

A work session of the Beaufort City Council was held on July 8, 2014 at 5:00 p.m. in the Beaufort Municipal Complex, 1901 Boundary Street. In attendance were Mayor Billy Keyserling, Council members Donnie Ann Beer, Mike McFee, Mike Sutton, and George O'Kelley, 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**

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

**Dean Moss** read a letter in response to an email that Mayor Keyserling had sent him about the City of Beaufort's relationship with the Open Land Trust. Mr. Moss described the history of the Open Land Trust and the way it works.

Issues were raised in Mayor Keyserling's letter, Mr. Moss said, which he would address:

1. The Open Land Trust opposed the rezoning of the Marina parking lot – Mr. Moss said it was a bad and ill-timed move by the City of Beaufort, and that's why the OLT opposed it. The Open Land Trust had no choice but to make its position known, he said, when the City of Beaufort chose to move forward with the rezoning. Because the city was perceived to be "unbending," and the city didn't indicate that it felt that the Open Land Trust's opinion was of importance, Mr. Moss said there was no benefit to the OLT in conferring with the city sooner than it did.

2. Open Land Trust proposed the Sasaki plan without consulting with council – Mr. Moss said it's the best plan for the park, the Open Land Trust feels, and they again felt no obligation to confer with council. Council has already supported the plan in the past.

To suggest that the Open Land Trust should've been silent when they "represent so many," Mr. Moss said, is unreasonable; he apologized for not communicating sooner and for the city feeling like the Open Land Trust was disloyal to it, which was the impression he got from Mayor Keyserling's email. They could have communicated better, but the Open Land Trust would not have changed its position.

3. The trust has not fulfilled its commitments to the city in regard to the disposal of excess park spaces – The City of Beaufort and the Open Land Trust inventoried these excess spaces. The Open Land Trust suggested that the city engage a realtor to assist with prices and marketing. A RFP was issued by the City of Beaufort, and realtors indicated they had submitted proposals, but no one heard from the city after that point.

4. The trust "withdrew from Reynolds" and city discussions about the park at Bay and Ribaut – Mr. Moss said that the trust disagrees with this statement. He said the Open Land Trust has no objection to an appropriate park at this location. In a meeting around March 6 with the Open

Land Trust and city staff, staff said they would prepare a development plan. The issue is about the banners, which aren't on the Open Land Trust property; they are on the poles, which are in the street right-of-way. The city said they were going to develop an alternative structure to post announcements on Open Land Trust property. Mr. Moss said the trust would support the plan "if it follows our most recent discussions."

What is the Open Land Trust's role as opposed to the city's in following up on the city's commitments? Mr. Moss asked. The Open Land Trust feels that if the city has said that they will accept responsibility for an action step, the trust shouldn't have to assure that the City of Beaufort carries out that action step.

5. The Open Land Trust has abandoned its leadership role on Boundary Street. Mr. Moss said they have abandoned their financial role, not their leadership role, because OLT can't buy any of the buildings *and* buy that which its membership insists is essential. The Burton fire department building, the Sea Eagle building, and the United Way building owners have been approached about selling their properties. The Trust can't estimate how much the city will spend; they have prepared an application and justification for funding from the Rural and Critical Lands Fund; the city must commit to a substantial portion of the cost and be willing to work with the county on its own behalf. Mr. Moss said the trust is somewhat compromised because they manage Rural and Critical Lands for the county. The trust will represent the city in negotiations with the owners when it is assured that funding sources are committed.

6. The trust is taking property off the tax rolls – The trust is in an option to buy the property at 2102 Bay Street (the Lipsitz property), and this will open up the "priceless" vista along Bay Street. It's of great importance to the trust's membership. He said their acquisitions increase property values of adjacent properties and increase the desirability of living in Beaufort.

7. The Open Land Trust hasn't maintained The Green per a city agreement – City staff was directed to stop maintaining the land in the first week of May, but the Open Land Trust wasn't given notice, Mr. Moss said. Now that they know, they are maintaining it and accept responsibility for its maintenance.

