

**CITY OF NORTH MYRTLE BEACH, SOUTH CAROLINA
NORTH MYRTLE BEACH CITY HALL
CITY COUNCIL MEETING
Monday, June 20, 2022, 6:30 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 an amendment to Chapter 5, Beaches and Waterways, of the Code of Ordinances of North Myrtle Beach, South Carolina revising *Selling or leasing goods—Prohibited, exceptions*. Mayor Hatley added to the Executive Session a legal briefing regarding the proposed ordinance for bikes on the beach. The motion was made by Councilwoman Fontana and seconded by Councilman Thomas. The motion passed 7-0. Mayor Pro Tempore Baldwin recused himself from the legal briefing regarding Kokopelli Surf Camp, LLC vs. City of North Myrtle Beach, 2022 CP-26-02724. The Council returned to Chambers at 7:26 PM. The Mayor announced that no votes were taken at the session.

1C. CONTINUATION OF CALL TO ORDER:

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 Emergency Called Executive Session, Friday, May 13, 2022, the City Council Meeting of Monday, May 16, 2022, and the Special Called City Council Meeting of Monday, June 13, 2022, as presented, was made by Councilman Thomas and seconded by Councilwoman Fontana. The motion to approve passed 7-0.

3. COMMUNICATIONS:

Mayor Hatley presented Jeanette Lyon, retiring Tree Board Chairperson, with an award for her outstanding dedication to the City of North Myrtle Beach, service on the Tree Board, and her work to keep North Myrtle Beach beautiful.

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

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

Councilman Collins thanked Public Safety and the Department of Natural Resources for capturing the alligator on 16th Avenue North.

5. **CONSENT AGENDA:**

- A. MOTION TO APPOINT: One appointment to the Tree Board
- B. MOTION TO APPROVE: 4th of July Celebration at Cherry Grove Pier
- C. MOTION TO APPROVE: Pink Ribbon Run
- D. MOTION TO APPROVE: American Pride March 2022
- E. ORDINANCE/SECOND READING: Petition for annexation and zoning designation for 0.34 acres on Little River Neck Road
- F. ORDINANCE/SECOND READING: Petition for annexation and zoning designation for 1.03 acres on 1st Avenue South

Mayor Hatley asked the Council to consider Items A-F together. The Council agreed and Mayor Hatley read Items A-F by title and called for a motion. The motion to approve was made by Mayor Pro Tempore Baldwin 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.

6. **UNFINISHED BUSINESS:**

- A. ORDINANCE/SECOND READING: An ordinance setting the tax levy for FY 2023. Mayor Hatley read the ordinance by title and called for a motion. The motion to approve was made by Councilman Coyne 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.

- B. ORDINANCE/SECOND READING: An ordinance to adopt the budget for FY 2023. 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 opened the floor for public comment.

Sabina Lynskey, 1417 Hillside Drive South, North Myrtle Beach, stated she had three follow-up questions. In December, the Council voted 4-3 for a rezoning related to Crescent Beach. In January, the second vote was postponed for a workshop. It ultimately was unanimously voted for a reduction in size. She asked if they could speak to why the Crescent Beach underground utilities and road widening were allotted zero dollars this year, even after revitalization for that area was an ongoing item. Mayor Hatley asked if she realized how much money had been spent in the Crescent Beach area, around \$20 million dollars. Manager Mahaney stated \$20 million was spend in underground lines, widening the street, replacing water and sewer lines, street trees, etc. over the last couple of years. Councilwoman Fontana expressed the Windy Hill area was done a few years ago. Mayor Hatley stated they did sections at a time and would have to work on other areas this budget year. Ms. Lynskey asked about the Beach Services Fund and stated that one goal was to grow the cash reserves. She asked why \$300,000 had been transferred from the fund. Randy Wright, Director of Finance, explained the total revenue for Beach Services was \$3.9 million. This transfers in from local accommodations because the lifeguards cost \$800,000 per year. It was a public safety issue. If you have enough cash, those monies were to supplement other Enterprise Funds, which help run the park. The ultimate goal was to get to \$3 million which would run the park for a year if no money

