CITY OF NORTH MYRTLE BEACH, SOUTH CAROLINA
NORTH MYRTLE BEACH CITY HALL
CITY COUNCIL MEETING
Monday, January 8, 2024, 6:15 PM

Minutes

1. ROLL CALL:

Mayor Pro Tempore Baldwin called the meeting to order and asked the Clerk to call the roll.

Marilyn Hatley, Absent
JO Baldwin
Bubba Collins
Fred Coyne, Absent for roll call only
Nicole Fontana
Trey Skidmore
Hank Thomas, Present for Executive Session

A quorum was established.

1B. EXECUTIVE SESSION:

Mayor Pro Tempore Baldwin called for a motion to go into Executive Session for a discussion regarding potential property acquisitions, a potential amendment to the lease agreement between the City of North Myrtle Beach and Apex Wake Park, LLC concerning the Shark Wake Park, and the potential sale of City property off 6th Avenue South. The motion was made by Councilman Collins and seconded by Councilwoman Fontana. The motion passed 4-0. Councilman Thomas joined the meeting remotely during the Executive Session. The Council returned to Chambers at 7:00 PM. Mayor Pro Tempore Baldwin announced that no votes were taken at the session.

1C. CONTINUATION OF CALL TO ORDER:

Mayor Pro Tempore Baldwin asked Manager Mike Mahaney to deliver the invocation.

Mayor Pro Tempore Baldwin led the Pledge of Allegiance.

2. MINUTES:

The motion to approve the minutes for the City Council Meeting of Monday, December 4, 2023, the City Council Workshop of Monday, December 18, 2023, and the City Council Executive Session of Wednesday, December 20, 2023, as presented, was made by Councilwoman Fontana and seconded by Councilman Coyne. The motion to approve passed 5-0.

3. COMMUNICATIONS:

Mayor Pro Tempore Baldwin asked Manager Mahaney to give an update on the Barefoot Swing Bridge project. Mayor Pro Tempore Baldwin added public comment would be allowed at the end of the meeting. Manager Mahaney stated Council held a workshop on December 11, 2023, to discuss the repairs to the sidewalk, estimated to cost $750,000. He stated concerns had been expressed regarding attaining additional bids for the project. Manager Mahaney stated he sent an email to Council addressing the problems associated with tearing the sidewalk out in conjunction with next year's bridge painting. This would add an additional $350,000 to the project. He added the bridge maintenance was about to begin. Manager Mahaney stated this was ultimately the Council's decision and he would proceed how they advised. Mayor Pro Tempore Baldwin stated he appreciated the staff's input at the workshop and added it was normal for the staff to make decisions on bids without involving City Council but there were unusual circumstances in this case. The Council had directed staff to work with the Coast Guard about

bridge closing restrictions which were not normally allowed at certain times of the year and the Coast Guard was willing to concede in this case. Mayor Pro Tempore Baldwin added staff had reached out to several contractors to see if they would be interested in submitting a bid and he felt progress had been made but there was still a long way to go. He emphasized that this needed to be done sooner rather than later. Councilman Collins stated he agreed with Mayor Pro Tempore Baldwin but felt it was important to get more than one bid. Councilman Coyne added he agreed also and there were situations that were not anticipated. He felt things were moving in the right direction but the situation needed to be resolved as quickly as possible. Mayor Pro Tempore Baldwin stated that since this was not an agenda item, public comment would be heard at the end of the meeting.

Mayor Pro Tempore Baldwin stated that the Departmental Monthly Reports for November 2023 were available online.

4. <u>ANNOUNCEMENTS BY MAYOR AND CITY COUNCIL</u>:

None

5. <u>CONSENT AGENDA</u>:

A. MOTION TO APPROVE: 34th Annual St. Patrick's Day Festival on March 16, 2024
B. MOTION TO APPROVE: 34th Annual St. Patrick's Day Parade on March 16, 2024

Mayor Pro Tempore Baldwin read items A and B by title and called for a motion to approve both items together. The motion was made by Councilwoman Fontana and seconded by Councilman Skidmore. The motion to approve passed 5-0.

6. <u>UNFINISHED BUSINESS</u>:

A. ORDINANCE/SECOND READING: Rezoning request for ±0.37 acres on West Port Drive. Mayor Pro Tempore Baldwin read the ordinance by title and called for a motion. The motion to approve was made by Councilwoman Fontana and seconded by Councilman Skidmore. Councilman Skidmore stated he had gone by the property and felt this was the appropriate zoning for the property. He added the property was already inside Waterway View Community and this zoning would be the highest and best use of the property. It would house an amenity center and pool for approximately 190 residents.

