

**CITY OF NORTH MYRTLE BEACH, SOUTH CAROLINA
NORTH MYRTLE BEACH CITY HALL
CITY COUNCIL MEETING
Monday, May 16, 2022, 6:00 PM**

Minutes

1A. 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.

1B. EXECUTIVE SESSION:

Mayor Hatley called for a motion to go into Executive Session for a legal briefing regarding Kokopelli Surf Camp, LLC vs. City of North Myrtle Beach, 2022 CP-26-02724 and a legal briefing regarding 1009 28th Avenue South. The motion was made by Councilwoman Fontana and seconded by Councilman Collins. The motion passed 7-0. The Council returned to Chambers at 7:01 PM. The Mayor announced that no votes were taken at the session.

1C. CONTINUATION OF CALL TO ORDER:

Mayor Hatley asked Randy Wright, Director of Finance, 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, May 2, 2022 and the City Council Workshop of Wednesday, May 11, 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 presented a Proclamation to the Moms Demand Action group designating June 3, 2022 as National Gun Violence Awareness Day and thanked them for their efforts. The Yaupon Garden Club and Sea Oats Garden Club were presented a Proclamation declaring June 5-11, 2022 as National Garden Week. The third Proclamation recognized Councilwoman Fontana and the Humane Society of North Myrtle Beach for their work helping an abandoned dog complete his bucket list before crossing the Rainbow Bridge. July 20, 2022 has been designated as Sir Teddy Day.

The Citizen's Academy Class of 2022 was recognized with a certificate and city coin for completing the Citizen's Academy.

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

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

Councilwoman Fontana thanked Over the Edge and New Directions for their event which raised funds to help the homeless in our area. Manager Mahaney, Councilman Coyne, Councilwoman Fontana, and Donald Graham, Public Information Officer, participated in the event.

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

5. **CONSENT AGENDA:**

None

6. **UNFINISHED BUSINESS:**

None

7. **NEW BUSINESS:**

A. **ORDINANCE/FIRST READING:** Petition for annexation and zoning designation for 0.34 acres on Little River Neck Road. Mayor Hatley read the ordinance by title and called for a motion. The motion to approve was made by Councilman Collins and seconded by Councilwoman Fontana. Mayor Pro Tempore asked for clarification from the Planning Department on which property would be annexed and the mobile home removed. Jim Wood, Director of Planning and Development stated the mobile home would not be required to be removed. He explained that the request was consistent with the Comprehensive Plan.

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

B. **ORDINANCE/FIRST READING:** Petition for annexation and zoning designation for 1.03 acres on 1st Avenue South. Mayor Hatley read the ordinance by title and called for a motion. The motion to approve was made by Councilwoman Fontana and seconded by Mayor Pro Tempore Baldwin. Mayor Hatley stated the Planning Commission recommended this rezoning and did not have a problem with it.

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

8. **PUBLIC COMMENT:**

Linda Eleuteri, 316 49th Avenue North, North Myrtle Beach, stated she was there for two reasons. One was to support Laura Weaver and the kayak companies. She lives on the water and boats go by every day. They are not courteous to the kayaks and 'No Wake' means nothing to them. They go as fast as they can, especially during high tide. She stated the Council was making them pay a 10% fee, but there were a lot of boaters that don't live in South Carolina. There were many from North Carolina. She asked if they were paying anything. She knew for a fact there were fishermen that do small charter boats out of the ramp and asked if they were paying. Secondly, Ms. Eleuteri stated it was very important to her that the accesses were there for people who were physically able as well as the handicap. She called several Council members and received only three return calls. She stated she ran into Councilwoman Fontana at the 17th Avenue North beach access. She was told that they had lots of public parking with ramps. The last two weeks, she's gone from the new parking lot, which was beautiful at 62nd Avenue North. The only way to exit there was to go down through the dunes, which people pushed open. There were almost several accidents there. Out of all the places for public parking, there were only 6 places that had handicap ramps. If you had a wheelchair, you could not get down one of them. She stated the one at 17th Avenue was a dune now. It shouldn't be. The others have sand, but it's manageable. She inquired why couldn't they use the money from parking to clear the places

of sand once a week. On 17th Avenue, they fixed the problem by putting a piece of blue mat at the end. On 12th Avenue, they totally blocked it off. She had pictures to show it. She stated it would be nice for them to care about people, besides the ones that were physically able.

Manager Mahaney showed before and after pictures of one ramp that had been cleared of the sand. He stated their numbers were a little different than her numbers and these were on the website. The city has approximately 200 beach accesses over the 9 miles. There were 48 with handicap accesses. The after picture showed a 4-foot grade to get to the top of the beach. After the high tide and wind, it only lasted 3 days. To raise a new ramp at the level of the beach would be \$200,000. He did not have the manpower to do this every week. He stated they were doing a good job at accommodating the handicap with their beach accesses. He wished he could place handicap ramps on everyone of them, but it was not financially feasible. Councilwoman Fontana stated the Pilot Club provided free beach wheelchairs. Mayor Pro Tempore Baldwin stated they replaced the ramps as much as the could. He stated the sand was doing what they want it to do, beach renourishment, but it builds up higher than the ramp. They try to stay on top of it.

