

**CITY OF NORTH MYRTLE BEACH, SOUTH CAROLINA
NORTH MYRTLE BEACH CITY HALL
CITY COUNCIL WORKSHOP
Wednesday, January 18, 2023**

Minutes

1. ROLL CALL: 1:30 PM

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

Marilyn Hatley

JO Baldwin

Bubba Collins

Fred Coyne

Nicole Fontana, Absent

Trey Skidmore, Absent

Hank Thomas, Absent

2. DISCUSSION:

A. Amendment to Chapter 5, Beaches and Waterways, of the Code of Ordinances of North Myrtle Beach regarding bicycles on the beach or in the dune area. Chris Noury, City Attorney, presented information to the Council on the Americans with Disabilities Act. He stated legally if the city wanted to pass an ordinance that restricted electric bikes on the beach at a certain time of the year, the same restriction should be applied to manual bikes. If they only restricted electric bikes, there would be a good chance a claim could be brought against the city under the Americans with Disabilities Act for discrimination. The proposed ordinance would restrict electric bikes and manual bikes from operating on the beach from May 15 to Labor Day between the hours of 10 AM to 4 PM. Mr. Noury stated it was for safety reasons these restrictions were being proposed. The Council agreed they did not have a choice because of safety reasons. Mayor Hatley asked if they should consider a speed limit for electric bikes and would like staff to look into it. Mr. Noury stated they may want to do that after one season and revisit the issue if they saw that the speed of bikes were out of control. He also pointed out there may be enforcement limitations for imposing a speed limit.

Kelly Williams with Myrtle Beach Electric Bikes, stated there was a governor on ebikes that held the bikes to a maximum of 19.9 mph. She stated on the beach, the speed would be lower because of the conditions on the beach. She estimated approximately 14 mph would be the top speed on the beach. May Lauzon, beach patrol officer for North Myrtle Beach Public Safety, stated during high tide, they did not typically see ebikes on the beach. She stated some ebikes could be operated up to 27 mph, but they were in a different classification and those were not typically seen on the beach. She stated there would be a concern for the enforcement of speed limits and would need to have guidance on how that would be handled. They only had two beach patrol officers for 9 miles. Mayor Hatley stated due to the fact it would be difficult to enforce a speed limit, this may not be able to be put in the ordinance at this time. The Council agreed they could try it for a season and if a speed limit needed to be considered, they could come back at the end of the season to discuss. It was also agreed to bring the ordinance to the next Council meeting for a vote.

Mayor Hatley opened the floor for public comment.

Kelly Williams, 157 Avenue of the Palms, Myrtle Beach, owner of Myrtle Beach Electric Bikes, stated she concurred with Officer Lauzon and Mr. Noury on what they presented. The demographic was her age and older and if there were crowds, they didn't want to be on the beach on ebikes. The times they chose to ride on the beach was at low tide and when it was not very crowded. She stated they catered to North

Myrtle Beach and the Council's challenge would be from tourists that brought their own bikes down that wouldn't know the rules for ebikes on the beach. She stated she agreed with the ordinance and personally didn't want to see many ebikes on the beach because the conditions of the beach destroyed them. She stated there were seven companies that offered ebike rentals. When the beach was crowded, it was next to impossible to ride on the beach. Ms. Williams stated the only time bikes could be ridden on the beach was a low time and that was a very small amount of time. She stated she fully supported the ordinance and they were on the right path.

Sharon Bowling, 221 9th Avenue South, North Myrtle Beach, stated she rode her ebike to the meeting. She had disabilities and surgeries that don't allow her to ride a regular bike, but she could an ebike. She bought one in January 2022. She then saw on the jumbotron that ebikes were not allowed on the beach. She stated she could only ride it at low tide but it was exhilarating. She offered to allow anyone to try her ebike after the meeting.

John Griffiths, 612 20th Avenue North, North Myrtle Beach, stated he was on the beach a lot and this was unfortunate what it would do to bicyclists. He stated he didn't see this as a problem. The only time one could be ridden on the beach was at low tide and there was plenty of room. Most people were smart enough to get out of the way. He asked if there was something else they could do first before they restricted everything. He suggested to start with speed limits or at the busiest area they could have a walking zone, like a 'no wake zone.' He stated if ebikes were not allowed on the beach, they would be riding them on the streets and the shoulders were already narrow, especially on Ocean Boulevard. Many people didn't like ebikes on the streets. Mr. Griffiths pointed out there was someone that was killed at Market Commons riding their bike. It would be safer on the beach. He asked if they could look at other ways and do a study before making a rule. He stated there were other safety concerns on the beach, too. He did a Google search to find that service vehicles that had run over people, an umbrella had killed someone in Garden City, holes on the beach, and cigarette smoke. There were other safety concerns other than bicycles.

