

**CITY OF NORTH MYRTLE BEACH, SOUTH CAROLINA
NORTH MYRTLE BEACH CITY HALL
CITY COUNCIL MEETING
Monday, May 5, 2025, 5:30 PM**

Minutes

1. ROLL CALL:

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

Marilyn Hatley

JO Baldwin

Bubba Collins

Fred Coyne

Nicole Fontana, Absent for roll call only

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 potential appointment to the Board of Zoning Appeals, a legal briefing regarding Benjamin Tyler Greene vs. Apex Water Parks, LLC dba Shark Wake Park 843, et al; Civil Case No.: 2025-CP-26-03691, and a legal briefing regarding Parag Sharma, Kevin Bryden, and Melanie Bryden vs. Dye Townhomes Property Owners' Association, Inc., and the City of North Myrtle Beach; Civil Case No.: 2025-CP-26-03138. The motion was made by Councilman Collins and seconded by Mayor Pro Tempore Baldwin. The motion passed 7-0. Councilwoman Fontana joined the meeting before the vote. The Council returned to Chambers at 6:16 PM. Mayor Hatley announced that no votes were taken and called for a motion to come out of Executive Session. The motion was made by Councilwoman Fontana and seconded by Councilman Collins. The motion passed 7-0. The regular meeting started at 6:17 PM.

1C. CONTINUATION OF CALL TO ORDER:

Rev. Clay NeSmith, Valorous 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, April 7, 2025, and the City Council Budget Retreat April 14-15, 2025, as presented, was made by Councilwoman Fontana and seconded by Councilman Skidmore. The motion to approve passed 7-0.

3. COMMUNICATIONS:

Ryan Fabbri, Interim City Manager, and Dana Crowell, Police Chief, recognized Sgt. Alexander R. Johnson for 15 years of service, Robert Lee Vance for 25 years of service, and Donna Melissa Babson for 30 years of service, and presented them with a gift and a check.

Mayor Hatley stated the Department Monthly Reports for March 2025 were available online. Mayor Hatley noted that the Aquatic Center's numbers were up for March 2025.

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

Councilman Collins stated that he had enjoyed serving as a judge for the SOS parade on May 3, 2025. Mayor Pro Tempore Baldwin stated that he had represented the City at the Beach Music Festival on May 3, 2025, and shared that the event was attended by thousands. Councilman Collins and Mayor Pro Tempore Baldwin thanked City staff and commended them on a great job.

5. **CONSENT:**

- A. RESOLUTION: To approve Mutual Aid Agreements for the 2025 Memorial Day Bike Week
- B. MOTION TO APPROVE: 4th of July Fireworks Celebration on July 4, 2025
- C. MOTION TO APPROVE: North Myrtle Beach Salute to America on July 4, 2025
- D. MOTION TO APPROVE: Junior SOS Beach Party on July 20, 2025
- E. MOTION TO APPROVE: Music on Main June through September, 2025
- F. MOTION TO APPROVE: 21st Annual Irish Italian International Festival on September 27, 2025

Mayor Hatley asked that Items 5A-5F be considered together, and Council agreed. Mayor Hatley read the items by title and called for a motion to approve. 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.

6. **UNFINISHED BUSINESS:**

ORDINANCE/SECOND READING: Amendments to Chapter 23, Zoning, of the Code of Ordinances of North Myrtle Beach, South Carolina, addressing minimum driveway length. 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 Councilwoman Fontana. Mayor Pro Tempore Baldwin stated this amendment had passed on first reading previously, but it had slipped through the cracks before second reading. Councilman Coyne stated this was a common-sense approach. Councilman Collins noted that the question of circular driveways had been the reason for the delay and was addressed in this amendment.

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: The conveyance of 4 small parcels, one at each corner at the intersection of 6th Avenue South and Highway 17, to the South Carolina Department of Transportation. Mayor Hatley read the ordinance by title and called for a motion to approve. The motion was made by Councilman Collins and seconded by Councilman Skidmore.