Judy Tucker, 704 34th Avenue South, North Myrtle Beach, asked if the ramps had handicap railings. Kevin Blayton, Director of Public Works, stated the state required them to install wooden handrails, but they were not graspable. This was based on state regulations, and they would not change the state legislation to install graspable handrails.

Tyler Watkins, 1023 Belle Drive, North Myrtle Beach, stated to Manager Mahaney what he did last week was not acceptable. This was not who we were as a city or as a people. We do not treat our people this way. Since it has happened, many people have come forward or to him telling of stories what he had done to them in the past. He stated Manager Mahaney was not a well representative of our city. This was our town. He came here recently, after according to news reports, being fired from two other towns. He didn't know the details, but he did. What he was saying to Manager Mahaney was it was not okay to put your hands on a female or any other member of the community. Mr. Watkins stated this was our town and he needed to resign or retire.

Mayor Hatley asked for proper decorum in the Chambers.

Terri Flick, 53 Laural, Little River, stated she was a current teacher at North Myrtle Beach High School and for the past 20 years. She stated that she had taught a number of the children of the Council and public. As an educator in this town, which she loves, she has known a lot of other fabulous educators and one was Laura Weaver. She has known Ms. Weaver for 20 years and wanted to speak on her character. As a teacher, they don't bring people down, but lifted them up. Ms. Weaver, as an educator, was always given the tough cases in the school, because she was very good at reaching those kids. Ms. Flick stated she knew Ms. Weaver spent her own money on haircuts, clothing, and food for kids that don't have it. They gave her those kids because they knew she cared and could take care of them. When she transitioned into her kayak business, she donated every month to good causes, like the Humane Society and other charities. It was important to give back because it was important to give back and lift up the community and people. When she was summoned to City Hall last week to discuss issues of business, she wasn't looking for what happened, she wasn't expecting what happened, and didn't deserve what happened. She came to answer questions and discuss business in what she assumed would be a hospitable setting and professional setting. That was not what happened. She was cornered and didn't ask for that, she didn't ask to come, she was asked to come. Mayor Hatley asked if Ms. Flick was present at the meeting. Ms. Flick stated she read the police report but was not present at the meeting. Ms. Flick stated she did read the police report which was a matter of public record. Ms. Weaver was not treated in a professional way. No one who enters our place of business in our town we love deserves that. Something needed to be changed.

Drew Powell, 612 5th Avenue South, North Myrtle Beach, stated a number of the Council knew him personally and had for a number of years. This was his first time coming to the City Council meeting, but he attended several in Raleigh. He understood Robert's Rule of Order, the process, and he was an upstanding citizen of the community. He had a concern about his recent understanding of how the kayak rentals were taxed additionally to other businesses. He wanted to understand it better. Companies, like Tyler's, had a surplus tax by the city of 10%. Why was this taxation? It looked like a franchise fee. He understood it was a small city and had to subsidize different initiatives for infrastructure, etc. It seemed to him that public ramps should be public. Funds collected by the city, in a public capacity, should go toward financing those initiatives. What was the logic in taxing and penalizing local businesses on their gross earnings that impacted them to be able to grow, thrive, and pay their employees and put money in their own pockets? Hundreds of other businesses out there were driving their vehicles and trailers on public, city paid, tax collected roads. These were also subsidized by the taxes and additional fees that people pay, like the hospitality tax of 4.5%. He was trying to understand what the difference was, and this was an unfair penalty. Mr. Powell stated he was a business guy and was successful in many businesses in the past. Lower taxation and a taxation based on usage was the best way to go about it. This didn't seem fair to him. Why was this particular group fined and penalized 10% that comes out of their pocket to utilize a public infrastructure? All the roads were paid for by him and everyone in the room. All of those businesses don't pay extra to utilize the roads. He asked if they understood what he was asking. Mr. Powell asked if he got a response. Mayor Hatley stated there was a lot of history that went back to the use of the ramp. There were many meetings and workshops, and citizens were upset because they couldn't use the boat ramp. A business could not be run on a public park and infrastructure was completely different.

Henry, 1623 25th Avenue North, North Myrtle Beach, stated he had a question about business licenses, particularly for rental properties. He had talked to the license office a number of times over the past several years. He wanted to find out how they went about knowing each rental property in North Myrtle Beach had a business license. They said it was to mail letters. They do not do any background checks or pull up brochures to verify if they have a business license. They could go online to verify. He stated from person experience, he knew that Hank Thomas made sure all of his rentals had a business license. But there were over 2,000 additional and he wanted to know if they had their business license. That would be \$200,000 easily that could be collected. Were they collecting from Airbnb? He asked for an answer. Manager Mahaney stated they have about 6,000 rentals that do have permits. Director Wright explained the business license was an ongoing process. There was no way they could have every single license done every day. It changed every day and was in constant flux. They data mined Airbnb and other companies. They have business license inspectors that were dedicated to this and has one that is out in the field every day. They work very hard through the internet, observation, phone calls, and rental agencies. They spend a lot of time doing this process.

9. ADJOURNMENT:

Mayor Hatley thanked everyone for coming to the meeting and adjourned the meeting at 8:01 PM.

Respectfully submitted,

Allison K. Galbreath, City Clerk

MARILYN HATLEY, MAYOR

Minutes approved and adopted this 20th day of June 2022