   Lynn Sendler, Property Manager for Waterway Mobile Home Park, clarified that the 190 residents had requested a clubhouse and pool for the property and thanked the Council for their approval.

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

B. ORDINANCE/SECOND READING: Petition for Annexation and Zoning Designation for ±1.71 acres on Little River Neck Road. Mayor Pro Tempore Baldwin 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 Pro Tempore Baldwin stated this was to fill in a doughnut hole, was zoned R-1 which was the lowest density allowed in the City, and was appropriate. Councilman Skidmore added the property was already receiving City services and this would make sense to bring it into the City limits.

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

7. <u>NEW BUSINESS</u>:

A. ORDINANCE/FIRST READING: Petition for Annexation and Zoning Designation for ±46.48 acres on Long Bay Road. Mayor Pro Tempore Baldwin read the ordinance by title and called for a motion. The motion to approve was made by Councilman Collins and seconded by Councilman Skidmore. Councilman Collins stated this property was already owned by the City and this was just to

annex it in. Manager Mahaney stated some of the Public Safety operations would be moved to this property. Mayor Pro Tempore Baldwin added the City purchased the property in 2006 with the plan to move operations there in the future and the City is moving forward with that plan with annexing the property.

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

B. ORDINANCE/FIRST READING: Amendment to Chapter 5, Beaches and Waterways, of the Code of Ordinances of North Myrtle Beach, South Carolina regarding recreational fishing regulations. Mayor Pro Tempore Baldwin read the ordinance by title and called for a motion. The motion to approve was made by Councilwoman Fontana and seconded by Councilman Coyne. Councilman Collins asked why this became an issue. Manager Mahaney stated it began with people fishing in the pond at McLean Park. It needed to be made very specific that no fishing was allowed on City property unless it was approved by the City. He added the amendment was also necessary to comply with state law. Councilman Skidmore asked if a fishing license was required inside the City limits and Manager Mahaney confirmed that it was required by the State.

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

C. ORDINANCE/FIRST READING: Amendment to Chapter 12, Health and Sanitation, of the Code of Ordinances of North Myrtle Beach, South Carolina regarding false alarms**.** Mayor Pro Tempore Baldwin read the ordinance by title and called for a motion. The motion to approve was made by Councilwoman Fontana and seconded by Councilman Coyne. Councilman Collins asked Dana Crowell, Chief of Police, if this was a problem. Chief Crowell confirmed that it was one of the department's highest call volumes each year. Mayor Pro Tempore Baldwin asked what the major problems were with false alarms. Chief Crowell explained the biggest problem was businesses that had a malfunctioning door or faulty alarm and officers responding to the same business repeatedly. She added the hope would be to encourage these businesses to fix their alarms so officers were not tied up answering unnecessary calls.

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

D. ORDINANCE/FIRST READING: Amendment to Chapter 12, Health and Sanitation, of the Code of Ordinances of North Myrtle Beach, South Carolina regarding the sale, use, or distribution of single-use carryout plastic bags by retail establishments within the city. Mayor Pro Tempore Baldwin read the ordinance by title and called for a motion. The motion to approve was made by Councilman Coyne and seconded by Councilwoman Fontana. Councilman Collins stated he did not have enough information to make a decision and would like to have a workshop with public comment. He added he had done research but he needed more time before making a decision. Councilman Skidmore agreed. Councilman Coyne stated Council had already spent 6 months to a year looking at it and that it was a tough decision. He added his belief was that the delay in a final decision came down to the availability of the bags. Councilman Skidmore stated his major concern was for the aquatic life and his understanding was the thicker bags did not break down any better than the thin bags. He added he felt more discussion was needed. Councilwoman Fontana stated the ordinance would not be able to stop litter and Council had done the best they could to educate the public. She added she felt there had to be a balance. Councilwoman Fontana stated so much time had been spent on this and she didn't feel everyone was in compliance now. Mayor Pro Tempore Baldwin clarified that Council put the ordinance into effect but the pandemic caused supply to be an issue. Council had allowed retailers more time to come into compliance but that time had expired and the ordinance was in effect. Manager Mahaney confirmed the 2.25

mil bags were allowed because research showed sea turtles did not mistake those for jellyfish as they did the single-use, thinner plastic bags. He added most governments up and down the coast had adopted the 2.25 mil bag into their ordinances. Mayor Pro Tempore Baldwin added the ordinance was already in effect and his main issue was that some retailers were complying and some were not. He added he understood the idea of taking this to a workshop but he did not want to hinder what Council had already put into effect and he was more concerned that not everyone was in compliance. Mayor Pro Tempore Baldwin stated the only change in this ordinance was to allow thinner bags for carryout food. Councilwoman Fontana asked to confirm that the only change that was being voted on was allowing carry out food in a single-use plastic bag and the effective date. Chris Noury, City Attorney, stated language was also changed in the ordinance regarding the new 2.25 mil thickness of the reusable bags and the single-use bags would continue to be banned. Manager Mahaney stated the ordinance had always allowed for the 2.25 mil bags and Walmart had been using those.