came in. Ms. Lynskey checked the revenue and subtracted the local accommodation tax. The beach service revenue was \$3.3 million. The expense was \$3.2 million. Did it make sense to for it to leave the beach? She stated that on May 16, 2022, Manager Mahaney was having problems finding money in the budget for the beach walkways. If the \$300,000 stayed, it would double the money for the beach. Manager Mahaney stated it was not that simple. The city took in around \$3 million on umbrella and chairs, but spent \$4 million to cover cleaning, restrooms, beach patrol, etc. She couldn't pick and choose. Mayor Hatley stated there wasn't just lifeguards, there were many different facets under the title Beach Services. Director Wright explained the city had many different functions that ran through different funds, the differences between Enterprise Funds, General Funds, the Solid Waste Funds, and Capital Cost Funds, and the types of projects that would come from these funds. Ms. Lynskey reiterated she heard Manager Mahaney state he was having problems finding money and wanted to know why this money was going over to the parks. Councilman Thomas stated this was a very complicated issue and had to be managed them with a balanced budget.

Having no further 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 Chapter 5, Beaches and Waterways, of the Code of Ordinances of North Myrtle Beach, South Carolina revising *Motor vehicles on beach*. Mayor Hatley read the ordinance by title and called for a motion. Councilman Collins motioned to table the item until further discussion and more information was received and seconded by Councilman Thomas. Mr. Noury advised for the motion to be amended to be postponed instead of tabled to give the Council more latitude for when the item would come back to the agenda, unless a specific date was considered. Councilwoman Fontana asked for the item to be brought before the next July meeting. Councilman Collins amended his motion to postpone the item for a Special Called Meeting prior to the next regularly scheduled meeting in July and was seconded by Councilman Thomas.

Mayor Hatley opened the floor for public comment.

Kelly Dennis, 315 Sea Mountain Highway, North Myrtle Beach, asked what a motor vehicle on the beach was. Mr. Noury stated any motorized vehicle being operated on the beach. Mayor Hatley stated it could be gas, battery, or electric operated vehicle.

Tim Moriarty, 707 Holloway Circle North, North Myrtle Beach, stated as far as any motorized vehicles went, it must be in compliance with the Federal ADA laws. Would wheelchairs and motorized scooters would still be acceptable? Mayor Hatley stated they would be.

Having no further comment from the Council or public, Mayor Hatley called for a vote. The motion to postpone to a Special Called Meeting prior to the next meeting in July passed 7-0.

- B. **ORDINANCE/FIRST READING:** Amendment to the Parkway Group Planned Development District (PDD) regarding the Village at Waterway Hills. 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 Pro Tempore Baldwin inquired if the residential and commercial density had been decreased. He asked to see the original proposal numbers and what was currently proposed. Jim Wood, Director of Planning and Development, explained the numbers and the reduction in commercial square feet. Mayor Hatley stated 7.24 units per acre was too much. She wanted them to add an assessment for public safety and infrastructure to the Development Agreement. They needed a fire station in that area. Mayor Hatley stated they needed

a better product than what was proposed. It looked cheap. For a better product, she could go with 7.24 units per acre, but not as was proposed. The designs of the homes need to be better. Councilman Coyne stated they were looking at 3 elevations and they looked like they were stuck together like Legos. He asked for more unique features that would set them apart and not make the area a commodity. More architectural components were necessary. Mayor Hatley stated the developer was selling them short. One design was okay, but the other was terrible. She reiterated she could take the density for a better-looking product. She asked for a redesign of the elevations for the bungalow and townhouse products. Mayor Pro Tempore Baldwin stated he was concerned about the vast reduction of 280,000 square feet in commercial space. Director Wood explained in the original proposal, they stated they would never be able to build out that much commercial space. They asked for that number as a place holder. Mayor Pro Tempore Baldwin requested to see the original numbers and the proposed numbers on an exhibit. Robert Guyton, agent for the developer, stated time was of the essence but they would prefer to table it. Mayor Pro Tempore Baldwin stated they could pass it on first reading and get the new information to them before the second reading. Councilman Coyne asked to have a workshop to get the information and have visuals for them to see before the second reading. Councilman Thomas stated he had a concern with the density of the bungalows and the open space was only 11%. He stated if they were going to have a higher density, they needed to have at least 25% open space. They wanted to avoid the congestion and heavy density. Councilwoman Fontana stated they needed a different product. They were setting a precedent and whatever they did, it needed to be different and not have cookie cutter homes in this section. Mr. Guyton stated this was a revamped product, because the first didn't get through staff. He asked the Council to have a workshop to present the new elevations to them.

