

**CITY OF NORTH MYRTLE BEACH, SOUTH CAROLINA
NORTH MYRTLE BEACH CITY HALL
CITY COUNCIL WORKSHOP
Wednesday, November 17, 2021**

Minutes

1. ROLL CALL: 2:01 PM

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

Marilyn Hatley
JO Baldwin, Absent
Bubba Collins
Fred Coyne
Nicole Fontana
Trey Skidmore
Hank Thomas

2. DISCUSSION:

Mike Mahaney, City Manager, explained the background and current status of kayaks using the 53rd Avenue North Cherry Grove Park and Boat Ramp. A new dock would be built early next year on the minor channel that would be available to kayakers when it was not utilized by dock and bulkhead companies. Manager Mahaney explained not only did individual boat and kayak users utilize the ramp, but eight different private companies use the Park and Boat Ramp to launch their paid kayak tours. Some companies have off-site business locations where their customers must pay a fee and then were transported to the boat ramp. Other companies have conducted business at the boat ramp. Some complaints received have been that the kayak companies were monopolizing the use of the ramp and the surrounding picnic areas. Manager Mahaney explained some of the proposed solutions that might be used to better manage what happened at the Park and Boat Ramp. He pointed out this industry was eco-tourism and the city did not want to end these tours, but find a way to better manage them.

Mayor Hatley reiterated they did not want to shut down the use of the boat ramp because it was a sport that was enjoyed by many tourists and residents. Councilman Thomas suggested they franchise this industry similar to the banana boat and parasailing franchise. Chris Noury, City Attorney, explained that state law limited franchises to two certain areas, public streets and public beaches. This was not either one of those. He stated they could enter into a consent or lease agreement for the management of the area. This was city property and they had the right for it to be managed, like at the Park and Sports Complex. The Council and staff continued to discuss different options on managing the Park and Boat Ramp, the liability involved, the city not being responsible to pay for a private company's overhead, companies transporting to the ramp, and the possibility of charging fees for launch use.

Mayor Hatley opened the floor for public comment.

Laura Wood, 336 51st Avenue North, North Myrtle Beach, stated they struggled this summer with this. The area was too small for 8 companies to operate out of. She had numerous pictures to show. She stated she's seen one guide take out 25 kayakers. She asked how that was possible and be safe at the same time. She showed photos and had videos. Ms. Wood stated that tax payers should not be paying for the running of their businesses. They should not have to pay for the upkeep, especially when they paid a dredging fee. There was not enough parking and she's heard many stories of families not being able to launch their own private kayaks from the ramp. A kayak company had put a rug out on the launch area and she had a friend that was told they were not allowed to step on it. Another kayak company told someone they would not move where they were to let him fish. They take up the whole entire area and it was getting out of hand.

She stated this was not an area to lease. The companies needed to buy a piece of property and run their company from it, like everyone else did. There was not enough parking for this business. It was not fair to those that were paying taxes.

Laura Weaver, 1023 Belle Drive, North Myrtle Beach, represented Tyler Watkins and Glass Bottom Kayaks. She stated they had been in business since 2016 and stated they did have a \$5 million policy that named the City of North Myrtle Beach as additionally insured. They ran a top-notch business. She stated this was how she made her living, how she ate, and paid her bills. Ms. Weaver stated things weren't good, but they had zero guidance from the City, but to be yelled at over the parking situation. If they decided to do a lease option, this would make them go into competition with others outside of North Myrtle Beach and put her up against people who did more things than she did with her business. She was a little guy with 28 boats and they couldn't handle more than that amount. Ms. Weaver stated they bring the kayaks on a trailer, unload them, and move cars to the back. She stated there was a challenge because a boat trailer would be parked at a different angle. She asked why the lot couldn't be paved with lines on it. She wanted them to limit the number of kayaks, because next year, some companies will try to top this year. She stated her boats were in some of the pictures that had been shown. They were the smaller ones. The rug was hers, because it was very slippery and she didn't want someone to get hurt. She stated if someone told them not to use it, it was probably because they were getting ready to launch a group. She stated the ramp was always open for people to use.