Mayor Pro Tempore Baldwin opened the floor for Public Comment:

Barbara MacKinnon, 323 59th Avenue N, North Myrtle Beach, stated she was disappointed to see how the ordinance was written but was happy to hear the Council wanted to continue to discuss it. She stated she thought the Council's intent was to revisit allowing 2.25 mil bags after 18 months. She added not everyone up and down the coast had agreed to 2.25 mil bags citing the City of Charleston had passed a ban on the 2.25 mil bags recently. Ms. MacKinnon asked that public input be allowed if a workshop was held because she wanted to address the loophole.

Greg Snow, 5210 Windy Pines Drive, North Myrtle Beach, stated there was a compliance issue. He had observed at least one retail establishment that used single-use bags all year. He asked what a citizen should do when they saw a retail establishment breaking this law. Manager Mahaney suggested emailing the City Clerk with the name and location of the establishment. Mr. Snow stated the vendors at the Farmer's Market were using single-use bags. Manager Mahaney thanked Mr. Snow for calling this to his attention.

Frank Boulineau, 212 Sea Mountain Highway, North Myrtle Beach, stated he was not in favor of using the 2.25 mil bags because they didn't bag very well but his main concern was the cost. Switching over to paper bags last year cost his company $269,000. He added his company was using plastic bags in the food service area and he did not feel they were single-use bags. He further stated he could not use paper bags in the food service area because the bottom would fall out. He asked Council to take food establishments into consideration if they held a workshop because paper bags would not work.

Mayor Pro Tempore Baldwin responded that Council was not trying to change the ordinance but make an exception for single-use bags for prepared food. He added he felt a workshop was warranted but wanted to move on with this exception at this time. Councilman Skidmore asked again for clarification on what was being voted on. Mayor Pro Tempore Baldwin confirmed the thickness of the bags would not change; the only change was an exception for the use of single-use of bags for carry out food. Councilman Skidmore stated he had no issue with moving forward with the ordinance with the understanding a workshop and more discussion would follow.

Manager Mahaney suggested a workshop on Wednesday, February 21, 2024 at 1:30 PM.

Having no further comment from Council or public, Mayor Pro Tempore Baldwin called for a vote. The motion to approve passed 4-0. Councilman Collins abstained.

E. ORDINANCE/FIRST READING: Amendment to Chapter 21, Traffic, of the Code of Ordinances of North Myrtle Beach, South Carolina regarding parking fee/rate. Mayor Pro Tempore Baldwin read the ordinance by title and called for a motion. The motion to approve was made by Councilwoman Fontana and seconded by Councilman Coyne. Manager Mahaney explained the only change was increasing from 200-250 city parking passes for county residents. Mayor Pro Tempore Baldwin stated that more passes could be offered because more property had been purchased from paid parking revenue.

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

F. ORDINANCE/FIRST READING: Parking fee adjustment in city-owned public parking lots and rights-of-way. Mayor Pro Tempore Baldwin read the ordinance by title and called for a motion. The motion to approve was made by Councilwoman Fontana and seconded by Councilman Coyne. Councilman Collins stated he felt more discussion and public comment was needed before a decision was made. He further stated the fees went up last year and he was interested in what the costs would be to change the signs. Manager Mahaney shared 15 million dollars was spent acquiring properties and tearing down hotels to accommodate parking. Recently, $750,000 was spent for paving, curbing, and landscaping at one lot. Manager Mahaney stated he was recommending what was best for North Myrtle Beach because the citizens parked for free. An analysis by license plates had been done and the concept was to offer value lots as well as premium lots in an attempt to offset some of the costs. Manager Mahaney stated Council had not made a decision on what a value or premium lot was in the past.