Mayor Hatley opened the floor for public comment.

John Holleran, 5809 Swift Street, North Myrtle Beach, asked if there had been a study of the impact of traffic on Watertower Road and through Barefoot Landing. Mayor Hatley stated there would be one done.

Don Worth, 5102 Windy Pines, North Myrtle Beach, asked if they had come to an agreement to have a second exit out of the development, so there was only one way in and out. Mayor Hatley stated they would not have a second entrance into Grande Dunes. Mr. Worth asked how they would get out of the community in case of a fire. Director Wood stated there were a number of accesses required, Long Branch Loop, Henry Road West, and the emergency access to Grande Dunes.

Brenda Peoples and Christine Cox, residents of Grande Dunes Enclave, stated this was the third time they have tried to connect Grande Dunes North Waterway Hills to their Grande Dunes neighborhood. When LStar owned them in 2019, they said they would not have a connection to the road. Freehold then bought it and they said they would not connect. Now the land is owned by Lanier and they are now trying to connect the properties. They do not want another gate. They have one along Henry Road to where it's unpaved. They do not want a third gate because they don't have security to man the two gates they have now. Ms. Cox stated the increased traffic and security issues that were rising, were creating problems. There was a fence that had been taken down and ATVs were riding down it. The development was not equipped for the vehicle or pedestrian traffic going over the bridge. Ms. Peoples stated Grande Dunes was established 20 years ago with a seclude neighborhood, high security, and no access. They were still selling it as that, but now trying to attach them to North Myrtle Beach. She had nothing against North Myrtle Beach, but they bought there for a reason and the developer was wanting what they want and taking away the lifestyle they bought. Mayor Hatley stated she didn't believe they could do anything without both parties in agreement. Director Wood confirmed this was the case and there

was no connection between the two. Ms. Peoples stated it keeps coming up and they wanted to make sure it didn't happen. Director Wood explained the stub out connection was only for emergencies.

Having no further comment from the Council or public, Mayor Hatley called for a vote. Councilwoman Fontana amended the motion to approve on first reading with the addition of the changes mention from Council and to have a workshop prior to second reading and was seconded by Mayor Pro Tempore Baldwin. Mayor Hatley called for a vote. The motion to approve passed 7-0.

- C. **SECOND PUBLIC HEARING:** Regarding the amendment to the Parkway Group PDD Development Agreement regarding the Village at Waterway Hills. Mr. Noury stated the public hearing and first reading of the Development Agreement needed to track together. Mr. Noury went over the main elements of the Development Agreement. Councilwoman Fontana stated she wanted to see monies allocated for Public Safety in the area. Manager Mahaney stated there would be several different impact fees to consider and needed to have a discussion on it. Mayor Hatley asked to have a workshop on this before the second reading. They could not continue building without some impact fee. Council agreed to have a workshop on these fees. Councilman Thomas stated the county was in the same position. Unless they would come up with these fees, taxes would have to be raised and it would need to be discussed. Councilwoman Fontana stated they would have to have their own fire station in the area. Manager Mahaney stated staff would develop rough calculations to be used in the Development Agreements for those properties.

Having no further comment from the Council or public, Mayor Hatley closed the public hearing.

- D. **ORDINANCE/FIRST READING:** Amendment to the Parkway Group PDD Development Agreement regarding the Village at Waterway Hills and to authorize the City Manager to sign the document on behalf of the City. Mayor Hatley read the ordinance by title and called for a motion. The motion to approve was made by Mayor Pro Tempore Baldwin and seconded by Councilwoman Fontana. Mayor Pro Tempore Baldwin amended the motion to have a workshop prior to second reading and was seconded by Councilwoman Fontana.

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

- E. **ORDINANCE/FIRST READING:** Amendment to the Parkway Group PDD regarding Phases 2 and 3 of Waterside. 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 this development was much better and only had 3.32 units per acre and 29% open space. They had previously voted on the designs of the homes. She was satisfied with the design of the homes. The submission had a lot of detail and open space. Councilman Coyne stated he had a concern for the driveway length and cars coming over the sidewalk. He didn't want to have the same issues as Robber's Roost. The Council agreed the length of the driveway should be no less than 24-feet. Director Wood stated that would be the only outstanding design element that could be resolved before second reading. Mayor Hatley appreciated the trees, how they would be planted, and the amenities they have included. It was a well-planned development.