He concluded that "the constituencies are different," and the problems have been with communication on both sides. The trust will do all it can to maintain good communication and asked that the city do the same.

Mayor Keyserling said he didn't realize that an agreement was never signed, and that the formalized partnership he thought they did wasn't done. And he was misinformed until he asked Mr. Dadson for it today. He apologized for "the rant" and said he's disappointed not to have been kept abreast by staff. Mayor Keyserling said a donor was withdrawing the offer to build a park at Bay Street, because the time period had passed; Mayor Keyserling said he was upset that the city had lost this opportunity.

Mr. Moss said the city and the Open Land Trust had agreements, but they were informal, and the Open Land Trust knew the City of Beaufort expected them to do certain things, particularly with respect to Boundary Street. They evaluated that, but the communication wasn't as complete as it should have been between their executive director and the city manager. They want to communicate better in the relationship and work on it, Mr. Moss said.

**Cindy Baysden**, interim executive director, said she was back at the Open Land Trust after a 6-year absence. During her tenure there, for 18 years "we had a wonderful relationship" with the City of Beaufort, and they "made projects happen together." As the executive director again, she said she pledged her availability to the city, and they promise they will communicate better. Ms. Baysden said she thinks that "communication failure" is what happened here. Councilman McFee said he appreciates the Open Land Trust and recognizes that everyone needs to communicate better. Councilwoman Beer said they are glad to have her back, and the breakdown of communication is often at the basis of problems.

Councilman Sutton said council is very sensitive about land going off the tax rolls, and about being able to pay for infrastructure, maintenance, and care; people who don't live in the city have "a great power and voice." He supports the Open Land Trust purchases, but he even small amounts off the tax rolls make a difference, and he has grown more sensitive to that. The city maybe should have taken on some projects; he "had no idea how deep (the Open Land Trust) wanted to get into the weeds on those projects" at Bay, for example, and they weighed in even though it wasn't their battle. In regard to The Green, by not doing the maintenance, the Open Land Trust allowed the taxpayers to pay for maintenance for 1.5 – 2 years, and the city was doing it because they didn't know any better; the Open Land Trust maintaining it "was brokered at the beginning," and they "sat down and let the city do it and then acted like you just realized it recently." Councilman Sutton added that he appreciates re-opening of lines of communication.

**John Trask** said the city was missing out on a couple of hundred dollars a year by Mr. Lipstiz's building going down, and even if it were \$1000, "it's a small price to pay." Councilman Sutton said that there should be concern, though, when they can have an empty vista but no people living in the neighborhood. Adjacent to the bluff are 40% empty spaces and no one living there, he said. Right now, there's a living person with a family there, people who are using police, fire, sanitation, etc. and paying for them; when they go, and then the adjacent houses disappear, the costs are still the same for those services, but there are no properties there to pay for them.

**Tommy Logan** said the city is responsible for the conservation easements and "should ease up a little bit," He feels all the burden shouldn't be put on the City of Beaufort or the Open Land Trust.

Mayor Keyserling said he would like a stronger relationship with OLT "like it was imagined was had" because of their expertise. The Green is an example, and when OLT participated on Lady's

Island, they were going to get benefits for buying into projects that the city supported but didn't "drive." That the relationship wasn't formalized with signatures, and that the City of Beaufort dropped the ball with realtors, both put egg on his face, but Mayor Keyserling said he wrote the email to try to strengthen the relationship.

Mayor Keyserling asked if OLT were trying to turn people on the county council to support the capital sales tax, and Mr. Moss said that they "would be." 2500 people signed a petition for the Civic Green, Mayor Keyserling said, and he asked if Mr. Moss could see if they could also sign a petition to county council for the capital sales tax. Mr. Moss said "that's an important factor for the trust."

### **METROPOLITAN PLANNING ORGANIZATION (MPO) UPDATE**

Ms. Anderson said that when an area had more than 50,000 people in its population and had to do regional transportation planning, it had to form an MPO. They are entitled to an annual federal allocation of highway funds when there is an MPO. The southern group includes Hardeeville, Jasper County, the Town of Port Royal and the City of Beaufort and it's "a true regional planning body." The first step is to prepare a long-range transportation plan for the area. Kimley-Horn was hired as the consultant for this. They have had two public meetings.

