

A regular meeting of the Beaufort City Council was held on February 22, 2011 at 6:00 p.m. in the Beaufort Municipal Complex, 1901 Boundary Street. In attendance were Mayor Billy Keyserling, Council members Donnie Ann Beer, Gary B. Fordham, Mike Sutton, Mike McFee, and City Manager Scott Dadson.

In accordance with the South Carolina Code of Laws, 1976, Section 30-4-80(d) as amended, all local media were duly notified of the time, date, place, and agenda of this meeting.

### **CALL TO ORDER**

The Mayor called the meeting to order at 6:00 p.m.

### **INVOCATION AND PLEDGE OF ALLEGIANCE**

The invocation was led by Pastor Mark Walker of Seaside Vineyard, and the Pledge of Allegiance was led by the mayor.

### **PUBLIC COMMENT**

**Edie Rodgers**, 127 Spanish Point Drive, presented a copy of a letter she had written to the Beaufort Gazette. She feels the banners at Bay Street and Ribaut Road are important to the community as reminders of things that are going on in Beaufort. She has presented a letter to a number of not for profits. She wants the banners to remain and a banner at Lovejoy Park to reach different audiences. The banners are on the right-of-way, she says, and don't block the view of the Open Land Trust property.

**Charlotte Brown** said the Councilman Fordham and other not for profits may not use that corner for banners all the time, but it's good to know it's available for use.

### **PUBLIC HEARING: REZONING A PARCEL OF PROPERTY LOCATED AT 1403 GREENLAWN DRIVE, FROM NEIGHBORHOOD COMMERCIAL DISTRICT TO MARSH GARDENS PLANNED UNIT DEVELOPMENT (PUD)**

Mayor Keyserling opened this public hearing. **Libby Anderson** said 303 Associates wants to rezone this parcel. She described the background of the rezoning. Public notice has been made and staff has received no public comments on the proposal to date. The Planning Commission unanimously recommended approval on 2-21-11. There have been additions made since first reading. The most important is that the parcel will be designated Lot Type D. Other changes were clarifications. There being no public comment, Mayor Keyserling closed this public hearing.

Councilman Sutton made a motion, Councilwoman Beer second, to add an Executive Session at the end of the meeting to discuss a personnel matter. The motion passed unanimously.

### **MINUTES**

The minutes of the work session on February 1, 2011 were presented to council for review. On motion by Councilwoman Beer, second by Councilman McFee, council voted unanimously to

approve the minutes. Mayor Keyserling referred to page 2 of the minutes and said that in the discussion of county transportation, he did not recall making an estimate of \$30-40,000 and recommended that the number be checked. A check of the audio recording of the meeting confirmed that these were the numbers cited. The motion passed unanimously to approve the minutes upon confirmation.

The minutes of the regular council meeting on February 8, 2011 were presented to council for review. On motion by Councilwoman Beer, second by Councilman McFee, council voted unanimously to approve the minutes as written.

**ORDINANCE REZONING A PARCEL OF PROPERTY LOCATED AT 1403 GREENLAWN DRIVE, FROM NEIGHBORHOOD COMMERCIAL DISTRICT TO MARSH GARDENS PLANNED UNIT DEVELOPMENT**

Councilwoman Beer, second by Councilman Fordham, made a motion to approve the ordinance on second reading with the amendments Ms. Anderson had noted. **The motion passed unanimously.**

**RESOLUTION FORMING THE BEAUFORT MUSEUM COMMITTEE**

Councilwoman Beer, second by Councilman Fordham, made a motion to approve the resolution. **Katherine Lang** said the committee is asking the city to give them the management of the collection so they can inventory and repair what needs to be repaired, to stabilize the collection in good condition, then exhibit and grow it. They hope to work with other history organizations in the city. They're strictly volunteers and will be calling on the larger community when they need more volunteers.

