

**CITY OF NORTH MYRTLE BEACH, SOUTH CAROLINA
NORTH MYRTLE BEACH CITY HALL
CITY COUNCIL MEETING
Monday, February 20, 2023, 5:30 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 discussion regarding a potential appointment to the Board of Zoning Appeals, a discussion regarding a potential appointment to the Planning Commission, and a discussion regarding potential appointments and a reappointment to the Accommodations Tax Committee. The motion was made by Councilman Collins and Councilwoman Fontana. The motion passed 7-0. The Council returned to Chambers at 6:38 PM. Mayor Hatley announced that no votes were taken at the session. Mayor Hatley called for a motion to adjourn the Executive Session. The motion was made by Councilwoman Fontana and seconded by Mayor Pro Tempore Baldwin. The regular meeting started at 7:00 PM.

1C. CONTINUATION OF CALL TO ORDER:

Mayor Hatley asked Manager Mahaney to deliver the invocation.

Mayor Hatley led the Pledge of Allegiance.

2. MINUTES:

The motion to approve the minutes for the City Council Meeting of Monday, January 9, 2023, the City Council Workshop of Wednesday, January 18, 2023, and the City Council Executive Session of Monday, February 13, 2023, as presented, was made by Councilman Collins and seconded by Councilwoman Fontana. The motion to approve passed 7-0.

3. COMMUNICATIONS:

Rayford Vereen thanked the Mayor and Council for allowing a special presentation to a public servant, Larry Ligons, Sr. Representative William Bailey presented him a Resolution from the members of the South Carolina House of Representatives for a lifetime of service to his community, state, and nation.

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

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

Mayor Hatley invited everyone to come to the grand reopening of the North Myrtle Beach Museum on Saturday, February 25, 2023. There would be a ribbon cutting around noon. Councilwoman Fontana also invited the public to the 5th Annual Macaroni Mania fundraiser supporting the North Myrtle Beach Humane Society at the Sports Complex from 11 AM to 4 PM.

5. **CONSENT AGENDA:**

- A. MOTION TO APPROVE: 33rd Annual St. Patrick's Day Festival and Parade on March 11, 2023
- B. MOTION TO APPROVE: SOS Spring Parade on April 22, 2023
- C. MOTION TO APPROVE: Pink Ribbon Run on September 30, 2023
- D. ORDINANCE/SECOND READING: Petition for Annexation and Zoning Designation for 1.15 acres on Cenith Drive
- E. ORDINANCE/SECOND READING: Petition for Annexation and Zoning Designation for 1.08 acres on Cenith Drive
- F. ORDINANCE/SECOND READING: To authorize and approve an Intergovernmental Agreement between the City of North Myrtle Beach and Horry County relating to the joint county industrial and business park and to provide the City's consent to the creation of the park
- G. ORDINANCE/FIRST READING: Adoption of the International Building Codes
- H. ORDINANCE/FIRST READING: Amend Section 23-158 of the North Myrtle Beach Code of Ordinances (i.e., organization and proceedings of the Board of Zoning Appeals) to be consistent with Section 6-29-790 of the state code regarding those appropriate for appointment as secretary

Mayor Hatley asked the Council to consider Items A-H together. The Council agreed and Mayor Hatley read Items A-H 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 City Attorney and the county had worked carefully on the Intergovernmental Agreement and the City was protected.

Having no further 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: Amendment to the Prince Resort Planned Development District (PDD) regarding a full-service hotel and parking structure. Mayor Hatley read the ordinance by title and called for a motion. The motion to approve was made by Councilwoman Fontana and seconded by Councilman Collins. Councilman Collins asked if any additional parking was given. Robert S. Guyton, agent for the Developer, stated the narrative in the binders were incorrect. He explained six spaces were added without adding a floor to the parking, which was not feasible. There were not going to have shared amenities and the trash would be contained within the parking garage. He explained the exhibits were correct, but the narrative was not. The lane on Ocean Drive would be intermittently closed and coordinated through the Public Works Department. Mr. Guyton went over the changes in the new narrative with the Council. Councilwoman Fontana thanked them for changing the aesthetics and colors of the resort. It fit much better within the community.

Mayor Hatley opened the floor for public comment.

John Griffiths, 612 20th Avenue North, North Myrtle Beach, asked if a crosswalk sign had been considered because of the safety issue. There was a risk crossing across the road. He wanted to know if there was a light that had been considered to go to the new garages. Mayor Hatley stated they had not discussed this but they could and thanked him for bringing it to their attention.

