

A work session of the Beaufort City Council was held on November 10, 2015 at 5:00 p.m. in the Beaufort Municipal Complex, 1901 Boundary Street. In attendance were Mayor Billy Keyserling, Council members Mike McFee, George O'Kelley, Stephen Murray, 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.

CALL TO ORDER

Mayor Pro Tem McFee called the work session to order at 5:00 p.m. He explained how a work session and board interviews are run.

INTERVIEWS FOR ZONING BOARD OF APPEALS AND HISTORIC REVIEW BOARD

Zoning Board of Appeals has two positions to be filled. Candidates for that board are

Ken Bergman
Rhett Bullard
Jody Lee Caron
Joshua Gibson
Penny Howk
John H. Phifer
Esther Shaver-Harnett

Historic District Review Board has 1 position to be filled. Candidates for that board are

Meredith Anderson
Ken Bergman
John Dickerson
Joshua Gibson
Esther Shaver-Harnett
Peggy Simmer

EXECUTIVE SESSION

Pursuant to Title 30, Chapter 4, and Section 70 (a) (2) of the South Carolina Code of Law, **Councilman O'Kelley made a motion, seconded by Councilman Murray, to enter into Executive Session for discussion of proposed purchase and sale of land. The motion passed unanimously.**

There being no further business to come before council, the work session was adjourned at 5:53 p.m.

A regular meeting of the Beaufort City Council was held on November 10, 2015 at 7:00 p.m. in the Beaufort Municipal Complex, 1901 Boundary Street. In attendance were Mayor Billy Keyserling, council members Mike McFee, George O'Kelley, Stephen Murray, 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.

Councilman O'Kelley made a motion, second by Councilman McFee, to adjourn the Executive Session. Mayor Keyserling said there was nothing to report from the session. **The motion passed unanimously.**

CALL TO ORDER

Mayor Keyserling called the regular meeting to order at 7:02 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Pro Tem McFee led the invocation and the Pledge of Allegiance.

PROCLAMATION OF NOVEMBER AS ALZHEIMER'S AWARENESS MONTH

Councilman McFee made a motion, second by Councilman Cromer, to approve the proclamation. The motion passed unanimously. Councilman McFee read the proclamation.

Councilman McFee said there was no public comment section in the agenda, and **made a motion to include one. Councilman Cromer seconded. The motion passed unanimously.**

CHARACTER EDUCATION PROCLAMATION

Councilman McFee made a motion, second by Councilman Murray, to award the proclamation to Mckenzie Emerson, Beaufort Middle School. The motion passed unanimously. No proclamation was read.

PROCLAMATION OF NOVEMBER 10, 2015 AS SOLARIZE CITY OF BEAUFORT DAY

Councilman Cromer made a motion, second by Councilman McFee to approve the proclamation. The motion passed unanimously. James Kubu, community outreach manager for SmartPower in the Lowcountry, said they are working with the city to sign up 60 residents, and if they do that, they will give the city free solar equipment for use in one of the municipal buildings.

PROCLAMATION OF NOVEMBER AS PORT ROYAL SOUND MONTH

Councilman McFee made a motion, second by Councilman Murray, to approve the proclamation. The motion passed unanimously. No proclamation was read.

PUBLIC COMMENT

Maxine Lutz spoke as an Old Commons resident and encouraged council to work to limit short-term rentals or to give residents' needs equity with tourists' needs in regard to short-term

rentals. She discussed a conference she had recently attended. Short-term rental saturation could be detrimental to a neighborhood, she said. Ms. Lutz described the nine houses on her block; only two other families live there full-time.

Jerry Stocks, 808 King Street, said she is one of the other residents of the block that Ms. Lutz had mentioned. The Zoning Board of Appeals had met, she said, and three members were present, which was a quorum, but the chairman had said that any applications would have to be decided unanimously, so two of the short-term rental applicants withdrew their requests until the following month.

Ms. Stocks read a petition with 35 signatures that asked that the short-term rental applicant for 804 Washington Street be denied a special exception, and that council establish a moratorium on special exception applications for short-term rentals. Ms. Stocks said a *Beaufort Gazette* article had said there's been a 53% increase in the number of short-term rentals since 2012. The petitioners believe the "proliferation of short-term rentals detracts from the historic significance" of the Old Commons, and "presents numerous issues," such as noise, litter, sanitation, loitering, security, safety, "a motel environment in residential neighborhoods," and more.