Justin Summerall, 652 Twinflower Street, Little River, stated he owned J & L Kayaks and had a North Myrtle Beach business license. He stated he started his business in 2009 and at no point had conducted business at the ramp. He had a location where his equipment was stored. His business had a 24 hour online reservation system and they did not take walk-ins. If someone came up to the ramp to rent a kayak, they gave them a card with the number to call. They did not conduct business at the ramp. They were providing a service only. Mr. Summerall stated they also provided liability insurance, just like Ms. Weaver did. If he had not put the mat on the ramp, people would have already died. He does the maintenance of the ramp in order to keep everyone safe, because it was so slippery. He stated they gave way to anyone with a personal kayak. Mr. Summerall stated they have their kayaks stacked and out of the way and didn't unload more than what he had for reservations. They did not unload and set up shop. He agreed parking was tight and stated they had made arrangements to transport kayakers in a 15-passanger van. He recognized there were issues on the water, but he was a Level 3 kayak instructor, which included the know-how of group management and rescue. His instructors were certified tour guides. They were courteous to other kayakers and very safe on the water.

Cheryl Kilday, President/CEO of Destination North Myrtle Beach, stated they promoted kayaking at the Chamber and she personally kayaked frequently. She asked if they had thought about using or applying for Covid recovery funds, because outdoor recreation and tourism was named as one way to help the tourism industry. She stated this would be a way to use those dollars and maybe provide an alternative location instead of contracting the business and figure out how to accommodate them. She stated Columbia was getting some of the surplus recovery dollars. She asked them to look into those dollars to find a location to better manage this. Randy Wright, Director of Finance, stated they were not eligible for those dollars. The CARES funds they received had to be paid back. The city has not been eligible for any of those funds.

Clay Nichols, 319 & 325 46th Avenue North, North Myrtle Beach, stated as a resident, he had a kayak and liked to kayak. He was also an avid boater. He did not have a problem with the kayakers, but how they were running their operations. They were squatting on the land. He stated he didn't fish in that area, because it was so congested. Anyone that wanted to use the gazebo couldn't do it, because it was occupied by the kayakers. The main problem was how they run when they were in the water. You could not get through. It was skinny in there, especially at low tide. It was not a no wake zone and people were allowed to pull inner tubes and water ski. Every time you go by a kayaker, you have to slow down, so technically,

all of Cherry Grove would not be accessible to anyone running a boat. Mr. Nichols stated there needed to be regulations on how they operated in the water. They were literally from one side to the other, especially at low tide. There were going to be problems and fights. He stated it was getting nasty and they were blowing whistles all the time. He stated they were not trying to get rid of them, but something needed to be done. He owned his own business, but the city didn't provide him a place to set up. He asked there be some rules, like staying on one side of the channel. They needed to realize that if someone came by pulling their kid on an inner tube, they didn't have to slow down every 5 feet. It was not doable. He stated people enjoyed the water in different ways. The kayakers needed to be controlled and in a certain area. There were way too many of them.

Lorraine Hiester, 1724 Salt Marsh Circle, Ocean Isle Beach, North Carolina, stated she was a part of the J & L Kayak Company. She stated they did not have more than 12 kayaks out on the water. They had been taught to stay on one side when a boater came. They had been trained to stay out of the way of boats. She stated boats were not the problem, it was jet skis. She stated she was not familiar with all of the kayak companies, but they were all being painted with the same brush. She stated the Council mentioned how much tourism was generated by kayakers. This tourism money also helped in taking care of the ramp.

Mayor Hatley and Council asked Manager Mahaney and staff to draft some options on how they would control the companies, especially how many were allowed at the site. There would need to be guidelines. She stated it was not fair to other citizens to not be able to fish or use the picnic area. She liked the idea of a passenger van being used by each company for transportation. Mayor Hatley stated some companies were run very well, but the staff needed to look into how to manage the area better. Manager Mahaney stated they would draft up a proposal and discuss it with some of the companies and have another workshop. Mayor Hatley asked for this to be ready for the summer season. Councilman Coyne asked to look into a launching fee, as an alternative to find a balance on managing the area.

Having no further comment from the Council or the public, Mayor Hatley adjourned the workshop at 2:59 PM.

Respectfully submitted,

Allison K. Galbreath, Clerk to Council

MARILYN HATLEY, MAYOR

Minutes approved and adopted this 6th day of December 2021