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: Amendment to Chapter 2, Administration, of the Code of Ordinances of North Myrtle Beach, South Carolina, revising the Recreation Commission. Mayor Hatley read the ordinance by title and called for a motion to approve. The motion was made by Councilwoman Fontana and seconded by Councilman Collins. Councilman Collins stated that he had served on this committee in the past. He added that he felt this was a good thing that allowed 7 residents to be involved in recreation decisions, especially decisions concerning the expansion of the Sports Park. Interim City Manager Fabbri stated this was a

positive move and would allow more public input from residents. Mayor Hatley stated this was one of the best and most important committees Council had formed. Mayor Pro Tempore Baldwin asked when applications would be accepted. Chris Noury, City Attorney, stated applications would be accepted after second reading, if passed. Councilman Collins stated the term for the committee would be 2 years.

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:** To amend and renew the franchise granted to the South Carolina Public Service Authority. Mayor Hatley read the ordinance by title and called for a motion to approve. The motion was made by Councilwoman Fontana and seconded by Mayor Pro Tempore Baldwin. Councilman Collins stated this had been in effect since 1975, and the only change was verbiage to bring the agreement up to date. Mayor Hatley clarified, for public knowledge, that the South Carolina Public Service Authority owned and operated the electric equipment and facilities, including distribution lines and substations, for the purpose of providing electrical service for the residents of North Myrtle Beach. Interim City Manager Fabbri added that this was commonly known as Santee Cooper.

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:** Amendment to Chapter 23, Zoning, of the Code of Ordinances of North Myrtle Beach, South Carolina, addressing telecommunication tower height. 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 Councilwoman Fontana. Mayor Hatley stated that she did not like this ordinance as it was written because it allowed the City to put a tower on any properties without regard to zoning. She added that she did not feel anyone in an R-1 district would want a 180-foot tower built in their backyard. She stated she felt Council should re-examine the ordinance. Councilwoman Fontana stated there already was a tower in Windy Hill. Councilman Collins stated that better service was needed, but he was uncomfortable with the towers only being allowed on City-owned or leased property.

Kevin Blayton, Public Works Director, stated the towers were allowed on any City-owned property, regardless of zoning, prior to an ordinance change several years ago. He added that this would give City Council control over where the towers were placed, and Council would approve each tower location. Director Blayton stated the towers were currently allowed on private property within Limited Industrial (L-I) districts. He added that the intent of this ordinance was to allow the towers to be constructed within some of the City's sports parks, predominantly, the 350-acre Sports Park located off Highway 31. Director Blayton stated that there presently were 2 towers that were approximately 150-feet in height. He added that 180-feet was included in the ordinance as an upper limit, and the towers may not need to be that high to provide cell service. Director Blayton noted that several areas in the City had notoriously bad cell service. Mayor Hatley asked how the City could prevent a tower from being built within 5 feet of a home. Director Blayton stated a distance provision could be added. He reiterated that these would require approval by future Council action.

Mayor Hatley stated she wanted to see protection for homeowners who lived next to City property. Director Blayton stated that was not the intent of the ordinance, and that language could be added before second reading. Councilwoman Fontana stated the distance should be at least 300-feet from an R-1 property. Director Blayton stated it would be better to measure the distance from a single-family structure instead of a property line. Chris Noury, City Attorney,

stated that Council could pass the ordinance on first reading and ask staff to bring the changes back for second reading.

Mayor Pro Tempore Baldwin asked for clarification on where 150-foot towers could presently be built. Director Blayton stated that, under the old ordinance, a tower of any height could be built anywhere on City-owned property. Councilman Skidmore stated that some of the challenge was the park area, which was zoned R-1. Director Blayton stated that the areas that generated a lot of cellular traffic, like the Sports Park, were the desired locations, not the small parks. Councilman Coyne inquired about the process to approve a tower if this ordinance was passed. Director Blayton stated that any contract would be negotiated by the City Attorney and the City Manager, with City Council's input, prior to site plans going before the Technical Review Committee (TRC). Mr. Noury stated that it would then come before City Council, by ordinance, for approval. Councilman Coyne noted that this gave Council control, and Director Blayton agreed. Mayor Hatley stated it would be decided on a case-by-case basis. Councilman Coyne noted that it would be publicized, which allowed public input from residents who were impacted. Councilman Collins asked if technology was not getting smaller. Director Blayton stated that the issue with small cell towers is that it is "line of sight", meaning the antennae must be in sight. These are macro sights and have to be higher in the air to cover a greater area.

Harry Oehler, 3626 Pitchers Place, Little River, asked Council to take the proposed EOC into consideration when making their decision on this. He noted that since Council would have control over the location of towers, he asked that they approve the construction of the tower in the park to serve the growing area.

