

A work session of Beaufort City Council was held on June 16, 2015 at 5:00 p.m. in the City Hall Planning Conference Room, 1911 Boundary Street. In attendance were Mayor Billy Keyserling and council members Mike McFee, Stephen Murray, George O’Kelley, and Phil Cromer, and City Manager Bill Prokop.

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.

Mayor Keyserling called the work session to order at 5:00 p.m.

REDEVELOPMENT COMMISSION INTERVIEWS

Jon Verity, Mike Sutton, and Frank Lesesne were interviewed for positions on the Redevelopment Commission.

OPERATIONS OF ELKS CLUB

Mayor Keyserling said the Elks Club has been there “as long as I can remember,” and he’d like to see it remain part of the Northwest Quadrant neighborhood. As its membership gets older, the business model has changed, and they have leased to groups, which changed the club during non-Elks functions. People coming for the first time don’t necessarily respect the club or the neighborhood. “It has gotten loud,” Mayor Keyserling said, and allegations have been made about potential violence or harm.

Willie Jacobs said he doesn’t want it to go in that direction, and he has offered the space for Northwest Quadrant neighborhood meetings. He’s been to court 4 times this year about the loud music, and neither he nor sometimes the police officers who responded have thought it was that loud. People do stand around outside, so they have worked with the police to eliminate that, Mr. Jacobs said, and police are now getting calls about the loud music. They don’t want to blast it, he said, but they want people to be able to dance there and to have more current music. He has monitored the level, and it’s at 39–41 decibels when standing on the sidewalk or the street. They are doing all they can to get along with the neighbors, Mr. Jacobs said, and working to eliminate the things that people complain about. The lodge has been there since 1951, he added.

Mr. Jacobs said there are more problems with noise complaints when they have a busy weekend. They have been leasing out the building quite a bit, and if someone violates the no loud music rule, they don’t have them back. Mayor Keyserling said the city has the same problem downtown with people who live on and around Bay Street; there is a noise ordinance there because it’s a “nighttime music district.”

Joseph Stroman said there have been some police officers who could hear the music and others who couldn’t. One told them that it’s too loud if it can be heard “with your ear to the wall.” There’s no set rule about what constitutes “loud” music. There’s no consistency, so if they have something to measure it by, they would be willing to take the ticket if it’s over that level. Mr. Stroman said it’s “very difficult” to hear music from the club “when you’re a block

away.” He can hear his church’s music from outside the building, he said.

Lt. Charles Squires said that everything the Elks Club representatives had said was correct. They *have* cut back on having events there, but the calls are about music with loud bass at 1 a.m. The ordinance says that if it can be heard at 50’, it’s a violation, he said. Even the people out in the parking lot talking can be a violation. Lieutenant Squires wondered how many time the Elks Club could get waivers.

Councilman O’Kelley asked how often the complaints were about the bass and how often it was “the crowd outside having fun.” Lieutenant Squires said they get calls on both. Mr. Jacobs said they are trying to solve the latter problem with noise coming outdoors when people come and go. Lieutenant Squires said that the ticket-able level of sound is *prima facie* 50’, and it’s 85 decibels is if you get closer, per the ordinance. Mayor Keyserling said again that this same matter has been discussed in the music district. The Beaufort Code might apply to this situation when it’s enacted. He wondered if council should be involved.

Henrietta Goode said, when the Elks Lodge door opens, neighbors can hear the music for a minute or two, and she understands that. Sometimes, though, when they hear loud music, it *could* be a car going down the street, but the Elks are getting blamed. People leaving and talking are the same at any function, Ms. Goode said, so, she asked, “Are people ticketed when they come out of the clubs downtown?” People living around the Elks Club have learned to deal with the club and vice versa, she said. Newcomers to an area need to know that the environment, the people, and the circumstances are what they’re looking for, Ms. Goode said, rather than trying to change the dynamics of the neighborhood to suit themselves. The people who are complaining have, for the most part, not offered any solutions as to what they would change and how, she said. She added that Lieutenant Squires is doing a good job.