Lainie Andrew, 1706 King Street, said she is also concerned about short-term rentals: not when the owner lives on the property, but "whole-house rentals." The effect of them is "a problematic issue throughout the nation." She believes they are not currently regulated in Beaufort. On Air BnB, 300+ are available in Beaufort, Ms. Andrew said, but she didn't know if they were all in the City of Beaufort. The number of whole house or whole apartment rentals was 269. She said these were throughout Beaufort County, but a number of them were in historic downtown Beaufort. Mayor Keyserling asked Ms. Andrew to find out how many were in the city and to share that information with him.

MINUTES

Councilman McFee made a motion, second by Councilman Murray, to approve the minutes of the work session and regular meeting October 13, 2015. Councilman Cromer said on page 2, paragraph 4, in the 6th sentence, he would like "Charleston" added for clarification.

On page 4, paragraph 6, "rests" should be "restaurants."

On page 6, paragraph 4, a "d" is missing from the end of "prepare."

On page 10, paragraph 5, the abbreviation "co" should be "county."

On page 11, paragraph 1, "make" should be taken out before "mitigate."

Councilman McFee said on page 2, paragraph 7, in the sentence "Councilman Murray asked if the talent the TMAC would have would be right for tackling short-term rentals," he believes there should be a slash between "would have" and "would be." (*stet.* – After review of the audio, this reads as intended, i.e., if the talent the TMAC *would have* (on it) *would be* (the) right (talent) for tackling... – EGW)

Councilman Murray said on page 4, last paragraph, he would like "Highway 278" added to "Gardens Corner" as another example of a place where wayfinding signs might be. **The motion to approve the minutes as amended passed unanimously.**

REQUEST FROM MAIN STREET BEAUFORT TO ALLOW 2-HOUR FREE PARKING DOWNTOWN FROM NOVEMBER 27, 2015 - JANUARY 1, 2016

Councilman McFee made a motion, second by Councilman Murray, to approve the request. **Alice Wallace** said there will be a loss of revenue, but that happens every year. She asked if council would consider shortening the length of time they have free parking, in order to keep more revenue coming in. **Linda Roper** said the 2-hour limit is very difficult to enforce, though SP+ tries. There are still employees using the prime parking spaces. Ms. Roper said that the parking task force had encouraged keeping the free holiday parking.

Mr. Prokop said that revenue losses from free holiday parking can be projected at \$10–15,000. If the two free hours of parking were from 10 a.m. – 12 p.m., and if merchants were to open at 9 a.m., that would mean three hours of free parking. Also, the parking studies had said there should be an incentive to draw locals downtown, so he asked council to consider making parking enforcement begin at noon, making the mornings free for shoppers to park.

LaNelle Fabian said she understands that during the 6-month free parking period, there was some confusion about it, but the city has had free parking during the holidays for “quite some time.” She said it is a gift from the City of Beaufort to the citizens. Main Street Beaufort would like to continue this tradition. Councilman O’Kelley and Councilman Murray agreed that this is a downtown Beaufort tradition. Councilman Murray said he understands that there was revenue loss, but he doesn’t think that should have an effect on this. He said a compromise would be to have free parking from November 27 – December 26.

Councilman McFee asked about a cap on the free holiday parking; the parking task force report had encouraged that. Ms. Roper said again that the task force had recommended keeping it. Councilman McFee asked Mr. Prokop about what he had said about three hours of free parking, and Mr. Prokop said he had meant stores could open at 9 a.m., enforcement could begin at noon, and then shoppers would have three, not two, free hours. Ms. Fabian said historically, there has not been confusion about free holiday parking; during the period when it was extended for six months, and there were different fees on different streets, explaining the two free hours of parking was difficult.

Councilman Cromer said free holiday parking is a tradition, and he favors keeping it. He has no problem with ending it sooner than January 1. Mayor Keyserling, Councilman O’Kelley and Ms. Fabian discussed the history of the free holiday parking: meter bagging, stickers, and gift tags. A message can be put inside the meter, and “people can pay to stay longer if they wish,” Ms. Fabian said. Ms. Wallace said some of the merchants had not understood that it was for free parking for two hours *per day*, not for two free hours *per parking spot*.

Councilman Murray moved to amend the motion as presented to “two free hours per day of parking in the downtown core commercial district from November 27 through December 26.” **The motion died for lack of a second.** Mayor Keyserling suggested the free holiday parking period could be from Night on the Town to January 1. Councilman Murray said November 27 is

Black Friday. **Councilman Murray moved to amend the motion as presented to “free parking for two hours per car, per day”; the amended motion was seconded by Councilman McFee.** Mayor Keyserling said he thinks this “will create a huge backlash” and make people angry. Councilman Murray said that people have been ticketed for this during free parking periods. Ms. Fabian said it will say “per day” on the gift tags. **The motion to amend passed unanimously. The original motion passed unanimously.**

REQUEST FROM MAIN STREET BEAUFORT TO HOST HOLIDAY WEEKEND DOWNTOWN DECEMBER 4 – 6, 2015: STREET CLOSURES, SALE OF ALCOHOL, AND USE OF THE WATERFRONT PARK

Councilman McFee made a motion, second by Councilman Murray, to approve the request.