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 adding Section 5-27, Commercial recreational activity on the public beach. Councilman Skidmore recused himself from the discussion, the vote, and departed from the room. 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 they had the opportunity to discuss this at a workshop and there were meetings with staff, businesses, and the Chamber of Commerce. Good suggestions were made, and everyone had worked hard on this ordinance. Councilman Collins stated he didn't want the public to perceive they were trying to control or harm anyone's business. The beach was getting so busy, the City needed to know who was on the beach and where they were located. This ordinance was much better than the first draft. He also appreciated the input from the small businesses. Mayor Hatley clarified the fees would be waived for 2023 but permits would have to be obtained. Mayor Pro Tempore Baldwin stated it was important to have rules and regulations in place and thanked Ms. Kilday for helping with the coordination of the businesses and their input. The Council and staff discussed the permitting process and fees. Mayor Pro Tempore Baldwin expressed a concern about the workman's compensation and liability insurance requirements. The Council asked if the distance from the dunes would be reduced from 25' for photographers. Councilman Collins ask if there would be a fee for just a couple and an officiant. Councilman Coyne stated it was a protection for the City and the requirements needed to be the same.

Mayor Hatley opened the floor for public comment.

Eric Hunt, Myrtle Beach Wedding Officiant, thanked the staff and Council for putting the ordinance together. He stated he had been performing wedding services for over 15 years. He stated those that conduct services professionally on the beach were not opposed to the ordinance. It protected the beach and whatever ordinance they put forth would not be perfect for everyone. When it came to weddings, there was a broad definition. Most of the them were simple weddings that only had a few people, standing on the beach and nothing to set up. He also pointed out that vow renewals needed to be defined in the ordinance. He asked if they would reconsider the permit requirement for the simple, toes in the sand, affairs, where maybe there would be 12 or less participants. They usually were last minute, and he didn't believe the permit process would be that quick. Mayor Hatley stated in all businesses there were small, medium, and large jobs. It would be very difficult to change permitting because of the size of the job. Mr. Hunt stated he was more concerned about the timeliness of the permitting and not the cost of the permit.

Julie Bostian, 708 Shell Point Court, Longs, stated she had been a beach photographer for many years and held a business license. She thanked the Council for allowing them to have this service on the beach. She stated she understood the desire to protect the dunes and she never put her clients on the dunes and only the flat sections where sea oats grew. Most of the sessions were taken at sunrise or sunset and didn't conflict with beach goers. She stated some of the prime spots to take pictures were at the edge of the dunes, near the flat places and edges of the walkways. The ordinance would limit what the people were looking for in a beach picture. She stated her business had many repeat clients and it was a great marketing tool for North Myrtle Beach. She asked if the 25-foot limit be removed and suggest the City educate photographers to stay off the dunes and enforced having a business license. She knew of many photographers that did not have a business license.

Elson Pettie, 3199 Red Bird Lane, Myrtle Beach, stated he owned the Romantic Myrtle Beach Weddings and had a business license. He stated photography took place near the dunes, not on them and asked for them to address being able to be closer. Also, he was concerned about the permit and asked if it would be very easy to do.

Cheryl Kilday, Destination North Myrtle Beach, thanked the Council for all the work that had gone into the ordinance, and it was vastly different than the first draft. She had a couple of concerns. She asked that the permit process be online and processed quickly, especially for the spontaneity of couples. She asked if the officiants that performed those simple weddings and vow renewals would be able to get a seasonal permit. She didn't know how to regulate spontaneity. The other concern was if there was a way for the resorts to have an umbrella opportunity. She believed there were just a few things to tweak.

Sean Redmon, 109 Ash Street, stated he had been doing surfing lessons for seven years. He stated he usually did lessons at the same area between 6th and 8th Avenue North. He asked if they always had to call with a lesson. He received calls after 5 PM for a next day lesson. Mayor Hatley stated she wanted staff to give every business license owner that operated on the beach, in writing, the ordinance and rules. They needed to know exactly what they could do or not do. She asked for everything to be online, too. Mr. Redmon stated his insurance premiums almost doubled in naming the City as insured and it was already expensive. He asked for more clarity. Mayor Hatley stated every business had to have insurance and he was doing business on the City's beaches, which they were responsible.

Kelly Dennis, 315 Sea Mountain Highway, North Myrtle Beach, stated she would like to be mailed this information so she could be aware of the issues. She wanted what was going on to be mailed to her. Mayor Hatley stated it had been advertised and they could not mail out 18,000 mailings for each issue that was on the agenda.

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

- B. **ORDINANCE/FIRST READING:** Amendment to Chapter 5, Beaches and Waterways, of the Code of Ordinances of North Myrtle Beach, South Carolina regarding bicycles on the beach or in the dune area. 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. Mayor Hatley stated they had a very good workshop on this item and the staff had worked extremely hard on this ordinance. Councilman Thomas was pleased they changed the hours and Councilman Collins stated he had heartburn about not riding a bike on the beach, but he understood why due to the Americans with Disabilities Act.