Julie Roberts said there had been a question posed about the calls coming in when there’s a special event at the club, as opposed to an Elks Club event, but there had not been an answer. She’s interested in when the calls are coming in, she said. Lieutenant Squires said the “calls are about outside activity” during special events, but the music and bass calls “are at any time.”

Ms. Roberts said, within the last three weeks, she had heard loud music and bass that started after 11 p.m., and it was “not intermittent,” like when a door was opened, and it wasn’t coming from a passing car. This was “loud and obnoxious,” she could hear people laughing and screaming, and it went on “until way after 2 a.m.” She didn’t call the police because she didn’t know where it was coming from.

Mr. Jacobs said on most Sunday nights, the lodge closes at 1 a.m. They “never go past 2 a.m., ever.” Ms. Roberts said she lives in the neighborhood, but she didn’t jump to the conclusion that it was the Elks Club. Lieutenant Squires agreed that the club is closed by 2 a.m., and the vehicles are gone and it’s quiet by 2:30 a.m.

Councilman McFee said the ordinance “needs to be changed or enforced.” It “was written for a

typically residential area,” and there needs to be consistency. Lieutenant Squires said maybe fewer events would be an option, and he asked council again if there was the possibility of the lodge getting a certain number of waivers.

Mayor Keyserling said this has only been an issue in the last year, and he associates that with the special events. He doesn't think the zoning or the neighborhood would stand for a standard like they have in the nighttime music district. The Elks Lodge is in the Northwest Quadrant – a neighborhood, not an entertainment district. He doubts council would make a special noise district for one building. “A good number” of people who have complained “think the sky is falling if a car backfires,” Mayor Keyserling said.

Richard Blaise said that the club has been there 60 years, and “We have always been what we are today,” so he thinks it “should be grandfathered in.” Mayor Keyserling said he thinks this is about “the public (being) more aggressive about calling” to complain about noise, not about the police being more aggressive about ticketing. Mr. Blaise said yes, but they “have solved every problem that they have had a tangible way of solving.” The lodge has been there for more than 60 years, and there has been no violence, except a couple of fights a year that don't require the police. He said they “have been able to control every group that comes down there.” The neighbors aren't getting robbed when people are at the club, and considering “the type of business that we're in,” the Elks have had no problems.

There are few places for young people to go, Mr. Blaise continued. He understands neighbors' concerns, but given the number of potential problems, “to have a little noise for a couple hours is not much.” They work to control the crowd, and he described how they do this. “So it seems very petty,” he said, “for people to have a major problem with something that maybe happens once or twice a month.” He thinks the neighbors who had called the police should think, “When there's a group of people you think might be a threat to you . . . at least you know where they're at. . . . No one in our crowd has done anything destructive in the community.”

Mayor Keyserling said the purpose of this meeting is “to figure out how to make it work.” Ms. Goode said in February or March, a family on the corner near the club “had a major Super Bowl party,” and “it didn't stop at midnight,” but no one had a problem with it. On Prince Street, there's a short-term rental, and they have cookouts and parties there, and “have a good time together.” The neighbors are able to overlook those parties, too, and they should be able to overlook the parties at the Elks Lodge, Ms. Goode feels. The young people are chaperoned there, and they're not causing any more problems than “any private house where people are having parties or dragging in their coolers of beer.” She said she can “live with that for a couple hours.” If the noise were “so bad,” those complaining “would have been gone a long time ago.”

People at the Elks, Mr. Jacobs said, work hard all week and like to come out and have a couple drinks and dance. Mayor Keyserling asked Lieutenant Squires who was calling the police about noise – the types of households, and how many families there were. Lieutenant Squires said it's people who live near the lodge, and three households in particular.

Barb Nash said she lives in the neighborhood, and it's "fantastic." She hasn't heard loud music, so she doesn't call about it, but she has heard gunshots and has called about those, though she doesn't know where they have come from, just that "alcohol and firearms don't mix." She is concerned about the overall safety of the neighborhood. She doesn't connect the gunshots to a particular place, though. Councilman O'Kelley asked if there has been a shooting at the lodge. Mr. Jacobs replied, "Never on the property." There were shots on Washington Street one time, he said, but it was at a time when they weren't open. Mayor Keyserling said that was a domestic situation.