Ms. Fabian said for Friday, December 4, Main Street Beaufort is requesting approval to sell beer and wine on the street downtown during Night on the Town, to keep streets closed until midnight after the tree-lighting, and to have amplified music. Councilman O’Kelley said there’s a noise ordinance issue with that. Ms. Fabian said waiving that ordinance is part of their request.

Ivette Burgess said waiving the noise ordinance was not part of Main Street Beaufort’s original request, but the group is amending the request that is before council to include it. The published event hours would be 6 p.m. – 12 a.m. if this is approved, Ms. Fabian said, but the main Night on the Town schedule – from 6 p.m. – 9 p.m. – would be the same. She said DJs have volunteered to play music until midnight to help Main Street Beaufort because of losses it incurred due to cancelling Shrimp Festival. Even if the hours of Night on the Town are not extended, she said, Main Street Beaufort would still ask council to allow it to sell beer and wine from 6 p.m. – 9 p.m. Councilman O’Kelley said he has a problem voting on waiving the noise ordinance “because nobody knew (it was) being requested until right now.” Ms. Fabian said she didn’t know she needed to bring it up at this time until it was brought up in a meeting.

Councilman McFee asked when music is allowed until on Fridays on Bay Street, and Ms. Burgess said it’s until 10 p.m. Councilman McFee said he has no problem with Main Street Beaufort selling beer and wine, but he has a problem with the event going until midnight; he thinks 11 p.m. is okay. He suggested they should “slowly walk into” this because this hasn’t been done before. Music on the street might interfere with people going to bars that have music.

Mayor Keyserling said this is “changing something that really used to be good, and changing it significantly.” In the past, he said, during Night on the Town, stores were open and served refreshments, and it was focused on promoting businesses, but it “became more of a street fair,” with vendors and performances, and “now it’s becoming a late-night party,” when Mayor Keyserling feels it’s “supposed to be a family event.” Selling beer and wine and keeping it going to midnight is a “fundamental change from what it was really meant to be.” He said he understands Ms. Fabian’s reasons for wanting to make this change to the event, but he’s concerned about the number of teenagers and young people who will be downtown; Water Festival no longer holds a street dance, Mayor Keyserling said, because it was “unmanageable.” He said he “personally (doesn’t) like it losing its family flavor” and late nights and beer drinking

will change what Night on the Town has “historically been about and what brings out the best in our community.”

Councilman Cromer said that they may have issues with obtaining necessary paperwork beyond the license to sell beer and wine, and that “could create some issues for the city.” Ms. Fabian said they have all that they need; “there has always been a sidewalk waiver,” and restaurants set up makeshift bars outside their establishments. Main Street Beaufort has a beer and wine license, she said, and they have called their insurance company and made them aware that they would be requesting permission from city council to change the event, to ensure that the organization will still be covered.

Councilman Murray said he’s OK with the organization selling beer and wine. He agrees with Councilman McFee that midnight is too late, however, and he’d be more comfortable with 11 p.m.

Mayor Keyserling said he has a problem with adding an extra event “that is essentially a street party,” but he is OK with extending the hours to clear people and vendors off the streets. Councilman O’Kelley said when Main Street Beaufort started, some businesses gave away food and drinks, “and it turned into a big party,” then the organization made it more of a family event, with not-for-profits selling food, etc. Night on the Town “has been through this before,” Councilman O’Kelley said, “and it didn’t work.”

Councilman Cromer said he’s concerned about “the noise of DJs . . . they like to amp it up.” If the noise can be controlled, and the event stopped at 11 p.m., he would support it. Councilman Murray said the noise ordinance goes into effect at 10 p.m., and they could shut the DJ and beer and wine sales down then, and then have another hour to clear the streets. **Councilman Murray moved to amend the original motion to allow beer and wine sales and music until 10 p.m., with the streets opening back up to traffic by 11 p.m. Councilman McFee seconded. The motion passed unanimously. The original motion passed unanimously.**

