

**CITY OF NORTH MYRTLE BEACH, SOUTH CAROLINA
NORTH MYRTLE BEACH CITY HALL
CITY COUNCIL MEETING
Monday, February 3, 2025, 5:00 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 legal briefing regarding David J. Mason Individually and as Class Representative vs. Town of Surfside Beach, City of North Myrtle Beach and P2 of SC, LLC d/b/a Pivot Parking, a legal briefing regarding the City of Charleston, SC; North Myrtle Beach et al vs. Air B&B Inc., Homeaway.com Inc., et al Case No.: 2021-CP-10-1650, a legal briefing regarding White Cap Beach House, LLC, vs. the City of North Myrtle Beach, Case No. 2023-CP-26-00387, and a discussion regarding a potential contract for the City Manager search firm. Chris Noury, City Attorney, asked that a legal briefing regarding the City of Myrtle Beach vs. the City of North Myrtle Beach concerning the water transmission line be added. The motion was made by Councilman Collins and seconded by Councilwoman Fontana. The motion passed 7-0. The Council returned to Chambers at 6:10 PM. Mayor Hatley announced that no votes were taken and stated that Council would return to Executive Session to complete discussions after the regular meeting. The regular meeting started at 6:10 PM.

1C. CONTINUATION OF CALL TO ORDER:

Rev. Dr. Wilmot Merchant, St Stephens Episcopal Church, delivered the invocation.

Mayor Hatley led the Pledge of Allegiance.

2. MINUTES:

The motion to approve the minutes for the City Council Meeting of Monday, January 6, 2025, City Council Workshop of Tuesday, January 7, 2025, and City Council Executive Session of Tuesday, January 14, 2025, as presented, was made by Councilwoman Fontana and seconded by Mayor Pro Tempore Baldwin. The motion to approve passed 7-0.

3. COMMUNICATIONS:

Ryan Fabbri, Interim City Manager, recognized David L. Snider for 5 years of service, Benjamin E. Caldwell for 20 years of service, Franklin D. Patterson for 25 years of service, and Albert J. Williams for 35 years of service with the City and presented them with a check in appreciation for their service and dedication.

Mayor Hatley stated the department monthly reports for December 2024 were available online. Mayor Hatley thanked the department heads and stated she received compliments daily on the staff and she appreciated all they did.

4. ANNOUNCEMENTS BY MAYOR AND CITY COUNCIL:

Councilman Coyne thanked Matt Gibbons, Director of Parks and Recreation, and stated the Sweet Stroll event over the weekend was nice and well attended. He added that the event was a great way to get people walking up and down Main Street in January and February. Councilman Thomas thanked Public Safety, City Staff, and Public Works for their efforts during the recent snowstorm. He added they did a wonderful job dealing with the 3 days of inclement weather.

5. CONSENT:

A. RESOLUTION: To purchase the professional office building located at 1006 6th Avenue South. Mayor Hatley read the Resolution by title and called for a motion. The motion to approve was made by Mayor Pro Tempore Baldwin and seconded by Councilman Collins. Council Collins asked Interim City Manager Fabbri to explain the background and need for the property. Interim Manager Fabbri stated one of the main struggles with staff was office space. He added this had been a problem for a while. He stated the property was contiguous to the existing City property and would be easily accessed. He added that this building made sense for Information Services because they were presently segregated into multiple buildings and this would provide a cohesive area for the department to work. Councilman Collins asked if there was a possibility of moving the Parking Department there to eliminate the lease on the former Santee Cooper building. Interim Manager Fabbri stated it was an option and would save approximately \$36,000 a year. He added this would also free up the space occupied by Information Services for other departments to expand.

Jolene Puffer, 3506 Turner Avenue, North Myrtle Beach, asked if an appraisal had been done on the property and if the price had been negotiated by a real estate agent or done by the City Attorney. Interim Director Fabbri stated an appraisal was done approximately 18 months prior and the \$700,000 price was negotiated without a real estate agent. Ms. Puffer stated the City had gotten a great price on the building.

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

B. RESOLUTION: To accept the settlement from Air B&B and its affiliates regarding the lawsuit City of Charleston, City of North Myrtle Beach, et al vs. Air B&B et al, 2021-cp-10-1650 and to authorize the Interim City Manager to sign the settlement document on behalf of the city and to further authorize the Interim City Manager to sign the Replacement Fee Agreement with Special Counsel that represents North Myrtle Beach in the litigation. Mayor Hatley read the Resolution 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 lawsuit had been going on for quite a while and several other cities were involved in similar suits. Mr. Noury stated the other plaintiffs were the City of Charleston, City of North Charleston, Charleston County, the City of Isle of Palms, City of Folly Beach, City of Columbia, Town of Hilton Head, City of Greenville, Town of Mt. Pleasant, Town of Edisto Beach, Town of Port Royal, and the Town of Surfside Beach. He stated there were several online platforms that were included in the lawsuit. He stated Airbnb was one of the online platforms and they made the decision to settle with all the municipalities for the total amount of \$60 million dollars. The City's share after legal fees and expenses would be \$2,034,978. Mr. Noury added the lawsuit was filed in 2021.

