

A regular meeting of the Beaufort City Council was held on September 28, 2010 at 6:00 p.m. in the Beaufort Municipal Complex, 1901 Boundary Street. In attendance were Mayor Billy Keyserling, Council members Donnie Ann Beer, Gary B. Fordham, Mike Sutton, Mike McFee, City Manager Scott Dadson and Shirley Hughes.

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.

At a work session prior to the regular meeting, **Ron Mattingly** was interviewed for a position on the Zoning Board of Appeals, and **Henrietta Goode** was interviewed for a position on the Redevelopment Commission.

CALL TO ORDER

The Mayor called the meeting to order at 6:10 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was led by Dr. Steve Keeler of Sea Island Presbyterian Church, and the Pledge of Allegiance was led by the mayor.

PROCLAMATION OF WORLD HABITAT DAY

Councilwoman Beer, second by Councilman Sutton, made a motion to approve the proclamation. The motion was approved unanimously. Councilwoman Beer read the proclamation. Mayor Keyserling presented the proclamation to **Brenda Dooley**.

PUBLIC COMMENT

Edgar Williams, Beaufort Black Chamber of Commerce, commented on the purposes of the chamber. He asked Councilman Fordham rhetorically what the standards are by which the Black Chamber of Commerce should be judged; he questioned the applicability of the number of tourists drawn by an organization's work as the standard of measure. He suggested council ask itself why there is duplication of efforts among the chambers. The Black Chamber of Commerce brings tourism to the city of Beaufort, he said, and offered evidence of its efforts toward that end, including supporting reunions for those who have left Beaufort and returned for these events. He went on to enumerate other efforts to bring tourists to Beaufort. He said the Black Chamber of Commerce "deserves more ATAX money." He told council he hopes they will consider giving Black Chamber of Commerce "a part of the pie" of ATAX money because they are on the front lines in supporting Beaufort and Beaufort County.

Jim Westcott, Executive Director of the Lowcountry Regional Tourist Commission, said they are the designated marketing agency for the four-county region. He introduced members of the commission, whom he said were appointed by the governor to serve, and two staff members. **Dan Carter**, the Chamber director at Edisto, thanked the communities in the four-county region for their bed tax support which he said helps them create economic development through tourism. They presented a sculpture of an American eagle to council.

MINUTES

The minutes of the work session on September 7, 2010 were presented to council for review. Mayor Keyserling noted that on page 1, it is the *Election* Commission, not Electoral. On motion by Councilwoman Beer, second by Councilman McFee, council voted unanimously to approve the minutes as corrected.

The minutes of the regular council meeting on September 14, 2010 were presented to council for review. Mayor Keyserling said on page 6, the sentence should read, "Mayor Keyserling said the issue is whether *or not* there should be two Chambers of Commerce." On page 7, Mayor Keyserling said the following sentence should be revised to include the Beaufort Chamber of Commerce: "Mayor Keyserling noted that in the previous year, *Beaufort Chamber of Commerce* and Mr. Westcott (LRTA) had given money from their request to help the Black Chamber of Commerce reach a higher amount." On motion by Councilwoman Beer, second by Councilman Fordham, council voted unanimously to approve the minutes.

AMENDING ARTICLE 7, SECTION 11044 OF THE TOUR BUS ORDINANCE TO REFLECT PERFORMANCE STANDARDS

Councilwoman Beer, second by Councilman McFee, made a motion to adopt the amendment on second reading. **Peter White**, Suthern Rose Buggy Tours, expressed approval of the effort to make this ordinance match the carriage ordinance. He said there needs to be a way for another tour bus company to come in. He feels there should be a five-year limit to the license. His carriage company is frustrated at being shut down by the heat this summer when they could have put tourists on an air conditioned bus "while Walter Gay's bus was parked and he sent customers to another bus company." When TMAC reviews the issues, he would like allowing another service to be considered. The motion passed unanimously.

AMEND FY2011 BUDGET TO ADD JUSTICE ASSISTANCE GRANT OF \$16, 394

Councilwoman Beer, second by Councilman Fordham, made a motion to adopt the amendment on second reading. **Shirley Hughes** explained that the police department had been awarded a Justice Department grant based on their criminal statistics. The federal government reviews those statistics and determines eligibility. The money will be used for equipment and supplies that they would not otherwise be able to purchase. The motion passed unanimously.

