

A work session of the Beaufort City Council was held on September 8, 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 Keyserling called the work session to order at 5:00 p.m.

### **PARKING COMMITTEE UPDATE**

**Gene Rugala** handed out and reviewed a timeline of what the parking task force had done since they had appeared before council on June 10. He described what the proposed parking committee would do; city council had told the parking task force members to determine a need for such a committee. Mr. Rugala said it would “make the job of the city a lot easier in dealing with parking issues going forward.”

They had determined guidelines and the makeup of the parking committee, he said: “5–7 business owners and stakeholders in the downtown core area to advise on parking issues.” A number of people have agreed to serve, Mr. Rugala said. They might meet quarterly, but they would definitely meet as needed – as parking issues came up for the city – and would put in place recommendations and educate the public about what they are doing. Terms could be two years, committee members would be city residents, and it would include representatives from Main Street Beaufort and the Chamber of Commerce. They would advise the city on parking management in the downtown core and other areas as requested. The city would make the final decisions: this committee would be advisory only.

Councilman McFee suggested that it was important to keep on task with the parking recommendations that had been discussed so far. Councilman Murray asked if it could be seen as TMAC or TDAC – as an advisory committee. Councilman McFee said he envisioned it as more of a task force; Councilman Murray said they should discuss that, and also whether it should have bylaws, whether the committee would form on its own, or if council will appoint its members. Mr. Rugala said at least 5 of the people who have expressed interest in being on the committee are people who were on the task force.

Mayor Keyserling asked how this committee would differ from when the Redevelopment Commission and Main Street Beaufort were to advise council about parking, because what happened then was that people came directly to council, so he asked, if the committee was formed, yet people still came to council with their concerns, would council then “throw it back to this group?” Councilman McFee said he envisioned the committee as continuing “some of the specific projects that the task force had brought to us as next steps,” which council hasn’t yet done. Mayor Keyserling said, in that case, the parking committee would oversee the implementation of the task force’s ideas, as “an ad hoc extension of the task force,” as opposed

to a group like “TMAC, where people go and complain about the horses.”

Mayor Keyserling said, for the committee appointments, he would like to see someone from The Point, the Old Commons, and maybe the Northwest Quadrant included because of “the spillover from the impact of whatever we do into those neighborhoods.” Mr. Rugala said that would expand the size of the committee, but they had considered that idea as well, and would be willing to do it.

Mr. Prokop said he wants to ensure that the committee “is used as a task force” and can get the public to go to **Alice Howard** at Park Beaufort or to **Linda Roper** with their parking issues. The council should not have to deal with broken meters and the like. Mayor Keyserling said he thinks that will *always* be the case: people will continue to call council “about ‘that’ meter.” He knows some of the task force’s ideas have been implemented. Ms. Roper said they are doing that, but it’s a slow process. SP+ is helping with wording for the ordinance changes, and she said council should expect that “soon.” There’s not been a consensus on the hours of enforcement yet, which council had wanted. Mayor Keyserling said for the next work session, they could give council a list of what has been done, what could be done, and what is pending. Ms. Roper said she can update the list council was previously given. Mayor Keyserling said then council “can workshop it.”

Mayor Keyserling asked how parking is these days. Ms. Roper said there’s been some transition, but it’s doing well. There was a learning curve between free and paid parking. The “confusion...seems to be gone” about paying or not because there are meters there. There is still education that needs to be done, Ms. Roper said. Park Beaufort is using their people on the street to educate parkers. On-street parking is better than when it was free – there’s turnover now, not gridlock – and the open spaces “are a good sign.” Mr. Prokop said, when they first did the study, the average parking time was 2.14 hours, and now it’s 1.78 hours. Ms. Roper said when parking was free, those parkers might have been employees, but now people are paying, going somewhere, and moving on. The parking peak is between 11:30 a.m. – 1:30 p.m., and then again from 4:30 p.m. – 7:00 p.m. Councilman Cromer asked if people were doing any shopping, as well as eating. Ms. Roper said there are still some open spaces during the peak times, which is a success.

Mayor Keyserling asked about the brochure to indicate where parking is, which the task force had recommended. He suggested that the parking for those people with Purple Hearts and for Viet Nam vets should be distinguished from handicapped spaces.

Mayor Keyserling asked what had been determined about “the nature of our employee problem.” Mr. Prokop said employees are parking on the side streets in The Point. Councilman Murray said this is happening on New Street, especially. Ms. Roper said that would have to be managed by stricter enforcement “to avoid the drift.”

Mr. Prokop said an RFQ for a parking garage will be ready soon (in 2–3 weeks), and they are getting input from SP+, the parking task force members, and an example of another town’s

garage.

