

A regular meeting of the Beaufort City Council was held on November 9, 2010 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 Councilwoman Beer, and the Pledge of Allegiance was led by the mayor.

### **RESOLUTION COMMENDING PAT GREEN**

Councilwoman Beer, second by Councilman McFee, made a motion to approve the commendation, recognizing Ms. Green's many achievements. Councilman McFee read the commendation and Mayor Keyserling presented it to her. The motion was approved unanimously.

### **PUBLIC COMMENT**

**John and Erica Dickerson** requested council's help. In July they applied for a zoning change, then changed it to a special exception to rent their Duke Street cottage short-term. They are ready to do business but are prohibited from doing so because the short-term rental ordinance has gotten "mired down." Current short-term rental owners are being shut down by the city, he said. He said the ordinance has not been enforced for decades and is now being enforced as it is about to possibly change. Taxes are being paid and business licenses have been given. He asked that the prohibition against short-term rentals be suspended for 120 days. He also asked that the revision of the ordinance for short-term rental permissible by special exception be in place in 60 days. He suggested ways in which this would be of economic benefit to the city.

Councilman Sutton said the business license issue and where business is being done are two different issues. He said that this needs to be moved along. Mayor Keyserling said the consensus at the workshop was that this was the kind of project for the consultants to work with—to determine where short-term rentals should be encouraged, not where they should be prohibited. This is the reason for the postponement.

Councilman Sutton said it's not a question of enforcement. He'd like council to have a discussion about the suspension of enforcement of current short-term rentals. Mayor Keyserling said the problem with that, he feels, is that it would hurt both sides of the issue. One short-term rental has been very destructive in an area where short-term rental is not permitted. Councilman Sutton said if the business has the license and pays the A-Tax and are

being prohibited, shutting them down without due process is not right. Councilman Sutton said if a business license has been issued, but they're not in a space where they can do it, they need to be allowed to operate for now. They need clarification on this matter at the next work session. He asked Mr. Dadson for a briefing. Ms. Dickerson said she's concerned about what they have "accidentally started."

Mr. Dickerson showed e-mails he'd received. Mayor Keyserling asked how many of those rental owners were legally licensed and paying their taxes. Mayor Keyserling asked if they were in General Residential areas, and Ms. Dickerson said they are. Mr. Dickerson said several have been forced to cancel bookings in November and December. Others are concerned that, outside of the city, this will spread to Port Royal and throughout the county. Ms. Dickerson said they had gotten together with those vacation rentals by owners who had received notice from the city. She heard there were "40 or so" in the city, but that was unverified.

### **MINUTES**

The minutes of the work session on October 19, 2010 were presented to council for review. Mayor Keyserling pointed out that in the last paragraph on page 1 of the minutes, "as soon as" should be "before." He also said on page 2, in the second paragraph, the designation of "½ - 1" vote away should be "1-2" votes away. On motion by Councilwoman Beer, second by Councilman McFee, council voted unanimously to approve the minutes as amended. Councilman Fordham abstained because he had not been present at the meeting.

The minutes of the regular council meeting on October 26, 2010 were presented to council for review. On motion by Councilwoman Beer, second by Councilman McFee, council voted unanimously to approve the minutes as written.

### **AMENDMENT REVISING SECTION 5.3D.9 OF THE UDO TO CHANGE THE CONDITIONS ASSOCIATED WITH FUEL SALES, AND ADDING DESIGN GUIDELINES FOR GAS STATIONS**

Councilwoman Beer, second by Councilman Fordham, made a motion to adopt the amendment on second reading. The motion passed unanimously.

### **ORDINANCE REZONING SEVEN PARCELS OF PROPERTY LOCATED AT 33 TEKOA LANE AND TO THE REAR OF 1220 RIBAUT ROAD, FROM GENERAL RESIDENTIAL DISTRICT TO GENERAL COMMERCIAL DISTRICT**

Councilwoman Beer, second by Councilman Fordham, made a motion to adopt the ordinance on first reading. The motion passed unanimously.

### **ORDINANCE REZONING TWO PARCELS OF PROPERTY LOCATED IN THE BLADEN STREET AREA, FROM GENERAL COMMERCIAL DISTRICT TO NEIGHBORHOOD COMMERCIAL DISTRICT**

Councilwoman Beer, second by Councilman Fordham, made a motion to adopt the ordinance on first reading. The motion passed unanimously.

