

**CITY OF NORTH MYRTLE BEACH, SOUTH CAROLINA
NORTH MYRTLE BEACH CITY HALL
CITY COUNCIL MEETING
Monday, April 4, 2022, 7:00 PM**

Minutes

1. 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.

Mayor Hatley asked Manager Mahaney to deliver the invocation.

The Mayor led the Pledge of Allegiance.

2. MINUTES:

The motion to approve the minutes for the City Council Meeting of Monday, March 21, 2022, as presented, was made by Councilwoman Fontana and seconded by Mayor Pro Tempore Baldwin. The motion to approve passed 7-0.

3. COMMUNICATIONS:

Mayor Hatley stated that the Departmental Monthly Reports for February 2022 were available online.

4. ANNOUNCEMENTS BY MAYOR AND CITY COUNCIL:

Mayor Hatley thanked Tom Keegan, a representative from Tom Rice's office, for being at the meeting.

5. CONSENT AGENDA:

RESOLUTION: To approve the Mutual Aid Agreements for the 2022 Memorial Day Bike Week Event. Manager Mahaney read the resolution by title and Mayor Hatley called for a motion. The motion to approve was made by Councilman Thomas and seconded by Councilman Coyne.

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

6. UNFINISHED BUSINESS:

ORDINANCE/SECOND READING: Second amendment to the Master Development Agreement regarding the Sandridge Tract and to authorize the City Manager to sign the document on behalf of the City. Manager Mahaney read the ordinance by title and Mayor Hatley 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.

7. **NEW BUSINESS:**

A. **ORDINANCE/FIRST READING:** Amendment to the Parkway Group Planned Development District (PDD) creating the Palmetto Coast Industrial Park. Manager Mahaney read the ordinance by title and Mayor Hatley called for a motion. The motion to approve was made by Councilwoman Fontana and seconded by Mayor Pro Tempore Baldwin. Councilman Coyne asked for clarification on how much of the parcel was covered in the agreement. Chris Noury, City Attorney, showed the exhibits for the site plan and the areas encompassing the industrial park and the Development Agreement. Jim Wood, Director of Planning and Development, stated the three buildings in the agreement occupied around 70 acres of the land.

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

B. **SECOND PUBLIC HEARING:** Regarding the amendment to the Parkway Group PDD Development Agreement regarding the Palmetto Coast Industrial Park. Manager Mahaney read the ordinance by title and Mayor Hatley called for a motion. The motion to approve was made by Councilwoman Fontana and seconded by Mayor Pro Tempore Baldwin. Mayor Hatley stated she had some concerns and had a meeting with the staff over her concerns. She was assured by staff that the \$105,000 would be sufficient for the placement of sidewalks after the road was widened. She was satisfied with the rerouting of the East Coast Greenway and believed it was rerouted in a better way. Grand Strand Water and Sewer would be responsible for the water tower if it was necessary. Councilman Coyne wanted to make sure the trucks would be directed away from Barefoot. Director Wood stated that was correct. Mr. Noury explained to the Council the elements of the Development Agreement.

Mayor Hatley opened the floor for public comment.

Neil Witkin, 3019 Winding River Road, North Myrtle Beach, asked if GSATS had on their agenda to widen all of Watertower Road. Mayor Hatley stated they did.

Having no further comment from the Council or public, Mayor Hatley closed the floor for public comment. Mayor Hatley stated she had asked for a motion, and it needed to be rescinded. Councilwoman Fontana rescinded her motion and Mayor Pro Tempore Baldwin rescinded his second to the motion.

C. **ORDINANCE/FIRST READING:** Amendment to the Parkway Group PDD Development Agreement regarding the Palmetto Coast Industrial Park and to authorize the City Manager to sign the document on behalf of the City. Manager Mahaney read the ordinance by title and Mayor Hatley called for a motion. The motion to approve was made by Councilwoman Fontana and seconded by Mayor Pro Tempore Baldwin. Councilman Coyne asked for a charter tabulation for the overall PDD to see how the numbers from the original approval in 2009 has changed to now. Councilwoman Fontana asked for the percentage of green space from the beginning to now. Mayor Hatley stated that the commercial component being built would bring jobs and help diversify the community.

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

- D. ORDINANCE/FIRST READING: Petition for annexation and zoning designation for 0.5 acres on Riverside Drive. 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.

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

- E. ORDINANCE/FIRST READING: Amendments to Chapter 23, Zoning, of the Code of Ordinances of North Myrtle Beach, South Carolina regarding exempt public service uses. Manager Mahaney read the ordinance by title and Mayor Hatley called for a motion. The motion to approve was made by Councilwoman Fontana and seconded by Mayor Pro Tempore Baldwin.