Councilman Murray asked **Kevin Cuppia** his opinion on the downtown situation, and Mr. Cuppia replied that he “disagree(s) that open spaces are a good thing,” because merchants want the spaces to be, full but with turnover. He feels that paying for parking hasn’t been an issue, and he thought the transition back to paid parking was “smooth.” Mr. Cuppia said he has talked to people who got tickets, not the warnings that SP+ had said they would be giving during the transition period. People had to fill out an appeal form to contest a ticket they thought was unjust, so they just paid for it, instead, Mr. Cuppia said, “and weren’t very happy about it.” He concluded that he agrees that it feels like there is more parking turnover.

There was general discussion about the people to be nominated for the committee – the names will be given to **Ivette Burgess** for distribution to the council – and Ms. Roper said the committee would probably have ten people on it if the neighborhood representatives were included.

### **BUSINESS LICENSES FOR GROUP EVENTS AND FESTIVALS**

**Kathy Todd** said staff had looked at other cities’ handling of group events and festivals, and “they all handle it different ways.” Staff wants to have more discussion with council about group events. **Bill Harvey** offered questions to consider:

- Should they regulate the promoter of the event (which, he said, gets into dealing with the special events policy, which is used for major festivals)?
- Or, concerning the vendor issue, should they be captured within the umbrella of the promoters’ license?
- Furthermore, when the organization having the event is a non-profit, and pays no business license fee, how are the various vendors’ licenses folded in?
- How should this all be regulated?
- What should be “included in the set festivals”?

Mr. Harvey said they could create an umbrella and fold in the vendors, thus putting the onus on the promoter to get in touch with the vendors and the city in regard to business licenses, but how to capture those business licenses under that umbrella is problematic. Mr. Harvey said he had drafted a change, but then had “six major concerns,” especially about the special event policy, which would make the ordinance more comprehensive, but is a larger undertaking for the city and for council. **Kathy Todd** said they don’t want to cause more confusion with the public and the business community by not having it defined, because the special event policy is not governed by any ordinance.

Greenville and Myrtle Beach have a completely separate ordinance for special events, parades, festivals, and public performances, Ms. Todd said, and then they have “different policies and procedures that stem off from that,” but they “have an umbrella ordinance that addresses all of those.”

Mr. Harvey said folding in for-profit vendors with not-for-profit promoters is “tricky.” The special events policy now is 12 pages long. A special event policy needs to be part of the licensing ordinance. Should the special event policy be abandoned and folded in to the ordinance?

Councilman Cromer asked how “special events” were defined. Mr. Harvey said they are group events – entertainment events, festivals, rodeos, and concerts – where “a following of vendors” attend and sell food, crafts, etc. Councilman Cromer feels the “special event” category should include all of that, but “the for-profit vendors are what would be defined.” Ms. Todd said, “The bottom line is how to make it easier for the promoter, and some of the ordinances exempt” the not-for-profit promoter *and* the for-profit vendors who donate a percentage of their gross sales back to the not-for-profit sponsor; they are exempted completely, and they get a permit, but there is no fee associated with it. Others charge vendors a flat fee, regardless, she said, “because they’re in competition with a ‘for business’ business in the city.”

Mr. Prokop said the special events policy adopted in 2011 is only for those events that take place in Waterfront Park. Mayor Keyserling said a food truck rodeo at the shopping center is technically not a special event, whether it’s for-profit or not, under the current ordinance. “You don’t have an ordinance,” Ms. Todd reminded him, “only the special events policy.”

Mayor Keyserling said he’s “driven by the end product,” and when someone calls Ms. Burgess, he wants her to be able to be “very clear from the outset.” Mr. Harvey said his draft ordinance, “kept separate, and kept in effect, the special events policy, which is not ordinance.” He said he then thought they needed to stop and figure out what to do with the special events policy.

Councilman Murray said, as a businessman, he feels the for-profit vendors who come in the city should have a business license, just like everyone else. As a councilman and citizen, he feels like festivals are important, and having put an event together, he knows it can be complicated, so he thinks it needs to be made as easy as possible.

Ms. Todd suggested they needed to determine if it is a business license vendors must have, or an event permit, which would be a flat fee that the sponsor collects. Councilman Murray asked how that is tiered. Ms. Todd said if you are a non-profit, and you have no vendors, you pay nothing, but if you do have vendors, you can tier the cost by the number of vendors, or by the amount of gross sales that the vendors collect. One city, Mr. Harvey said, monitors what the vendors reported at the end of the event, which leads to a “catch-up fee,” which seemed “cumbersome” to him, but, he joked, he would defer to **Al Johnson** on that.

Ms. Todd said she’d Googled to see what was done “in the special event/festival world” outside of Beaufort, and there is a large following of vendors to festivals, and guidelines about how to organize these events. Vendors are quite experienced for the most part, she found; most are “businesses that travel from festival to festival . . . so they are used to” accounting to the sponsor of their event.

Mr. Harvey said that council hears from local vendors complaining about wanting to set up a tent but not wanting to pay for a business license. Ms. Todd said you have to buy space to be a vendor at these events, too. Councilman McFee said the city has a one-time “itinerant peddler license,” which is “fairly expensive.” Ms. Todd said the tier the city has established is “pretty reasonable,” but how can they make it enforceable?

