

A regular meeting of the Beaufort City Council was held on September 8, 2009 at 6:00 p.m. in the Beaufort Municipal Complex, 1901 Boundary Street. In attendance were Mayor Billy Keyserling, Council members Donnie Ann Beer, Gary B. Fordham, Mike Sutton, Mike McFee, and City Manager Scott Dadson. In accordance with the South Carolina Code of Laws, 1976, Section 30-4-80(d) as amended, all local media were duly notified of the time, date, place, and agenda of this meeting.

CALL TO ORDER

The Mayor called the meeting to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE

The invocation was given by Councilwoman Beer. The Pledge of Allegiance was led by the Mayor.

PUBLIC COMMENT

Deborah Johnson, 1710 Duke Street, said that the council minutes haven't been posted online since May, and she and others would like to keep up with what's happening in council through the posted minutes. She also suggested council consider having minutes taken at the workshops, then posted online. She commended council for their efforts at transparency.

Birger Rasmussen expressed concerns about the Marina and Waterfront Park areas at night. In the last 90 days, his parked car has been broken into 3 times at the Marina and a friend's car was also vandalized. There has been general vandalism of other property in that area as well and loitering. He feels the problem is related to one of the downtown restaurant's music "and the crowd they're attracting." He asked for more police presence and possibly more cameras for deterrence. He said he has spoken to the Marina operator as well.

Councilman McFee made a motion, seconded by Councilwoman Beer, to amend the agenda to include the TDAC distribution awards under "Old Business." The motion was approved unanimously.

MINUTES

The minutes of the regular city council meeting of August 25, 2009 were presented to council for review. On motion by Councilwoman Beer, second by Councilman Fordham, council voted unanimously to approve the minutes.

AMENDMENT REVISING SECTION 6.8F OF THE UDO TO REQUIRE BIBYCLE RACKS IN CERTAIN DEVELOPMENTS

Councilwoman Beer moved and Councilman Fordham seconded approval of the amendment on second reading. The motion was approved unanimously.

ORDINANCE REZONING 8 PARCELS OF PROPERTY ON BLADEN STREET FROM GENERAL RESIDENTIAL DISTRICT TO NEIGHBORHOOD COMMERCIAL DISTRICT

Councilwoman Beer moved and Councilman Fordham seconded approval of the amendment on second reading. The motion was approved unanimously.

APPROVAL OF THE DISPERSING RECOMMENDATIONS OF THE TOURISM DEVELOPMENT ADVISORY COMMITTEE (TDAC) ACCOMODATIONS TAX MONIES FOR FY 2009

Councilwoman Beer approved the recommendations for discussion; Councilman Sutton seconded. Councilman McFee made a motion offering amendments to the distribution requests submitted at the last council meeting; Councilwoman Beer seconded. The proposed amendments

- Decrease the \$15,000 award to Lowcountry Tourism Commission to \$10,000.
- Increase the award to Black Chamber of Commerce from \$5,000 to \$7,500.
- Increase the award to the Greater Beaufort Chamber of Commerce by \$1500 for a net of \$61,552.12.
- Increase the award to Main Street Beaufort by \$1,500 for a net of \$50,633.55

The awards require Lowcountry Tourism Commission advertising to be regional advertising promoting the area, without direct advertising of the Frampton House Museum and gift shop. They also require the Greater Beaufort Chamber of Commerce, the Black Chamber of Commerce, and Main Street Beaufort to work cooperatively on a regional marketing plan and to plan a presentation to council mid-year to report on their use of funds, efforts, and successes.

Councilman Fordham stated that in regard to the Black Chamber of Commerce, he has the same objection as last year: he feels that there should only be one Chamber of Commerce, not a separate Black Chamber of Commerce.

