

**CITY OF NORTH MYRTLE BEACH, SOUTH CAROLINA  
NORTH MYRTLE BEACH CITY HALL  
CITY COUNCIL MEETING  
Monday, July 19, 2021, 6:00 PM**

**Minutes**

**1A. ROLL CALL:**

Terry White called the meeting to order and asked the Clerk to call the roll.

Marilyn Hatley, Absent

JO Baldwin

Fred Coyne

Nicole Fontana

Trey Skidmore

Hank Thomas, Absent for roll call and vote to go into Executive Session only

Terry White

A quorum was established.

**1B. EXECUTIVE SESSION:**

The Mayor Pro Tempore called for a motion to go into Executive Session for a discussion on a potential property acquisition and a legal briefing regarding the First Amendment. The motion was made by Councilman Baldwin and seconded by Councilwoman Fontana. The motion passed 5-0. The Council returned to Chambers at 7:00 PM. The Mayor Pro Tempore announced that no votes were taken at the session.

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

Mayor Pro Tempore White asked Manager Mahaney to deliver the invocation.

The Mayor Pro Tempore led the Pledge of Allegiance.

**2. MINUTES:**

The motion to approve the minutes for the City Council Meeting of Monday, June 21, 2021, the City Council Workshop of Wednesday, July 7, 2021, and the City Council Workshop of Wednesday, July 14, 2021, as presented, was made by Councilwoman Fontana and seconded by Councilman Coyne. The motion to approve passed 6-0.

**3. COMMUNICATIONS:**

Manager Mahaney presented John Bullard, Director of Parks and Recreation, and his staff a Proclamation declaring July as Parks and Recreation month.

Dr. Marilyn Fore, President of Horry-Georgetown Technical College, gave a presentation on the college, an overview of their degree and certificate programs, and the new programs being offered on their three campuses located in Myrtle Beach, Conway, and Georgetown.

Mayor Pro Tempore White stated that the Departmental Monthly Reports for June 2021 were available online.

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

Mayor Pro Tempore White 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 also thanked Councilman White for his many years of service to the City of North Myrtle Beach.

5. **CONSENT AGENDA:**

- A. MOTION TO APPOINT: One appointment for Emily Tinsley to the Tree City Board
- B. MOTION TO APPROVE: Run North Myrtle Beach and Surfboard Half and Flip Flop 5K Marathon on March 26, 2022
- C. ORDINANCE/SECOND READING: Petition for annexation and zoning designation for 0.46 acres on Riverside Drive

Mayor Pro Tempore White read the consent agenda items by title and called for a motion. Councilwoman Fontana motioned to approve and was seconded by Councilman Coyne. Having no comments from the Council or the public, Mayor Pro Tempore White called for a vote. The motion to approve passed 6-0.

6. **UNFINISHED BUSINESS:** None

7. **NEW BUSINESS:**

- A. PUBLIC HEARING: Public hearing on a Development Agreement between the City and NVR, Inc. regarding the Hope Pointe PDD formerly known as the Esperanza PDD. Chris Noury, City Attorney, gave an overview of the Development Agreement. Mayor Pro Tempore White opened the floor for public comment. Having no comment from the Council or public, Mayor Pro Tempore White closed the public hearing.

- B. ORDINANCE/FIRST READING: A Development Agreement between the City and NVR, Inc. regarding the Hope Pointe PDD formerly known as the Esperanza PDD. Manager Mahaney read the ordinance by title. Mayor Pro Tempore White called for a motion. The motion to approve was made by Councilwoman Fontana and seconded by Councilman Baldwin.

Having no comments from the Council or public, Mayor Pro Tempore White called for a vote. The motion to approve passed 6-0.

- C. ORDINANCE/FIRST READING: An amendment to the Esperanza PDD revising it to the Hope Pointe PDD. Manager Mahaney read the ordinance by title. Mayor Pro Tempore White called for a motion. The motion to approve was made by Councilman Thomas and seconded by Councilman Baldwin. Councilman Baldwin questioned the wording of “amenity center” used in the Planning Commission documents versus “amenity” in the PDD. Jim Wood, Director of Planning and Development, explained the terms were interchangeable. The Planning Commission referred to the pool as an amenity center. There would be other onsite amenities included, for example a dog park and gazebo area, in addition to the pool. Councilwoman Fontana suggested the wording be changed to avoid confusion. Director Wood also pointed out a Scrivener’s error on page 9, Section 8B of the PDD. The reference to \$33,000 per phase should be \$50,000, which was negotiated in the Development Agreement. Councilman Baldwin inquired if anyone from the public had any questions.