Lieutenant Squires said he knew of one time there were shots that "were connected to the lodge," in that the people involved "had a disagreement" while on the property, and then "someone in the street shot at someone in the parking lot"; this happened, Lieutenant Squires noted, "before we started working together." There are no other clubs like this countywide because they're "not safe," he said. This kind of club "can attract those people who can cause that kind of trouble." There have been problems with people who want to make trouble being drawn to the area by the club or by other parties, he said.

10% of the activity at the club is not Elks events, Mr. Jacobs said. Councilman O'Kelley asked how often those happened. Mr. Jacobs said they were having events almost every Friday night for a while, though those were not necessarily all rent-outs. Since they have "had the noise problem," they thought they should cut back to twice a month. They don't charge a fee; they "will let someone have a birthday party" there, for example, "as long as (they agree) to our rules."

Mr. Blaise said that they rent to people who want it, as long as their guests abide by their rules and regulations. Some girls wanted to have a pajama party there one time, and it was invitation-only. Sometimes it is rented to people who will then open it up for the public. A smaller crowd is easier to control than a bigger one. Mr. Blaise said a lot that they are discussing is "not necessarily a problem" of the noise itself, but "because it's in the inner city or the 'hood." Certain things are "guaranteed" to be present in those kinds of neighborhoods. "If you want certain things," Mr. Blaise said, like no music at night, he feels, "you should live in a gated community." In the inner city, "noise comes from everywhere, all the time."

Mayor Keyserling said that about 40% of the property between Charles and Bladen is vacant and/or abandoned. For the city to work, those houses have to be used, and there must be safeguards to have people want to live there. Mayor Keyserling said "a ghetto" can be a neighborhood that is neglected because people don't work together, but if people do work together, it can be "a ghetto with a different character." Parts of that neighborhood have died and been neglected, he said, and the neighborhood and the city need to work on that.

Mr. Blaise said he realizes what Mayor Keyserling is saying, but when you take an old lot in that neighborhood and then build a \$300-\$400,000 house on it, the people already living in the neighborhood can't afford that kind of price for a house, so someone new moves in who has a bigger, "different income and different values." Mayor Keyserling said a lot of people like the

character of that neighborhood. Mr. Blaise said they are only asking for people who have a problem to call them before they call the police.

Councilman Murray said a year ago, when they were talking about downtown noise, in the ordinance it says “willful violation,” which meant, in the city attorney’s opinion, a noise violator should be notified, and then “willfully” keep the volume up after a warning. Lieutenant Squires said they have given warnings or “gone to the complainant’s house and told them that it’s not loud.”

Councilman Murray said his neighbors sometimes have crazy parties, but not every weekend. Of the 4 times the club had gotten tickets, he asked, how many were during private, Elks-run events, and Mr. Jacobs said one was given during a leased event, and three were during Elks events. Mr. Jacobs said the fines are \$470 each. There have been warnings as well.

Mr. Jacobs said he knows who comes in the door, and if they’re troublemakers, he will get them off the property. They want to be neighborly and don’t want problems, either. The members provide security, and they haven’t had any reason to call the police, except to get people off the property after closing.

Councilman Murray asked if they had looked at anything to baffle sound inside. Mr. Stroman said they have done all they can do so far in that regard. He thinks if the neighbors had the phone number at the lodge, and heard 5 minutes of continuous noise, they could call, and then the lodge would take care of it. Last Sunday night, he said, he “spent half the night checking the doors,” he said, to see what could be done to prevent sound leaking, but “it’s a block building,” so there’s only so much they can do to mitigate the noise.

Marty Nash said the Elks Club is one of the highest rated in the nation. In Ohio, he was the executive director for the Shriners, and they had also had problems there when they rented out their space. He suggested that the problem the Elks are having might be because of the people to whom they are renting: “Maybe if you screen (them) more,” he suggested, “that will help.” Mr. Nash said he’d bought a house on Duke Street three years ago, and he doesn’t consider it a ghetto. Mr. Blaise said he was born and raised there, and he does.