Councilman Murray asked, “Why do we have a business license?” Ms. Todd said it’s required. Councilman Murray asked why that is; he said it’s “a regulatory tool.” Mayor Keyserling, Councilman McFee, and Councilman O’Kelley disagreed. Councilman McFee said it’s a funding source. Councilman Murray said it is more than that because it gives the city regulatory authority; it has the option to revoke the license of a business if it’s not zoned appropriately, for example. Councilman McFee agreed that licenses are regulatory; “all of our ordinances are based on regulations.” Ms. Todd said, “It’s a combination of the two.”

Councilman Murray asked, if the hosting organization is given an umbrella for the vendors, does the city “lose the regulatory authority that comes with granting a license?” Councilman McFee said, “Not as long as we have an ordinance that addresses it, which we don’t.” There’s “nothing regulatory now that allows it to happen without compelling them to pay the whole itinerant peddlers’ license . . . so (a business license) is . . . informational and regulatory.”

Councilman McFee asked if other cities Ms. Todd had looked at have an umbrella for a not-for-profit organization that is generating income for itself, and if it is the host, were there different tiered fee structures for not-for-profit organizations and for-profit businesses? Ms. Todd said some places exempted the for-profit vendors if the vendor contributed a portion of its sales to the not-for-profit organization; otherwise, vendors were charged.

Mayor Keyserling asked **LaNelle Fabian** about Taste of Beaufort. She said Main Street Beaufort has never asked an arts and crafts vendor what their sales were; they pay a fee to sell at the event, and that is considered a contribution to Main Street Beaufort. The food vendors operate on a ticket basis, Ms. Fabian said, so they can know how much their sales were, and they pay either a fee or a percentage of sales, whichever is better for Main Street Beaufort. She knows they could charge vendors more, or Main Street Beaufort could pay more, but police and fire services for festivals have gone up 30%, and there would be extra administrative costs for more reporting duties, so that idea “makes me panic a little bit.” Ms. Fabian said she would prefer to have the vendors get a business license as a line item on their application. Some vendors do three festivals a year, and she doesn’t want them to be “triple-taken” for fees because they do that.

The heritage festivals charge vendors a flat fee, Ms. Burgess said. It is documented in the minutes that heritage festivals were grandfathered in by council. Those vendors are all exempt from business license fees, Ms. Todd said.

Councilman Murray said if Historic Beaufort Foundation started a festival, for example, there might be “a mixed bag of vendors,” some with business licenses and some with no business

licenses. Ms. Burgess said she would want to know what vendors would be there – like she does with weddings – and they would have to pay a fee if they are not licensed city businesses.

Councilman Murray said he believes “you put the burden on the business.” If he is only here two days a year, he buys a two-day business license; an annual license might make more sense if he operates at festivals year-round. In that case, event organizers would have a single line on their application that vendors have to put their business license number on. Ms. Todd said this is what they currently have, and “that’s what started the problem.” Councilman Murray said part of the problem is “the hassle of getting the license.” Mr. Johnson said it could be the fee or the hassle, and on the city’s end, they “may have to license 12–15 vendors instead of just having one fee, which would be easier for us.” Ms. Todd said the application is already online, and vendors don’t have to physically come down to City Hall. The base for an itinerant license is \$64.

Councilman McFee said it seems to be important to better educate the organizations that want to put on festivals and the vendors who come in for those festivals. If other cities are doing the same thing Beaufort is, unless a not-for-profit organization is fully underwriting a festival, and therefore is waiving fees, the organizations are charging the vendors. He thinks there should be a clause that gives not-for-profits benefitting from funds raised through a festival “a blanket that covers that,” while vendors at a for-profit event “all need to have licenses.” If a not-for-profit is making the money from an event, Councilman McFee said, and their vendors are giving a portion of their proceeds back to that organization, then they could be “an exempt event.” The vendors would have to “contribute some of their sales back to the organization’s event.”

The chili cook-off is the same sort of scenario, Ms. Burgess said, and Councilman McFee agreed. The Jaycees are underwriting it for Camp Hope. Councilman Murray said not all vendors are profit-making. The city has made bands that perform at events pay for business licenses. Councilman McFee said if a band is being paid to be there, they are a for-profit business. Councilman McFee said, if they play for free, or if they give their fee back to the not-for-profit that the event benefits, they wouldn’t be charged a fee. Mayor Keyserling said that would apply to the balloon vendors, water slides, etc.

Councilman Murray asked Mr. Harvey’s recommendation. Mr. Harvey said it would be to eliminate the peddler’s license, to create a fixed festival vendor fee that’s simpler, and to make the application simpler: “You pay for an event permit as opposed to a license.” Councilman O’Kelley said if a merchant could open today, and work the rest of the year for \$32, then a one-time vendor shouldn’t have to pay twice that.