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

- F. **SECOND PUBLIC HEARING:** Regarding the amendment to the Parkway Group PDD Development Agreement regarding Phases 2 and 3 of Waterside. Mr. Noury went over the main

elements of the Development Agreement. The Council agreed they had the same concerns and wanted to have a discussion on the impact fees at a workshop before the second reading.

Having no further comment from the Council or public, Mayor Hatley closed the public hearing.

- G. ORDINANCE/FIRST READING: Amendment to the Parkway Group PDD Development Agreement regarding Phases 2 and 3 of Waterside and to authorize the City Manager to sign the document on behalf of the City. Mayor Hatley read the ordinance by title and called for a motion. Councilwoman Fontana amended the motion to approve on first reading with the addition of the impact fees and to have a workshop prior to second reading and was seconded by Councilman Collins.

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

- H. ORDINANCE/FIRST READING: Petition for annexation and zoning designation for ±60.55 acres on Little River Neck Road. Mayor Hatley read the ordinance by title and called for a motion. Councilman Coyne recused himself from the discussion and vote. The motion to approve was made by Councilwoman Fontana and seconded by Councilman Thomas. Mayor Hatley stated R1-B was a higher density than she would like but understood the Development Agreement could require the lots to be no smaller than 7,000 square feet. She stated more buffering also needed to be done. Director Wood explained instead of changing the zoning to R1-A, which would require 7,500 square feet, the Development Agreement could have a minimum of 7,000 square feet. Mayor Hatley stated she wanted a 20-foot natural buffer between the project and Charleston Landing. There was a lot of wetlands on the property. She requested a traffic study to be done for the intersection of Sea Mountain Highway and Ye Olde Kings Highway and conducted before Labor Day. If the study showed a signal was needed, the developer should share in the cost. The Council and staff discussed the accesses and connectivity off of Little River Neck Road, Ye Olde Kings Highway, and the stub out from Charleston Landing. Mayor Hatley inquired if anyone had discussed with the developer the project being a Conservation Community. Director Wood stated in 2018, the Future Land Use map showed this parcel as a Conservation Community. At the time there was not a zoning that supported it. At the workshop, the Council proposed having a Conservation Community Overlay Zone. Mayor Hatley stated it would be a great tool for the developer to use. Director Wood indicated that the developer was accomplishing some of the same goals in preserving the wetlands.

Mayor Hatley opened the floor for public comment.

Cathy Weiss, 5004 Bucks Bluff Drive, North Myrtle Beach, stated she was the President of the Tidewater Plantation Community Association. She thanked the Council for the opportunity to speak concerning Seachase Point and read her statement. I represent the Tidewater Plantation Community Association, a neighborhood on Little River Neck Road. With about 1,400 permanent residents, 96% of which are registered to vote, we represent close to 10% of the permanent population of the City of North Myrtle Beach. We recognize that the decisions you make have the potential to greatly impact us. I have come to your Council meetings many times to offer you insight to the concerns our community and many of our neighbors have concerning growth within Little River Neck, or the "Neck" as we call it. I want to be clear at the very beginning of my time, our community is not opposed to growth and development. But there are important considerations that the Council should have in mind when a development project is presented to them that are unique to the "Neck" and not necessarily found elsewhere in North Myrtle Beach. Our concerns are very parochial, as they are focused solely on the safety, security, and quality of life of those that live on the "Neck" regardless of whether they live in Tidewater, the other planned