There was a general discussion about Duke Street and the neighborhood. Mr. Stroman said they do pay attention to whom they rent the club, and it’s their own reputation that matters, not how much money someone will pay.

Councilman Cromer asked if people are hanging out in the parking lot; Mr. Blaise said they now get a wristband during private parties. If someone’s in the parking lot and has no wristband on, then they’ll be sent away.

Mr. Blaise said they bar people from entry that they don’t want in there. Those people are out of the Elks’ hands, then, so if someone they’ve not let in were to do something bad when he leaves the Elks, they can’t control that. Lieutenant Squires said it goes full circle to the problem:

when you have an event that's open to the public, you draw people who want to create trouble.

Councilman Murray asked the hours of club operation. Mr. Jacobs said sometimes members come and listen to music quietly, but they're open Friday – Sunday nights. You can come in as a guest of a member. Councilman Murray said it sounds like they're doing a good job determining whom they lease to. Mr. Jacobs said they have that narrowed down pretty well. Councilman McFee asked how long they have been doing that, and Mr. Jacobs said they "always have." There used to be rules about not wearing jeans and tennis shoes. They are trying to recruit different, younger members, so they have relaxed the dress code some, but they still "don't want saggy pants and tennis shoes."

Sue Derrenbacher lives on Duke Street, and she has called the police two times about hearing gunshots and two times about loud noise. The shots concern her, but she thinks the loud music has improved. Mr. Blaise said they have a metal detector at the club. Ms. Derrenbacher said that she thinks the guns are in people's cars, and "the fights seem to be in the street." She feels like it's getting better, though, and she wants "to make sure it stays that way." Three times last year, there were gunshots related to nights that the Elks had events, Ms. Derrenbacher said but, she reiterated, "It's better now." Mr. Stroman said they do the best they can, but even if a shot is fired a block away, it will be attributed to their club. Councilman McFee asked the police officer if the gunshot calls they'd received were related to the Elks. Lieutenant Squires said that one was, and the other two were "different." When a neighbor hears an event at the Elks Lodge, he explained, they are fearful something will happen, so they call the police about the music, and then the police have to enforce the ordinance when they get the call.

Mr. Sutton said he "knew this was brewing." He's never met the members, he said, but he's worked on some of the neighborhood's houses. He's said he's personally torn down 12 houses in the quadrant. Mr. Sutton hears that they are bringing in different types of events to sustain their 60 years of activities. They need to rent out the lodge in order to sustain it. As a not-for-profit, they pay no property taxes, and taxes are used to pay for neighborhood services, such as the police coming to respond to complaints. The ordinance is written, Mr. Sutton said, in such a way that someone has to complain, and then the police have to go out to respond when they do. In the future, the neighborhood's 40% vacant and abandoned housing that BK had mentioned could be infilled, and there will be more complaints then. "Citizens have the right to complain," Mr. Sutton said, and "the police have a tough job to do."

Ms. Roberts asked why there was a major difference in the span of a year that has lead to calls to the police now being made. Lieutenant Squires said it's because other clubs are closed. The Elks "didn't used to attract the problem people who hang out at the periphery," but the troublemakers don't have another club to go to anymore. In addition, he said, new people have moved in, and they're not as used to things that go on in the neighborhood, but he believes that "the peripheral people" who are coming into the club and/or neighborhood are the larger part of the problem. Lieutenant Squires said the Burton Hill Road club had closed because of problems with fights, etc.

Dwayne Smalley, Duke Street, said there's a bar ("The Hut") on Harrington that operates the same way as the Elks Lodge does, but no one complains about it. He doesn't see the Elks Club causing a problem. Not everyone in the neighborhood thinks it's an issue, Mr. Smalley said. He can hear live bands when they play at the Rhett House. Councilman McFee said he wouldn't hear that music at 2 a.m., though. Mr. Stroman said it's an urban environment and a downtown neighborhood, so "something would be wrong if there *wasn't* noise."