Councilman Sutton said his concern following Councilman McFee's proposal is that he's unsure how marketing success will be assessed. While there's an effort being made at "tightening up A-Tax dollars," there are four entities looking for marketing-specific A-tax monies. The Black Chamber of Commerce has been coordinating with Beaufort Regional Chamber of Commerce, but Lowcountry Tourism has been independent of them. This is a state-mandated function, so the council can't say it's not going to do it, but it can decide how the money will be allocated. Infrastructure like way-finding signs wouldn't be funded under A-Tax. He continued that when looking at what the different groups are spending to market different events, "there's no rhyme or reason for it." He feels that the money needs to be targeted for what the organization says it's going to spend it on, but there's been no such determination. He feels council should figure out a formula to learn the results. Mayor Keyserling agreed that "there's a better way but not this year." He concluded that, after reading all the proposals, the TDAC committee must ask for advertising dollars to go to an integrated advertising campaign in which each group complements the other and has a central message. Three different visitors' guides are currently being funded, for example. He feels they should work on it sooner rather than later, but added that he will support the recommendations at this time.

John Moore, of the Black Chamber of Commerce, said that he agrees with the idea of one chamber but says that those he represents "want their fair share." He believes the difference in what his group is being allotted relative to the Beaufort Regional Chamber of Commerce is evidence of that. They have a lot of events, are trying to bring in businesses, and need money to do that. They feel that they wouldn't get any money if there weren't a Black Chamber of Commerce. Charles Lehman, of the Beaufort Regional Chamber of Commerce, said that his

group is willing to give \$1500 of their allocation along with \$1500 from Main Street Beaufort to the Black Chamber of Commerce, which has a market in advertising for minorities in regional publications. He agreed that the groups could definitely coordinate better.

Peach Morrison, Assistant Director of Lowcountry Tourism Commission, said that her group tries to ensure that the regions are coordinated with each other so that all can work together. They are doing advertising in conjunction with other groups because of economic tightening. She said that she will find a way to show the council what the group does. Their location allows them to reach a lot of people, and they can change tourists' minds about where to go.

Councilwoman Beer made a motion to amend Councilman McFee's motion in order to transfer the \$3000 the Chamber of Commerce and Main Street Beaufort offered to the Black Chamber of Commerce in addition to their allocated \$7500; Councilman McFee seconded the motion.

Mayor Keyserling said that he would like the Chamber of Commerce and Main Street Beaufort to use that money jointly on a program that would benefit all four tourism groups. Councilman Sutton echoed the sentiment. He's concerned about the lack of synergy among the four groups and feels that giving up \$3000 to allow another group to do what they themselves aren't doing isn't going to help. He also wants one chamber for everyone. Councilman McFee responded that there are guidelines requiring the chambers to work together. In addition, all four must come back mid-year and show the benefits of doing regional advertising together. He agreed and echoed the sentiments of Councilman Sutton, and he said he understands what all of the groups are going through.

Mayor Keyserling asked Mr. Lehman how much \$3000 – or \$7500 from the Black Chamber of Commerce award plus \$3000 – would buy in the Chamber of Commerce visitors' guide. Mr. Lehman responded that their destination guide is funded by advertising, not award dollars. He said inserts are possible, but he's not sure how necessary they are. All events are publicized but the Black Chamber of Commerce typically uses dollars specifically for the minority meetings and family reunion markets, while the Chamber of Commerce spends dollars on other markets. Mayor Keyserling concluded that there could be little things done that would stretch dollars.

On Councilwoman Beer's motion to amend Councilman McFee's amendment in order to transfer \$3000 from the Chamber of Commerce and Main Street Beaufort to the Black Chamber of Commerce, the vote was 3-2 in favor of the motion, with Councilman Fordham and Councilman Sutton objecting.

On Councilman McFee's motion for approval of the distribution requests with amendments, the award amount for the Black Chamber of Commerce was 4-1 in favor of the motion, with Councilman Fordham objecting.

Approval of the distribution requests with amendments for all other organizations was unanimous.

