated it was similar to the surrounding property. He stated the averages were 7000-8000 square feet and this property also had a drainage ditch that could not be developed. Councilman Thomas stated he had concerns that the width of some lots were 50 feet while neighboring lots had 60-75 foot widths. Councilman Thomas stated he felt R-1A would be a better zoning designation. He added the vast majority of the surrounding subdivided properties were averaging 65 feet and up. Mayor Hatley agreed and added that she felt 7000 square foot lots would be more appropriate for the area. Mayor Hatley asked if Mayor Pro Tempore Baldwin would be willing to amend and postpone the motion to allow the owner to look at the zoning designation again and possibly change it to R-1A.

Mayor Pro Tempore Baldwin amended his original motion of approval to postpone, allowing the owner to look at the requested zoning designation before the October 7, 2024, meeting. Councilman Collins seconded the amended motion.

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

- C. **ORDINANCE/FIRST READING:** Amendment to the Parkway Group Planned Development District (PDD) revising neighborhood three (Wax Myrtle) at Waterside. 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. Councilman Collins stated the number of homes was changed from 81 to 100 and according to the Planning Commission action, the cul-de-sac was removed to preserve the existing trees. He asked if that had been done. Councilman Skidmore stated that removal of one of the bridges would help with the creek and the Developer would get significant savings. He added that he would like to see approval of removing one bridge but not raising the density. Mayor Pro Tempore Baldwin stated he shared the same concerns and was also concerned with removal of the retention ponds on the new site plan. Mayor Hatley asked Council to approve the amendment on first reading with the understanding that staff would meet with the Developer concerning Council's concerns before second reading. She added that Council was in favor of removing the bridge but not in favor of adding more houses.

Jolene Puffer, 3506 Turner Street, North Myrtle Beach, asked for clarification on why the Council would pass the amendment on first reading if they were not in favor of adding the houses. Mayor Hatley explained that Council agreed with part of the ordinance and this gave the petitioner an opportunity to make the requested changes before second reading. She stated that final approval was at second reading. She added that by not passing on first reading, the petitioner could not reapply for a year.

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

- D. ORDINANCE/FIRST READING: Amendments to Chapter 20, Land Development Regulations, of the Code of Ordinances of North Myrtle Beach, South Carolina, addressing building permits for illegal subdivisions. 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 Coyne. Mayor Hatley asked Director Wood to explain the background on why his department has asked for the ordinance. Director Wood stated that his department came upon a property that had been illegally subdivided. The subdivision was done by deed description many years ago and a plat was never submitted to Planning and Development. He stated building permits were denied for years because the current ordinance states if a property is illegally subdivided, building permits could not be issued. Director Wood stated this forced obsolescence and dilapidation on existing structures. He added that the current owners did not create the illegal subdivision, they inherited it. The amendment would allow owners to repair a structure and bring it up to code and health and safety standards.

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

- E. ORDINANCE/FIRST READING: Amendment to the Parkway Group Planned Development District (PDD) creating a commercial uniform, business supplies, and service products distribution center. Mayor Hatley read the ordinance by title and called for a motion to approve. The motion was made by Councilman Thomas and seconded by Councilwoman Fontana. Mayor Hatley stated she did not have a problem with the building but agreed with the Planning Commission that the building did not compliment the other buildings in the Palmetto Industrial Park and it needed a cosmetic upgrade and better architectural design. Councilwoman Fontana agreed that the design needed an upgrade. Councilman Coyne stated that Water Tower Road was highly traveled and this would give the business opportunity to reconsider the design in order to compliment the other structures on Water Tower Road. Mayor Hatley recommended approving the amendment on first reading with the direction to upgrade the outside aesthetic to the building. Mayor Pro Tempore Baldwin stated this was an industrial area with metal buildings but he agreed upgrades needed to be made to this building. Councilman Collins asked if any revisions had been looked at after the Planning Commission meeting. Robert "Shep" Guyton, representative for the Developer, stated Council's comments tonight were helpful and he felt the design could be upgraded before second reading. He stated he felt it was fair to hold the facility to a higher standard. Councilman Collins asked how many jobs this business would create. Mr. Guyton stated this was a distribution facility and not a Cintas wash facility but it would offer jobs. He added the facility would also be open to the public.

Susan Platt, 942 South Ocean Boulevard, North Myrtle Beach, stated appointing an Appearance Board would give better direction and take the personal element out. Mayor Hatley stated the Planning Commission did lay out expectations at their meeting.

Bob Hutton, 5208 Windy Pines Drive, North Myrtle Beach, asked if this building was beside Pepsi on Water Tower Road. Mayor Hatley stated it was on the opposite side of the road.

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

- F. **SECOND PUBLIC HEARING:** Regarding the Development Agreement associated with creating a commercial uniform, business supplies, and service products distribution center. Chris Noury, City Attorney, went over the major highlights of the Development Agreement.

Mayor Hatley opened the floor for public comment. Having no comment from the public, Mayor Hatley closed public comment.

- G. **ORDINANCE/FIRST READING:** Development Agreement associated with creating a commercial uniform, business supplies, and service products distribution center and to authorize the City Manager to sign the document on behalf of the City. Mayor Hatley read the ordinance by title and stated this ordinance was tied to the provisions stated in the public hearing. Mayor Hatley called for a motion to approve. The motion to approve was made by Councilwoman Fontana and seconded by Councilman Coyne.