Ms. Anderson said there's an important decision to be made about the funds that will come to the MPO. The technical committee has recommended that the funds be used to widen Highway 17 in Jasper County at the turn to go to Savannah where it's currently only 2 lanes. They recommended that at the top priority for long-term economic and safety benefits. This is on no one else's plan, so it needs to be done. Georgia DOT should share the cost of the Black River Bridge widening. They anticipate this will take 5 years of funding. The long-range transportation plan will be done well before that, Ms. Anderson said. They would like to keep the funding together to do bigger projects rather than dividing it up for now. Ms. Anderson said she wanted to ensure that participation in the MPO wouldn't keep the city from receiving any other funding, but all indications are that they will still receive funding they compete for, and it will still be available to them. The city's chances aren't decreased when Allison Road is well underway.

Mayor Keyserling discussed the value of this part of Highway 17 and said that it gives greater accessibility to the port for the workers, potential warehousing on this side of the river, etc. Mr. Moss said the state won't support this for that reason, and only federal funding will get this done. Mayor Keyserling said Georgia "has committed pretty seriously, and South Carolina DOT has said it won't have anything to do with it for that reason. Councilman Sutton asked the downside, and Ms. Anderson said as long as they are still eligible for other grant funds, they're fine.

Ms. Anderson said the grant agreement for Allison Road has been signed; an engineering consultant is on retainer. A survey was done for the grant, so that put them a step ahead. There have been 22 engineering meetings, and they will meet tomorrow with county people about a

mast arm for Ribaut Road and Allison Road. They are meeting with utility companies the first week of August. There are gas and water issues that need to be addressed. They are underway but won't break ground until 2015. Ms. Anderson said it "will be a great project."

Mr. Moss said on the Spanish Moss Trail, he is preparing, and will share with **Liza Hill**, a signs plan for directing people to the trail on Ribaut Road, maybe on Bay Street and at various other places so people can find the trail and the parking, which is important for the next section as they complete it.

**Maxine Lutz** said she was sure that Mr. Moss knew about the Main Street Beaufort signs, and he said he did. The section of the trail in Port Royal has plans, the project will be designed, and the county is moving ahead with the permitting on the crossing at Ribaut Road for a push button hawk signal, pedestrian-controlled, which costs \$500,000 and gets them to 15<sup>th</sup> Street in Port Royal until the port sells, and they know what's happening there. They "are looking for money," Mr. Moss said. The Town of Port Royal was assuming the penny sales tax would take care of it. Movement on the port is slow. Mr. Moss said they had a coastal access grant for work along the edge and through the port property, and they had to see if they could use those dollars for this project, but it was doubtful because there wasn't direct access to the water. The Ports Authority was going to let them do it but changed its mind.

The work session was adjourned at 5:47 p.m.

A regular meeting of the Beaufort City Council was held on July 8, 2014 at 7:00 p.m. in the Beaufort Municipal Complex, 1901 Boundary Street. In attendance were Mayor Billy Keyserling and council members Donnie Ann Beer, Mike McFee, Mike Sutton, and George O'Kelley.

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**

Mayor Keyserling called the meeting to order at 7:01 p.m.

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

Councilwoman Beer led the invocation. Mayor Keyserling led the Pledge of Allegiance.

#### **RESOLUTION COMMENDING MIKE RAINEY AND INEZ NEAL FOR THEIR TIME SERVED ON THE HISTORIC REVIEW BOARD**

**Councilwoman Beer made a motion, second by Councilman McFee, to approve the resolutions. The motion passed unanimously.**

#### **PUBLIC COMMENT**

**LaNelle Fabian** thanked the city for participating in the market analysis and said they'd collected 5000 unique zip codes, and 900 people filled out an online survey. They did other surveying and interviewing as well, and they will get the initial report tomorrow and present it at 6 p.m.