communities, or residences accessed from Little River Neck Road and its tributary roads. First, I would like to remind the Council that the “Neck” is a peninsula with only one narrow, substandard road in or out. Evacuation during hurricanes or wildfire would be problematic. Aside from natural disasters, a traffic accident many times has blocked this singular artery for hours, preventing fire, police, rescue workers and other from being able to reach and provide critical assistance our community may have needed. The Council should keep this in mind and avoid creating choke points. While Seachase Pointe has the potential to be exactly that, a choke point, we understand from a briefing from Councilman Coyne that we should applaud the developer, Ben Powell, for establishing egress points to Ye Old Kings Highway and to Charleston Landing, diverting traffic that could have blocked Little River Neck Road. We have not had the benefit of receiving exacting information concerning the specifics of Seachase Pointe and ask the Council in their review to focus specifically on this point. Additionally, density must be kept down. As the December 2010 North Myrtle Beach Hazard Mitigation Plan notes, “The most likely areas for wildfires in the City are along Little River Neck Road and the Barefoot Resort areas. The Highway 31 wildfire that burned 15,000 acres in 2009 was not that long ago. The Council must recognize that an increased density puts existing and future residents at risk should a wildfire occur in the Neck. There is only one way in for firefighters and only one way out for residents. While the safety valve of alternate egress for Seachase Pointe protects them to some extent, the rest of the Neck must try to navigate the one narrow, substandard road to reach safety. We understand that Seachase Pointe is proposing to develop at a density of 3.3 plus. We request the Council to reduce that density to closer to the 2 units per acres of Tidewater. While we understand from Councilman Coyne that Seachase will be developed with the right turn and left turn lanes to facilitate traffic moving along the main artery, we request that the Council go further to reduce the impact of traffic growth attributed to Seachase and require that the development include amenities like neighborhood parks, walking paths, swimming pools, and fitness centers. These quality-of-life facilities not only enhance the quality of the community, but also reduce the traffic this community will generate on the access roads. Mayor Hatley stated several of these issues would be address within the Development Agreement.

John Griffiths, 612 20th Avenue North, North Myrtle Beach, stated the intersection of Sea Mountain Highway and Ye Olde Kings Highway was already dangerous. He sees golf carts and pedestrians go across and it’s hazardous. He asked them to look at impact on neighborhoods, like Seabrook Plantation. He asked if the developer had looked at where those people would go to the beach. 20th Avenue North and Boulineau’s parking lots were already full. Could the developer identify other areas where they could go to the beach?

Having no further comment from the Council or public, Mayor Hatley called for a vote. The motion to approve passed 6-0.

- I. SECOND PUBLIC HEARING: Regarding the ±60.55 acres on Little River Neck Road Development Agreement regarding Seachase Pointe. Councilman Coyne recused himself from the discussion and vote. Mr. Noury went over the main elements of the current Development Agreement. Director Wood explained some of the comments from the Planning Commission. They would like to see buffers around the wetlands, clustering of buildings, 50% of the property preserved, keep development away from the marsh area, not to include marsh in the open space calculations, have a contribution split for a signal light, if needed, and the main spine road be meandering and not a straight road. Councilman Thomas stated the Beach Parking Fees and the Park Enhancement Fees should be evaluated every 3-4 years and increase them a certain percentage as needed. Mayor Pro Tempore Baldwin asked if the Planning Commission’s comments were in the Development Agreement. Director Wood stated some of them were, including the buffer around the wetlands but the meandering spine road was not. Mayor Pro

Tempore Baldwin stated he particularly would like to see the signal light contribution and the wetland buffers in the agreement. Mr. Noury stated those two items were not currently included in the Development Agreement. Mayor Hatley stated the Council wanted to add provisions for a 20-foot buffer between the project and Charleston Landing wherever there is upland separating the two projects, such buffer shall be plated as common open space, a minimum of 7,000 square foot lot size for all lots, and a traffic study for the intersection of Sea Mountain Highway and Ye Olde Kings Highway conducted before Labor Day. If the results indicate a need for a signal, the developer will cost share the construction of that signal with the city, each paying 50% of the total cost and installed prior to the issuance of the 50th residential building permit. Further, there should not be a straight spine road, but have it meandering and a buffer around the wetlands. Mr. Noury stated there was language in the Development Agreement regarding a buffer around the wetlands.

Having no further comment from the Council or public, Mayor Hatley closed the public hearing.