Councilwoman Fontana stated she had no issue with staff deciding what lots were value or premium or increasing the rate by one dollar. She added parking in North Myrtle Beach was cheaper than other comparable areas. Manager Mahaney stated if Council did not want premium lots, he requested they take the fee up from $3 to $4 to help cover the costs, including $600,000 to police the lots. Mayor Pro Tempore Baldwin stated he felt going from $3 to $5 was too big of a jump. He added the fee had gone up each year but he was aware the city would not be able to purchase first and second row lots for parking without the revenue. Manager Mahaney asked if Mayor Pro Tempore Baldwin would be ok with going from $3 to $4. Mayor Pro Tempore Baldwin stated he would but would like the staff to research a daily fee as well. He stated other close by areas were offering a daily rate. Councilman Coyne stated he felt $4 was a competitive base fee and made sense. He also felt some people were willing to pay more for premium parking for the convenience, while others would prefer value lots. Councilman Coyne further stated the revenue provided more parking options because they were needed and he was in favor of the ordinance as it was written. Councilman Collins reiterated that he would be more comfortable going from $3 to $4. Councilwoman Fontana stated she felt the City was putting more into landscape and police assistance than many other areas. Councilman Skidmore added he was concerned because the fee went up last year but he also understood that the Council had been dealt a difficult task with the growth outside the city. The last thing he wanted was to put this burden on the residents. He added he also wanted to take care of the small businesses that would be affected but he would be ok with going up $1.

Mayor Pro Tempore Baldwin opened the floor for public comment:

Jolene Puffer, 3506 Turner Avenue, North Myrtle Beach, stated the premium lots would normally be used by families with small children who carry lots of things to the beach and she felt putting families on an outer lot would create a safety issue. She asked if there was a plan for free parking that was required by the Beach Renourishment Funds. Manager Mahaney affirmed that the City met that requirement. Ms. Puffer asked to be given the information on locations. Manager Mahaney directed her to contact the Public Works Department for the information. Ms. Puffer asked how to get the revenue amount generated by paid parking. She asked for a report of what was coming in and going out. Manager Mahaney advised Ms. Puffer to contact the Finance

Director and ask for that information. Ms. Puffer asked that the information be available for the public at meetings. Manager Mahaney agreed to take that under consideration.

Janet Kinky, 2419 Metts Drive, North Myrtle Beach, asked where the parking revenue and expense could be seen on the budget. Randy Wright, Finance Director, stated this could been seen in the budget online. Ms. Kinky stated she had the budget but was unable to locate this line item. Director Wright explained it was under parking in the General Fund and was not hidden. Manager Mahaney suggested Ms. Kinky and Director Wright meet after the meeting. Ms. Kinky added she felt it would be a good idea to have maximum daily rates for parking. She also suggested only charging the premium parking fee during June, July, and August to encourage use of those lots in off season.

Having no further comment from Council or public, Mayor Pro Tempore Baldwin called for a vote. The motion to approve failed 2-3. Councilman Skidmore, Councilman Collins, and Mayor Pro Tempore Baldwin voted nay.

8. <u>PUBLIC COMMENT</u>:

Mayor Pro Tempore Baldwin opened the floor for public comment.

Joe Burns, 6014 Catalina Drive Unit 416, North Myrtle Beach, shared that he had witnessed several workers on the Barefoot Swing Bridge around 10:30 AM waiting for a break in traffic to get across as well as cars going in both directions creating danger for a pedestrian attempting to walk across the bridge. Mr. Burns stated he had sent emails to the Council but only heard back from Councilwoman Fontana and Councilman Thomas. Mr. Burns stated he had attended the workshop and was of the understanding Mayor Hatley asked that bids be gotten before the January bridge maintenance and he asked for an update. He stated he was informed the vote had been tabled until next Spring so that meant the work would not start until the Fall. Mr. Burns explained that he believed 3 bids were important but he also felt there were circumstances that required exceptions such as safety and the time issues. Mr. Burns encouraged the Council to consider a Plan B due to the risk of personal injury on the bridge. He suggested a shuttle to assist workers who need to get to their jobs because public transportation was not an option for them. Mayor Pro Tempore Baldwin thanked Mr. Burns and assured him the Council was looking into all possibilities to get this completed ASAP.

Dara Baltuskonis, 4502 Grovecrest Circle, North Myrtle Beach, stated the delay with the Barefoot Bridge was a problem and a safety issue. She added that public transportation only went up and down Highway 17. Ms. Baltuskonis stated there were no sidewalks on Water Tower Road and now no pedestrian crossing on the Barefoot Bridge which was dangerous to pedestrians. Ms. Baltuskonis urged Council to reconsider delaying this project because saving someone's life must take precedence.

9. <u>ADJOURNMENT</u>:

Mayor Pro Tempore Baldwin thanked everyone for attending and adjourned the meeting at 8:07 PM.

Respectfully submitted,

Allison K. Galbreath, City Clerk

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MARILYN HATLEY, MAYOR

Minutes approved and adopted this 19th day of February 2024