#### **MINUTES**

**Councilwoman Beer made a motion, second by Councilman McFee, to approve the minutes of the council's work session June 17, 2014. The motion to accept the minutes as submitted was approved unanimously.**

**Councilwoman Beer made a motion, second by Councilman Sutton, to approve the minutes of the council's work session and regular meeting June 24, 2014. The motion to accept the minutes as submitted was approved unanimously.**

#### **ORDINANCE SETTING ELECTION DATES AND FILING FEE FOR ELECTION 2014**

**Councilwoman Beer made a motion, second by Councilman McFee, to approve the ordinance on second reading.** Mayor Keyserling and **Ivette Burgess** reviewed the dates for filing. Councilman Sutton reviewed the procedures for an applicant to file. Ms. Burgess said it will be in the newspaper Thursday and two weeks from Thursday, and it's on the web site. Packets can be picked up at various offices in City Hall, and the applications are to be returned to Ms. Burgess. If Ms. Burgess is not present, the new front desk receptionist can accept the applications and fees. **The motion passed unanimously.**

## **FY 2015 BUDGET AMENDMENT, TIF II AND CAPITAL PROJECTS**

**Councilwoman Beer made a motion, second by Councilman McFee, to approve the budget amendment on second reading.** Mayor Keyserling briefly explained that this is for initial work on the Greenlawn redevelopment project. **The motion passed unanimously.**

## **ORDINANCE REZONING PROPERTY LOCATED AT 701, 705, 706, AND 708 CARTERET STREET, FROM OFFICE COMMERCIAL DISTRICT TO NEIGHBORHOOD COMMERCIAL DISTRICT**

**Councilwoman Beer made a motion, second by Councilman Sutton, to approve the ordinance on first reading.** Ms. Anderson explained what these buildings are. The request originated with 705 Carteret; the owner would like to use the building for retail uses, which aren't permitted in Office Commercial, so they requested the zoning change to Neighborhood Commercial. The Metropolitan Planning Commission recommended approval. Mayor Keyserling said two buildings that are now restricted to being offices would be able to be retail. Councilman Sutton said the residential uses could be activated again, too. Ms. Anderson said 2 of these buildings had retail at one point and then were abandoned, then retail was no longer allowed, so the city would be reestablishing that option. **The motion passed unanimously.**

## **ORDINANCE REVISION TO PART 5, CHAPTER 1, ARTICLE A OF THE CODE OF ORDINANCES OF THE CITY OF BEAUFORT PERTAINING TO THE BUILDING BOARD OF APPEALS**

**Councilwoman Beer made a motion, second by Councilman Sutton, to approve the ordinance revision.** Ms. Anderson said the city uses the International Building Codes, and there are specific requirements for a Building Board of Appeals. She showed the section of the code that addresses the BBOA, including qualifications to serve on the board and that there are to be no employees of the jurisdiction on it. The fire chief is currently on the board, and that needs to change, Ms. Anderson said. They would like to make other changes to make this board more consistent with other city boards and commissions and to update it.

1. Change the composition of the board – deleting the fire chief as a member and making it have 5, not 7 members, which makes it easier to manage and to recruit members. Also, they propose to broaden the board's composition – as on the Design Review Board, they will set out desired categories for members' professions but not limit it to individuals in those categories.
2. Change the time limit to 30 days, not 90 days, to file an appeal, to be consistent with the Zoning Board of Appeals
3. Eliminate references in the ordinance to the issue of variances or waivers – The board can grant appeals and hear disagreements, but it has no authority to grant waivers and variances to the code.

Mayor Keyserling asked if this had been run by the building community, and Ms. Anderson said no, but it could be. The board hasn't met for 5 years, and with an audit coming up, they noticed they had a city employee on the board, and they "wanted to neaten things up." Councilman Sutton said he's never had to appeal anything, so he didn't know there was a BBOA. He asked what the penalty is for *not* having this board. He asked, if the code can't be waived, what the point is in having it. Ms. Anderson said the building official has a wide range of interpretation,

and if there were disagreement between an applicant and the building official, that would be a place they would use this board. Ms. Anderson said since they haven't had a rigorous schedule, the board hasn't had to be called together, so it's not like any other board; she feels "it's important to have a release valve available."