Mayor Keyserling said this needs to be “on one piece of paper,” consistent, and fair. Putting a food truck on private property in front of a business that has paid for a business license for as long as it’s been in business is not fair. The food truck event he referred to was confusing because it appeared to be “a special event, even though it was on private property,” and that’s what led to this discussion. Ms. Todd said more for-profit events will come to town on private property, and there will be nothing to cover that in the ordinance, if they don’t cover it in the

changes now. Heritage festivals have a separate guideline, Councilman McFee said. Other Waterfront Park events have completely different regulations than the “heritage festivals” do.

Mayor Keyserling said his “inclination is it belongs in the business license ordinance,” and there might need to be an *events* policy instead of a *special events* policy. Ms. Todd said she had “travelled down that path,” but her reference to a special events policy in a draft of the section in the business license ordinance is what raised concern for Mr. Harvey, “because we don’t have an ordinance for that.” The other places Ms. Todd looked at *all* have special event *ordinances*, she said. Mayor Keyserling said having an ordinance would be safer, then, in terms of consistency.

A section change in the business license ordinance would be easier because it’s being folded in, Ms. Todd said, so it’s enforceable “on both ends.” Councilman McFee said there could be very clear guidelines that the exemptions are only for heritage festivals. Mayor Keyserling said they are grandfathered in policy, but not in the ordinance, so they should deal with them in the ordinance when they work on it. Councilman McFee said there could be a specific exemption for them in the ordinance; they’re “the exception, not the rule.”

Councilman O’Kelley clarified that “the one-shot” license payment by vendors who do that would apply whether they were at an event on private and public property. Ms. Todd said that’s correct. Mr. Harvey said the special event policy is 11 pages now, “so it’s more complicated than just exempting.” Mr. Harvey said council needs to determine if they are regulating the promoter or the individual vendors. Councilman Cromer said they would still need to have an itinerant fee, and Ms. Todd said yes, that’s part of the state model.

**Maxine Lutz** said she was confused by what Councilman McFee had said about paying a band. Councilman McFee said he had said that bands should be licensed if they are paid, unless they are giving some of their fee to the not-for-profit or are playing free. “Though,” he added, “they should still be licensed.” Ms. Todd said the special events ordinances from other cities that she was reading clearly spell out that if people are having a neighborhood barbecue, and a kids’ band wants to play, it wouldn’t apply. The current ordinance says nothing about this.

Councilman Murray said, “Amazing Event Rentals – who does a large percentage of the events in the city . . . if someone were to get this special events permit, which would ‘umbrella’ all of its vendors,” could Amazing Event Rentals say it’s “covered under all of the organizers, so now (they) no longer have to have a City of Beaufort business license?” Mr. Johnson asked if Amazing Event Rentals is a vendor at events, or if are renting equipment for events. Councilman McFee said all the income Amazing Event Rentals generates would be included in its business license fee, whether a not-for-profit or a for-profit organization pays them.

Mr. Johnson said he’d like to see one reasonable fee, paid for by the event promoter, with a simple application that covers all of the vendors. Councilman O’Kelley said if a vendor comes in last-minute, they could still participate, and give the fee to the organizer, who could settle up with the city later. Mr. Rugala said he likes the idea of a one-time fee and an umbrella

organization. There was general conversation about the notion of a business license fee exemption for vendors at events held by not-for-profits if the vendors donate back to the organization.

Ms. Todd and Mr. Harvey said they hear that council is saying to fold the special event policy into an ordinance. Councilman Cromer said there's a "difference between someone donating 1% back and someone donating 15% back" to the not-for-profit. Ms. Todd said the more they regulate, the more complicated it is, and the more difficult it is to enforce. If they want to keep it simple, they should have one tiered rate and nothing else (i.e., donations back to the not-for-profit).

Mayor Keyserling said the biggest problem is "surprising a business": telling it at the last minute that its needs a business license. Mr. Johnson said sometimes people who have to get a license for an event do tell his office that they won't come back to Beaufort.

Councilman McFee said if you hire someone to cater your party, it's not an event unless you charge your guests. GO added, if you bring someone into your house for an event, "they're probably a caterer who does many parties . . . and they've got a license." There was a general discussion about the distinctions that make an event an event.

#### **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 McFee, to enter into Executive Session for discussion of legal and contractual issues regarding potential sale of real property and the potential purchase of real property and other operational contracts. The motion passed unanimously.**

There being no further business to come before council, the work session was adjourned at 6:15 p.m.

A regular meeting of the Beaufort City Council was held on September 8, 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 Interim 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 Keyserling called the regular meeting to order at 7:07 p.m.

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

Mayor Keyserling led the Pledge of Allegiance, and Councilman McFee led the invocation.

### **PUBLIC COMMENT**

**John Dickerson** thanked the city for the Duke Street streetscape renovation.

**Tommy Logan** said between what Mr. Dickerson had said and the other renovations on Duke and Bladen Streets, “JoCo has done a wonderful job,” and he would recommend that Mr. Pizzo be “first choice” for future city work.

