

**CITY OF NORTH MYRTLE BEACH, SOUTH CAROLINA  
NORTH MYRTLE BEACH CITY HALL  
CITY COUNCIL MEETING  
Monday, July 18, 2022, 4:30 PM**

**Minutes**

**1A. ROLL CALL:**

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

Marilyn Hatley  
JO Baldwin  
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 a petition to close a portion of Thirty-Ninth Avenue South, LLC vs. City of North Myrtle Beach, 2022-CP-26-04123, a legal briefing regarding an amendment to Chapter 5, Beaches and Waterways, of the Code of Ordinances of North Myrtle Beach, South Carolina revising *Motor vehicles on beach*, a legal briefing regarding Cherry Grove Beach Gear, LLC, et al vs. City of North Myrtle Beach, Case Number 4:22-cv-02198-RBH, a legal briefing regarding Michael Moshoures vs. City of North Myrtle Beach, et al, Case Number 4:22-cv-02123-JD, and a legal briefing regarding Suzanne Hoffnagle vs. City of North Myrtle Beach, Case Number 2021-CP-26-03332; Tracy Scola vs. City of North Myrtle Beach, Case Number 2021-CP-26-02767; Carolina Garcia vs. City of North Myrtle Beach, Case Number 2021-CP-26-02358. Mayor Hatley added to the Executive Session a legal briefing regarding Davis Livingston vs. City of North Myrtle Beach. The motion was made by Councilwoman Fontana and seconded by Councilman Thomas. The motion passed 7-0. Councilman Skidmore recused himself from the petition to close a portion of Thirty-Ninth Avenue South, LLC vs. City of North Myrtle Beach, 2022-CP-26-04123. The Council returned to Chambers at 7:09 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 Workshop, Wednesday, June 15, 2022, the City Council Meeting, Monday, June 20, 2022, the Special Called City Council Meeting, Wednesday, June 22, 2022, the City Council Workshop, Wednesday, June 22, 2022, the Special Called City Council Meeting, Wednesday, June 29, 2022, the Special Called City Council Meeting, Wednesday, July 6, 2022, the City Council Workshop, Wednesday, July 6, 2022, and the Emergency Called

Executive Session, Tuesday, July 12, 2022, as presented, was made by Councilwoman Fontana and seconded by Councilman Coyne. The motion to approve passed 7-0.

**3. COMMUNICATIONS:**

Mayor Hatley stated that the Departmental Monthly Reports for June 2022 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.

**5. CONSENT AGENDA:**

- A. RESOLUTION: Pre-annexation Agreement for PIN 351-06-02-0012 on Little River Neck Road
- B. MOTION TO APPOINT: One reappointment to the Board of Zoning Appeals
- C. MOTION TO APPROVE: 18th Annual Irish Italian International Festival
- D. MOTION TO APPROVE: Main Street Showtime Car Show
- E. MOTION TO APPROVE: SOS Fun Monday

Mayor Hatley asked the Council to consider Items A-E together. The Council agreed and Mayor Hatley read Items A-E 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 7-0.