Jolene Puffer, 3508 Turner Avenue, North Myrtle Beach, asked if the settlement included the taxes Airbnb collected from rental owners but did not pay to the City. Ms. Puffer stated she was paying double taxes and asked if she could be reimbursed for the 1.5% taxes she paid to the City and County. She further asked if Airbnb would pay the City going forward and if owners would not be required to pay the taxes. Mayor Hatley stated Airbnb owed Ms. Puffer the money back. Ms. Puffer argued that the City was receiving \$2 million dollars for unpaid accommodation taxes. Chris Noury stated he would talk with outside council and get back with Council and Ms. Puffer. Interim Manager Fabbri stated this was not the first time this question had come up and staff was researching the details. Mayor Hatley stated she didn't feel this was a City issue. Interim Manager Fabbri stated he would get back with Council and Ms. Puffer with more details.

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: Amendments to Chapter 20, Land Development Regulations, of the Code of Ordinances of North Myrtle Beach, South Carolina, creating a sketch plan step for major subdivisions and in-common residential developments. 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 Pro Tempore Baldwin stated he felt this was a great way to control clear cutting. He added there were fees in the past but this was a good step to further that effort. Councilman Coyne thanked Director Wood for providing an example to aid in understanding the concept. Director Wood shared a graphic and stated this would also get the Planning Commission involved on the front end of a project. Mayor Hatley stated she felt this was a good move.

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: Amendment to Chapter 23, Zoning, of the Code of Ordinances of North Myrtle Beach, South Carolina, addressing structures projecting into required yards. 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. Suzanne Pritchard, Assistant Director of Planning and Development, stated there were two subsections to be amended. The first was to allow a ramp or lift to encroach 50 percent into the back or side set-back. Councilman Collins stated as the City's population aged, he felt the Board of Zoning Appeals would be seeing more of these requests for a variance and he was in favor of the amendment. Councilman Coyne stated this was a positive solution to a challenging situation. Councilman Skidmore stated he saw many of these requests when he served on the Board of Zoning Appeals. Assistant Director Pritchard stated the second subsection removed the 5' separation requirement between HVAC, pool equipment, and generators. The original intent was to create a 5' separation between equipment on one lot to the equipment on another lot and to insure a path to navigate between the two properties. Mayor Hatley stated this was just good housekeeping.

Dana Brown, 2314 Vera Way, Longs, asked if there were design standards for the handicapped ramps. Director Wood stated the standards would be in the Building Code and would have to meet ADA standards.

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 to Chapter 23, Zoning, of the Code of Ordinances of North Myrtle Beach, South Carolina, addressing perimeter landscape requirements.

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 Thomas. Assistant Director Pritchard stated that in 2009 an element of the ordinance disappeared which required a 10' landscape buffer along the front of Highway 17, Sea Mountain Highway, and Main Street. She stated the City had been requiring the buffer but this amendment would put the requirement back in the ordinance and would add Water Tower Road and Champions Boulevard. She added this only affected commercial parcels. Mayor Hatley asked how this had been removed. Director Wood stated he felt it was a misinterpretation by Municode when the ordinance amendment was submitted in 2009.

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: Amendment to Chapter 23, Zoning, of the Code of Ordinances of North Myrtle Beach, South Carolina, addressing parking flexibility in an overlay zone. 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. Director Wood stated 4 areas of special concern were identified in the last Comprehensive Plan that corresponded with the historical commercial areas of Crescent Beach, Cherry Grove, Ocean Drive, and Windy Hill that consolidated to form North Myrtle Beach. He stated when the Ocean Drive Overlay section was adopted, a section was included to allow people to pay a fee in lieu of parking spaces option because many of the businesses were built up to the sidewalk and did not have dedicated parking lots. He stated the fee was \$25,000 per space and had only been used one time. Director Wood stated that a business owner in the Windy Hill area asked the City to consider offering this option there. Mayor Pro Tempore Baldwin asked if this option was limited to businesses and not residential homes and Director Wood confirmed that was the case. Mayor Pro Tempore Baldwin stated this would allow businesses to improve their properties and he felt it was good for Main Street and should be extended to the other areas. Mayor Hatley asked if this included new businesses and Director Wood confirmed that it could. Mayor Hatley stated this would encourage the areas to grow and expand. Councilman Coyne added that these were high density areas and this would allow visitors to walk to businesses easily. Mayor Pro Tempore Baldwin asked if 17th Avenue South was included. Director Wood confirmed that it was included. Mayor Hatley and Mayor Pro Tempore Baldwin stated they were in favor of the amendment.

