

A work session of the Beaufort City Council was held on August 17, 2010 at 4:00 p.m. in the City Hall Conference room, 1911 Boundary Street. In attendance were Council members Donnie Ann Beer, Gary Fordham, Mike McFee, Mike Sutton and Mayor Keyserling, City Manager Scott Dadson, Shirley Hughes, Ivette Burgess and Mack Cook.

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.

### **EXECUTIVE SESSION**

At 4:00 pm, on motion of Councilwoman Beer, seconded by Councilman Sutton, council voted to move into Executive Session pursuant to Title 30, Chapter 4, Section 70(a) (2) of the South Carolina Code of Laws to continue discussion of contractual arrangements and receipt of legal advice regarding land acquisition. The motion was approved unanimously.

At 5:10 pm, Councilwoman Beer, seconded by Councilman Sutton, made a motion to come out of executive session and begin the council work session. The motion was approved unanimously.

Mayor Keyserling called the work session to order at 5:14 p.m.

### **DISCUSSION REGARDING BOARDS AND COMMISSIONS**

An upcoming election and a resignation from the Election Board means there's a position that needs to be filled. Mayor Keyserling said the interviews have been done for the Redevelopment Commission. He would like to appoint John Gadsden to the Housing Authority. There is a candidate for the HDRB who fits the criteria in that she has been a Northwest Quadrant resident. Also, ZBOA has an open position. Mayor Keyserling said he didn't know if there was a candidate for that position. Councilwoman Beer asked if they have to live in the city, and Mr. Dadson said yes. Mayor Keyserling wants to interview for those positions where candidates need to be elected and make appointments for the others.

### **DISCUSSION REGARDING WATERFRONT PARK SPECIAL EVENTS POLICY AND PROPOSAL OF NEW FEES FOR RENTAL OF THE WATERFRONT PARK RELATED TO PRIVATE EVENTS**

Mr. Cook said Waterfront Park's appearance is in stellar shape, and now the discussion needs to be had about how the park should be used. What the city is trying to do is promote the health and safety of all participants in the park; to protect the property and the investment in it; and to set forth criteria to address the impact of events in the park on non-participating residents. There are currently no written criteria in the city. The goals are to expose the public to a range of diverse cultural experiences; to contribute to the community economically and socially; to promote tourism; to showcase local talent; and to invigorate community spirit and pride.

Mr. Cook said the policy will offer guidance for those who want to use the park, i.e., create a guide for whom to talk to for what needs. The policy is a model for a Memorandum of Understanding tailored to each event's needs. This memorandum would lay out the city's expectations of those who use the park. The business license ordinance needs to be brought

forth into the events; it's currently not enforced for park events. The business licenses will not be brought in obtrusively but will not be ignored as they are now.

The policy will set forth expectations about vendors and food sellers. It will protect the community from undesirable vendors and unacceptable practices. It will protect the city from exposure to fines for environmental violations. The policy will ensure that those events that serve alcohol will comply with state laws governing consumption of alcohol.

When council was polled, Councilwoman Beer said so far she has no problems with it. Councilman Sutton asked about the text in red, and Mr. Cook said that text is recent changes since the last work session discussion. Councilman Fordham said he might have changes later but not at this point. Councilman McFee said he feels the policy more comprehensively covers questions from the past and it's headed in the right direction.

Mayor Keyserling said the business license issue is a complex one. He's unsure about the idea of 40 people buying business licenses in one day. Mr. Cook said this policy will prevent that. If he had to enforce licenses as deemed by the ordinance, all vendors would be "peddlers" and the fee for that is \$625. To avoid that, nothing has been done in the past. This is a middle ground, he feels.

Mayor Keyserling said under B)1 of the memo, he had added "drive retail." Councilman Sutton asked who the special events committee is. Mr. Cook said that, as the event coordinator, Ms. Burgess would be the chair. He suggested a representative from The Greenery and from City Hall. Mr. Dadson said in the past they have included someone from the fire department, the police department, and public services. The idea is to have a committee that makes it more efficient. Mr. Cook said a good model for a team would be the one used in the Water Festival with various representatives who meet daily to address issues.

