

**CITY OF NORTH MYRTLE BEACH, SOUTH CAROLINA
NORTH MYRTLE BEACH CITY HALL
CITY COUNCIL WORKSHOP
Wednesday, May 12, 2021**

Minutes

1. ROLL CALL: 1:35 PM

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

Marilyn Hatley

JO Baldwin

Fred Coyne, Absent for roll call only

Nicole Fontana

Trey Skidmore

Hank Thomas

Terry White

2. DISCUSSION:

Mike Mahaney, City Manager, gave an overview of the ordinance and the changes that had been made. He pointed out that the total number of parking spaces per site would be reported during the business license renewal timeframe. He stated the City may look into other options during the off season. The City Council and staff discussed the ordinance. Councilman Thomas stated identifying the number of spaces on the rental site was needed and he appreciated this being in the ordinance. He was concerned over the definition of transient parking having the phrase ‘daily or less’ versus ‘weekly or less.’ Chris Noury, City Attorney, stated there were short-term rentals that were less than a week and the City wanted to include rentals that were 2-3 days. The Council and staff continued to discuss this definition. Mr. Noury pointed out this ordinance would be in compliance and would not violate the Equal Protection Law. Councilman Thomas expressed a concern over the unintentional consequences of creating two classes, as defined in the ordinance. The Council and staff discussed establishing the two classes, how the HOA’s would manage their own parking, and residential parking versus commercial parking spaces, and parking illegally, in general. Councilman Thomas reiterated he did not want to create a second class, because it would create more bureaucracy. Mayor Hatley asked it to be reworded. The Council and Staff discussed how the wording could be changed. Mr. Noury stated it could be worded, “Any short-term rental unit whose parking is allocated, managed, or controlled by a set of deed restrictions and/or recorded property owner’s association is exempt from the requirements.” Councilman Coyne wanted to make sure this new ordinance would not conflict with the Towing Ordinance that was passed last year. Mr. Noury stated they would look into it to make sure it did not conflict. Councilman Coyne also suggested having a guideline for parking spaces on the business license application. Manager Mahaney stated they could look at it over the winter. Councilman Baldwin stated this should be very self-regulated and he believed rental companies would be honest with the numbers. Mayor Hatley stated that nothing in this ordinance would hurt residents. The main issue was within residential properties and she inquired who the number one accommodation contributor was. Manager Mahaney stated it was Home Away, which is the parent company to VRBO.

Mayor Hatley opened the floor for public comment.

Jim McCrackin, 3751 Robert Grissom Parkway, Myrtle Beach, represented Elliott Realty, stated the definition of transient parking would target those residents wanting to have a party or club at their home, because it stated one day or less. That was the group the Council was trying to protect. The groups that they were trying to target should be the 30 days or less. The Council and Staff discussed the definition. Mr. McCrackin stated what was faulty with the statute was they were trying to target people

that were there for a substantial amount of time and it targeted those that would be there for a day or less, who they were trying not to target. Mr. Noury stated it may need to say daily or more. Mr. McCrackin stated if someone was parked illegally, how one would know if they were parked there for one day, a few days, or a few months. Mayor Hatley stated she didn't want anything in the ordinance that would harm the residents and their daily enjoyment of life and wanted the ordinance to be worded accordingly. Mr. Noury stated the definition of transient parking needed to be addressed. Mr. McCrackin stated the second issue was the discussion of HOA's providing the number of spaces. He was perplexed on why any person engaged in this type of activity would not be able to present the number of parking spaces they allowed on their property. How hard was it to put on the business application the number of spaces they had available? It would eliminate the need for class designations and have everyone put the number of parking spaces on the business license application, whether managed by an HOA or a management rental company. He stated it needed to apply to everyone and there was incentive for them to provide this information. It would also avoid the unintended consequences that may happen in the future. He asked to keep it simple and treat everyone the same. It was not that difficult and was necessary. Mayor Hatley stated the condo units should be able to provide this information. Mr. Noury stated what Mr. McCrackin suggested was not a bad idea and they would look at this language.