**6. UNFINISHED BUSINESS:**

- A. ORDINANCE/SECOND READING: Amendment to the Parkway Group Planned Development District (PDD) regarding the Village at Waterway Hills. Mayor Hatley stated the developer had sent in a letter asking to postpone this item until the next scheduled meeting on August 15, 2022. Mayor Hatley called for a motion. The motion to postpone was made by Councilman Thomas and seconded by Councilman Coyne. The motion to postpone passed 7-0.
- B. ORDINANCE/SECOND READING: Amendment to the Parkway Group PDD Development Agreement regarding the Village at Waterway Hills and to authorize the City Manager to sign the document on behalf of the City. Mayor Hatley stated the developer had sent in a letter asking to postpone this item until the next scheduled meeting on August 15, 2022. Mayor Hatley called for a motion. The motion to postpone was made by Councilman Thomas and seconded by Councilman Coyne. The motion to postpone passed 7-0.
- C. ORDINANCE/SECOND READING: Amendment to the Parkway Group PDD regarding Phases 2 and 3 of Waterside. Mayor Hatley stated the developer had sent in a letter asking to postpone this item until the next scheduled meeting on August 15, 2022. Mayor Hatley called for a motion. The motion to postpone was made by Councilman Thomas and seconded by Councilman Coyne. The motion to postpone passed 7-0.
- D. ORDINANCE/SECOND READING: Amendment to the Parkway Group PDD Development Agreement regarding Phases 2 and 3 of Waterside and to authorize the City Manager to sign the document on behalf of the City. Mayor Hatley stated the developer had sent in a letter asking to postpone this item until the next scheduled meeting on August 15, 2022. Mayor Hatley called for a motion. The motion to postpone was made by Councilman Thomas and seconded by Councilman Coyne. The motion to postpone passed 7-0.

- E. **ORDINANCE/SECOND READING:** Petition for annexation and zoning designation for ±60.55 acres on Little River Neck Road. Councilman Coyne recused himself from the discussion and vote. Mayor Hatley read the item by title and called for a motion. The motion to approve was made by Councilwoman Fontana and seconded by Councilman Skidmore. Mayor Hatley stated this was next to Charleston Landing, had lowered the density and were single-family dwellings. The minimum lot size would be 6,000 square feet. In Charleston Landing, there were some lot sizes that were 4,500 square feet. Councilman Thomas stated it was a good fit for North Myrtle Beach and it brought an exit to Sea Mountain Highway.

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

- F. **ORDINANCE/SECOND READING:** Creating the ±60.55 acres on Little River Neck Road Development Agreement regarding Seachase Pointe and to authorize the City Manager to sign the document on behalf of the City. Councilman Coyne recused himself from the discussion and vote. Mayor Hatley read the item by title and called for a motion. The motion to approve was made by Councilwoman Fontana and seconded by Mayor Pro Tempore Baldwin. Mayor Hatley asked if the buffer was going to be a natural one and not a wall. Director Wood stated on page 12 of the Development Agreement the buffer was addressed and it would be a natural buffer.

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

- G. **ORDINANCE/SECOND READING:** Amendment to Chapter 5, Beaches and Waterways, of the Code of Ordinances of North Myrtle Beach, South Carolina revising Section 5-24, *Placing Obstructions on the Beach*. Mayor Hatley read the item by title and called for a motion. The motion to approve was made by Councilwoman Fontana and seconded by Mayor Pro Tempore Baldwin. Mayor Hatley stated this was to clarify that people could sit on the beach from 7 PM to 8 AM if they wanted to but must take their beach wares with them when they left the beach. This was to keep the beach clean and healthy.

Mayor Hatley opened the floor for public comment.

Ray Collins, 611A 21<sup>st</sup> Avenue South, North Myrtle Beach, asked if there was an actual reading on this item. Mayor Hatley stated they had the first reading at the last Council meeting. Mr. Collins asked if they were going to hear the reading. Mayor Hatley stated he could read the ordinance. Mayor Hatley explained this ordinance was to clarify that beach ware items could not be left on the beach overnight. She verified that people could walk on the beach, leaving their chairs but had to take them with them when they left the beach. Manager Mahaney gave Mr. Collins a copy of the ordinance to read.

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:**

**ORDINANCE/FIRST READING:** Amendments to Chapter 23, Zoning, of the Code of Ordinances of North Myrtle Beach, South Carolina regarding minimum building size. Manager Mahaney read the item by title and Mayor Hatley called for a motion. The motion to approve was made by Councilman Thomas and seconded by Councilwoman Fontana. Mayor Hatley stated with so many tiny homes coming in the city, the Council and staff wanted to set a minimum standard to identify a small home as nothing less than 900 square feet and a 2-story home not less than 1,300 square feet. Mayor Pro

Tempore Baldwin inquired if that was heated square feet or not. Director Wood stated the intent was to specify that as habitable space and would make the clarification for the second reading.