Mayor Hatley opened the floor for public comment.

Kelly Gwaltney, 601 46th Avenue South, North Myrtle Beach, stated the next two items may be housekeeping, but she kept house in this neighborhood. She appreciated the comments by Councilman Coyne, but it concerned her that they would adjust the zoning as housekeeping and impact the residential area. She stated the text indicated ocean front for parking, but she preferred that people use the restroom in a bathroom rather than the ocean. She asked they consider how they dealt with R-1 and what the parking lots mean on the demand of the facilities beyond parking. Councilman Coyne stated it gave them the ability to build a facility. Ms. Gwaltney stated she was concerned a hand wave would change the zoning rules for R-1. They have commercial properties in the R-1 areas that aren't protected by this. She was concerned with any commercial activities in those area. She wanted to read about it, and it impacted the residents. Councilwoman Fontana stated they had a public facility at the end of 46th South. Ms. Gwaltney stated she was aware of it, but they use more of the beach than that. She stated that the city purchased the Tricia Lynn property and there were 4 restrooms there. All the people who park on Seaview Street could use the 4 slots at 46th, 4 slots at 39th, or use the ocean. It concerned her to plan for more parking, but not more bathrooms. Manager Mahaney stated they did purchase the property for approximately \$3 million. The intent was to make this additional parking to stay ahead of the tremendous growth. The restroom complex that was built at 39th and 46th was about \$250,000. The city spent about \$10 million to improve parking and landscaping in the area.

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

- F. ORDINANCE/FIRST READING: Amendments to Chapter 23, Zoning, of the Code of Ordinances of North Myrtle Beach, South Carolina revising the definition of *Park and Sports Complex* and *Public Park and Recreation Facilities*. Manager Mahaney read the ordinance by title and Mayor Hatley called for a motion. The motion to approve was made by Councilwoman Fontana and seconded by Councilman Thomas. Manager Mahaney explained to the public this was a housekeeping exercise to make sure the outdated ordinance was updated with the current standards and consistent with the practices they had been following since 2005. He stated this was bringing into compliance what they had been doing since 2005 with respect to charging fees. Fees were charged for the use of the recreational center, the sports complex, and picnic shelters and this ordinance would cover it. Mayor Pro Tempore Baldwin asked to recuse himself to avoid the appearance of a conflict of interest.

Mayor Hatley opened the floor for public comment.

Rob Rozee, 5411 Heritage Drive, North Myrtle Beach, asked to postpone Item 7F in order to return to the Planning Commission for public hearing and given proper notification and opportunity to be heard. The time constraints at this meeting were too restrictive to really discuss it. In reading

the documents, no public input was provided. He personally contacted over 100 people and not one person knew the city's plan to allow commercial based activity to occur on city parks. He stated the residential community would be against the commercial activity. That was what this was trying to do. All that he contacted were willing to support the opposition of this and had signatures on a petition to get more public input from the community. He gave the petition to the City Clerk. He stated he walked around Cherry Grove and only one person wouldn't sign it. The person said he could sign a petition, but the City Council would not listen, and it was a waist of time. That was the only person that would not sign the petition. He was hoping this one resident was wrong. He asked for it to be sent back to the Planning Commission for more public comment.

Mr. Noury stated the item had been presented to the Planning Commission and was advertised. They made a positive recommendation to send it to the City Council to adopt the changes.

Bob Cox, 5407 Heritage Drive, North Myrtle Beach, stated not all of them look at the agenda items and were missing opportunities for proper discussion. He wanted to express his concern with this item. His house overlooks the area and has a bird's eye view of the kayakers and boaters. He believed the ordinance change was directly related to the installation of the commercial ramp in Cherry Grove. He asked for more public discussion before this change happened. He was involved in collecting the signatures to oppose this ordinance. He stated most residents were aware of the ongoing changes to the kayak ordinance, but they were unaware of this ordinance change. He asked for it to be sent back to the Planning Commission for further public input before the Council voted on it. In looking at appearances, this may have something to do with kayaks. It looks like one was following the other. He asked for more opportunity to discuss this further.

Manager Mahaney stated the city had moved forward with \$400,000 worth of improvements in the area. Only 10% was spent on the new ramp for kayakers. The improvements would be for paid parking, paving, and expanding the area. There were several departments involved in the improvement process of this area. He stated the kayak companies would have to pay 10% of their revenue to use the area. He asked everyone to give this a year of operation and it could be tweaked.