Councilman Sutton said "there's only black and white in the world of building codes," and the local officials will not waver in their interpretation, so unless they see that there is a grey area in construction, he feels like this may not do anything at all; he loves the idea of a release valve. He "would like to debate the intent of the code," but he doesn't "want to create a board that doesn't meet." Ms. Anderson said they want to have the board there if they need it. Mayor Keyserling asked, if there is a disagreement, if the building official tells people about this option. Ms. Anderson said it's not gotten to that point, as far as she knows. Mayor Keyserling said it makes sense to sit down with contractors, ask if they know it exists, and ask them if it will be used. The international code says that they 'shall' have this board. Councilman Sutton asked the penalty if they don't. Ms. Anderson said she "wouldn't recommend finding out." It seems appropriate to her to have it, and "it costs the city nothing."

Councilman Sutton said because the international community wrote it, doesn't mean that Beaufort needs it. Before second reading, he would like to see the Building Codes authority sit with local contractors to see how it would be used. Councilman O'Kelley also asked what happens if they don't have a BBOA, and Ms. Anderson said she needs to check into it. Mayor Keyserling said "if there's a helpful tool, (he) wouldn't want to abandon it." Councilman O'Kelley said, "If it's another layer of fuss, the Zoning Board of Appeals could handle it." Ms. Anderson said they aren't qualified in the way that they would want them to be for this particular board. The BBOA meets on call, so they can be contacted annually in an ad hoc way to ensure that they still want to be on the board, etc. Councilman Sutton said that's more ad hoc, which he approves of more. She said this is "similar to a jury or a board of peers." The contractor for building codes has quarterly meetings with the development community; they are trying to reschedule this, and this issue could be added to the agenda. **The motion passed unanimously.**

#### **CONSIDERATION OF ALLOWING VENDING CART FOR BAY'S HOT DOGS ON THE PLAYGROUND END OF THE WATERFRONT PARK**

**Councilwoman Beer made a motion, second by Councilman McFee, to consider allowing the vending cart.** Mayor Keyserling said there are 2 designated spots now, and this is for the spot at the playground end. Mr. Dadson said this was vacated, so this spot is open. Councilman O'Kelley asked what the last one that was approved was. Mayor Keyserling said it was for selling Sno-cones in the same area. Ms. Burgess said it's been a long time since there was one in the playground area; the Sno-cone vendor is by the marina now. **The motion passed unanimously.**

#### **REQUEST FOR WAIVER OF NOISE ORDINANCE FROM PANINI'S**

**Councilwoman Beer made a motion, second by Councilman Sutton for discussion, to approve**

**the request for the waiver** from July 18 – July 26, 2014 **Paul Thompson**, owner of Panini's said he'd like this for the whole downtown music district, and it is not for Sunday. The Beaufort Water Festival is a great event, he said; locals go to the events, then go out for drinks. People may be visiting for the first time; the downtown businesses can build a cushion for other slow times of the year. Mr. Thompson said he thinks the self-policing of late-night noise has gone well. There's been a decline in some of the nightlife because of the extra policing. People are going to Hilton Head Island and Savannah instead, and he doesn't want to see that happen during Water Festival, but it will if people can't go out for drinks after the Water Festival events. They may not even come for the events, Mr. Thompson said. He said there is a diverse group of people who go out at night; it's not just bikers and Jell-O shots, as someone had told a newspaper reporter.

Mr. Dadson said council had a memo from staff, which recommended not granting the waiver for several reasons. At this time of the year, "city resources are a bit stretched," Mr. Dadson said, and there are off-site issues they have to continue to deal with apart from Water Festival. The noise ordinance requires security and policing; the city's resources are stretched, he said again. "The whole community is part of this event," and other jurisdictions are also involved in the public's safety.