### **REQUEST FROM SOUTHERN SCOOTER TO HOST ANNUAL MOTORCYCLIST PARADE**

Councilwoman Beer, second by Councilman Fordham, made a motion to grant the request for the event throughout the downtown area December 19, 2010. Mayor Keyserling said perhaps when they're notified of the approval of their request, the city could also ask the group to help with excessive motorcycle revving on Carteret and Bay Streets. Councilman Sutton said they could be invited to a work session to discuss noise ordinances, and council could ask for their help as well as supporting their community efforts. Mayor Keyserling said they could be invited. The motion passed unanimously.

### **MOTION TO ADOPT RESOLUTION REGARDING LOWCOUNTRY ECONOMIC ALLIANCE**

Councilwoman Beer, second by Councilman Fordham, made a motion to adopt the resolution. Mr. Dadson said the essence of the resolution was for the city to participate in a regional approach to an economic framework. Each jurisdiction in the area is adopting this. He said there is a lot more diversity in the regional economy than there has been. He recommended its adoption. The motion passed unanimously.

### **CITY MANAGER'S REPORT**

#### **Update on Parking from the Redevelopment Commission**

Mr. Dadson made a presentation on current parking operations, specifically in this fiscal year. The Redevelopment Commission, working with Main Street Beaufort, has a subcommittee on parking that meets with Lanier and city staff. He showed monthly revenue for operations from July – October from various sources. Citations are fairly consistently 15% of gross revenues. About half of the tickets written are voided by Lanier. To date, revenues have been on target. They fluctuated down in September and then back up in October to July levels. Parking passes continue to be at a premium. The occupancy is ideally around 85-90% capacity, and in October, they reached 91.3%. August and September were the low sales points and were around 82% occupancy.

Pay station activity was shown broken out into amount of revenue and the most active days. He broke down the sources of revenue: the pay stations on Bay and the Marina Parking lot are around 51% of transaction revenues. He said the per-space value of parking is \$39,000.

He showed the themes of and remedies for parking complaints: enforcement, pay vs. free, difficulties with the pay stations, and the need for better signs so people know that they have to pay and where to go to do it. The remedies are an on-street "warning" ticket for first time violators; merchant validation program; re-programmed screen instructions and contrast for better visibility; more signs; and adding a 25-hour a week non-ticketing parking attendant.

The most common reason (94%) for tickets is for expired meters. There are other policing actions related to parking as well. There are varying issues that arise and need to be discussed related to parking: parking/meter hours, enforcement, and which days different timing effects would be appropriate. The parking plan is a draft as of now. There's little data before this to draw from to determine what's best for the customer.

Mr. Dadson said Christmas parking (free bagged meters) and how it will be dealt with and parking in the outlying neighborhoods are new challenges that have arisen. Councilman McFee asked about the draft of the parking plan; Mr. Dadson said originally they “stayed the course” on times, but changed fines and fees. Enforcement times and time allowed per space are both included in “time.” The committee is discussing these and will come back to council with their recommendations for changes.

Councilman Sutton asked for the Redevelopment Commission report to be given by one of the commissioners, not by the City Manager. He said he’s “not comfortable on the street level” with where parking is going. He asked commission chairman **Bob Pinkerton** to give his view on where the Redevelopment Commission is on parking and how they’re working with Main Street Beaufort. Are they solving the problem?

Mr. Pinkerton said the presentation seems to have been about money, but the parking subcommittee is concerned with making parking downtown “a friendly experience for folks who come to town.” There is a list of specific assorted complaints the committee is trying to solve.

- The pay stations have been reprogrammed to address issues that had arisen.
- They have increased signs in response to complaints.
- Receipts are now available for the meters and stickers that indicate where they come out of the kiosk.
- The kiosks now “talk to each other” and they can be fed for cars that are near other kiosks, not just the original one paid into.

Mr. Pinkerton said the data indicates that the cost is not a big problem now; there are no complaints about fines and per hour parking fees. He said the kiosk that is in chambers is not on the streets yet, but council is invited to check it out. Warnings were discussed, but the Redevelopment Commission didn’t recommend them. Angled parking was studied, but there’s not room for it.

The loading zone no parking issue seems to be problems based on people not knowing what the rules are when loading and unloading. Councilman Sutton said there are only commercial loading zones, and so they have to have a state tag. Mr. Pinkerton said it’s Beaufort and if he bought something at a gallery, he’d like to be able to be in a loading zone to get it into his car. Councilman Sutton agreed. Mr. Pinkerton reiterated that 45% of the tickets that people call about are dismissed.