REQUEST FOR ANNUAL PRO-LIFE PRAYER SERVICE

Councilman Fordham moved and Councilman Sutton seconded approval of the request for the October 4, 2009 event sponsored by Beaufort Life Chain 2009. Councilman Sutton added that the location would be on sidewalk in front of the county courthouse building. The motion was approved unanimously.

REQUEST FROM THE BAPTIST CHURCH OF BEAUFORT

Councilman Sutton moved and Councilwoman Beer seconded approval of the request to conduct a baptism at the Waterfront Park boat ramp, then host a lunch at Waterfront Park pavilion, with co-sponsorship for waiver of park fees. The motion was approved unanimously.

REQUEST FROM EXCHANGE CLUB OF BEAUFORT TO HOST GHOST TOURS

Councilwoman Beer moved and Councilman Fordham seconded approval of the request. The walking and carriage tours will be downtown October 16 – 30, 2009. The motion was approved unanimously.

AMENDMENT REVISING SECTION 7.2.G.7 OF THE UDO TO PERMIT SANDWICH BOARD SIGNS IN ALL DESIGN DISTRICTS

Councilwoman Beer moved to approve the amendment for discussion, and Councilman Sutton seconded. Mayor Keyserling asked Libby Anderson to review the proposal. She said that currently permanent sandwich boards are only permitted in two districts. In other districts, only a temporary sign for a new business is allowed. The proposal will allow sandwich boards in all districts. They will require a permit, their size is regulated, they can't be in the public right-of-way, and if temporary, they have to be taken in when the business is not operating. Mayor Keyserling asked her if there is an estimate of how many sandwich boards there might be. Ms. Anderson replied no, but said it could be calculated. Councilwoman Beer asked if the distance from the business could be limited. Ms. Anderson said yes, it could be. Councilwoman Beer said that she hasn't seen a proliferation of signs even where they are allowed.

Councilman Sutton said that he has opened a small business and has helped other businesses open, and there's no doubt that signs are the biggest issue for businesses. Sandwich boards work really well for some types of businesses. He would support changes for fairness, but he'd like to have some way to measure a success or failure. He would like to have a 12-15 month limit on the amendment to measure its effectiveness.

Councilman McFee said that he's concerned with not knowing how many signs may be in the visual right-of-way. From a business standpoint, he thinks greater exposure is important, but there could be unintended consequences. Clark Trask said that because his business is new, he has a 6-month temporary sign. Every new patient has found out about the business from his "Walk-Ins Welcome" sign, bringing in a significant amount of revenue. He feels that's empiric evidence that the signs work. He encouraged council not to make the amendment to the ordinance too restrictive, though he understands that there should be common sense aspects to the ordinance. He said there's also evidence that those who are allowed to have signs haven't caused a huge proliferation of them.

Don Starkey said that in the historic district, there's a requirement about the kinds of materials that are used, and it would be worthwhile for this as well. He also advocated a permit to keep

people from just putting signs out without city validation. Edward Dukes, 821 Ribaut Road, said he is also a proponent of sandwich boards.

Councilwoman Beer said the sign boards have been made smaller over time, and she had a problem with that, then they were changed again with 10-year restrictions; this has affected businesses. An ordinance can always be changed with two readings. It seems only fair to allow businesses in all districts to have sandwich boards.

Paula Edwards, owner of Ultimate Creations Salon, is also a proponent of sandwich boards. She said that because she hasn't been able to use the signs, she has had to pay to advertise through fliers, ads, etc. She needs customers to realize that her business is there. Mayor Keyserling said that he had emailed a national retail consultant for her input, and she replied that sandwich boards are effective for pulling business into side streets or special events, but if everyone had a sandwich board, the only benefit would be to sandwich board salesmen. He is very concerned as a business owner that council may be "opening up a can of worms," since there could possibly be 1000-2000 signs, and then there's the problem of policing them, especially because people may not honor right-of-way. A trial period may be reasonable in order to gauge impact.