**Councilman O’Kelley made a motion, second by Councilman McFee, to adjourn the Executive Session. The motion passed unanimously.**

### **PUBLIC HEARING: ORDINANCE REZONING FOUR PARCELS OF PROPERTY LOCATED ON SIMMS STREET, FROM R-3 MEDIUM-HIGH DENSITY SINGLE-FAMILY RESIDENTIAL DISTRICT, TO R-4 HIGH DENSITY SINGLE-FAMILY RESIDENTIAL DISTRICT**

**Mayor Keyserling opened this public hearing. Libby Anderson** said the applicant for this is Palmary, LLC, which had a representative present. The four parcels proposed for rezoning have frontage on Simms Street, which is in the West End neighborhood. The properties are currently R-3 Single-Family Residential; churches and schools are allowed as conditional uses. The minimum lot area is 6000 square feet, and the minimum lot width is 60 square feet. Building setbacks are 15’ front and rear, and 10’ on the sides. She indicated the current zoning pattern in the area on an overhead map.

The proposed zoning is R-4 High-Density Single-Family Residential. The permitted uses are the same as in R-3, and schools and churches are, again, conditional uses, but the development standards in R-4 are different. The minimum lot area is 4000 square feet, and the minimum lot width is 40 square feet, which Ms. Anderson said is a little narrower than in the current zoning. She described the setbacks: 12’ front, 15’ rear, and 6’ on the sides. The difference in the R-3 and R-4 development standards – the smaller, narrower lots – is the reason for the rezoning request.

The proposed rezoning is G-2, which is consistent with the goals of the Comprehensive Plan, Ms. Anderson said. The Civic Master Plan was consulted, and while there's no specific redevelopment scenario in it for this area of the city, the plan does recommend streetscape improvements for Depot Road; that's not in the CIP, she said, but it is on the "wish list." Concerning land uses, the proposed rezoning will not change them, but in general, Depot Road is zoned for single-family residential, and the end of it is zoned Limited Industrial District, with a variety of limited industrial uses, which Ms. Anderson described, and the Spanish Moss Trail.

Infrastructure is available to the property, Ms. Anderson said, and it has a sidewalk on one side of the street. There is a traffic signal for a left turn onto Depot from Simms.

Public notice was made. Staff recommends approval, Ms. Anderson said, because the Comprehensive Plan supports an increase in the density of uses in this area, which is a block from Ribaut Road, a major arterial, and Depot, a collector street. It's also walking distance from the Spanish Moss Trail and downtown, she said. The Metropolitan Planning Commission unanimously recommended approval of this rezoning request.

Councilman McFee asked if the property's lot sizes were currently 60'. Ms. Anderson said that's the current minimum. The applicant's representative said he thought they were a little bigger than 60'. **Mayor Keyserling closed this public hearing.**

## **MINUTES**

**Councilman McFee made a motion, second by Councilman O'Kelley, to approve the minutes of the work session and regular meeting July 14, 2015.** Councilman Murray abstained from voting because he was not present at the meeting.

- Councilman Cromer said on page 5, the word "literal" should be "littoral."
- Councilman Cromer said on page 5, one of the references to the coffee shop, Common Ground, was mistakenly spelled with an "s," (i.e., Common Grounds).
- On page 4, in the 3<sup>rd</sup> paragraph, 8<sup>th</sup> sentence down, the word "changes" should be "charges," Councilman Cromer said.

**The motion to approve the minutes as amended passed 4-0.**

**Councilman Murray made a motion, second by Councilman McFee, to approve the minutes of the work session July 21, 2015.** Councilman Murray said on the page 4, in the third paragraph, "Change should be 'charge.'" **The motion to approve as amended passed unanimously.**

**Councilman McFee made a motion, second by Councilman Murray to approve the minutes of the work session and regular meeting July 28, 2015. The motion to approve as written passed unanimously.**

Returning to the July 14, 2015 minutes, Councilman Cromer offered more corrections.

- On page 8, near the bottom, Councilman Cromer said it should say, "The owner wants to sell land," not "The cemetery owner wants to sell land."
- On page 11, in the first paragraph, where Councilman O'Kelley is quoted as saying, "71%

of this should go to tax relief,” Councilman Cromer feels it should say, “71% of this tax should go to tax relief.” (*Audio of the meeting was reviewed, and Councilman O’Kelley actually said, “71% has to go to tax relief” at 2:14:18 – steno.*)

- On page 12, Councilman Cromer said references to Sonoc (e.g., Sonoc v. DHEC) were misspelled as “Sonic.”