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:**

Paula Noble, 601 Hillside Drive North #1102, North Myrtle Beach, read her statement. Thank you for the opportunity to speak. I would like to thank you for hosting the Summer Concert Series at the Horseshoe. We have enjoyed the Music on Main on Thursday nights since we moved here almost 4 years ago. Since my husband is a double lung transplant recipient and is immune compromised, we really enjoyed the fact that we could park and listen to the concert from our golf cart without being so close to people. We looked forward to seeing our friends at this event every Thursday afternoon and we always ordered dinner from one of the restaurants on Main Street or Ocean Blvd, as did all our golf cart friends. We enjoyed the fact that we could eat there and enjoy the concert. That being said, it is very concerning to us that you, the City, passed an ordinance eliminating golf carts and giving ALL the privileges to those who prefer a chair for this event or those who don't own a golf cart. How is this fair? My question is why wouldn't you accommodate all residents and tourists, both golf cart owners and those who prefer chairs. That would be the fair thing to do. In case you haven't noticed since you passed the ordinance to eliminate golf carts from their space on Main Street, the overflow area is almost empty. We have some suggestions, reserve the first 15 yards on this side of Ocean Blvd for the overflow crowd to place their chairs. Block off the rest of Main Street to Hillside for golf carts like before. Close Main Street at Hillside to all automobile traffic after 6 pm. Change concert hours to 6:30 pm to 8:30 pm. If Mr. Worley is willing, continue to use 1<sup>st</sup> Ave South and 2<sup>nd</sup> Ave North for parking. Designate all of Main Street as a Festival Area between Hillside and the Horseshoe during the hours between 6 pm and 9 pm. I am sure the businesses on Main Street and Ocean Blvd would appreciate it. I know that we would. Thank you in advance for considering our recommendations. Mayor Hatley asked for her list of suggestions.

Ray Collins, 611A 21<sup>st</sup> Avenue South, North Myrtle Beach, stated he had a few questions instead of a speech. His first question was for Mr. Mahaney. He stated on June 20, 2022, he presented Mr. Mahaney with a petition about golf carts at Music on Main and asked if they still had it. Mr. Mahaney confirmed they did and Mayor Hatley stated they had seen it. Mr. Collins was curious if they had it because he didn't receive any feedback. He presented another situation. He held up a picture that came from the city website dated July 9, 2021. The next picture he showed was dated June 20, 2022. His question was what happened between those two dates to change the wording from don't drive after dark to get off the streets before 8 PM? Mayor Hatley explained the law was changed that was put into effect by the Governor. It was a year after he signed it that the law went into effect. She did not have the law in front of her. Mr. Noury stated he would have to pull the law to give the exact information. Mr. Collins stated on the city website, it guided him to Sec. 56-2-105, paragraph C and stated golf carts were not motor vehicles. Sec. 56-1 talked about motor vehicles and Sec. 56-2 talked about special vehicles and golf carts were special vehicles and they were to be driven during daylight hours only. If they went to Sec. 56-1-10, subset 27, it described daylight hours. He asked who would read it and go back 123 pages to figure out what daylight was. Someone came up with a new definition of daylight. To him, daylight was when there was light out. Mayor Hatley stated they did not set the state laws but had to abide by them. Mr. Collins stated on the DMV website daylight hours were mentioned but not a particular time. Mayor Hatley asked him to talk with the City Attorney about the law. He asked Mayor Hatley how many businesses complained about the golf carts on Main Street. Mayor Hatley stated she could not give a number off the top of her head that complained to her, others, or to staff.

9. **ADJOURNMENT:**

Mayor Hatley thanked everyone for coming to the meeting and adjourned the meeting at 7:36 PM.

Respectfully submitted,

Allison K. Galbreath, City Clerk

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MARILYN HATLEY, MAYOR

Minutes approved and adopted this 15<sup>th</sup> day of August 2022