AMENDMENT REVISING SECTION 6.5.1.6 OF THE UDO TO PERMIT PARKING WITHIN THE SETBACK AREA ON SINGLE-FAMILY LOTS

Councilwoman Beer, second by Councilman Fordham, made a motion to adopt the amendment on first reading. Libby Anderson explained the background on the revision to the amendment. She said the city encourages shared driveways on adjoining lots located in the setback. The Planning Commission recommends approval and there has been a public hearing on the matter. The motion passed unanimously.

AMENDMENT REVISING SECTION 7.3 OF THE UDO TO ELIMINATE THE PARKING REQUIREMENTS FOR CERTAIN GUEST ACCOMMODATIONS IN THE CORE COMMERCIAL DISTRICT

Councilman Sutton, second by Councilwoman Beer, made a motion to adopt the amendment on first reading. Ms. Anderson explained the parameters of the core commercial district. On-site parking is not required for any commercial uses except for overnight guest accommodations. The parking demand made by the smaller overnight accommodations is much less than that of a restaurant. So they are proposing to eliminate the on-site parking for smaller guest accommodations so guests can park on-street or on surface lots as they do for other commercial uses.

There has been a public hearing on this amendment and the Planning Commission has recommended it. Councilman Sutton asked how it affects privately owned accommodations in that area. Ms. Anderson said upstairs residential is not required to have on-site parking, such as above Bay Street Trading, but if those residences were commercial, they would be required to have it. Councilman McFee asked what the impact will be on relieving the pressure on those who would qualify, i.e., the Beaufort Inn. Ms. Anderson said many businesses have a good gauge of what kind of parking they need. Beaufort Inn might be able to eliminate one or two spots. Councilman McFee said they could potentially expand their businesses into space used currently for parking.

Larry Holman asked if this would affect the parking on Duke Street. Mayor Keyserling again defined the parameters of “core commercial” and said it’s outside Port Republic Street. Mr. Holman asked specifically about the property that is a rental unit on the corner of Duke and Charles and is smaller than a B&B that was approved at the last meeting to be a short-term rental. Councilman McFee said it wasn’t approved as a short-term rental, and this requirement wouldn’t apply because it’s “neighborhood commercial” zoning on that corner, but not around it. The motion passed unanimously.

REQUEST FOR LOCAL BUSINESS TO WAIVE LATE FEES FOR HOSPITALITY TAXES

Councilwoman Beer, second by Councilman Sutton, made a motion to approve the request for discussion. Ms. Hughes said under the current business license regulations, staff doesn’t have the authority to waive fees. They have a request from a local restaurant to waive penalty fees (not the taxes themselves, which total \$1853.00) for hospitality taxes outstanding for three months. The waiver is for \$128.87. Mayor Keyserling asked if there’s a timeframe for catching up on the past due amount if the penalty is waived. Councilman Sutton clarified that this business has gone out of business and had past due fees owed to the hospitality tax. He’s concerned about waiving fees before there’s a good faith agreement for a time period for when the fees will be paid; if they have, he would be more likely to approve a waiver of fees. Ms. Hughes said the waiver would be based on what’s outstanding right now. Councilman Sutton moved to table the matter until there is a more definitive answer. Councilman McFee asked if there was an NSF fee from the city, and Ms. Hughes said it’s \$30.

Mayor Keyserling said if council doesn't act now, the fees would compound further. Mayor Keyserling explained to those assembled that when the restaurant was open, they collected this money but didn't pay the city in a timely manner. Councilman Sutton made a motion, seconded by Councilwoman Beer, to waive the late penalty on the hospitality tax, on the condition that the outstanding balance of money due to the city is paid within 30 days. The penalty will be reinstated if that balance is not paid in 30 days. **Wanda Lopez** asked why the council did not mention the business's name. Mr. Dadson said they were legally prohibited from doing so. The motion passed unanimously.

