

**CITY OF NORTH MYRTLE BEACH, SOUTH CAROLINA  
NORTH MYRTLE BEACH CITY HALL  
CITY COUNCIL MEETING  
Monday, March 6, 2023, 5:30 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 City of North Myrtle Beach vs. Sun TRS Ocean Club LLC, et al. C/A No. 2021-CP-26-07489, a legal briefing regarding Michael Moshoures (SkyBar) vs. City of North Myrtle Beach, et al. Case No.: 4:22-cv-02123JD, 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, and a discussion regarding a potential property acquisition. The motion was made by Councilwoman Fontana and seconded by Councilman Collins. 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.

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

Mayor Hatley asked Manager Mahaney to deliver the invocation.

Mayor Hatley led the Pledge of Allegiance.

**2. MINUTES:**

None

**3. COMMUNICATIONS:**

Mayor Hatley stated that the Departmental Monthly Reports for January 2023 were available online.

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

Mayor Hatley invited everyone to the St. Patrick's Day Parade and Festival on Saturday, March 11, 2023. Councilwoman Fontana thanked everyone that came to the Macaroni Mania which raised over \$29,000 in support for the North Myrtle Beach Humane Society. Councilman Collins thanked Norfleet Jones and the staff for the hard work they put into reopening the North Myrtle Beach Museum.

Norfleet Jones, 810 Waterside Street, North Myrtle Beach, stated he was the Chairman of the Board for the museum and thanked the Mayor, Council, Manager Mahaney, and all the city staff for their efforts in helping to open the museum. He stated 450 people came through the museum on the day it reopened.

They were debt free and he would be sending the Council monthly financial reports. Mayor Hatley congratulated him and the Board for the outstanding job on the remodeling of the museum, especially to his wife, Jan, for the excellent reception and how she decorated the banquet area.

**5. CONSENT AGENDA:**

- A. RESOLUTION: MOU between the City of North Myrtle Beach and the City of Myrtle Beach
- B. MOTION TO APPOINT: An appointment to the Board of Zoning Appeals
- C. MOTION TO APPOINT: An appointment to the Planning Commission
- D. MOTION TO APPOINT: Appointments to the Accommodations Tax Committee
- E. MOTION TO APPROVE: 75th Anniversary Celebration at Boulineau's
- F. ORDINANCE/SECOND READING: Adoption of the International Building Codes
- G. ORDINANCE/SECOND READING: Amend Section 23-158 of the North Myrtle Beach Code of Ordinances (i.e., organization and proceedings of the Board of Zoning Appeals) to be consistent with Section 6-29-790 of the state code regarding those appropriate for appointment as secretary

Mayor Hatley asked the Council to consider Items A-G together. The Council agreed and Mayor Hatley read Items A-G by title and called for a motion. The motion to approve was made 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.

- H. ORDINANCE/FIRST READING: Petition for Annexation and Zoning Designation for 0.52 acres on Cenith Drive. 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.

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

- I. ORDINANCE/FIRST READING: Petition for Annexation and Zoning Designation for 0.27 acres on Cashmere Lane. Mayor Hatley read the ordinance by title and called for a motion. The motion to approve was made by Councilwoman Fontana and Mayor Pro Tempore Baldwin.

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

- J. ORDINANCE/FIRST READING: Petition for Annexation and Zoning Designation for 0.24 acres on Cashmere Lane. 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.

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 Chapter 5, Beaches and Waterways, of the Code of Ordinances of North Myrtle Beach, South Carolina adding Section 5-27, Commercial recreational activity on the public beach. Councilman Skidmore recused himself from the discussion, the vote, and departed the room. 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. Councilman Collins thanked Matt Gibbons, Director of Parks and Recreation, and the staff for working with businesses and the hard work that was put into the creation of the ordinance. There was good input from the public. The Council was in agreement.

Eric Hunt, Myrtle Beach Wedding Officiant, also thanked the staff for listening to them and for holding many meetings on the ordinance as well as the permitting process. He asked them to use caution because vow renewals were not added in the verbiage of the ordinance. Manager Mahaney stated it had been added in 27.04 A. Mr. Hunt thanked them for adding it and stated he was good.

Cheryl Kilday, Destination North Myrtle Beach, stated this was good work and she was now concerned about managing people's reactions to the ordinance. She stated she heard on Friday that some brides that had been contacted were a little upset about getting a permit. She asked that in getting the message out, they state the officiants would be the ones getting the permits and that the bride would not have to add one more thing to their plate. She asked they be united in the response. She again thanked the staff for working with the business community.

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

- B. ORDINANCE/SECOND READING: Amendment to Chapter 5, Beaches and Waterways, of the Code of Ordinances of North Myrtle Beach, South Carolina regarding bicycles on the beach or in the dune area. 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 Coyne. Mayor Hatley thanked the Chamber, business owners, and staff that came together to work on this ordinance.

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: Amendments to Chapter 5, Beaches and Waterways, of the Code of Ordinances of North Myrtle Beach, South Carolina revising Section 5-18, Return of sand from coastal critical areas to beach and to add Section 5-19, Oceanfront walkways and decks. 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.

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

- D. ORDINANCE/SECOND READING: Amendments to Chapter 5, Beaches and Waterways, of the Code of Ordinances of North Myrtle Beach, South Carolina. 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. Mayor Hatley stated this was housekeeping to keep the times and dates together with the new ordinances.

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

- E. ORDINANCE/SECOND READING: Amendment to Chapter 4, Animals and Fowl, of the Code of Ordinances of North Myrtle Beach, South Carolina revising Section 4-2. 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. Mayor Hatley stated this was again keeping the times and dates consistent.

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

- F. **ORDINANCE/SECOND READING:** Petition for Annexation and Zoning Designation for 22.53 acres adjacent to the Bahama Island Planned Development District. Mayor Hatley read the ordinance by title and called for a motion. The motion to approve was made by Mayor Pro Tempore Baldwin 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.

- G. **ORDINANCE/SECOND READING:** Amendment to the Bahama Island Planned Development District (PDD) regarding Phase 2 Recreational Vehicle Resort. Mayor Hatley read the ordinance by title and called for a motion. The motion to approve was made by Councilman Thomas and seconded by Councilwoman Fontana. Mayor Hatley asked what was changed about the dry dock. Manager Mahaney stated the dry dock height changed from 80' to 65'.

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

- H. **ORDINANCE/SECOND READING:** Amendment to the Bahama Island PDD Development Agreement regarding Phase 2 Recreational Vehicle Resort and to authorize the City Manager to sign the document on behalf of the City. 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. Mayor Hatley stated they had gone through the Development Agreement at the previous meeting and went over the Enhancement Fees the developer would pay. Councilman Collins stated this was less density than before.

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:** None

8. **ADJOURNMENT:**

Mayor Hatley thanked everyone for coming and called for a motion to adjourn the meeting. The motion to adjourn was made by Councilwoman Fontana and seconded by Mayor Pro Tempore Baldwin at 7:24 PM.

Respectfully submitted,

Allison K. Galbreath, City Clerk

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MARILYN HATLEY, MAYOR

Minutes approved and adopted this 20<sup>th</sup> day of March 2023