Mayor Keyserling said the group has a work plan. The resolution will give them a year to implement it. Councilman Sutton said the city will support their efforts for now and will wait and see what happens. Mayor Keyserling said the original inventory was done 6 months ago; the pieces were appraised and stored. Their value was estimated to be considerably less than what it has now been determined to be. Ms. Lang said some artifacts are at the Confederate Relic Room and Parris Island. Councilwoman Beer described some of the past efforts regarding the museum. Councilman McFee applauded the group's willingness to take on the large project. **The motion passed unanimously.**

**RESOLUTION ESTABLISHING NEW WATERFRONT PARK POLICY, RENTAL FEES, AND COUNCIL CO-SPONSORSHIP FORM**

Councilwoman Beer, second by Councilman Fordham, made a motion to approve the resolution. Councilman Sutton said there are fee structure and policy documents. He described the differences between the business license requirements for public and private events. The council asked staff to look at private events' licensing and they did so. The event organizer has two options. A wedding planner may not choose all of the vendors so some may be from out-of-town. The event organizer would have to provide a list of all vendors, and the city would review to confirm they have a business license. The city will ask for an estimated gross receipt

for the vendors if they're not licensed. Mr. Dadson said **Mack Cook** wrote this document, so Councilman Sutton asked him to explain the changes.

Mayor Keyserling said heritage events who negotiate their contracts for use are not included under this policy. He also said the fee structure should be explained since the public did not all have access to what was distributed to council. Mr. Dadson displayed an overhead of the proposed fee structure.

Mr. Cook said the city does the same thing with construction as they are proposing here with the park and licenses. They have made an effort to make organizing events as unobtrusive as possible. They want to give the event organizer options: when the event organizer takes out a license, they will tell which vendors will be engaged in the event. The city will do the legwork to contact those vendors to get a license. Prior to the event, they will inform the event organizer of those who don't have a license. Everyone can be under the event organizer's license, a sort of "umbrella license." If they don't want to do that – the vendors may be hired by others, not the event organizer – then they cannot assume the responsibility of that element of the event. If that vendor doesn't have a business license, the event organizer can't use that vendor.

Mayor Keyserling said option 1 is what has been done with the heritage festivals: a blanket license for all of their vendors and they're responsible for gross receipts. Option 2 is that this may be complicated for big private events because of out-of-town vendors the event organizer may not know about. Councilman Sutton said the event organizer may not have any control over who participates if it wasn't disclosed to them. He has no problem with the second option. He would like it more in line with a fee structure for licensing based on the overall cost of the event. Mr. Cook said that's option 1.

Mayor Keyserling said he talked to a wedding organizer who said even if she doesn't know who the band is, she knows there will be a band. The event organizer is closer to the parents than the city is, Mr. Cook said, so the event organizer could inform the parents of the need to know all the vendors. Councilwoman Beer said the professional planners know who is going to be there; a band will not show up and the planner not know about it. Councilman Sutton said he's fine with how it's written. The intent is to encourage and clarify use of the park.

**Larry Holman**, 3 Pettigrew Drive, is president of the Beaufort Black Chamber of Commerce. He said he believes organizations do not have this information, though Councilman Sutton said the information was in the newspaper. He feels people involved with the festivals would like a copy of this information. He doesn't understand why this policy hasn't been made public. Mayor Keyserling said the four festivals that regularly use the park have certain levels of trust and expertise that allow them to negotiate where a one-time user wouldn't have that. They come to council with a signed agreement for the expenses and have done this for 25-50 years. They are not an event organizer creating an exclusive private event. This policy has been in workshops, on the website as part of a packet, and has been going on since about early August last year.

Mr. Holman said, "All fees are negotiable." Mayor Keyserling replied no, the heritage festivals negotiate contracts with events that may or may not comply with this. Mayor Keyserling said for example some groups clean up well, so they don't need to be charged a clean-up fee. At a Councilman Fordham, some vendors didn't have licenses. A band is like any other business operating in the city. Councilwoman Beer and Mayor Keyserling explained again that this policy doesn't apply to the heritage festivals.