Having no further comments from the Council or public, Mayor Pro Tempore White called for a vote. The motion to approve passed 6-0.

- D. ORDINANCE/FIRST READING: Annexation and zoning designation for 0.75 acres on Old Crane Road. Mayor Pro Tempore White read the ordinance by title and called for a motion. The motion to approve was made by Councilman Baldwin and seconded by Councilwoman Fontana.

Having no comments from the Council or public, Mayor Pro Tempore White called for a vote. The motion to approve passed 6-0.

**8. PUBLIC COMMENT:**

Craig Hearon, 1306 Golfview Drive, North Myrtle Beach, stated he had a couple of complaints. The first was about the music coming from the Sky Bar on Main Street. Mr. Hearon stated the obscene and vulgar language coming from the music there should not be allowed and it degraded the downtown area. He knew of the noise ordinance, but the vulgar and offensive language had not been addressed. Secondly, he stated he went to the beach at the 5<sup>th</sup> Avenue access at Coconuts. The Parks and Recreation Department had taken over the high tide line with their rented chairs and umbrellas. It left no room except behind the rented chairs for residents, who pay taxes and parking fees to set up their chairs and umbrellas. It also restricted the view of the beach. He asked Mr. Bullard to have them pull back 10-12 feet, in order for residents to set up. He stated he would like to see a grace period for golf carts to drive home after the summer concert series to prevent people from being ticketed after the concert or move the time of the concerts up. He suggested at 5<sup>th</sup> Avenue North's paid parking lot, there would be hash marks made between the spaces to denote golf cart parking spaces, allowing two golf carts in one space. Mr. Noury addressed the issue with Sky Bar and the offensive music. He stated the Council met in Executive Session on that issue and how it related to the First Amendment. The Council would be looking at a proposed ordinance to manage that situation in the near future. Manager Mahaney stated Mr. Hearon could send him an email, but the state law was very specific about golf carts not being driven after sunset. Manager Mahaney stated after the last concert, one golf cart was stopped 58 minutes after the concert was over for a DUI and his wife adjacent to him had an open container of alcohol. Manager Mahaney stated Director Bullard would be taking action to address the length of the concert as darkness approached.

Ray Collins, 611A 21<sup>st</sup> Avenue South, North Myrtle Beach, stated he appreciated Manager Mahaney stating they could send emails, because he sent an email to everyone and did not receive an email in return, so why would they send emails. He did state he received an email from Pat Dowling on behalf of Mayor Hatley. The email stated it was against the law to drive a golf cart after dark. Mr. Collins stated they knew that. He also knew that the city set aside about 300 golf cart spaces to park for the concerts. If you were the first to get there, you were the last to leave. If the concert ended at 9 PM, it was dark. Mr. Collins stated he heard the ticket was given at 9:27 PM, but Manager Mahaney would know better than he on it. He thanked Councilman Skidmore for calming him down, because he thought a bunch of people had received tickets. Mr. Collins stated when you ask people to come to a concert and park them in a place where they cannot get out until after dark, and then give them a ticket on the way home. He suggested placing a sticker on the hand, like Duck's does, to let people know they were coming home from the concert. He stated no one had ever announced on the stage they must be home before dark. As far as the Sky Bar went, Mr. Collins stated state code in 1976, Section 19-25 or 26 stated no obscene language can be directed at me, you or anyone else by any means. When walking down Main Street, we shouldn't have to hear the filthy music several blocks away. Councilman Coyne stated on Friday, the 9<sup>th</sup> at 12:36 PM, he did respond to Mr. Collin's email. Councilman Baldwin stated he was going to reply, but he had talked with Councilman Skidmore and knew it had been addressed and didn't need to be duplicated. Manager Mahaney stated Mayor Hatley was not present because of very ill family members. He reiterated that Director Bullard was aware of the times of the concert and would probably need to start them sooner. Manager Mahaney stated it would give the city great legal risk to put a stamp on someone's hand to drive after dark. An accident may occur and the city would be sued. The city would not violate state law. Mr. Collins wanted to know who stamped the hands of tourists that drive up and down after

dark and let 10 year old kids drive the golf carts. Manager Mahaney stated they catch those they can due to the volume of calls received every night.

Hunter Willis, 4504 Lewis Street, North Myrtle Beach, stated he and several neighbors were concerned with the single-family homes being rented out nightly and weekly. This was becoming a problem. He asked this to be noted and put on the agenda a proposal of an ordinance to stop short-term rentals for single-family homes. It would be for all five beaches, not just Windy Hill, where he was from. He understood it brought in numbers, problems, excessive vehicles, alcohol, which brought in more problems.