Ms. Fabian said on Saturday from 11 a.m. – 8 p.m., Main Street Beaufort would like to have “a Shrimp Festival makeup day.” Eight restaurant vendors have signed up so far, and there will be entertainment, beer and wine sales by Main Street Beaufort, and a 5:30 p.m. boat parade. The Marine Corps band will play from 7 p.m. – 8 p.m. to close the evening. **Councilman Murray made a motion, second by Councilman McFee, to approve the request. The motion passed unanimously.**

Sunday will be the usual Christmas parade, Ms. Fabian said, and there will be no beer and wine sales. **Councilman McFee made a motion, second by Councilman Murray, to approve the request. The motion passed unanimously.**

MOTION TO ALLOW CITY MANAGER TO ENTER INTO A CONTRACTUAL AGREEMENT FOR SALE OF PROPERTY

Councilman Murray made a motion, second by Councilman McFee, to allow the city manager

to enter into the agreement. Mayor Keyserling explained that council and the Redevelopment Commission had tried to sell the post office on Carteret, but there was no interest. Now “the tenant has decided to exercise the right to purchase,” and the city manager will be signing the agreement to do that. **The motion passed unanimously.**

REQUEST WAIVER OF NOISE ORDINANCE FROM BEAUFORT FIRE DEPARTMENT FOR DECEMBER 12, 2015

Councilman McFee made a motion, second by Councilman Murray, to approve the request.

Councilman McFee said the fire department is using the Loft at Old Bay Marketplace and would like a waiver of the noise ordinance until midnight; the music will be inside the building, the request says. The sound will only go outside when people go outside. Councilman O’Kelley asked what the restaurants have to do in regard to music after 10 p.m. Councilman McFee said the “nighttime music district” is different, and that’s on “the other side” of Bay Street. There’s an hour’s difference, he said, between when the noise ordinance kicks in there and outside of the nighttime music district. Ms. Burgess said the fire chief is trying to be proactive. Councilman Murray said he’s fine with it, since the music is inside. Mayor Keyserling said it does set a precedent because of the venue across the street (Tabby Place) “that will be looking for this same thing.” Councilman McFee said he’d “ask them to be aware of their . . . activity” between 11 p.m. and midnight. **The motion passed unanimously.**

REQUEST FOR WAIVER OF NOISE ORDINANCE FOR THE BOUNDARY STREET REDEVELOPMENT PROJECT

David Coleman, project manager, said the project will commence November 16, 2015, and it will last two years. Much of the work will be done at night because of the need for street closures in order to do certain work. They don’t know yet at which times and on which days they will have to work, so Mr. Coleman is asking for a blanket waiver for 7 days a week for two years. Mayor Keyserling said he would have a conversation with the hotels. Mr. Coleman said he’ll be hosting Friday “office hours” and is in contact with Boundary Street businesses.

Councilman McFee made a motion, second by Councilman Murray, to approve the request. The motion passed unanimously.

CITY MANAGER’S REPORT

Mr. Prokop said that OpenGov is available on the city’s website and is up-to-date on revenues and expenses for the public to see.

The new ladder truck will be delivered to the fire department next week. The station should be complete in the next few weeks.

The survey work on the day dock is complete, and they anticipate a pre-application meeting with various regulatory agencies to be held before Christmas, Mr. Prokop said. The requirements for the repair and replacement of the fire suppression system are being finalized, and bids are expected in the next month on the improvements to the transient dock. There will soon be major marina improvements.

On Bay Street, the holiday lights are being put up, and the city was able to purchase 50 new sets of lights, Mr. Prokop said. The “Pride of Place” program is “open and waiting for donations” for more lights. Two councilmen had made donations, he said. Mayor Keyserling asked if donations could be made online, and Mr. Prokop said yes.

Mr. Prokop said work on the Southside Park dog park has begun, and SCDOT has given permission to proceed on the application for the sidewalks from Ribaut Road to Southside Park; work is expected to begin in January.

Work on Allison Road has been delayed, however, for a third time due to SCDOT’s same questions about the road’s width, Mr. Prokop said, so the city is again waiting on approval to make this street the same as all of the other streets in the city.

Mr. Prokop said staff hopes corrections to the Hamar Street flooding issues will be done by the end of December.

For the first time in 7 years, the police department is 100% staffed, he said.

The city is exploring solar energy and other ways to save energy in the municipal buildings, Mr. Prokop said.

REPORTS BY COUNCIL

Councilman O’Kelley said it’s the 240th birthday of the Marine Corps. Councilman McFee said the Veterans’ Day parade is tomorrow in downtown Beaufort.

There being no further business to come before council, **Councilman O’Kelley made a motion to adjourn the meeting. Councilman Cromer seconded. The motion passed unanimously**, and the meeting adjourned at 8:17 p.m.