Mr. Pinkerton said the use of credit cards is going up. Main Street Beaufort is beefing up their web site to help people understand what’s going on better. They had nearly 500 hits on matters related to parking on their page. Lanier put an extra ambassador on the payroll who only explains things to customers and doesn’t write tickets.

The big issues seem to be employees parking late in the afternoon; they claim their concerns are with security, so they don't want to park in a lot, Mr. Pinkerton said, and that needs to be worked on. He said they are committed to reducing the rate, if you don't park right on Bay Street; they want to create a recommendation about this. They need to discuss extending the time into the evening down the road. The vacancy rate on Bay Street was 8% at one point, and experts say it should be 15%.

Councilman Sutton asked if Main Street Beaufort had any related comments. He asked if Main Street Beaufort was heavily involved in the process of parking problem-solving. **Lanelle Fabian** said that she and Randall Burch are on the parking sub-committee, and they are happy with what they have been seeing being done. There is a little difference of opinion on the warnings (between Main Street Beaufort and the Redevelopment Commission) so there will be further discussion.

All of the various sites that take complaints are put together and summed up and then they see if they can fix the problems. Councilman Sutton asked if the organization was comfortable with the direction in which this is going. Ms. Fabian said they "have looked at the draft of the parking plan but not in-depth." They decided to talk about what they have done and what they plan to do. She is satisfied that they're sitting down and talking. Main Street Beaufort is not at a point where they can look at extending the time. The 2-, 4-, and 8-hour issues and encouraging people to park further off Bay but reducing the rate are expected to be looked at and a recommendation given in the next month.

Councilman Sutton said the kiosks were purchased and placed at the recommendation of Lanier. He asked if there were enough kiosks to solve the problem. Ms. Fabian said in some areas, maybe not. Councilman Sutton said if there aren't enough kiosks, he needs to know that. He asked about the number of signs. He agrees that it's necessary but not necessarily effective. If there's a sign for every two spaces, that's a problem. The block by Fordham Hardware has 17 signs for 19 spaces. He asked for "clarity on where this is going." He feels there aren't enough kiosks, and some people may not know they exist. He feels it's frustrating and there may be more common sense approaches that could have been taken. He wants to know where Lanier, "supposedly the experts," is in all this. He feels Lanier has failed.

Mayor Keyserling said Main Street Beaufort and the Redevelopment Commission need to be brought to the table with council. The council is "front line." They are the ones who get the e-mails with complaints. He feels there are probably so many layers of involvement, and Lanier isn't operating the system, Mack Cook is, and "the intention was to outsource it." They should sit down and talk about whether Lanier is doing what they were expected to do. He asked council to consider if there are too many layers. If Main Street Beaufort and the merchants are working together, do they need to burden the Redevelopment Commission? And then there's council and city staff. Too many layers may be part of the reason these issues are harder to solve: "The normal pattern of problem-solving isn't at work here." A work session would offer a frank assessment of Lanier, the relationship between Main Street Beaufort and Redevelopment

Commission, and help determine if they're doing what they're meant to do to help the merchants and their customers.

Councilman Fordham said he agrees about the work session. Mayor Keyserling said he spent 4 hours downtown and hung out at the kiosks on a Saturday, and there were far fewer complaints than the e-mails would have led him to believe. The merchants weren't angry, though he noted a difference between Main Street Beaufort and some of the stores who don't feel represented by that organization. "But," Mayor Keyserling concluded, "there's good happening there."

### **Parking in The Point Neighborhood**

**Paul Michau**, 212 New Street, made a presentation on the application for permitted parking on Port Republic and three blocks of New Street. The packet contained each individual resident's request. 58% of residents didn't want restricted parking, so the committee dropped the subject, but the majority of Port Republic and New Street residents wanted it. So it's not a Point neighborhood issue, but it is a resident initiative.

Mr. Michau presented the task force's original proposal for the whole Point neighborhood and the parking plan specifically for Port Republic and New Streets by residents of those streets. He explained the current areas of concern and the group's proposals for addressing those. He said this is a small section of the Point but will allow emergency vehicles to have access and residents to find parking spots.

He said those downtown employees who are currently parking free in the Point will have to find other places to park, and he doesn't know what the long-term solution is. Merchants will have to find parking for their employees who are "struggling to find free parking." He suggested that council discuss this matter in a workshop.

Mayor Keyserling and Councilman McFee asked Mr. Michau to clarify the times of enforcement; it was unclear to them whether it was five or six days a week. Mr. Michau said they initially requested 5 days a week from 8 am – 5 pm, but the residents of New and Port Republic Streets wanted it to be 6 days a week from 8 am – 6 pm to keep employees from parking there. Mr. Michau said the residents of those streets haven't all been contacted yet to confirm a preference on this.