- J. **ORDINANCE/FIRST READING:** Creating the ±60.55 acres on Little River Neck Road Development Agreement regarding Seachase Pointe and to authorize the City Manager to sign the document on behalf of the City. Councilman Coyne recused himself from the discussion and vote. Mayor Hatley read the ordinance by title and stated the Development Agreement needed to include the list of items the Council listed during the Public Hearing prior to second reading. This included provisions to add a 20-foot buffer between the project and Charleston Landing wherever there is upland separating the two projects, such buffer shall be plated as common open space, a minimum of 7,000 square foot lot size for all lots, and a traffic study for the intersection of Sea Mountain Highway and Ye Olde Kings Highway conducted before Labor Day. If the results indicate a need for a signal, the developer will cost share the construction of that signal with the city, each paying 50% of the total cost and installed prior to the issuance of the 50th residential building permit. Further, there should not be a straight spine road, but have it meandering and a buffer around the wetlands. Mayor Hatley called for a motion. The motion to approve was made by Councilwoman Fontana and seconded by Mayor Pro Tempore Baldwin. Councilman Thomas stated there was a Scrivener's error on page 11. The total should be \$1,400.

Having no further comment from the Council or public, Mayor Hatley called for a vote. The motion to approve passed 6-0.

8. PUBLIC COMMENT:

John Griffiths, 612 20th Avenue North, North Myrtle Beach, read his statement Have you ever built a sandcastle with your kids and instead of sand, dug up someone's cigarette butt? Or walked on the beach and instead of looking down to see hundreds of beautiful seashells, you see cigarette butt after cigarette butt. Or tried to sit and enjoy the beach with family and friends and instead of breathing in clean, fresh, ocean air you had to inhale someone's secondhand smoke? Florida Governor Ron Desantis recently signed a law that allows local governments to ban smoking on public beaches. Entitled the Florida Clean Air Act, its purpose is to protect the public from secondhand tobacco smoke. It will also serve to reduce the environmental harm done by cigarette butts which contaminate waters and are toxic to sea life. Florida, a very conservative state, much like our own, recognizes the danger of secondhand smoke (SHS) to its citizens and the dangers to its coastal environments. Surfside beach has had a smoking ban since 2007. I visited their beach last Tuesday evening and it didn't look like their smoking ban was adversely affecting the number of people on the beach or tourism in town in general. I checked with the Assistant City Manager about their ban, and she said the city leadership doesn't feel like their ban has a negative impact on tourism and that she can't recall receiving complaints about not being able to smoke on the beach. Here are just a few reasons why you might consider a smoking ban on public beaches: the CDC states that there is no safe level of SHS. Even brief exposure to SHS can have immediate adverse effects on the cardiovascular

system and that the more than 70 cancer causing agents found in cigarettes can damage cells in a way that can set the cancer cell formation in process. Children exposed to SHS have an increased risk of respiratory infections, ear problems, and asthma. Adults exposed to SHS are at a higher risk of coronary heart disease and cancer. SHS is prevalent at beaches. A study of European countries found that 73% of respondents out of 8,500 people surveyed reported being in the presence of SHS at their last beach visit. The sheer number of butts one can find in the sand on our beaches is evidence of the high prevalence of smoking. SHS is dangerous in outdoor environments. The EPA standard for clean air is 35 micrograms per cubic meter. A study of SHS at Thailand beaches found cigarette particle levels 7 to 10 times higher than the clean air standard from distances of 3 to 6 feet downwind from a smoker. A Stanford University study found that bystanders 2 feet away from a smoker could be exposed to over 500 micrograms of toxic air pollutants over a 10-minute period and that SHS was detectable up to 12 feet from a smoker. The Thailand study also found that SHS concentrations were higher in sheltered areas such as under canopies and umbrellas and that beach goers who remain stationary for long periods (the disabled, the elderly, children and infants, pregnant mothers) were likely exposed to SHS for prolonged periods. Cigarette butts are dangerous to aquatic environments and organisms. Pesticides, herbicides, insecticides, fungicides, and rodenticides are all used in the production of cigarettes. A study of leachate found that arsenic, nicotine, polycyclic hydrocarbons and heavy metals are released into the environment by butts. A study by San Diego University found that leachate from butts was acutely toxic to saltwater smelt and freshwater fathead minnows. Researchers found that 1 butt per liter of water resulted in a 50% morbidity rate. Cigarette butts are not biodegradable. The filters are made of acetate plastic fibers. So, while they are photodegradable, and will break apart, they will not break down. We have numerous regulations to protect our beachgoers; no glass on the beach, no fireworks, no tents, leash laws and no dogs on the beach during the day, fill in holes, surfing in designated areas only, no swimming beyond 50 yards. But we have no law to protect beachgoers from perhaps one of the most dangerous things on the beach.