Mayor Keyserling asked Mr. Jacobs about what they want to accomplish. He asked what the city could do to try to help the Elks Club survive. Mr. Jacobs said, "We'd like to have some space to operate" without getting tickets "every time we open our doors." They'd like to know how loud they can play their music. It seems now like those who are complaining want the Elks Club to close its doors. Mayor Keyserling said under the current ordinance, the Elks would have to get a permit – and come before council – for every event, which "could create a bigger standoff" rather than solving a problem.

Councilman O'Kelley said it's private property – they're not asking to use the Arsenal – but if someone is having a wedding and wants noise ordinance and time waivers, he guessed they could go to 2:00 a.m. Lieutenant Squires said the Elks Club can't violate the loudness of the noise ordinance "at any time."

Ms. Nash said she hears the Elks "asking for clarity and consistency about what violates the noise ordinance . . . so it's not arbitrary." Mr. Jacobs said that's exactly what they want, so they know when they are and aren't violating the ordinance. Lieutenant Squires said, in regard to the number of tickets they have been given, the police were called 20 times that number, but tickets were not always written. In the beginning period of the police and Elks working together, the Elks were "in the warning (ticket) stage," but now that they are working together, not all officers know about their meetings, so they might issue a ticket. Lieutenant Squires said, "Basically, if you can hear the music at 50', it's a violation. . . . There's no decibel reading at 50'. It's 85 decibels if you're closer." Police don't write tickets, however, if they can't hear the music when they are at the house where the complaint call came from. In the case where a policeman had pulled up to the club from sitting at a stop sign, Lieutenant Squires said, he might have written the ticket because "he'd been dealing with calls from earlier in the night" about noise. Councilman McFee asked if the police would give a ticket without getting a complaint call. Lieutenant Squires said if they'd gotten calls earlier complaining about noise, they might ticket the Elks later, even if they hadn't *just* received the call.

Mayor Keyserling asked Ms. Goode and Mr. Smalley if the Elks Club's phone number could be distributed, "so the first calls could go to the Elks." Ms. Goode said if there's a party, and she gets the urge to call the police to tell on the people having it, because of the noise, then "it makes the cops have to work more," so "there's no real answer to the question." She asked if she would have to conform in her home or yard to the same noise level as the Elks. Lieutenant Squires said, "Yes." Ms. Goode said, if that's the case, then "it could get ugly for the whole neighborhood" because "we could just go off on each other whenever we wanted to."

Mr. Jacobs said they would like to give their number out to the public. Councilman O'Kelley said they could type up a little flier that said, "If you have concerns, call this number." Councilman Murray suggested also trying "to dial it back on Sunday nights" because it's a school night. Mr. Jacobs said Sunday night is for members and their guests only.

Mr. Blaise asked Councilman Murray about sound baffling and if Councilman Murray knew someone who could help them with that. Councilman Murray suggested Mr. Sutton might be able to help. Lieutenant Squires said most of the problems are with the music and particularly with loud bass. On Sunday nights, others in the neighborhood aren't as active, so neighbors can hear more sound from the club; maybe they could close a little earlier on those nights, he suggested.

Though it's impractical for them to get them for all events, Mayor Keyserling said the Elks might want to get a permit for an event like their upcoming hosting of the Elks from around the state. He thinks they need to continue the conversation. Everyone noted the club's phone number: 843-525-9633.

Other business

Mayor Keyserling said Mr. Prokop is putting out a news release that parking goes back to being paid, not two hours free, on July 1.

Mayor Keyserling said he's tried twice to have a meeting with all of the city's board, commission, and committee chairpeople, but he hasn't been able to get them all together at once, so they are going to get the chairpeople and as many of the board members as they can to come to different council work sessions to talk with council.

Councilman Murray asked if the Clements had been invited to this work session, and Mr. Prokop said Mrs. Clement had been invited to come speak, but she had said that she had a small baby and wouldn't be coming. Several people explained that the Clements were complainants about the noise from the Elks Club.

Mayor Keyserling said that he's looking for an African-American candidate for the Redevelopment Commission. Councilman Cromer suggested **Fred Washington** might have names, and Mayor Keyserling said Mr. Washington's sister, **Alice Washington**, is on his list. Mayor Keyserling named some other people he has spoken to or who'd expressed interest.

There being no further business to come before council, the work session adjourned at 7:20 p.m.