**The motion to approve the minutes as further amended passed 4-0.**

**REQUEST FROM CAPA TO HOST ANNUAL GHOST TOURS EVENT AND FOR TWO PARKING SPACES IN THE MARINA LOT AT NO CHARGE DURING THE OCTOBER 16–30 EVENT**

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

There are no changes from previous year’s requests, according to Ms. Burgess. The group has paid for the spaces in the past. Ms. Burgess said the ghost tours’ use of these parking spaces would displace no one. Councilman McFee asked if the request wasn’t from October 15 to November 2. Ms. Burgess said it’s primarily for the duration of their event. **The motion passed unanimously.**

**REQUEST TO CONSIDER WAIVER OF BUSINESS LICENSE PENALTIES FOR ROBERT MICHAEL SHOPPING CENTER, INC.**

**Councilman Murray made a motion, second by Councilman McFee, to consider the request to waive the penalties.** Ms. Todd said according to the business license ordinance, a business may contest penalties. Robert Michael Shopping Center, Inc. has owned this property since October 2012 and earns rental income from the businesses on it. Employees said they were unaware of the business license requirement. They have paid the penalty. Staff has no strong feelings one way or the other about waiving the penalty, Ms. Todd said, and they understand that, as property managers, Robert Michael Shopping Center may not have known about the need for a business license.

Councilman Murray asked if this was common, and Ms. Todd said it was. Councilman McFee clarified that they had acquired the property in 2012, but didn’t realize until recently that they needed to pay a business license fee. Councilman O’Kelley asked if they had since paid the penalty *and* the license fees, and Ms. Todd said, “Yes.” Councilman Cromer asked if they “should have known about this.” Ms. Todd said they haven’t operated in Beaufort before, and she doesn't know if they have operated elsewhere in the state. The city became aware of the property sale via the county and followed up, which is how they found out that no business license had been paid for, but she doesn’t know enough about the company’s history, she said, to say if they should have known.

Mr. Logan said, as someone who has a license to rent commercial and residential property, he feels the company should be aware of what goes on in municipalities, even if not specifically in Beaufort, because they “have been in business awhile.”

Councilman Murray asked what the fee and penalty amounts are. Councilman O’Kelley cited an amount, but Ms. Todd said that’s for the business that is the next agenda item. Councilman McFee said this is a small business based in New York, and they only have four employees. **The**

**motion to waive the penalties passed on a vote of 3-2** (Councilman O’Kelley and Mayor Keyserling opposed).

**REQUEST TO CONSIDER WAIVER OF BUSINESS LICENSE PENALTIES FROM ALLIED BARTON SECURITY SERVICES, LLC**

**Councilman Murray made a motion, second by Councilman McFee, to approve the request to waive business license penalties.** Ms. Todd said they have been in business since 2013, and its management “has managed many businesses in Beaufort.” Business License, LLC asked if Allied Barton Security Services had a business license, and they were told it did not. They have had staff changes there, Ms. Todd said, so due to the turnover, the business license wasn’t paid, according to what Allied Barton Security Services told Business License. Staff recommends that the waiver not be granted, she said. Business License, LLC was not managing the company in 2013 and 2014, but it is now helping Allied Barton Security Services secure its license. The business helps companies that have multiple locations to get their business licenses. **The motion failed unanimously.**

**REQUEST TO CONSIDER ALLOWING LUXURY YACHT CRUISE SERVICES FROM CRUISE BEAUFORT, LLC**

**Councilman Murray made a motion, second by Councilman McFee, to allow the request.** **Bryan Shepler** owns Wined It Up and has a 50’ motor yacht. He said he would like to do three-hour river cruises on the yacht for a maximum of six people to Parris Island and back. They will serve hors d’oeuvres and drinks on the cruise. Mr. Shepler said he has met all of the requirements. He called his proposed business “the only . . . upscale experience” at the marina and said it would serve guests at B&Bs, wedding parties, etc. Councilman Murray asked staff if there is anything in the marina operator’s agreement that precludes this, and Mr. Prokop said he doesn’t believe so.

Councilman Cromer said, per the agreement with Griffin Enterprises, Mr. Shepler is to “indemnify and hold harmless Griffin Enterprises, DBA ‘downtown marina of Beaufort’ and the City of Beaufort.” On Mr. Shepler’s certificate, Councilman Cromer said, for additional insurance, it lists the City of Beaufort downtown marina and Griffin Enterprises. He said he thinks “the City of Beaufort should be separate.” Mr. Shepler agreed.

Councilman O’Kelley said Cruise Beaufort has a waiver form, but it’s not possible “to waive away the negligence of another.” Mr. Shepler said his attorney had told him that as well, but Mr. Shepler feels it’s better to have it than not.

Councilman McFee said the boat and carriage tour companies have to come through council for approval, per the ordinance, but other kinds of tours do not. He asked staff, “Why do we do this every time?” Mr. Shepler said **Rick Griffin**, the harbor master, had wondered about why Mr. Shepler needed to go to council as well. Councilman McFee said he supposed it was because boat tours operate out of the city’s marina, and carriage tours run on the city’s streets. “It’s just (an) ongoing question” he has, he said.