Ms. Brown said she is concerned about how it will affect the festivals when this contract change takes place. She asked when the change will take place because the festival she's involved in is only 3 months away, and she doesn't know that that will be sufficient time to accommodate the changes. Mayor Keyserling confirmed with Mr. Cook that this will not affect the heritage festivals. The Water Festival has alcohol and the Gullah Festival doesn't. Shrimp Festival isn't gated. The festivals have an ongoing relationship with the city, and these policy changes shouldn't affect them. Mr. Dadson confirmed that this is correct.

Mayor Keyserling suggested adding the four heritage festivals by name in the document and saying that they will continue to negotiate on an annual basis with the city. Mr. Dadson said council could add that into the resolution "and that should take care of it." Mayor Keyserling explained to Ms. Brown and the public how this issue originated - from many summer weddings in the park - not because of the heritage festivals. Councilman Sutton went on to explain what the negotiations would be comprised of.

Mr. Cook said they couldn't ask for more cooperation from the heritage festivals than they have received. The Gullah Festival and the Water Festival have the infrastructure and the cooperation to be very good partners. Nothing now changes between the city and the festivals as established over the past years. Councilman McFee said this is for business licenses and doesn't include festivals and indicated where this is said in the document. Councilman Sutton pointed out that this is a resolution.

Ms. Rodgers said she feels that council asking for clarification "indicates confusion" about the document, so she thinks they "should have a long look" at it. She also asked that the Contemplative Gardens be renamed the Grassy Garden because it's less difficult to say. She asked what a council co-sponsorship form is, and Mayor Keyserling explained it's for not for profits such as a church that might want to do a baptism, and the city lowers their rates.

Councilman McFee said this process has been going on for 8 months, and despite the appearance of confusion about the options, the discussion resulted from an intent to clarify that matter for the event organizer. The council is fully clear about this, and staff has worked very hard on it.

Councilman Sutton made a motion to add to the resolution a Whereas: “the city recognizes the four heritage festivals will continue the process of use of the park” after “continues the use of the park by citizens.” Councilman McFee seconded the motion.

Mr. Holman asked again about the options for negotiations and several council people endeavored to explain the process to him. He said he will perhaps understand the process more when he reads the packet. Mayor Keyserling explained that the festivals have been negotiating with council for decades and reiterated that this is about individuals wanting to rent part of the park for a single event. There followed discussion with various members of council and Mr. Holman about the amount of transparency around this matter, including its discussion in workshops. Mayor Keyserling said all the meetings are open to the public. **The motion passed unanimously.**

#### **REQUEST FOR STREET CLOSURE FROM HISTORIC BEAUFORT FOUNDATION TO HOST ANNUAL SOIREE**

Councilwoman Beer, second by Councilman Fordham, made a motion to approve the request for the April 30, 2011 event. Councilman Sutton asked where it is, and he was told the corner of Federal and Pinckney Streets. **The motion passed unanimously.**

#### **MAYOR’S REPORT**

Mayor Keyserling said the Beaufort International Film Festival has grown over the last 5 years and has become an institution. He applauded the organizers.

#### **REPORTS BY COUNCIL MEMBERS**

Councilman McFee said the work sessions with the Office of Civic Investment were well-attended, and he hoped many would attend the development group meeting the following Thursday. Mayor Keyserling added that the process is highly transparent. There was general discussion of who received notice of the events, which are open to any interested parties, though people who own property in the first district received postcard invitations.

#### **EXECUTIVE SESSION**

On motion of Councilwoman Beer, seconded by Councilman McFee, council voted to move into Executive Session pursuant to Title 30, Chapter 4, Section 70(a) (2) of the South Carolina Code of Laws for discussion of a personnel matter. The motion was approved unanimously.

Councilman McFee, seconded by Councilwoman Beer, made a motion to come out of executive session and resume the regular council meeting. The motion was approved unanimously.

#### **ADJOURNMENT**

There being no further business to come before City Council, Councilman McFee made a motion to adjourn, seconded by Councilwoman Beer. The motion was approved unanimously, and the meeting was adjourned at 8:15 p.m.

ATTEST: \_\_\_\_\_  
IVETTE BURGESS, CITY CLERK