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:**

Neil Whitkin, 3019 Winding River Drive, North Myrtle Beach, stated the Barefoot Resort Board President previously asked the Planning Commission for a postponement of the Blu Water project in order to negotiate with the Developer and the City. Mr. Whitkin asked for an update on the negotiations. Mayor Pro Tempore Baldwin stated he had talked with Robert “Shep” Guyton, the representative for the Developer, about the option of making the area a park, similar to Ingram Dunes. Mr. Whitkin asked how that would benefit Barefoot Resort. Mayor Pro Tempore Baldwin stated this had been before Council 4 times and each time Barefoot residents had voiced their concerns about a development being on the property. He stated something was going to be there and he felt a park might be better than a development. Mayor Hatley stated that the President of the Barefoot Board called and asked about the possibility of the City buying the property but Barefoot would need to contribute financially. Mayor Hatley added that financing would have to be sought through grants, the South Carolina Office of Resilience, and other organizations that helped preserve land.

Manager Mahaney stated that with Ingram Dunes, he worked out the deal with the property owner and conservation but he had no involvement in this. He stated no one had talked to him about Blu Water and no one had involved him in this at all. Councilwoman Fontana stated she was the Council representative for that area and no one had talked to her either. Mayor Pro Tempore Baldwin stated he had talked with Councilwoman Fontana. Councilwoman Fontana stated it was after she was approached by Barefoot residents and she inquired. She stated there had not been official talks with the entire Council or staff. Mayor Hatley stated that Council represented all of North Myrtle Beach not just one district. Mayor Hatley added the City cannot move forward without a commitment from Barefoot Resort. Councilwoman Fontana asked Mr. Whitkin if he wanted a park in the middle of Barefoot and he stated he personally did not. He added that the Board would have to get approval from the residents. Mayor Hatley stated the estimated cost would be \$1 million dollars.

Dara Baltuskonis, 4502 Grovecrest Circle, North Myrtle Beach, stated she was the Board President of Barefoot Resort and that the Board had been speaking with the City, the Governor’s office, and the South Carolina Resiliency Program. She stated nothing was binding at this point but they were researching where funding might come from. She stated the property served as a retention area for Highway 3, Highway 22, and Clover. She stated homes that backed up to that area had flooding

issues after the last storm for ten days and the concern was what would happen when the land was developed. She stated the recent flooding concerns led to talks with Mayor Pro Tempore Baldwin. Mayor Hatley asked where the flooding came from and Ms. Baltuskonis stated it was from the Blu Lakes property. Manager Mahaney asked if she was sure it wasn't caused by beaver dams and Ms. Baltuskonis stated it was not and shared photos. Mayor Hatley stated the photos did not prove the flooding came from the property. Ms. Baltuskonis stated more research was needed and this was why the Barefoot Board was researching funding to preserve the land. Mayor Hatley stated she had reached out to the Office of Resilience personally this week and had a good conversation with them.

Damien Triouleyre, 901 Perrin Drive, North Myrtle Beach, stated he had met informally with Barefoot and he agreed with Manager Mahaney and Councilwoman Fontana. He added the City had an excellent Planning Department and should have Manager Mahaney and their input in what happened. He added that the Council had been proactive in preserving land and he felt the Council would be open to working with the community on this project. Mayor Hatley stated there were three entities involved in this and everyone must be willing to work together just like they did with Ingram Dunes.

Roger Clark, 918 Edge Drive, Unit G, North Myrtle Beach, SC, stated he was representing the Ingram Place II HOA Board. Mr. Clark thanked the Council and staff for working on a solution for the serious drainage issue in his community. He stated the issued was 100 percent resolved.

Susan Platt, 942 South Ocean Boulevard, North Myrtle Beach, asked why the Council meetings were not livestreamed. She stated the City of Myrtle Beach and Horry County livestreamed their meetings. She asked that this be put on the Council's agenda or a workshop be held to make this happen. Ms. Platt asked what the City was doing about the trans laws with lifeguard housing if separate housing was required. Ms. Platt stated that if the Council would be spending City money for parks, the City would need support from all residents, not just Barefoot Resort residents. Ms. Platt thanked the Council for Ingram Dunes and stated she was in favor of another park.

Damien Triouleyre, 901 Perrin Drive, North Myrtle Beach, stated he had sent an email to the Council and Manager Mahaney stating Horry County was one of the fastest growing places in the country. He asked the Council to be aware and slow things down because decisions made in the next 10 years would affect the city for the next 50 years. He asked the Council to require more land preservation and tiny parks. Councilwoman Fontana stated that typically PDD's required a certain amount of open space. Mr. Triouleyre stated he was not aware of that but he would like to ask for more open space going forward. Mayor Hatley stated the City could ask and require more open space in a PDD. Mr. Triouleyre urged the City to have larger park-like or natural spaces going forward.

Bob Hutton, 5208 Windy Pines Drive, North Myrtle Beach, representing Keep Water Tower Road Beautiful Group, stated the group suspended pickup during the summer due to the heat. He stated he had picked up in the highly trashed areas during that time. He stated he had reached out to North Myrtle Beach High School students and hoped to set a date in late October or early November for a cleanup. Mr. Hutton gave a shout out to Pure Green Landscaping for the fence and landscaping they installed and to Bell's Lake for their cleanup efforts. Mr. Hutton stated his next initiative, in addition to litter pickup, was making everyone aware that Water Tower Road was their street. He added that Water Tower Road was becoming the entrance to the community and first impressions were important. Mr. Hutton stated his hope was that his group would bring everyone together. Mayor Hatley thanked Mr. Hutton for his efforts.

9. **ADJOURNMENT:**

Mayor Hatley thanked everyone for attending and called for a motion to adjourn. The motion to adjourn was made by Councilman Collins and seconded by Mayor Pro Tempore Baldwin. The motion passed 7-0. The meeting adjourned at 8:12 PM.

Respectfully submitted,

Allison K. Galbreath, City Clerk

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MARILYN HATLEY, MAYOR

Minutes approved and adopted this 7th day of October 2024