Donna Starkey, 1099 Otter Circle, agrees that a trial period is important, because it's difficult to take something away once it's been granted. She also feels if everyone uses sandwich boards, it will ultimately have no impact on businesses. While the Black Chamber of Commerce has not yet taken a position, Mr. Moore said he personally could see sandwich boards working. Councilwoman Beer asked if businesses would be limited to one sign, and Ms. Anderson replied yes, and restaurants can have an easel sign, for advertising specials or posting menus. Mayor Keyserling asked Carlotta Ungaro if the Chamber of Commerce has taken a position, and she said no, but they could obtain and offer feedback. Mayor Keyserling reiterated that this is a first reading, "so we could come back with amendments." Business owner Nan Sutton, 809 Craven Street, doesn't currently have a sandwich board, but if she did, and her gross sales were to go up, "it's more money for the city." She advocated a trial period to see its effectiveness.

Councilman Sutton made a motion to amend the proposed amendment to approve sandwich boards but to include a trial period of up to one year with December as a start date. Also, a permit will be required which will allow data to be collected and to give businesses guidance on materials and placement. Councilwoman Beer seconded the motion to amend.

The city manager said that council should note that attributing an increase in walk-in traffic to signs is not necessarily a valid correlation. Any spike in business over a year's period of time could be correlated to signs. The only thing within council's control is the clutter to the street. Signs are only effective based on the speed of traffic going past them; if 150 businesses on Boundary have small sandwich boards, they won't be seen – no one would have time to read the signs. He urged council to evaluate whether the ordinance gives an appearance of clutter in the area. There are many ways for businesses to advertise that don't cost money. The idea of conditions and time limits is good, but the determination needs to be based on whether it clutters or not. As a staff member, he supports it as a temporary measure, and the Design Review Board and council can do drive-bys to see if it's cluttered.

Councilwoman Beer said she would still like to limit how far the sign can be from the business, but she will add that on the next reading. Mayor Keyserling said he's supporting it for first reading. On Councilman Sutton's motion to amend, the vote was unanimous.

Mayor Keyserling said that he would like to hear from the Chambers and city staff about the issue before the next reading. On Councilwoman Beer's original motion on the amendment to the UDO, the vote was unanimous.

AMENDMENT REVISING SECTION 6.5.I.6 OF THE UDO TO ALLOW 7' FRONT FENCE ON RESIDENTIAL LOTS ON RIBAUT ROAD

Councilwoman Beer moved and Councilman Fordham seconded approval of the amendment on first reading. Councilwoman Beer clarified the way the measurement was determined for Councilman Sutton, who in turn clarified that the fences are allowed to be "up to a maximum of 7'." The motion was approved unanimously.

AMENDMENT REVISING SECTION 5.1 AND 5.3D OF THE UDO TO PERMIT OUTDOOR COOKING AT RESTAURANTS BY SPECIAL EXCEPTION

Councilman Sutton moved and Councilman McFee seconded approval of the amendment on first reading. The motion was approved unanimously.

NAME APPOINTEE AND REAPPOINTMENTS TO TREE BOARD AND ZONING BOARD OF APPEALS (ZBOA)

Councilwoman Beer moved and Councilman Sutton seconded approval of the reappointment of Brad Hill and James Lane to the ZBOA, and the appointment of Derrick Wells to the City Tree Board. The motion was approved unanimously.

CITY MANAGER'S REPORT

Mr. Dadson said BJWSA has informed him that the deadline for the right-of-way to the rail line is approaching. He asked for council's permission to represent the city in working with Port Royal and the County on the rail-to-trail idea that has been supported by council. The Northern Regional Implementation Committee has put the project on hold, but the county is putting together a Tiger grant for the money to pursue it. He believes that if all three jurisdictions work together, they can make the best use of it for the public. He received the collective nod of council to go forward on the city's behalf.