REQUEST FROM MSB, USA TO HOST "TRICK OR TREAT IN DOWNTOWN BEAUFORT"

Councilwoman Beer, second by Councilman Fordham, made a motion to approve the request for October 28, 2010. Councilman Sutton asked if there were any changes from last year. **Lanelle Fabian** said no. The motion passed unanimously.

REQUEST FOR STREET CLOSURE FROM 1ST PRESBYTERIAN CHURCH TO HOST "KIRKIN' O' THE TARTANS" SERVICE

Councilman Fordham, second by Councilwoman Beer, made a motion to approve the request for November 7, 2010. Councilman McFee asked if they have expanded the route since last year. Ivette Burgess said it's the same as last year. The motion passed unanimously.

REQUEST FROM THE EXCHANGE CLUB OF BEAUFORT TO HOST THE 18TH ANNUAL GHOST TOURS DOWNTOWN

Councilwoman Beer, second by Councilman Sutton, made a motion to approve the request for October 13 – October 30, 2010. Councilwoman Beer said there are fewer tours than last year. The motion passed unanimously.

APPOINTMENTS TO BOARDS AND COMMISSIONS

Councilwoman Beer recommended appointing Mr. Mattingly to the Zoning Board of Appeals, second by Councilman Sutton. The motion passed unanimously. Councilwoman Beer recommended Henrietta Goode to the Redevelopment Commission, second by Councilman Sutton. The motion passed unanimously.

MAYOR'S REPORT

Mayor Keyserling said he was invited to a meeting at the university, which has signed a contract with the Marine Corps to create a program to support attendance at USCB for those discharged from the Marines. Mayor Keyserling said this is the only school in South Carolina with whom the Marines have such a contract. Councilman McFee asked if it were an extension of the GI Bill. Mayor Keyserling said it's very similar.

Mayor Keyserling said he also attended a meeting of the Public Facilities subcommittee of County Council, and the discussion was postponed, but the US Department of Transportation has asked the county to look at whether transportation at the level proposed is viable. Councilman McFee said Rob Merchant has said that the county is looking at the viability of the

TIGER funds being used for a transit system. Mayor Keyserling explained that the county received a tenth of the money they asked for, and Councilman McFee said there is a movement to get more tangible things for that amount of money. They were awarded \$3.1 million. The city of Beaufort, Port Royal, and the Beaufort/Port Royal Joint Planning Commission have gone on record asking that the money not be spread too thinly. Mayor Keyserling said they could do a sizeable portion of a linear path with the money received; that's the position that's been taken, and they are waiting as that's explored.

Mayor Keyserling called the event in Waterfront Park when the Order of the Palmetto was given to Joe Frazier "a huge moment."

REPORTS BY COUNCIL MEMBERS

Councilman Sutton asked council to consider putting the kiosk requirements for the carriages on the next work session agenda. He would like a review of that and decisions on what's next. Mayor Keyserling asked if it made sense to bring in members of TMAC and the chair. Councilman Sutton said yes and suggested others who should be involved.

Councilman Sutton said there has been concern about derelict vessels on the water. He would like a re-briefing on where they are on this issue, and he suggested the city attorney review what should have been done and what can be done now to correct the problem. Mayor Keyserling said "it all goes back to DNR." Mr. Dadson said "the city can enforce Title 50" if they have the resources. They have done so in the past with the assistance of DNR; it hasn't been done without their assistance. He said they "can bring that file back." Mr. Dadson said the city and the Marina manager would have to apply for a mooring field. If they are granted that ability, within the jurisdiction, they can then require that mooring.

Councilman Fordham said he thinks the carriages and tour buses have engendered an excessive amount of discussion, and he hopes at the work session, their issues will be solved once and for all. Mayor Keyserling said the contract lasts for another year, so the carriages can't be done away with, but council can look at the removal of the contract in the future.

Councilwoman Beer discussed the upcoming Lt. Dan Weekend and said "Folks, you've got to come" and talk to "the amazing veterans who have serious injuries." Gates open at 6 p.m.; Gary Sinise's band plays at 8:30 p.m.

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 7:05 p.m.

ATTEST: _____
IVETTE BURGESS, CITY CLERK