

**CITY OF NORTH MYRTLE BEACH, SOUTH CAROLINA  
NORTH MYRTLE BEACH CITY HALL  
CITY COUNCIL MEETING  
Monday, October 18, 2021, 6:30 PM**

**Minutes**

**1A. ROLL CALL:**

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

Marilyn Hatley  
JO Baldwin  
Fred Coyne  
Nicole Fontana  
Trey Skidmore  
Hank Thomas, Absent  
Terry White, Absent

A quorum was established.

**1B. EXECUTIVE SESSION:**

Mayor Hatley called for a motion to go into Executive Session for a discussion regarding potential property acquisitions. The motion was made by Councilman Coyne and seconded by Councilwoman Fontana. The motion passed 5-0. The Council returned to Chambers at 6:59 PM. The Mayor announced that no votes were taken at the session.

**1C. CONTINUATION OF CALL TO ORDER:**

Mayor Hatley asked Manager Mahaney to deliver the invocation.

The Mayor led the Pledge of Allegiance.

**2. MINUTES:**

The motion to approve the minutes for the City Council Meeting of Monday, October 4, 2021, as presented, was made by Councilwoman Fontana and seconded by Councilman Baldwin. The motion to approve passed 5-0.

**3. COMMUNICATIONS:**

Mayor Hatley presented a Proclamation in support of the General Federation of Women's Clubs (GFWC) Advocates for Children Week, October 24-30, 2021. She thanked each of the ladies for their hard work and dedication to children and the City of North Myrtle Beach.

Mayor Hatley stated that the Departmental Monthly Reports for September 2021 were available online.

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

Mayor Hatley thanked Tom Keegan, a representative from Tom Rice's office, for being at the meeting. Mr. Keegan sent Congressman Rice's warmest regards and best wishes. He stated Congressman Rice was helping to support a bill which would prohibit the Federal Government from looking into bank account transactions that were over \$600.

Councilwoman Fontana stated she attended the Wheel to Surf Event this past weekend, which was an incredible program that allowed those with disabilities to go out surfing.

**5. CONSENT AGENDA:**

- A. MOTION TO APPROVE: The Big Fish Shtick on November 7, 2021
- B. ORDINANCE/SECOND READING: Amendment to the Chestnut Greens Planned Development District (PDD) regarding the Amenity Center and entrance
- C. ORDINANCE/SECOND READING: An ordinance to close and abandon a portion of Water Lilly Road for the expansion of the North Myrtle Beach Park and Sports Complex
- D. ORDINANCE/FIRST READING: An ordinance to adopt revised flood damage control standards
- E. ORDINANCE/FIRST READING: An ordinance to adopt the revised Flood Insurance Study and Flood Insurance Rate Maps issued by FEMA and periodically updated, to take effect on December 16, 2021

Mayor Hatley asked the Council to consider Items A-E together. The Council was in agreement and Mayor Hatley read the items by title and called for a motion. The motion to approve was made by Councilwoman Fontana and seconded by Councilman Baldwin.

Mayor Hatley opened the floor for public comment.

Kathie Dees, 1841 North Cove Court, North Myrtle Beach, asked if Seabrook Planation would be affected by the new revision. Jim Wood, Director of Planning and Development, stated they were not in the flood zone and would not be affected by this revision.

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

**6. UNFINISHED BUSINESS:**

None

**7. NEW BUSINESS:**

ORDINANCE/FIRST READING: Request to rezone 5.65 acres on Hill Street from R-3 to R-2. Applicant had asked to postpone until the November 1, 2021 meeting. Mayor Hatley asked for a motion to put the agenda item on the table. Councilman Baldwin motioned to put the item on the table and was seconded by Councilwoman Fontana.

Mayor Hatley opened the floor for public comment.

Ronnie Leonhardt, 2410 and 2412 Fern Street, North Myrtle Beach, stated he had first come to Cherry Grove in 1985 and then in 2006. He stated he had brought a petition with 204 signatures asking for this area not to be rezoned. There have been many changes with gated cottages and many homes built in the area. He stated they had mobile homes, but for the most part they were kept neat. Now they were building stick homes within the area. He asked them to please keep it R-3.