Councilman O’Kelley said the pictures in a brochure c was given show two people “way out” on the bow of the yacht; Wined It Up is cited as one of the companies that is to be released from liability, “and they serve wine.” Mr. Shepler said the picture was taken on a mock cruise for advertising. “Everyone would be on the back of the boat,” when cruises are actually taking place, he said. **The motion passed unanimously.** He said he plans to start tours as soon as he can get his business license.

**ORDINANCE REVISING SECTIONS 5.1, 5.3.D, AND 11.2 OF THE UDO TO ALLOW “TRAIL–RELATED USES” AND “ARTISAN STUDIOS/WORKSHOPS” AS CONDITIONAL USES IN THE LIMITED INDUSTRIAL DISTRICT**

**Councilman Cromer made a motion, second by Councilman O’Kelley, to approve the ordinance change on first reading.** **Dean Moss**, executive director for Friends of the Spanish Moss Trail, said he supports the change, and the group believes this is an important improvement.

**Blakely Williams**, president and CEO of the Beaufort Regional Chamber of Commerce, said its board of directors and 665 member businesses encourage and support this ordinance revision to allow businesses on and near the Spanish Moss Trail.

Mr. Dickerson said he thinks its “important to take a long view of what a rail-trail does for a community.” He showed a picture from an annual 200-mile trail “sojourn” in Pennsylvania in June, which had 300 riders who paid \$590–\$690 each to participate in it. “They spent money all along the trail” when they stopped at campgrounds and amenities. The Spanish Moss Trail is “an opportunity to connect to the broader world and to be a destination point for tourists,” Mr. Dickerson feels. Among the key economic benefits of a trail, nearby properties increase in value. He owns a property near it, and he has seen that the Spanish Moss Trail “has significantly improved our business, and brings us new customers with great frequency.” Trails boost spending locally, Mr. Dickerson said, as well as making the places they are in more beautiful to live in, and influencing business location and relocation decisions. “This is a great way . . . to extend the city’s economic vitality.”

**Nicholas Gregoire** said he rents bikes and does “limited retail.” He lives about a ¼-mile from the trailhead and has for 10 years. He said that Ms. Anderson has done a great job getting “the ideas and wishes” of the neighbors “into a coherent format” in the time since he came to her with the idea of a bike repair and rental shop on the trail, and he thanked Ms. Anderson for her efforts. He does not want to exploit the trail, which some opponents to the ordinance change feel might be the case. Mr. Gregoire said that he feels the limitations on the businesses will only serve to enhance the trail and ensure that “family-friendly places” go in there. If someone were to “put something gaudy or tasteless in the area,” Mr. Gregoire said he would be the first to protest it. This will also give a chance to those businesses that can’t afford to be downtown.

Regarding area security, Mr. Gregoire said he had read that in the city of Niagara Falls, they gave incentives to businesses that were in “a rundown corner of town” to revitalize it and reduce crime. The idea, he said, was “more eyes, less crime,” and it worked, “breathing new life

into a dead area.”

Councilman Murray said he thinks it’s a great idea in this Limited Industrial District, which also has residential areas. The area needs redevelopment, he said, but the only type of redevelopment that could take place without an ordinance change would be to put in more factories. This ordinance change is “consistent with what we want near the trail.” He feels staff has put in the necessary regulatory limitations on size, hours, alcohol sales, etc., and those limits are based on the surrounding residents’ concerns, so Councilman Murray is in favor of it.

Councilman McFee said in council’s packets, they have a stack of emails, and the majority of those who commented are in favor of the change. Those who had problems with it seemed to be focused on the parking. He asked if existing businesses in the Depot area have an obligation to provide parking for customers and employees. Ms. Anderson said, as a condition related to the trail-related uses, when there is a change in occupancy, on-site parking must be provided for the trail-related component. The administrator can make adjustments to the type of use and shared parking. There is one building, for example, that houses a gym, which is only open in the evening, so a bike rental business might be co-located in that building, and could share parking.

Councilman O’Kelley said, of the comments council had received, seven were in favor, and there were three objections, but of the latter, one was only concerned about parking, not really opposed to the ordinance change. In addition, four people had just spoken before council in favor of the ordinance change.

Councilman Cromer said he’s concerned about parking, too, and the question of “what will we do down the road?” Will additional on-site parking be enough? Ms. Anderson said there is currently adequate space available for additional parking along the Spanish Moss Trail right-of-way, which is 100’ wide, as Mr. Moss had indicated at the Metropolitan Planning Commission meeting; some of the Depot businesses are using this now for “informal parking.” So, Ms. Anderson concluded, there is an informal plan for parking, “as things develop” and people enjoy the trail and its related businesses.

Mayor Keyserling said he will support it, but he thinks they should look at managed parking (though not meters), so there will not be an issue with trail parking encroaching on the businesses’ parking. He agreed that better organized parking would be available on the trail right-of-way, if this were successful. Some of the businesses had “lost their parking across the street” when parking was put in for the trail, Mayor Keyserling noted. **The motion passed unanimously.**

### **CITY MANAGER’S REPORT**

Mr. Prokop thanked **Gary Kubic**, the county administrator, and **Sheriff Tanner** for contributing a boat and motor to the City of Beaufort police department; the county had been going to trade it in when it purchased a new boat.