MAYOR'S REPORT

Mayor Keyserling said that the PAC and USCB are both waiting to see if they can use the courtyard of the Arsenal for events. The city manager said that groups using it would be fine because there's power, but the air conditioning could be a problem. Mayor Keyserling said that just using the courtyard is fine for USCB, but he's not sure about the PAC. The garden club had wanted to use the space, too, at one time. Carlotta Ungaro said that the groups may want to use the upstairs. The city manager stated that "you can't say yes to everyone until you decide who's going to manage it...The city can set up those agreements until there's management, but there are concerns because it's not been used for awhile." Councilman Sutton asked the status of mechanical changes. The city manager said that the current system is being fixed, but it's been vacant for awhile. He didn't have a status report. Councilman McFee asked if there were

potential liabilities with them being inside the building. The city manager said he thinks “it’s better if they’re outside.” Councilman Sutton asked what needed to be done by council so that the groups could use the space. He asked if, for example, an interim manager was needed. He said that at the last event, there were 200 people upstairs “and everything looked fine,” and what was visible was functional. If the air conditioning is broken and other things can be fixed, he feels it ought to be made available. The city manager said, “Then we’ll make it available.”

Ms. Johnson noted that the building is “a historic treasure,” and much money has been spent to restore it, so she appealed to council to find someone responsible for the event while it’s going on, and follow the rules that were there before, such as using a cleaning service immediately after an event. The city manager said staff will move resources from something else to Arsenal upkeep if necessary and will charge accordingly. He added that, until the matter of how it will be used is settled, it’s difficult to manage it with conditions and exceptions. Councilman Sutton asked who granted the groups permission to use it. The city manager said that the city believed at the time that the matter of management would be settled by the time the groups wanted to use it, but it may not be. Councilman Sutton suggested asking for help from “a non-profit that asks us for money every year.” He also stressed that a hold be put on rentals until a decision’s made about who’s managing the Arsenal property. Councilwoman Beer offered her help. The city manager said the problem is not one of needing staff because the city maintains many assets. He said the city has “obligations as we negotiate the use of it.” They will make it work for the PAC and USCB, which are already scheduled, but not rent it out further for now.

Mayor Keyserling said that he’d sent out an e-mail about forming a sub-committee for the way-finding signs “that were too bulky to go over at the last workshop.” Councilwoman Beer and Councilman McFee volunteered.

Mayor Keyserling said that at the next workshop he’d like to talk about restructuring the process of how and when council meets, i.e., “Doing two workshops in one meeting, instead of two meetings in one workshop.”

COUNCIL REPORTS

Councilwoman Beer announced that there will be a service on September 11, 2009 at the National Cemetery. Military Appreciation Day is September 12, 2009. The event starts at 11 AM; the formal ceremony is at 1 PM.

Councilman Sutton commented that the city manager could ask the chief of police to do something about increasing observance in downtown in order “to find out what’s going on.” He was aware of Waterfront playground vandalism as well as the matter brought up in the public comment. He agrees with Councilwoman Beer that there will have to be cameras for certain issues that warrant them in addition to more police to enforce standards. He asked the city manager to provide “some sense of what’s going on” and suggested that the Marina manager be spoken to, too. Councilwoman Beer added that she believes there need to be police on the streets, “but in these times, (vandals) will go elsewhere if they know they’re being watched (by cameras).” Mayor Keyserling said he would like to meet with Lanelle Fabian at Main Street Beaufort to discuss the matter, and Councilman Sutton said he’d join that meeting, “but it’s not just downtown.”

Councilman McFee said he had received several complaints about day dock use that had damaged boats. The city manager said he will look into it this week. Councilman McFee asked if it was in the weekly reports. Councilwoman Beer said that she never got a call.

ADJOURNMENT

There being no further business to come before City Council, Councilman Fordham made a motion to adjourn, seconded by Councilwoman Beer. The motion was approved unanimously, and the meeting was adjourned at 7:30 p.m.

ATTEST: _____
SHIRLEY HUGHES, ACTING CITY CLERK