George Gregory, 3996 Golf Avenue, Little River, stated his intent was to work with the Council and make it simple. He was perplexed on the class talk and the type of short-term rentals. He stated the big picture was being missed. The constitutionality of this ordinance was in question. He stated it boiled down to rental homes that were single family. That was problematic. It was capsulated under public safety. He stated public safety applied to every resident. If it was unsafe for a renter to park wrong, it was unsafe for a renter to park wrong. This was a parking ordinance. It should be written to apply to everyone. He wanted to point out some little things that were still problematic. For example, the Together Realty folks this would not apply to those houses in the two definitions. Why were they excluded? Manager Mahaney stated they were designated as single family. Mr. Gregory stated they were not one of the choices in the list of definitions. Another problem were the penalties. There were two different sets of penalties. If a resident parked wrong, they would get a parking ticket. If a renter parked wrong, they would get a criminal violation. He stated that can't be done. Mr. Noury stated that was incorrect. Mayor Hatley asked if other attorneys had looked at this. Mr. Noury stated he did not use outside council for this. The staff and Council agreed that attorneys needed to sit down in a meeting. Mayor Hatley stated they could meet and then the first reading would be on Friday, May 14, 2021 and this could be called whatever he wanted, but it was going to be under control. There was a problem and it needed to be addressed. Manager Mahaney showed a few pictures regarding the situations the City was dealing with at short-term rentals.

Rick Elliott, 3739 Golf Avenue, Little River, stated he was coming from a business perspective, not a staff perspective and it was different out in the real world. He appreciated the opportunity to sit down and try to get things worded to accomplish the goals of everyone. The average beach house rents an average of 110 days a year and the residents get to enjoy crickets the rest of the year. When there is an issue, he appreciated Public Safety coming out and helping to enforce ordinances. The homeowners he works for appreciate it. When talking about transient parking, there was talk about residential neighborhoods and that was confusing and may exclude areas that should not be excluded, like Cherry Grove. In the definitions, they strongly believe that classes should not be in there. The ordinance should apply to everyone that gets a business license, not just short-term rentals. He stated many HOA's had problems with parking over the years, too, even parking many times in rights-of-way. They should not be excluded in this ordinance. He stated there were adjustments they made to the definition of transient parking. He stated there was an existing ordinance that was 25 feet and in this ordinance was 30 feet. How was this to be enforced and it needs to be consistent. He supported there should be a number of parking places put on the application. The business license could have exclusions, but the ordinance

should not. He wanted to be helpful. He suggested a pdf of these ordinances with a welcome statement from the Mayor and Council to all renters. He suggested a local contact should be established and it didn't need to be a licensed realtor.

Neil Leeper, 1604 Holly Drive, North Myrtle Beach, stated he owned a couple of single family rentals and duplexes. He stated he has had a parking program for several years. He stated he wanted some directions for the parking spaces, especially during Bike Week. He had trailers, bikes, etc. that would park in the lots. He wants to be able to report it correctly and wanted some guidance. He wanted to make sure it would be the guest that would be ticketed, not the owner.

Manager Mahaney showed a couple of pictures of a short-term rental with some problems with their parking. He stated a perspective was colored by where you sit. Mayor Hatley stated there was a parking issue and the answer would come by Friday. All the information needed to be out for our guests.

Monroe Baldwin, 1409 Ocean Court, North Myrtle Beach, pointed out at the end of the day, they had to think about hospitality. Renters always come with extra cars. He suggested they needed to look at paid parking lots during the overnight hours and a possible parking program with that resource. Manager Mahaney stated that would be studied and looked into over the winter.

Cheryl Kilday, representing Destination NMB, stated perspective was a large part of it and how it would be addressed to everyone. She stated some things went beyond the ordinance, like having Passport parking extended in other areas and in some residential areas have parking on one side of the street only. She stated the rental companies did a good job in sharing the draft with the Council. She stated there were some other needs that would have to be addressed, but they were mostly there with this ordinance. She suggested having a paid service drive by the lots to provide enforcement, so it would not be a burden on the City.

Mayor Hatley thanked everyone for attending and adjourned the workshop at 3:22 PM.

Respectfully submitted,

Allison K. Galbreath, Clerk to Council

MARILYN HATLEY, MAYOR

Minutes approved and adopted this 7th day of June 2021.