The fire department received a grant of \$76,364 for exhaust extraction equipment for the fire station, Mr. Prokop said.

The Boundary Street project goes to the full county council for approval on September 14, Mr. Prokop said; the contract will be signed, and construction will start in October or early November. They will communicate about disruptions through Facebook and the city's website. There will also be open public meetings weekly for questions about disruptions and other problems.

The building permit process is being reviewed with the help of TCL, and "contractors, developers, and others" are being interviewed. Staff will present its finding and recommended changes at a work session. "Our overall goal is to have an expedited process with no surprises for anyone involved," Mr. Prokop said.

Mr. Prokop said that beginning September 28, for the benefit of contractors "who have been asking us to open earlier," new office hours will be 7:30 a.m. – 5:30 p.m. on Monday – Thursday, and 7:30 a.m. – noon on Fridays.

Mr. Prokop said that Initiative #7 – the Beaufort Pride of Place program – is intended to allow people "to contribute to special projects," like improvements at Waterfront Park, seawall improvements, covering the costs of Christmas lights, etc. There is now a brochure to explain the program. These funds will be for specific projects, not part of the general fund, and what isn't spent "will roll over from year to year." Mr. Prokop said that **Logan McFee** is "the perfect example of this." The Eagle Scout had raised over \$20,000 to have a monument built and installed, and "he was our first donor (to Beaufort Pride of Place) to donate \$1000" for its maintenance, so Mr. Prokop hopes others who have expressed interest in such a program will donate, too.

Mr. Prokop said staff has been asked the status of Allison Road and Southside Boulevard sidewalk projects. Both projects have had engineering completed, he said, and "SCDOT has had the Allison Road design acceptance plans for several weeks to review and approve." It's common to wait weeks for SCDOT approval, and this is a local public authority (LPA) grant project, so there are specific steps to be followed. Therefore, Mr. Prokop said, the project could end up taking two years to do because of waiting for approvals. The city is on-track, though.

Mr. Prokop said that staff would present a quarterly quality report at council's next work session on "the good, the bad, and the ugly." The "ugly," he said, was unexpected expenses, "mainly caused by Mother Nature": downed trees that weren't budgeted for, the Pigeon Point dock breaking, etc., but they know there have also been some savings.

Staff will suggest that council hold meetings next quarter with the city's boards and commissions to establish clear goals for the rest of the year, now that they have gone through the first quarter. When council goes to its retreat, it will have those plans, and council and staff can follow up on the city's boards' and commissions' "goals, plans, timetables, and results."

The city's departments' plans are due in mid-October, Mr. Prokop said, and he will be providing council with reports from them, as well.

Councilman Murray suggested that council should also have conversations with its not-for-profit partners – “anybody we give money to, to have goal-setting with them, as well.” Mr. Prokop said he could arrange that. Mayor Keyserling thinks that is a good idea.

Mayor Keyserling asked Mr. Prokop if Allison Road and Southside Boulevard were “both waiting on encroachment.” Mr. Prokop said the city's normal lane width is 10', and all the engineering was done, “but DOT says they want 11'.” Ms. Anderson corrected him, saying it is 12'. Mr. Prokop said, as a compromise, the engineers had suggested “a 1' overlap on each one”; they are awaiting SCDOT's approval. Mr. Prokop said they had a similar issue with DOT on Duke Street.

### **MAYOR'S REPORT**

Mayor Keyserling thanked **Shannon Erickson** for following through with SCDOT on the surcharge they are adding “for managing their part of the Boundary Street project: \$125,000 in addition to the COE of \$1.25–\$1.3 million. “She's trying,” Mayor Keyserling said.

Mayor Keyserling said he has gotten a lot of calls about the Charles Lind Brown Center's future. The county has “safety concerns,” so they have provided fewer services there, while Mayor Keyserling feels “the opposite: the more services you have, the safer it's going to be.” City and county representatives met and have agreed to look for not-for-profits and other partners “to get the Charles Lind Brown Center back as a core part of (the) community.”

Mayor Keyserling said will not be at next week's work session.

### **REPORTS BY COUNCIL**

Councilman Murray thanked staff and all who were involved in the Duke Street renovation.

Councilman McFee said that the annual September 11 commemoration would be at Waterfront Park next week.

Councilman Cromer said, “Next week is Constitution Week,” and the city would be doing a resolution in support of the DAR's recognition of Constitution Day. There will be an event in Waterfront Park on September 18 at 2:00 p.m.

There being no further business to come before council, **Councilman O'Kelley made a motion to adjourn the meeting. Councilman Murray seconded. The motion passed unanimously**, and the meeting adjourned at 8:09 p.m.