Ted Adams, 359 52nd Avenue North, North Myrtle Beach, read his statement. Thank you for your time to hear about our ongoing appeal with the City concerning a noise nuisance. Our neighbor has a pool filter installed on the property setback line, which is illegal and exceeds the noise limit. We live in a Cherry Grove channel house, which is elevated on piers and has the usual concrete ground level floor which provides a shady, cool, quiet place to relax. But not anymore. The neighbor's swimming pool pump filter is illegally noisy, runs 24/7 and is illegally close to our house so that it now renders the area beneath our home unusable for relaxing. The pump's noise can be heard inside the home and bedrooms. The pump's illegal location was approved by a city inspector who is no longer with the city. The police have visited our house to determine whether or not the pump's noise level was within limits and found that it was not within the limits. However, not the Codes Department, the City Attorney, or the City Manager, going back a few years, had helped us in any way to get the problem solved. In summary, the filter pump is illegally located, the pump is illegally loud, and to date, Ordinance Sec. 1-9 which requires enforcement of Ordinances by officers and employees has been illegally ignored. We would be most grateful if you would please require the applicable city officers to obey the law by one, enforcing the Ordinance 1-9 by requiring the neighbor to take the neighbor to take whatever's action is necessary, whether a pump change that meets the noise requirements or locating the new pump to a legal location preferably where it would not be a noise nuisance. Mayor Hatley stated they would pull the file and get back with him to address the issues.

Bob Hutton, 5208 Windy Pines Drive, North Myrtle Beach, stated he and John Holleran had formally adopted Watertower Road from the intersection of Route 90 to the intersection of Highway 31, a 7-mile stretch. Last month they did their first litter pickup. Over the course of 2 ½ hours, they picked up 150 bags of trash and cigarette butts. There were 30 volunteers, including 10 students from the JROTC at North Myrtle Beach High School. The next cleanup was scheduled for Saturday, August 27. He thanked the Public Works Department for the installation of RPM

(raised pavement markers or reflectors). They were installed from Long Bay Road to the Barefoot side of the Route 22 grid, a major safety step forward. New ones would be placed on the bridge after the restriping was completed. He reached out to the State Department of Highways to have RPM's installed from Route 90 to Long Bay Road, which was a state road. The Keep Watertower Beautiful Group is a set of eyes on Watertower Road. He requested to have the actual water tower on Club Course Drive cleaned. One side was black with mold. 75% is white, but the rest was not.

John Holleran, 5809 Swift Street, North Myrtle Beach, thanked the police for providing protection during the cleanup activity. He wanted them to consider a type of litter control technology that was being used in England. It used artificial intelligence to detect litter events through video events and captured license plates. He left information regarding the technology. Their group, Keep Watertower Road Beautiful Group, was considering applying for tree restoration funds from the county to provide for plantings along medians on Watertower Road. It was discussed at the Horry County Beautification Meeting. The fund had been used successfully in Carolina Forest. He inquired if that would be feasible. Mayor Hatley introduced Merideth Smith who serves on the Tree City Board. Ms. Smith stated they would be more than happy to work together. The problem was that some of the road was county and some North Myrtle Beach. She asked him to contact Jim Grainger, who was the coordinator for the Tree City Board and over maintaining the parks and grounds.

Ray Collins, 611A 21st Avenue South, North Myrtle Beach, stated the Council had a lot on their plate, but he wanted to help them get a bunch of noisy people off their backs. He asked they let them go back to Music on Main on their golf carts. He wanted to go back to 2021 to when they had a lot of fun on Main Street, especially when they started at 6:00. These were the businesses that started their music at 6:00 during the week, HOTO's, Duck's, Main Street Tap House, Wine Therapy, and Buoy's on the Boulevard. He counted in the general area about 30 venues that started at 6 PM, 5 PM, or 6:30 PM. That would keep them off the streets. A lot of his backers had to leave because they drove their golf carts and had to go home. Communities start their concerts, which were not award winning, like our concerts, at 6 or 6:30. Sunset Beach, Ocean Isle, Shallotte, and Georgetown did. He had 246 signatures on a petition. He asked for them to be sent back to Main Street.