Mayor Hatley opened the floor for public comment.

John Griffiths, 612 20th Avenue North, North Myrtle Beach, agreed that banning e-bikes on the beach was the easiest thing to do but asked if it was the best course of action. This wasn't going to stop people from renting them and racing them on Ocean Boulevard. He stated golf carts were already an issue. E-bikes on the roads would create more accidents. According to the CDC, there were over 1,000 deaths and over 130,000 injuries on bicycles per year. He stated before the workshop, there was a death in Market Commons of someone on a bike. He stated a ban on the beach was a move in the wrong direction. Before banning bikes on the beach, they should create safer roads for bicyclists to use the roads. Many come for outdoor enjoyment, he asked for them come up with promoting e-bikes as a safe and enjoyable activity on the beach. He asked them to

implement rules and guidelines for them on the beach and then see if there was a safety issue. He asked for them to consider speed limits instead of a ban, bike lanes, no wake zones, and alerting beach goers to watch out for bicyclists. He didn't see tourists bringing heavy, expensive e-bikes to the beach to get ruined in the sand and salt. They needed to consider the safety of riders on the road. A greater safety concern was secondhand smoke and the litter from cigarette butts.

Kelly Dennis, 315 Sea Mountain Highway, North Myrtle Beach, stated she had a bike store for 33 years. She stated they do not allow golf carts on the beach and maybe they shouldn't allow electric bikes on the beach. However, a regular bicycle should be allowed because it was controlled by the consumer. She reiterated she would like to have been contacted. Mayor Hatley pointed out they were not banning bikes. The hours would be before 10 AM and after 4 PM. She stated they could not ban one without banning the other, but they were not banning them, just a certain time of the day.

Sharon Bowling, 221 9th Avenue South, North Myrtle Beach, thanked them for working on this ordinance. She stated she had an e-bike and it was hard to get on the beach. She could only ride it on the hard sand. She liked the hours they had and asked about signage at the beach accesses. Mayor Hatley assured her there would be signage. Manager Mahaney stated there would be signage and new magnets sent to all rental companies.

Ms. Dennis asked where this came from. Mayor Hatley stated there was a child hit. Ms. Dennis stated she had been renting regular bikes for 33 years. Mayor Hatley stated they could still ride bikes, just not between 10 AM and 4 PM during May 15 to Labor Day. She asked to have it mailed to her.

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

- C. ORDINANCE/FIRST READING: Amendments to Chapter 5, Beaches and Waterways, of the Code of Ordinances of North Myrtle Beach, South Carolina revising Section 5-18, Return of sand from coastal critical areas to beach and to add Section 5-19, Oceanfront walkways and decks. 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. Manager Mahaney stated this was to come into compliance with state law and make sure the walkways and decks would be built perpendicular. Councilman Thomas asked about the decks and walkways with a roof structure not being allowed. Kevin Blayton, Director of Public Works, stated it was the state OCRM baseline but the restriction on the roof structures was a City restriction on public property on the beach and areas seaward of the baseline. On private property, a roof structure could be added if it was landward of the baseline.

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: Amendments to Chapter 5, Beaches and Waterways, of the Code of Ordinances of North Myrtle Beach, South Carolina. 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 it would make the ordinance uniform.

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 Chapter 4, Animals and Fowl, of the Code of Ordinances of North Myrtle Beach, South Carolina revising Section 4-2. 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 Hatley stated this item was also making the ordinance uniform.

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:** Petition for Annexation and Zoning Designation for 22.53 acres adjacent to the Bahama Island Planned Development District. 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.

- G. **ORDINANCE/FIRST READING:** Amendment to the Bahama Island Planned Development District (PDD) regarding Phase 2. Mayor Hatley read the ordinance by title. Mayor Hatley gave a brief overview of the project. Mr. Guyton stated there would be an additional 361 sites. Mayor Hatley stated this was the best use of the property instead of a 22-floor high-rise. She stated before second reading, she wanted to see the elevations of all the buildings. Mr. Guyton stated signage was not included either and there would need to be and an easement of the ditch that Public Works has asked to be included. The Council agreed this was a great project for the area.

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

- H. **SECOND PUBLIC HEARING:** Regarding the amendment to the Bahama Island PDD Development Agreement regarding Phase 2. Chris Noury, City Attorney, gave an overview of different aspects of the Development Agreement.

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

- I. **ORDINANCE/FIRST READING:** Amendment to the Bahama Island PDD Development Agreement regarding Phase 2 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 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.