Mayor Hatley stated the owner of the property had asked for this item to be tabled. She stated they had tabled this several times. Some of the folks had traveled great distances to be at the meeting. She stated they needed to vote it up or down and the owner needed to not keep tabling it. She asked the Council if they would like to rescind the first motion. Councilman Baldwin stated he made the motion and wanted to hear from the public, especially since they kept coming back.

Daniel Park, representing the applicant, Earthworks Group, stated they were under the impression this was going to be tabled. He stated he would do his best to speak on the project. Mayor Hatley stated on straight zoning, they couldn't ask questions on the project. Mr. Park stated they were postponing in order to work with the community to find something they would get behind and wanted to be

developed on the property. Councilman Baldwin stated they could do whatever was allowed in the zoning and couldn't 100% trust that what they said the project was would be what was ultimately done. Councilman Baldwin asked if they were asking for another zoning. Mr. Park stated they were wanting R-3.

Mayor Hatley stated this was a single-family neighborhood and they liked it that way. They wouldn't mind single-family homes built on this property. They would like to keep a quiet family neighborhood and they deserve this.

Eddie Joyner, 2410 Horne Avenue, North Myrtle Beach, stated he and his wife had gone out and gotten most of the signatures, which showed their opinion and what everyone wanted. They would like for it to stay single-family, the way it was bought. He stated Mr. Leonhardt went to Myrtle Beach to look at another project Earthworks Group had done that was supposed to be a clone to this and it was atrocious. He stated they had to accept they were going to lose some natural habitat and were going to have to accept single-family, but asked to please not turn it into condos that would turn into Section 8 housing. They would like to keep their beach family.

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

#### **8. PUBLIC COMMENT:**

Kathy Dees, 1841 North Cove Court, North Myrtle Beach, stated she was glad the Council liked a quiet neighborhood, because she was interrupted that morning to a bush hog taking down trees behind her house. She stated they were destroying natural habitat. She stated she lived in Seabrook and wanted to know how it was zoned and what it was zoned for. She stated they had to stop letting money speak for them. She stated red foxes and other animals lived in those woods. They were destroying neighborhoods for the dollar. It was a quiet neighborhood. She asked if this could be stopped. She needed to stand up for what was right. She stated they were told it was all wetlands and nothing could be built there.

Manager Mahaney stated the staff received multiple calls late in the afternoon regarding this. Ben Powell was the owner of the LLC. He stated no grading had occurred, trees removed, and the wetlands had been delineated. Mr. Powell was clearing the underbrush on the property and no permit was required to clear underbrush. Ms. Dees asked why they were clearing the underbrush. Mayor Hatley stated they needed to talk with Mr. Powell and get an idea of what was happening. She stated if they needed to change the zoning to protect the wetlands, then they needed to do so. Ms. Dees stated they were discussing 5.5 acres and only 3 acres be built on. She stated they were taking all that land from animals was crazy. She also stated she had called several times to find out about an unfinished sidewalk in their subdivision. Mayor Hatley stated their HOA should be handling this situation. Mayor Hatley asked Director Wood to investigate this complaint.

Dana Brigman, 1837 North Cove Court, North Myrtle Beach, stated there was a cul-de-sac at the end of Lake Egret Drive where there was a gap. She stated the HOA said the area was owned by Mr. Powell and the theory was this would be the entrance into the new neighborhood. She stated it was hearsay and they don't know. Ms. Brigman stated there had been mass clearing and had a photo to show. It was cleared all the way up to her fence. She stated when they bought the property, they were told it was wetlands and nothing would ever be built on it. She stated whoever was doing the work told some of the residents there would be residential properties built on it, but didn't know what kind. Mr. Wood stated this area was zoned R-1, but access to it was through the PDD. He stated Mr. Powell came in years ago with an idea of having 5 lots developed, but did not follow through with an

application to do so. Ms. Brigman asked if it was possible for something to get build there and if so, t was it zoned for multi-family use. Mayor Hatley stated it was zoned for single-family. Ms. Brigman stated it seemed to her that the lot had been cleared more extremely than just under brush. Mayor Hatley stated they would be looking into it the situation.