Tim Moriarty, 707 Holloway Circle, North Myrtle Beach, stated he has lived here since July 9, 2010 and had not missed a Thursday night concert unless hospitalized, tied down, or out-of-town. He understood there were state laws that golf carts couldn't drive after dark. He also knew cities like New York, San Francisco, Los Angeles can ignore immigration laws in the eyes of the Federal Government and say we would be in municipal disobedience. Allow the folks that moved here for the way we enjoy our lifestyle, for the way they want to live here to proceed with this. He stated he didn't care if parks and recs or the police department or whatever was going on. He didn't know what was going on, but something was going on and it was impacting them, the folks living here want to enjoy the lifestyle for this long. He stated he was one of the newbies. He came from Connecticut, but this was his home and it bothered him that every Thursday, Friday, Saturday, and Sunday when all of his friends have to whine and moan. They do not have the fun they normally have on a Thursday night. He stated to work it out and get it together. The concert's over at 9, give them until 9:30 to get home on their golf carts. Do a civil or municipal disobedience to the same government. Golf carts were not allowed on Ocean Drive, but Ocean Drive was not safe from Sea Mountain Highway heading up to Hog Inlet.

Steve Rodgeron, 1620 Cottage Cove Circle, North Myrtle Beach, stated they had been doing this for 3 ½ years. A friend of his opened Riptide Ridez about a year ago. He said that half of the people that come into the store tell him they look forward to buying a golf cart for Thursday nights. He personally had an LSV and shouldn't be any different. He believed everyone should get together, make it 6 or 6:30 PM. He understood the state law was 30 minutes after the sun came down. Mayor Hatley stated that was not the law. He stated if he was on the City Council and someone asked him to make the decision, he would tell them who made it. They do not know who made the decision or why. Mayor

Hatley stated the Council was asked to weigh in on it and listen to advice from the staff, police department, businesses, etc. There were a lot spoken to, before a decision had been made. Mr. Rodgeron stated they used to be able to park on both sides of the street as far back to the barricades. They took one side away for emergency vehicles. Now they were back to chairs and both sides can be used, and the emergency lane disappeared. When you get 10-12 people sitting in the area, why block it off? He stated he had spoken with some of the businesses, and they have lost 80% of their revenue on Thursday nights, because the people who own the golf carts were spending the money. The people who were carrying chairs get their 15 minutes before it starts. They sit down, have their own cooler, and leave. We spend money and support the community. They lived there year-round. He asked the same thing to be done for them as was done for Bike Week. They let the bike week guys do whatever they want to do.

Linda Gillian, Carolina Keyes, stated she did some research having been familiar with the American with Disabilities Act as well as being a nurse. She contacted them and asked their opinion. They stated, "A provider or supporter of events must provide reasonable accommodations to grant all degrees of disability easy access to the event. Things such as offering wheelchair patrons to roll blocks to the venue or mobility impaired attendees to walk may not be reasonable if they need assistance or if they can't walk far. Some patrons may need canes or other aides because of their disability." Ms. Gillian stated there was not the safest sidewalks out there. She asked they please reconsider the changes, as this seemed to be in violation and bad will for the community. Mayor Hatley stated they were working on ADA compliance, and they will be helped. Ms. Gillian stated they needed to remember that some that were disabled could ride a golf cart, but not walk down there with chairs. Mayor Hatley stated they were addressing it.

Pam Thorn, Marina Bay, stated she didn't want to make this about her, but in her household she had herself, her husband with terminal cancer, her 83-year-old mother, and her severely disabled son. To go down to the Thursday night event was a highlight because they didn't have to get out of the golf cart or carry chairs. She stated she was the only one to be able to carry those things. Please give them one night. They were the ones to keep the businesses going during the winter when the tourists were gone. They wouldn't find a nicer group of people than the golf cart people. They were like family. Mayor Hatley stated everyone was great and it was not personal against the people. Ms. Thorn asked them to reconsider.

9. **ADJOURNMENT:**

Mayor Hatley thanked everyone for coming to the meeting, all the comments made, and adjourned the meeting at 9:53 PM.

Respectfully submitted,

Allison K. Galbreath, City Clerk

MARILYN HATLEY, MAYOR

Minutes approved and adopted this 18th day of July 2022