**Adina Foster**, Hemingway's, said they are "talking about music, not drugs or drinking." She doesn't feel that preventing music will prevent people from drinking. Traditionally, the bars have been allowed to continue the music after Water Festival events. They get through the tough winters with the revenue they earn in summer, which is when they make 75% of their income; 75% of that comes after 10 – 11 p.m., so it's a severe handicap to impose now, when they were traditionally allowed to have it. Mayor Keyserling said it's expanding the bars' business to have the Water Festival, and they are trying to "milk" the business from festivalgoers during that time. Mayor Keyserling asked if staff had any history to share about when the noise ordinance wasn't enforced. Mr. Dadson said he didn't have anything.

Mayor Keyserling clarified that he was asking if the police had had to stay longer to enforce the noise ordinance in the past, if there was any data on that. **Jason Bailey**, Q on Bay, said there's "always a police scene downtown after Water Festival and on regular weekend nights." They aren't asking for a permanent change, he said, just to temporarily have an understanding that they will have a little leeway. He has to schedule his entertainment after the Water Festival acts have finished, which may go past 11 p.m. He asked if they were going to enforce those same noise ordinance times for Water Festival acts. Councilman McFee said music in the bars isn't a special event, and Water Festival is, so the festival has a noise waiver. Councilman McFee said the waiver is for special events and doesn't address non-special events.

**Eric Tebow** of Tebow Gallery on Bay Street said the noise ordinance makes no difference to his business, but people come home to Beaufort for Water Festival and to enjoy everything about it, and one of those things is hearing music after the show ends, and it's not been a problem in the past. He's concerned people may stop attending if they can't hear music afterward. Mr.

Tebow thinks it's unfair not to continue a tradition that's already in place.

**LaNelle Fabian** said she didn't know about the request for the waiver until yesterday, so the Main Street Beaufort board hasn't discussed it and has not comment.

**Brandy Gray**, Commodore of the Water Festival, said organizers realize that the Water Festival "makes things difficult for the business owners." They have no problem with waiving of the noise ordinance because they know people want to go somewhere after the entertainment.

**Blakely Williams** said the Chamber of Commerce would like to encourage council to allow the waiver of the noise ordinance for this time. "The restaurants might have to compete with the entertainment in the park," and they don't want that conflict, she said.

**Stephen Murray** encouraged council to pass the waiver. The Water Festival is in its 59<sup>th</sup> year, and there have been few problems, and residents and visitors have remained secure. Water Festival fills the city's and business's coffers. The taxes help the city. The restaurants have been responsible and not having music during festival events creates a great loss of revenue for them. Going into August is one of the hardest times for businesses, so for their economic success, it will make a difference for visitors and residents.

Mr. Thompson said this could apply to a special event, and they are asking it for every downtown business. They want to maximize revenue now, while they can, and they also said that people have expectations, and if they are not met, they won't come back.

Councilman McFee said he doesn't think the current noise ordinance works for downtown. He's received 25 calls "from people on Ribaut Road who don't want to listen to music from Bay Street until 2 a.m." The Water Festival has a certain atmosphere and a certain historic benefit to the city. Councilman McFee said there's a quality of life issue, too, though, and even in Pigeon Point they can still hear music at 1 a.m. They have to address these noise violations after midnight. He appreciates the bars' efforts and their need to do more business, but Councilman McFee has "reservations that the quality of what you're putting out until 2 a.m. doesn't consider the other 12,000 residents of Beaufort ... It's a far-reaching effect." They don't seem to be concerned about security, Councilman McFee said. But once the Water Festival events close, "it falls back on city services, and they are stretched thin at that time *because of Water Festival.*"

Councilman Sutton said the police chief doesn't endorse this waiver, which is enough for him. The bars are still open, and it's a small venue there, so sound travels. Councilman Sutton said Mr. Thompson couldn't do sound outdoors at the level he would want to and not exceed 85 decibels at the property line. Mr. Thompson said at the property line, it can be controlled, and it's under the top level. Councilman Sutton said "the community's perception of the bar community is different." He has problems with variances given to the Arsenal and others that aren't in the music district. People will tolerate it until the Water Festival shuts down each

night, but he believes “they won’t tolerate 4 or 5 different venues competing with music” after that. He “can’t support this,” he said.