Councilwoman Beer said a big problem was that employees were used to paying \$3 to park downtown, when the fine was that much. Then they spent \$4 a day parking in the Trask lot. She agreed with Councilman McFee that stopping enforcement at 6 pm would "not solve a lot of your problems" with employees. Downtown employees have said they have concerns about safety, as well, which is why they don't want to walk to the Trask lot, so it seems unlikely that walking in the less-lighted Point would be safer, she feels.

Mayor Keyserling asked if the city could determine who the people were who were parking there. They might, for example, put a sidewalk down New Street and put 2-hours meters there. Carriages might go down that street if it were cleared, he said. He has an issue with “making private parking on a public street,” so he would like to consider other ways to meet the needs of the people who live on those two streets. Parking permits present a potential risk of the Point being perceived as “a gated community.”

Councilman Sutton joked that they’d missed an opportunity with The Green: “We had a perfect spot for a parking garage.” He said the businesses that have revitalized the formerly moribund end of Carteret have employees who need places to park. He said the question is, again, “where the employers are on this matter” and “why they aren’t being good neighbors.” He asked if the enforcement would be by uniformed officer, and Councilwoman Beer responded that it would be Lanier / Park Beaufort. Councilman Sutton asked if they knew the costs on that, and Mr. Michau said the revenue generated would be “incremental” and he’s “hoping it won’t be revenue-generating.”

Councilman Sutton asked what DOT regulations are about parking on these narrow streets. He asked if the vehicles usually had 2 wheels on the asphalt and 2 wheels on the grass. Mr. Michau said there’s no curb there, so yes. Councilman Sutton said the front yard on such streets is really a DOT right-of-way, so parking there’s against the law. Instead of creating a new parking plan, they could enforce what they already have, which “comes back to DOT and our city police doing their jobs.” Residents could not park in their own front yards, if this were to occur, which they might not like. Though he complimented the plan the committee put together, he’s concerned with “adding another layer” to fix something when it’s already illegal to park there.

Mr. Michau said there’s a yellow line that a resident painted in his own yard “in desperation,” so now people park on the other side of the street. He said most employees park there, in the same spots every day. Councilman Sutton asked Mr. Michau if he thought it was a fair question to ask, if it’s not designed for parking, why it’s being parked on. Mr. Michau said there’s no problem with people occasionally parking for an hour or two to do something downtown. The problem is with the people who park there all day, every day, preventing residents from having visitors.

**Dewitt Helm**, 406 New Street, said those who worked on the parking plan looked at it “not so much as a parking *prohibition* plan as a parking *enabling* plan” for the people who live on the Point. Their biggest concerns are about preservation of property and safety, as there are presently times, day and night, when it would be impossible to bring an emergency vehicle into the Point from those streets. Mayor Keyserling asked if there were street parking on Mr. Helm’s block of New Street. Mr. Helm said there are times when there are cars parked on both sides of New Street, making it impossible at times to get a car through, much less emergency vehicles.

**Carol Waters**, New Street, said she is not in favor of having decals or any sense of a gated community on the Point, though she agrees that parking is an issue on the Point. She thinks a

strip and a “resident parking only” designation would help. She also agrees that there is a safety issue in regard to emergency vehicles. She recommended reviewing the DOT guidelines as to what is and isn’t legal.

Mayor Keyserling said parking will be on the agenda for the next workshop.

### **Holiday Parking**

Ms. Fabian said that Main Street Beaufort wants to have free holiday parking at the library and the old City Hall. They would like to do this instead of the Marina lot, which has 4- and 8-hour parking and would be confusing. They would do all 2- and 4-hour meters except for in the Marina. Mayor Keyserling asked if the 2-hour limit would be enforced, and Ms. Fabian said yes, the sticker says “Free Two Hour *Enforced* Parking.” Councilman Sutton asked how it would be enforced, and Ms. Fabian said with additional chalking of tires. Last year, they gave warnings and then a fine, and the group would like to give warnings again to those who haven’t gotten a ticket before. Mayor Keyserling said he fears that they say “free,” even if they say two hours, “and then you start writing tickets.” Ms. Fabian said they’ve done it this way every year. Mayor Keyserling said they had free two-hour meters on Bay Street every year.