Kelly Dennis, 416 29th Avenue North, North Myrtle Beach, asked how many kayak businesses were located within the city. Manager Mahaney stated there were three. Current kayak owners that had existing licenses were grandfathered in. Ms. Dennis stated that 10% of the \$400,000 needed to be derived from the kayaks to help maintain it. She asked how her business on Sea Mountain Highway that kayaks were sitting there depleting. Everyone was coming in, renting, and doing the tours. She had an 80% drop in her client rentals during that time. She had no idea that anything had been going on. There were three in the city. It made sense to solve the problem for them to pay 10% of their revenue. She didn't understand her drop of revenue of 80%. Her kayaks just sit there. She stated they needed to keep talking about it. Mayor Hatley stated she had many companies that did business in the town that did not have a store front. Ms. Dennis stated the three in the city were paying their dues. A lot of people do not want to take a tour. There was a solution to everything and she wanted to keep North Myrtle Beach friendly.

Jeff Wood, 336 51st Avenue North, North Myrtle Beach, stated that reading the ordinance under 6C Zoning, these definitions gave city staff flexibility to address issues such as kayak tours, launches at boat landings, and future sport tourism. It appeared that this was a direct change to make public parks a commercial entity. That was why the interest was here. In looking at the amendment, it was taking a non-commercial park and making it into a commercial park. This defeated the purpose the parks were designed and intended for. Mayor Hatley stated it had been used for commercial for many years. Mr. Wood stated the attorneys he had spoken with thought there was an issue with changing the rules after what had been happening. That was why there was interest in this. He stated it was taking a publicly funded park and to allow commercial activity. Tax paying citizens were denied access to the public park. This was designed for non-

commercial activity. The average citizen should be able to put in a kayak and park there without being put out by commercial activity. Manager Mahaney stated there was a totally separate ramp to be used by citizens. That was the reason for using \$40,000 to build another ramp. Mr. Wood stated they were publicly funding a place of business for privately owned companies to use a public park. There was a limited number of parking and limited water space. He asked for it to go back to be discussed. Mayor Hatley stated this was for the flexibility to engage in partnerships for any of our city property. She gave the example of the community center where instructors paid to use the facilities to teach classes. Mr. Wood stated the for-profit businesses would take over the facility. Mayor Hatley stated we heard the concerns that the kayakers were taking over, and this was our way to address and strike a balance. She asked him to give them time to see what they were doing to address the concerns. The companies would be paying for the ramp by the percentage they will be paying. Mr. Wood stated he didn't have a problem with kayakers, but the recreational aspect of a kayaker on their own was forced out. Mayor Hatley stated no one would be forced out and that was not their goal. Councilwoman Fontana stated to try this for a season with this solution. This would be better than what they had now. If there was an issue, it would be adjusted and addressed immediately. Mr. Wood stated there was a safety issue with the number of kayaks on the water and the traffic on 53rd Avenue.

Wyatt Todd, 1152 Forest, North Myrtle Beach, stated he was a local and had been a part of the community for 30 years and a business owner for 10 years. They were apart of the community and paid taxes. Their business brought tourists to the area and the Chamber had used them for free in their advertisements. He stated he was there in opposition of 7F because the city was intending to use this to disproportionately tax and control the kayak companies. The city was using the kayak companies to cover the problem of overcrowding that the city caused by writing too many business licenses for the same attraction. If there was someone responsible for the overcrowding on the marshes, it was the housing developers. Mr. Todd stated the houses were so tight in the area there was no more salt marshes there. The city wanted to blame kayaks companies for the overcrowding but there was no where in North Myrtle Beach that was not crowded during the summertime. The salt marsh was not the homeowner's private backyard or the fisherman's private business. They all paid their taxes, and everyone had the right to use the marsh to profit off the area. He stated that 9 out of 10 houses were commercial rental properties and made money off the view. He asked to be treated fairly and didn't mind paying the fee, but it was disproportionate. His company was going to be charged 10 times more for the same amount of use as the small company that started up last year. It was not fair, and he was against it.

Mayor Hatley closed the floor for public comment and called for a vote. The motion to approve passed 6-0.

8. PUBLIC COMMENT:

Kelly Dennis, 416 29th Avenue, North Myrtle Beach, stated that the previous gentleman mentioned the homeowners. They all pay premium prices and were paying their dues. They have their own kayaks. She agreed that there were more buildings, but they were paying their dues and had their own kayaks. She was against outside companies coming into the city and dumping business. They needed to pay a little more. She asked to keep North Myrtle Beach family friendly.