8. PUBLIC COMMENT:

Roger Clark, 918G Edge Drive, North Myrtle Beach, stated he represented the homeowners of Ingram Place II. He stated they had flooding issues in the area, and they were listed as fourth on the priority list. He stated he made a presentation before Council and Mayor Hatley asked that they would be helped and that did happen. There were negotiations and a swap on property was done. That was handled in September 2022. He asked when the project would be completed. Director Blayton stated they continue to work on design and easement acquisition. The biggest issue for Phase 3 stormwater projects was funding. The Ocean Outfall project came in \$15 million over budget. They were still looking for

alternative funding sources for this project and the other projects in Phase 3. Mayor Hatley confirmed they were on the priority list.

Karen Barnes, 1806 N Ocean Boulevard, A-102, North Myrtle Beach, stated she was there for relief from the Ocean Outfall project. She read her bullet points. She had documented receipts from 2022 of \$27,454.00 for her rental unit. Her renters come in, feel the shake, walk out, cancel and demand a refund due to the severe noise by construction machinery, vibrations through-out the day, and buzzing due to electrical generator chargers running over night. The condo is currently experiencing vibration which has caused cracking of the interior dry wall, shifting of hardwood floors, and ceiling since the beginning of project. The positioning of the A-102 condo faces the construction on the first floor through the screened in porch, which is approximately 15 feet from facing the construction site. There was no notice of the project or chance to purchase loss of revenue insurance for homeowners. They've shut my business down and I want a refund for the business license for the period since the project started, and a deferral on any renewal, until the project is complete. The unit is unsellable and unusable, and the City must contact the County Tax Assessor and confirm with them that the current value of the property is zero (0), and taxes should be waived until the completion of the project. I further request that this memo become entered into the minutes of this City Council meeting. My chief concern is loss of income for the next two years. Chances are, that these guests will never return. Mayor Hatley asked Manager Mahaney to look into the situation. Manager Mahaney stated they would look into the situation and explained that the further they go out into the ocean, the vibrations would get less.

Jim Shortle, 2812 Ship Wheel and Sea Cloisters I, North Myrtle Beach, stated they were killing them in regard to the Outfall Project. Ms. Barnes was going to lose her shirt. The HOA did not usually get involved with rental businesses. But someone had to help them. They were paying business license fee for nothing. He asked that the fee be waived throughout the project. He asked them to contact the insurance, too. They were all shaking, and it was inhabitable. They run a generator at the office building all night long. There was no reason for them to run it at night. The other problem there was a vacuum out on the beach, and it smelled the beach. He received a complaint from a tenant as far down on the property as they could get. It was emitting thick black smoke and noise. The smoke goes much further. Mr. Shortle stated there was no reason for them to have to run a generator all night. The City told them to contact the contractor, the contractor told us to contact the City. They were in a forever loop. He stated he told Manager Mahaney they were going to have the Pottery Barn rule. If it was broken, they would have to buy it. He would be sending the bills to the City to be paid. He also stated Tilghman Lakes had no beach access now. They were a second-row facility that has turned into a fifth row. He stated this project had not been thought through. Mayor Hatley stated this wasn't the first project Ocean Outfall and the City had not received as many complaints as they had from Sea Cloisters. Mr. Shortle stated they were practically on top of their building with pile driving 25-feet from their building. Mayor Hatley stated they could not make a decision tonight. Mr. Shortle asked for something to be done. Their insurance was up \$100,000 this year.

Bob Hutton, 5208 Windy Pines Drive, North Myrtle Beach, shared the Annual Report for the Keep Water Tower Road Beautiful group. They completed 3 litter pick-ups on 7 miles of roadway, one way. During the three pick-ups, they picked up 157, 54, and 57 bags of trash, respectively. They would be scheduling the next pick-up soon. He thanked the JROTC of the North Myrtle Beach High School and the NMB Police Department for helping with the pick-ups. Also, he thanked Aaron Rucker and Suzanne Pritchard for getting DR Horton with Bell's Lake on board. He stated reflectors had been put on the road, which made a huge difference for safety. He thanked the City for repainting the water tower in Barefoot. He stated inside Barefoot were public roads and the responsibility of the City. The roads had many dark and unlit areas. He asked who was responsible for putting up additional streetlights. Manager

Mahaney and Mayor Hatley asked him to get with Kevin Blayton after the meeting. Mr. Hutton stated there were 31 installed lights and he believed they needed 21 additional lights.

9. **ADJOURNMENT:**

Mayor Hatley thanked everyone for coming and called for a motion to adjourn the meeting. The motion to adjourn was made by Councilwoman Fontana and seconded by Councilman Coyne. The meeting adjourned at 8:48 PM.

Respectfully submitted,

Allison K. Galbreath, City Clerk

MARILYN HATLEY, MAYOR

Minutes approved and adopted this 3rd day of April 2023