Mayor Hatley closed public comment and stated they were going to bring this ordinance back to the Council meeting for a vote.

B. Regarding activities on the beach. Manager Mahaney presented the proposed ordinance that was drafted by a committee which were appointed from public safety, parks and recreation, business license, legal, and administration. Manager Mahaney discussed the RFP process and insurance requirements for the paddleboard and surf camp franchises. He discussed the new rules and certifications. He stated they proposed to standardize the season from May 15 to Labor Day between the hours of 10 AM to 4 PM. He explained there were different hours for events and it was hard to keep up with each one. He stated each of the access signs would need to be changed and refrigerator magnets would be made and distributed to rental units. Manager Mahaney went over the definition and rules for the annual permits. This process would give the city a way to manage those that were on the beach, where they were located, and if they had a business license. Mayor Hatley asked for no solicitation to be added within the ordinance. Manager Mahaney continued to explain the rules for weddings, photographers, and filming on the beach. Mayor Hatley pointed out that Myrtle Beach does not allow weddings on their beach and North Myrtle Beach was getting those weddings, which, at times, was why there were so many. Councilman Collins stated these decisions may be unpopular, but the beach was not what it was 20 years ago, and they were going to have to make some tough decisions to protect the city and taxpayers. Councilman Coyne stated this would bring a new level of professionalism on those providing services. The Council and staff discussed surfing location areas that would be proposed and what the permit process would look like. Mayor Pro Tempore Baldwin stated this was growing pains that needed to have some guidelines. Mayor Hatley appreciated the requirement for liability insurance. Ms. Lauzon stated she would like to see the ordinance articulate having 20 feet from the dune line that was free from obstructions for emergency purposes. Manager Mahaney stated that would be written in the ordinance.

Mayor Hatley opened the floor for public comment.

Cheryl Kilday, Destination North Myrtle Beach, thanked the Council for putting this together and asked if there were any people from the community or businesses that were involved with putting the ordinance together. Manager Mahaney stated they were not involved in the initial draft of the ordinance. Ms. Kilday stated the agenda was vague and wanted to know if there would be another workshop that these businesses would be able to attend to discuss the ordinance. She asked if the businesses would be contacted to get their input. Manager Mahaney stated there were opportunities for citizens to voice their concerns at the next Council meeting. Ms. Kilday stated if they could offer ideas or constructive criticism before the Council meeting, it might go more smoothly. She asked where the non-profit companies would fit in to the ordinance. She also was concerned that implementation dates had been concluded and some businesses may have already had dates and times scheduled.

Councilman Collins asked if Ms. Kilday could send out the ordinance to some of her businesses to get their feedback. Ms. Kilday stated their visitor's guide was out to print and they had a wedding section that would have the wrong information now. Mayor Hatley stated the workshop was advertised and this was the forum to iron out any concerns. Mr. Griffiths stated that the agenda was unclear and not specific. He knew that many surf companies would have been at the meeting if they would have known. Manager Mahaney stated it was advertised as activities on the beach. Ms. Kilday stated not all of the businesses were members of the Chamber and she wanted to know if the City was doing to contact them to get their feedback. Mayor Pro Tempore Baldwin stated he would like to hear from businesses and get their input. He also was concerned for the smaller businesses that would not be able to afford insurance policies. Mayor Hatley stated they could always have another workshop. The Council, staff, and Ms. Kilday continued to discuss the ordinance and parts of the ordinance not going into effect until January 2024. The Council agreed for Ms. Kilday to put together a committee of businesses to get their input. Manager Mahaney showed some pictures of the activities on the beach and the struggle the city has had to manage some of them, which constituted the need for the ordinance. Mayor Hatley reiterated that the Council was not trying to penalize or stop activities on the beach, but to get things organized on the beach that would allow people to use the beach in different ways and keep the liability under control. Mayor Hatley directed Ms. Kilday to set up the committee meeting and bring back the information to the Council for discussion. This needed to be in place before the season started.

Mayor Hatley thanked everyone for coming to the workshop and adjourned the meeting at 3:03 PM.

Respectfully submitted,

Allison K. Galbreath, Clerk to Council

MARILYN HATLEY, MAYOR

Minutes approved and adopted this 20th day of February 2023