Councilwoman Beer said she feels the same way. People in Spanish Point have called the police after 12 a.m. because they can’t sleep. She can support music going to midnight but not 2 a.m. Councilman O’Kelley said he would go with what the police chief says about security. He was a municipal judge for several years, and on the Monday after Water Festival, “there was a giant spike in court” from Water Festival attendees.

Mayor Keyserling said they all want to be pro-business and give the bars a chance to make extra money in a seasonal business. He hears music on Ribaut Road, and it doesn’t bother him. Mayor Keyserling said he may disagree with staff, but when it comes to public safety, he doesn't feel he can vote against the chief on that. There’s a lack of clarity and enforceability of the ordinance, but it’s gotten better. However, both when he was younger and now, if he wants to stay and have drink at a bar after an event, he doesn’t think the music is that important when it creates concern among police officers and neighbors. If something of value is offered, the music can be inside, and they can live within the ordinance. There are more incidents during Water Festival, and people can hang out after an event, “but to help keep the party going,” he can’t do.

Ms. Foster said she isn’t familiar with the fine print of the waiver, but as far as she knows, they aren’t asking for a variance on the decibel levels or closing times; she thought they are asking for weeknights to be the same as on weekend nights. Mr. Murray said the bars have been open and had music after festival events for the last decade, and the bar owners are now applying for a waiver for something that they have already been doing. This is the 59<sup>th</sup> festival, and “this is nothing new and different,” but “the legal route was taken because the law was enforced this year.”

Mr. Bailey said he thought the ordinance was triggered by a complaint. They have done business in compliance with the ordinance, and when they didn’t, they have been policing that. He would like a clarification of the ordinance, but his interpretation is that a complaint triggers the ordinance. He asked, if there’s not even a band, but the crowd is loud, if it will be triggered. They would like to have extended hours because they have to sacrifice on the weekend during the festival, Mr. Bailey said.

Mr. Dadson said, “Ordinances are enforced when evidence is presented.” They haven’t ignored it for 10 years, he said; they “have actively enforced it.” Councilman O’Kelley said historically, years ago, the Water Festival was 3 days, and there were fewer bars. It was local until the late 70s and early 80s. They “have had to work the ordinances based on what happens.” It comes back to the police department saying that they will have a hard time. “Water Festival brings in many, many defendants,” to court, Councilman O’Kelley reiterated.

Mr. Murray said in the Town of Port Royal, with a smaller police force, there were City of

Beaufort officers working on the 4<sup>th</sup> of July. If additional security is the issue, the restaurants might pay for additional security until 1 a.m. from the sheriff's department, or other sources.

Mayor Keyserling said over the 10-day period, the police chief has said he's using all the overtime he has. Mr. Dadson said Port Royal doesn't have this number of bars that Beaufort has, and there will be other officers from other locations at Water Festival already. Mr. Thompson said he would pay for off-duty officers from other jurisdictions during the time frame. He thinks 1 a.m. is fair. It doesn't have to be 2 a.m. This matter of "stretching of resources" after the Water Festival events hasn't been addressed for 10 years, so presumably it's not been a problem. Mr. Thompson said he would pay for 3 officers, and they could work throughout the park. He doesn't understand why they are being restricted now, and he would be curious to see the spike in incidents over the last 5 years from 11 p.m. to 1 a.m. It's usually not more than officers can handle. Trouble can happen at Water Festival or at a bar afterwards.  
**The motion failed 0-5.**

#### **MAYOR'S REPORT**

On July 11, there will be a welcoming ceremony for the F-35s from 6 p.m. – 9 p.m., Mayor Keyserling said. Ms. Fabian is asking people to come early to shop and have meals downtown.

There being no further business to come before council, **Councilman O'Kelley made a motion, second by Councilwoman Beer, to adjourn the meeting. The motion passed unanimously,** and the meeting was adjourned at 8:19 PM.