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

- D. ORDINANCE/FIRST READING: Amendments to Chapter 22, Vehicles for Hire, of the Code of Ordinances of North Myrtle Beach, South Carolina, regarding vehicle immobilization devices and the maximum charge for nonconsensual immobilization. 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. Interim Director Fabbri explained this amendment was in reference to the immobilization devices. The current ordinance had a maximum fine of \$125 and the company that issued the device charged an additional \$75 refundable deposit as an incentive for the devices to be returned. He stated the ordinance did not allow for the additional charge so this amendment would make the additional charge legal.

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: Amendments to Chapter 21, Traffic, of the Code of Ordinances of North Myrtle Beach, South Carolina, regarding consequences for parking citations and the annual parking fee exemption. 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 Collins.

Councilman Skidmore recused himself from the discussion and vote and left the Chambers. Councilman Collins stated this amendment referred to mobile home and other owners that did not own land and it would increase the number of passes for county residents from 250-500. He stated he would like a discussion at another time concerning parking passes for business owners that did not live in the City. Mayor Hatley agreed. Interim Director Fabbri agreed to explore the idea. He added this amendment would apply to people who owned a second home in the City and those who did not own the underlying land a mobile home was on. These owners paid taxes but were not eligible for a parking pass under the present ordinance. He stated the other element of the amendment increased Horry County resident passes to 500. He added 98 percent of hourly paid parking was out of county residents so the increase would only affect the income that came from paid parking by 2 percent. Mayor Pro Tempore Baldwin noted that the paid parking income had helped the City to purchase and provide more parking places.

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

- F. **ORDINANCE/FIRST READING:** To approve the conveyance of City property identified as PINs 35116030130 and 35116030129 which lots are the current location of Fire Station Number 2 in Cherry Grove in an even exchange for property identified as PIN 35116020055 which is located between 23rd Avenue North and Sea Mountain Highway, which will be the new location for Fire Station Number 2 in Cherry Grove. 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 the trucks would be able to go in and out both ways at the new location. Interim Manager Fabbri stated Billy Floyd, Fire Chief, presented the idea and staff approached Frank Boulineau about it. He was open to the idea and very generous. He added this would also keep the fire station out of the flood area. Chief Floyd stated the fire station would be able to stay open during a hurricane and would not have to move to another location.

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:

Dana Brown, 2314 Vera Way, Longs, thanked Council for bringing in the executive search firm for the City Manager position and stated she felt it would bring in qualified candidates. Ms. Brown thanked Assistant Director Pritchard for sending a letter informing her that they were working on the problem with her street name. She thanked Councilwoman Fontana for calling Congressman Russell Fry's office.

Steve Peddle, 603 3rd Avenue S, North Myrtle Beach, stated a retention pond on the corner of Elm Street and 3rd Avenue South did not disburse so when it filled up and storm drains filled up, homes were subject to flooding. Mr. Peddle stated he and his neighbors had tried to mitigate the situation but in emergency situations they had to ask the City to bring pumps out and stop the water from rising. He asked if the City would look at the pond and consider removing some of the silt or install stationary pumps in advance of another hurricane. Mayor Hatley asked if this was a private or public retention pond. Mr. Peddle stated it was not a private retention pond. Kevin Blayton, Public Works Director, stated this was a natural drainage hole on private property. He stated Public Works had recently designed a fix for the system and had acquired an easement between two of the patio homes on 3rd Avenue that drained back to the pond between 4th and 5th Avenue. Director Blayton stated he would check the status of the pipe installation and stated the fix was in progress. Mr. Peddle thanked Director Blayton and stated he had spoken with him several times and he was always helpful.

Mayor Hatley thanked everyone for attending and Council returned to Executive Session at 7:08 PM.

9. **ADJOURNMENT:**

The Council returned to Chambers at 7:31 and Mayor Hatley stated that no votes were taken at the Executive Session and called for a motion to adjourn. The motion to adjourn was made by Mayor Pro Tempore Baldwin and seconded by Councilwoman Fontana. The motion passed 7-0. The meeting adjourned at 7:31 PM.

Respectfully submitted,

Allison K. Galbreath, City Clerk

MARILYN HATLEY, MAYOR

Minutes approved and adopted this 17th day of February 2025