Katherine Ingersoll, 2227 Springwood Place, Longs, stated she was the manager for J & L Kayak Company and had been working for them for the past 5 years. She has been a Horry County resident since she was 10 years old and graduated from Coastal Carolina with a degree in Conservation Biology, using it to educate tour guides and the public through this business. She wanted to clear up some misconceptions about the kayak business. The original reason they were there was because of the concern of the congestion of the area, the legality of the kayak companies using the ramp to launch tours, and kayak companies harming the environment. Kayak companies had been in operation since

2009. This was one of the first to open in the Cherry Grove area. Ms. Ingersoll stated the population in 2010 was just shy of 270,000 people in Horry County. In 2020, it increased to 351,000 people. This was an increase of 23%. It's projected the population will be 370,000 by 2030. This didn't account for the surrounding area, mainly Brunswick County. It was heavily used by fishermen, because NC flounder season was closed for the past 2 years and would be again this year. This causes fishermen to doubly occupy the boat ramp and parking lot. Recreational kayaking had skyrocketed, too. In 2006, approximately 6 million participated in kayaking and by 2020 it was 18 million people. There had been an exponentially natural growth in population and kayak interest. Ms. Ingersoll stated that anyone who believed that the Summeralls would or could be operating in an illegal manner was absurd. Justin Summerall served in the Navy for 20 years. He wouldn't cut corners or cheat his city or provide unsafe conditions for his employees or customers. He was a man who had a vision for a service he could provide to North Myrtle Beach. It would bring tourism and locals to enjoy the activity. The environment was being overdeveloped and underappreciated. They have been a team that has provided a safe place to work. She would be one of many that may lose her career path in her hometown, but also lose the ability to share her passion.

Justin Summerall, 652 Twinflower Street, Little River, thanked the Council for the involvement of commercial use in general on public lands. He was committed to improving the future of kayaking in Cherry Grove. Since the beginning of the issues, he had publicly restrained his voice to maintain a neutral and unbiased view of both sides of the argument. He had seen cyber bullying on social media and from a few locals that supported the narrative against kayak companies and now his story needed to be heard. Throughout history, as a service industry in North Myrtle Beach, they had participated and provided equipment for river cleanups for 5 years, only stopping for Covid. They had provided more than 30 wounded veterans free tours to experience the marsh. They have given \$8,000 to Ground Zero Industries. On the job, he had rescued more than 16 people from drowning. They reported 3 calls to the appropriate authorities on distressed sea turtles caught in fishing line, not by kayaks. Henry, one of his tour guides, separated two pelicans from fishing line and caused a delay in the tour and cancellation of another tour. Some argue that kayak companies were the cancer of Cherry Grove and the cause of damage to the marsh. Those mentioned were only a few contributions to improve the community. Other companies raise money serve community, too. Their mission was to contribute to the live diversity of attractions and activities available to North Myrtle Beach and to promote a positive image of tourism while minimizing their footprint and impact to the natural environment in North Myrtle Beach.

Neil Witken, 3019 Winding River Drive, North Myrtle Beach, read his statement. I'd like to pay tribute to our North Myrtle Beach Department of Public Safety for keeping our community safe, I'd also like to recognize Officer Steve Murphy, our Barefoot Neighborhood Watch Program liaison, who has been a valued resource in providing safety programs for our Barefoot residents. Steve does an excellent job, and we thank him for his time and his knowledge. Our Barefoot Neighborhood Watch program also helps to keep our barefoot community and North Myrtle Beach safe with its more than 60 volunteers. Our resident volunteers understand that keeping watch means neighbors watching neighbors. The Barefoot Neighborhood Watch Program was established in 2009 following the Highway 31 wildfire that caused 2,500 residents to be evacuated in the middle of the night, many without much warning the fire was quickly spilling into Barefoot. More than 100 homes were damaged in Barefoot alone, of which 69 were completely destroyed. Barefoot Neighborhood Watch is a program which creates a body of concern, involved neighbors which encourages neighbors to get to know each other and their routines and to recognize any out of place activities and sounds. They evaluate them and know how to properly communicate this information to the authorities and within Barefoot if appropriate, using phone trees and e-mails as needed. Teaches techniques to reduce the risk of being victimized. Advises how to make homes more secure, to accurately identify property and how to look out for one another

and fosters a partnership with the North Myrtle Beach Department of Public Safety. Mr. Witkin introduced Mike Waters formally our traffic committee Chairperson, has taken over the Neighborhood Watch program this year. Mike is a former NYC Police Officer and a former NYC Firefighter who was one of the many first responders that rushed to the World Trade Center on 9-11 when terrorist attacked our country. Mike, please stand and let me say thanks for your services to our country and for your leadership in the Barefoot Neighborhood Watch Program. Mayor Hatley and council members; we value the volunteer services of not only our own Barefoot Neighborhood Watch Program but also the many other similar programs around our community that helps to keeping our residents safe. Thank you.