Mayor Pro Tempore Baldwin amended the motion to include language regarding the 300 feet requirement and was seconded by Councilwoman Fontana.

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: Zoning Overlay Request for ±0.34 acres on 21st Avenue North where it intersects Paul Street. Mayor Hatley read the ordinance by title and called for a motion to approve. Councilman Skidmore recused himself from the discussion and vote and left Council Chambers. The motion was made by Mayor Pro Tempore Baldwin and seconded by Councilman Collins. Mayor Hatley asked Jim Wood, Planning and Development Director, to explain the zoning overlay and the purpose of the ordinance. Director Wood stated the Overlay District was created previously to accommodate a Cherry Grove property, but the request was not passed. He explained that this was an overlay district that was put in as a floating zone and existed in the ordinance but was not mapped anywhere in the City at that time. The ordinance allowed a property owner to request the overlay, but it had only been requested once. Mayor Hatley asked if this would take one lot and split it. Suzanne Pritchard, Planning and Development Assistant Director, stated that it would be a possibility if the overlay was applied. She stated this lot was approximately 14,000 square feet. She added that the overlay was created to recognize the historic lot pattern of Cherry Grove, which was originally 5,000 square feet. Director Wood stated Cherry Grove was zoned R-1 when it came into the City, but the average lot sizes were mainly 5,000 square feet, and R-1 required 10,000 square feet. Mayor Hatley stated she was concerned when she first looked at the request, but after comparing it to the property around it, the zoning would not be out of place or spot zoning. Councilman Thomas stated that the original request was not approved because the neighbors were opposed to it. He added that the property was originally two lots on paper. Mayor Pro Tempore Baldwin asked if this would return the property to two lots and if it would conform to the other surrounding properties. Director Wood confirmed that it would. Councilman Thomas asked if the house

would fit within the setbacks if subdivided. Director Wood stated it would be subject to the R-1 setbacks.

Jake Willard, 521 21st Avenue North, North Myrtle Beach, stated that the property was 2 lots when he bought it in 2014, and he wanted to return it to two lots. He stated his intent was to demolish his house, which was built in the 1960s. Mr. Willard stated that he had spent over \$100,000 and was unsuccessful in remodeling the house. He added that the only way he could better his family's lifestyle now was to demolish the house, build and sell a house on the site, and use the money to build his family a new house on the second lot. He stated he had spoken to all the surrounding neighbors, and they had no opposition to the plan and were supportive.

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

8. PUBLIC COMMENT:

Bob Hutton, 5208 Windy Pines Drive, North Myrtle Beach, reported on the Keep Water Tower Road Beautiful Group. Mr. Hutton stated the group had kicked off their 4th year and their 10th litter pickup. He added that progress had been made. He shared that at the first litter pickup, there were more than 250 bags picked up, and at the last event, only 22 bags of litter were collected. Mr. Hutton stated he had built relationships with the industrial and commercial sites, and he was working with Bell's Lake and Forest Wood to cooperate. He stated that the character of Water Tower Road had changed over the past 4 years and would continue to change. Mr. Hutton requested that the City mow the grass on the City's portion of Water Tower Road. Mayor Hatley asked Interim City Manager Fabbri to check into mowing. Interim Manager Fabbri stated he would get Mr. Hutton's contact information after the meeting and work on mowing.

Dana Brown, 2314 Vera Way, Longs, stated she had attended Citizen's Academy and it was a great program. She stated that a storm prevented the group tour of the Sports Park, but Kimi Walters, Parks and Recreation Parks and Grounds Manager, offered to give anyone interested a tour at a later date. Ms. Brown stated she and her daughter scheduled a tour with Ms. Walters and found out later that she had given the tour on her own time. Ms. Brown stated that the amount of pride Ms. Walters had for the facility was stunning. She added that she greatly enjoyed Citizen's Academy and the tour. Ms. Brown asked if she could speak with the Mayor privately after the meeting.

9. ADJOURNMENT:

Mayor Hatley called for a motion to adjourn. The motion to adjourn was made by Councilman Collins and seconded by Councilwoman Fontana. The motion passed 7-0. The meeting adjourned at 6:56 PM.

Respectfully submitted,

Angela C. Westmoreland, Assistant City Clerk

MARILYN HATLEY, MAYOR

Minutes approved and adopted this 19th day of May 2025