Robert Wilson, 4403 Highway 17 South, North Myrtle Beach, represented the Amish Country Store. He stated he thought he went through the appropriate measures to get a very good, family oriented business into the area. Everyone had suffered through Covid, but they went into their pockets, almost \$7 million, to put a business in. After two weeks of opening, he received a ticket for having more than 20% of their landscape area with décor on it. He stated he had a petition of 278 signatures, all local residents of North Myrtle Beach. He stated this business was a family gathering place, like a Cracker Barrel, but more friendly. He stated he had pictures to show and that they didn't know this type of business was going in. He stated this type of business was an Amish furniture store and they specifically expanded the mulch area to put their products outside. This business was a family friendly setting with no pornography or vulgar language. The music played was Christian. Since opening the business, it had created approximately 50 jobs with revenue of \$110,000 in 28 days in the off season. Mr. Wilson stated during the summer, it would do a half of a million. They were not a Wal-Mart, but combining all of his businesses together, they brought a lot of money into North Myrtle Beach. All of his businesses were children friendly. He wanted to create a safe place for families to visit and eat ice cream. He donated to 4-5 different charities and listed some of the charities. He stated they only wanted to bring something to the community to help aid it. They drew people from Murrell's Inlet and North Carolina. When they come, they send to other businesses, too. After two weeks he received a \$1100 fine, which he paid and he would pay every day, if that was what it took. He was asking for a variance. He was a resident of North Myrtle Beach.

Mayor Hatley asked if he had filed a variance before the Board of Zoning Appeals (BZA). Mr. Wilson stated he believed he missed the meeting. Mayor Hatley stated the Council did not have the authority to give him a variance. He needed to go before the BZA. She stated he did great and wonderful things in the community. The Council could not legally do this. Mr. Wilson stated he had more than 20% in the landscape area. He stated he had removed some of it. Manager Mahaney stated the hearing before the BZA was scheduled for November 11. He stated once he applied for the variance, the ticket was held in abeyance. He did not have to pay the fine and he has not been convicted in court yet. Manager Mahaney stated it was a slippery slope, in that other businesses occasionally have to be reined in because of the 20% rule, which had been in existence well before he came. Mayor Hatley explained before the ordinance had been adopted, shops were selling several items that would flap in the wind, things tied to poles, and generally looked junky. The Council, at the time, made the change to only allow 20% of the landscape area for putting the goods. Mayor Hatley stated what Mr. Wilson had was beautiful and looked great, but the business down the street may not have good looking items. That drove the Council, at the time, to make the change. Mr. Wilson stated two weeks after getting the CO on the building, inspectors had been out there and obviously knew what was going in. He got a fine. There were 15 other business, but he was pretty sure he was the only one that got a fine. His attorney was looking into the matter. He stated he was prepared to move his business to Atlantic Beach and it didn't matter if it cost him \$20 million, just to prove a point. He stated his business was outdoor lawn décor and American made products, which was a little different. All the other businesses have 100% of their front space filled. He was the only one to get a fine. He stated he felt like he was discriminated against because of his Amish background and they got the fine. Mayor Hatley stated the rules applied to everyone. Manager Mahaney stated he would need to see the 14 other companies and get details on them. He asked Mr. Wilson to share that information with Director Wood. Mr. Wilson stated he asked if this was going to be problem and he was told no and to go ahead and proceed. Mayor Hatley asked

if there was a way to use the side lot of his property. Mr. Wilson stated there were 5 phases in his plan and it was \$6.75 million. He was willing to let it sit empty and move his business to Atlantic Beach. If a business was going to do it in a nice fashion, they should not be limited in putting their product out. Mayor Hatley stated there needed to be a way to meet the ordinance. She stated he needed to go to the BZA and work through it. Director Wood explained that either party could ask for a continuance of the court hearing and the judge would usually grant it. The court hearing should be continued until after the BZA action. Mr. Noury explained what the continuance was and the ticket that was received would be paused until after the variance hearing.

**9. ADJOURNMENT:**

Mayor Hatley adjourned the meeting at 7:56 PM.

Respectfully submitted,

Allison K. Galbreath, City Clerk

---

MARILYN HATLEY, MAYOR

Minutes approved and adopted this 1<sup>st</sup> day of November 2021.