Kelly Gwaltney, 601 46th Avenue South, North Myrtle Beach, stated she wanted to lift up good practice in our city. She was able to speak with John Bullard and a young man at Beach Services when she called to try to rent two chairs and umbrella for the season. She was surprised when she found out that there had been a 285% cost for her to rent it. Instead of \$600 for the season, it had gone up to \$2,310. She thought that was not right. The young man from Beach Services was pleasant on the phone. John answered the phone on the second ring. She stated that he listened to her and explained what was going on. Beach Services continued to operate in the black even during the pandemic. She had viewed the budgets and Park and Recreation had done the same thing. That was not always the case in government. The surprise was not the fee increase, but what surprised her was there was no seasonal beach chair rentals. She stated they were a square peg in a round hole. She wanted to compliment the process and appreciated how John treated her. She stated that this was a service our city offered to residents. But some of us had disabilities and she had MS. This year she would not be able to put up her own umbrella. She stated that's why it freaked her out when the price when up. The Pilot Club offered the wheelchairs at no cost, and she was grateful she didn't need one. By talking to John, she knew he was going to look at it and cared about it. She wanted to lift him and his staff up because that's what they needed. She chose to move to North Myrtle Beach for the quality of life.

Roger Clark, 918 Edge Drive, Unit G, North Myrtle Beach, stated he was representing the Ingram Phase II Association. In September, the Council agreed to a swap that they would have an easement to drain water from the neighborhood. He knew the paperwork had not been signed. He stated Mr. Noury told him he would speak with outside council to get the paperwork handled. He thought when it was passed, they would be digging the ditch to put the pipes in. There was not enough money in the budget this fiscal year to cover the operation. Now this year there would not be enough money to cover it. This had been going on since 2009. He stated in 2016, the Council allocated money for the flooding issue. They were part of group 4 and there was no solution for it. Mayor Hatley asked if the city was responsible for the flooding. Mr. Clark explained it didn't flood until the shopping center was paved and water from 10th Avenue came in. Mayor Hatley stated she would have staff investigate it. Mr. Clark stated 10 houses would flood. Manager Mahaney directed Mr. Blayton to use a crew to ditch it and then allow the shopping center to catch up.

Madeline Bay, 537 Slippery Rock Way, Carolina Shores, North Carolina, stated she was there as a member of the kayak club, because she was getting physically fit, social, and educated. She supported the community. If you forced them out physically or financially, like the percentage would do. They would lose the membership and tourists. They were learning a physical skill with trained personnel. She asked they please support the kayak companies.

Rob Rozee, 5411 Heritage Drive, North Myrtle Beach, stated in the minutes of February 23, the Parks and Recreation conducted extensive research to see the best practices. He wanted to see those reports. What did they learn, it shouldn't be a secret. He stated they were fixing a problem at the ramp, but here was also one on Waites Island. You couldn't get on Waites Island. Adding 144 kayaks all going

at the same time and putting in another ramp would add fuel to the fire. He asked they limit it and get the kayak and fishermen together. He wanted to know if they talked to residents. This was still a problem and not the right solution.

Hunter Willis, 4504 Lewis Street, North Myrtle Beach, wanted to thank the Mayor for what she said about the umbrellas. His wife made the call and found out about the seasonal price. He asked if the price would be close to the amount they were counting on. Mayor Hatley stated they didn't know the prices yet, but it would be a lot less than the seasonal price.

Joe Gosiewski, 5206 Windy Pines Drive, North Myrtle Beach, stated this past Saturday 42 from Barefoot did a dune and beach sweep. Ann Cappell did a great job getting volunteers twice a year. In comparison to past years, there were fewer firework debris in the dunes this year. The ordinance enforcement was working. He stated they filled every bucket to the top and overflowing. He asked if the city would be able to get a small open dumpster for recycles on the first week of October. Manager Mahaney stated they would work with them to provide one.

9. ADJOURNMENT:

Mayor Hatley thanked everyone for coming to the meeting and adjourned the meeting at 8:41 PM.

Respectfully submitted,

Allison K. Galbreath, City Clerk

MARILYN HATLEY, MAYOR

Minutes approved and adopted this 2nd day of May 2022