Tom Gwautney, 601 46<sup>th</sup> Avenue South, North Myrtle Beach, stated he would like the staff to look into the speed limit on 46<sup>th</sup> Avenue South, which was marked at 30 mph. The traffic flow needed to be adjusted to the same speed limit as the other areas along the beach. Mr. Gwautney stated the problem was with Airbnb and VRBO rentals. No one was on site for these rentals to look after those properties. They were not in the ordinance. There was no one to call. It was a quality of life issue. The resources of Public Safety were at its limits. According to the website, there were 54 officers on patrol. He stated on any given night 1/3 of them had to be off. The population was pushing 18,000 permanent residents and 100,000 visitors. 8 officers can't do it all. There was not a law enforcement agency in the country that didn't have a vacancy. He knew because he was in law enforcement for 29 years. He wanted to help secure resources so officers would come to this municipality to work. He asked them to find out how other agencies recruited people. They were way behind and needed to catch up. Manager Mahaney stated there were 4,000 short-term rentals that do have business license. It was not a simple issue. The Council had worked very hard to put together ordinances to deal with noise, garbage, traffic, and parking issues. The city would not have some of the information until business license renewal time next April. He stated they worked very hard to obtain that information. It was not the local agents, but VRBO. He encouraged residents, if they had a problem, to call the non-emergency dispatch number. They have a procedure in place to forward those issues to the designated department to handle. Manager Mahaney stated they could not ban short-term rentals in a neighborhood because it was a form of taking the property. He stated all cities were struggling with this issue and the internet rental.

Jessica Edwards-Davis, 1511 Beacon Avenue, North Myrtle Beach, stated she was there to speak on behalf of the mobile home park community she lived in, Waterview. She stated she had done some investigation on the parking decal pass for the golf cart. She stated she had lived there for 28 years and in the last 2 ½ years, had lived permanently at this address. Her license was not in the state of South Carolina, due to custody issues that her attorney could speak for and she could not at this time. She went to get her golf cart decal at Lanier Park facility. They told her she needed to bring the registration for her golf cart and driver's license. Ms. Edwards-Davis stated she had spoken with Ms. Micki Fellner several times for hours a day and she's tried to answer her questions, but some she felt the City Attorney would need to answer. When she went to the office, there was a cheat sheet they had at their desks. On the first one of the sheet, it stated based on her address, she was not allowed to have a parking pass, because she lived in a mobile home park. She stated they had lived there for 28 years. She knew she could use their handicap sticker, but that was not the point. There were 188 residents and 78 were full time residents in the mobile home park. She stated they couldn't rent out the homes, because it was against the park orders. You couldn't pull your home off the park. She asked why they were discriminated against. She paid her monthly dues to live there and city taxes. She stated her golf cart was registered in South Carolina and had not asked for a decal for any other vehicle. She stated she had gone door-to-door in her park and asked if others had the decal. She stated most of them had one and did not pay the \$200 to get it. She stated she told Ms. Fellner about

this. She stated that Ms. Fellner had looked into it and there were three residents that should not have received the decal. They were sent a letter to return the decal. She stated from her information she gathered, there was more than three, but they had the right to have them. The manager at the decal office was very ugly to her that day in front of her children. She stated she had everything to show she was a resident. She stated no one could give her an explanation and Ms. Fellner told her to come to the City Council meeting and they could answer her questions. Ms. Edwards-Davis discussed a mixed land ownership by Firefox that received the decals. Manager Mahaney stated over the winter they would have a workshop to discuss decals. He stated over 14,000 decals were issued with less than 2,000 parking spaces. He did know that the driver's license needed to have a North Myrtle Beach address. He was not aware of her details. Ms. Edwards-Davis expressed that the ordinance did not state the address had to be a North Myrtle Beach address. Manager Mahaney asked Randy Wright, Director of Finance, to obtain her number and have Sarah Clayton, who was in charge of that department call her back, because Ms. Fellner was out this week. Ms. Edwards-Davis stated she already talked to Ms. Fellner several times and she told her to come to the Council meeting, because she could not answer any of her questions, which was why she was there. Manager Mahaney stated the Council could not help with her specific questions and she needed to give her information to Director Wright.

**9. ADJOURNMENT:**

Mayor Pro Tempore White adjourned the meeting at 8:03 PM.

Respectfully submitted,

Allison K. Galbreath, Clerk to Council

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MARILYN HATLEY, MAYOR

Minutes approved and adopted this 16<sup>th</sup> day of August 2021.