Ms. Fabian said the kiosks will have a big bow on them and the sticker as a gift card. Mayor Keyserling said he’s been discussing this with an organized group at the Fordham Market and told them “they’d better be careful for what they ask, because if someone is angry when they get a ticket, under a system where they think it’s free, they’re going to be even more angry.” He just wants to ensure the enforcement is managed so as not to compound a problem. He suggested merchants could put a little red sign in their windows reinforcing the “Free Two Hour Parking Enforced idea.” Councilman McFee said this would also involve the merchants more in the process, and they can answer customers’ questions if they have them. Councilwoman Beer said it can be put on various websites and in the newspaper. Mayor Keyserling said it needs to be in everyone’s faces when they come in the door. Councilwoman Beer said there’s no way to please everyone.

Councilman Sutton asked if the “no-gooders,” such as downtown employees, “would be driven back to Bay Street” with the Marina lot parking not free, and Ms. Fabian said they’ll get a ticket if they’re there for more than 2 hours. She said her understanding is that legally, they can’t force downtown employees not to park there but can only encourage employers to do so.

Councilman Sutton asked the benefit to the community of doing this. BF said according to the report, it’s saving parkers \$40,000 and giving goodwill. Mayor Keyserling said he wants to “achieve goodwill.” Ms. Fabian briefly explained the economics of the free parking and the aesthetics of the bags and their bows. She said they will give fliers to the merchants and encourage them to tell their employees not to park at the bagged meters.

Mayor Keyserling asked if there needed to be a public meeting and a vote on this matter. There was some discussion as to the procedure. Councilwoman Beer made a motion to suspend the

requirement to pay for the parking meters in the area designated by Main Street Beaufort. Councilman McFee seconded. The vote was unanimous.

### **MAYOR'S REPORT**

Mr. Fred Washington, Jr., Beaufort County Board of Education said the members of the Immigration Joint Initiative Planning Group are putting forth an effort to get "every political subdivision" to pass a resolution saying that while they don't condone illegal immigration, they do support equal rights in this community. On November 17, 2010, there will be a meeting with political subdivision leaders making that statement along with "presentations of fact relative to the law addressing immigration in areas of employment, health, public services, law enforcement and education. He said the intent is to focus strictly on the facts and the law in this regard, to correct the "myths and misleading" around these issues, and to encourage civil discourse. He said he hoped Mayor Keyserling would be there to represent council. Councilman Sutton said it's interesting that there needs to be dialogue on enforcing laws that are already on the books. Mr. Washington said this is not an exchange of dialogue; it is a presentation of facts, and if people want to move beyond this, there will be a web site for them to have information available.

Mayor Keyserling said council does not have a resolution in front of it. Councilwoman Beer made a motion to resolve to support the immigration information forum and that council reinforces its commitment to enforcing the laws as they apply to legal immigration. Ms. Hughes said she "got the wording down." Councilman Fordham seconded. The motion passed unanimously.

Mayor Keyserling said that he is very concerned about the future of the USCB campus, and he has formed a group comprised of stakeholders who have been involved before. After 4 meetings, they have decided to create a Beaufort College scholarship fund.

### **REPORTS BY COUNCIL MEMBERS**

Councilman Fordham went to Waterfront Park a few weeks ago and he said the American flag is "dinky" and he would like to direct the city manager to get a larger flag. If it costs anything to buy the flag, he hopes council can appropriate the funds.

Councilwoman Beer said the parade is Thursday. Mayor Keyserling said Ivette Burgess is taking care of it.

Councilman Sutton said the TMAC assignments need to come up soon and Mayor Keyserling added that HFB positions need to be filled as well.

Councilman Sutton asked Mr. Dadson what was happening with the horse and buggy kiosk. He'd heard a rumor that "electrical power was holding up" its completion. Councilman Sutton had a brief discussion with Mack Cook and asked him to do what was necessary to get the power necessary to the kiosk.

Councilman Sutton said his father was in a veterans' hospital and thanked Lowcountry Alzheimer's Group for its help putting him in a fine facility, for which he was eligible as a veteran.

Councilman McFee said the Beaufort 300, the fundraising arm of the Tricentennial committee, has written a press release that should be distributed to all media. He said he has applications for the Beaufort 300.

Mayor Keyserling said he'd spoken to council members individually and wanted to add to the work session agenda a discussion of a council member serving on the Redevelopment Commission.

**ADJOURNMENT**

There being no further business to come before City Council, Councilwoman Beer made a motion to adjourn, seconded by Councilman Fordham. The motion was approved unanimously, and the meeting was adjourned at 8:12 p.m.

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