Mr. Cook said on page 7, the city and The Greenery had to buy inventory from a vendor whose merchandise was affected by a sprinkler going off under their tent when a solenoid failed. Therefore, in the Hold Harmless Clause, a policy has added that among the risks the vendor assumes is for damage to inventory as well as property.

Turning to page 8, Mr. Cook said that "if you do business in the city, you are required to have a business license." Private events such as weddings come to the park with vendors of their own, i.e., florists, chairs, etc. Those are often out-of-town vendors. He gave an example of the last major wedding in the park, in which all of the vendors came from Charleston. None of them had Beaufort business licenses, and it's hard to enforce this for private events. So in the new policy, the organizer will be required to make sure the vendors used have business licenses; out of town vendors should not have a competitive advantage over local businesses that do the same thing.

Mr. Dadson questioned this sort of policy because it wouldn't apply if the wedding were in a church. Councilman Sutton said that the event planner needs to pay one fee for business

licensing; he doesn't agree with the ordinance change that would give a competitive advantage to local businesses. Councilman Sutton said it's disadvantageous to have to question each of the vendors. Mr. Cook said the planners "have different types of scopes." The planner may not be responsible for securing the caterer, for example. Mayor Keyserling asked hypothetically what a one-day business license fee would be for a wedding. Councilman Sutton said no one will complain about a 2% fee, but the city shouldn't be going down during the events and asking about licenses. Mayor Keyserling said the point of the written agreement is to do that detail work up front. Mayor Keyserling suggested adding the business license fee into the park rental costs so they can have it covered without appearing to "nickel and dime." Mr. Dadson said the event coordinator for the park will have to meet with the planner and get it all worked out up front.

The other type of license is for a public show or festival. Most South Carolina cities that have this issue have a nominal fee that covers a number of vendors. 25-30 vendors can fit along the Marina path. In order not to treat each vendor as an individual, the organizer can pay \$125 and cover up to 25 vendors. Councilman Sutton asked why the fee for rental of the park doesn't cover that. Mr. Cook said the ordinance says, those doing business in the city have to have a license. Mr. Dadson said this policy change is an effort to comply with the ordinance; an organizer might not have any vendors. **Lanelle Fabian** asked, if they have 25 craft vendors and 15 restaurants, would those who have licenses be subtracted? Mr. Cook said yes.

Mr. Cook said the park will not be maintained through events; it's not the city's intention to make money from these festivals. Mayor Keyserling asked if there should be a modest change made to the business license ordinance. Mr. Cook said when the policy's drafted, it will be pulled into the agreement.

Councilman Fordham said lawyers in town are charged business license fees and out-of-town lawyers aren't. Mayor Keyserling said he "has no problem with an umbrella," but he doesn't want staff to be burdened with enforcing it, and he doesn't want to "nickel and dime."

A conversation with members of the public ensued about concerns about the licensing of temporary vendors, which Mr. Cook said represents the present concerns this policy is meant to address. Mr. Dadson said the way the ordinance is written requires a substantial peddler's fee per day, per vendor. Councilman Sutton suggested a flat fee for vendors. Mr. Dadson said if it's for a day of business, it's an understanding that the price will be smaller than what permanent businesses pay to have their business here. Mayor Keyserling said if there were a flat fee for the festivals, collected by the event organizer, then the city wouldn't have to go down there and collect it.

Mr. Dadson said the dollar amount Mr. Cook is suggesting is for up to 25 vendors. Mayor Keyserling suggested moving on to fees and coming back to this. Mr. Cook said in limited cases, to exclude some vendors from operating in the city, charging for peddlers' licenses and a police check requirement may be used. He thinks the city should retain some right – as with daily local business licenses – to control the vendors who go to Waterfront Park. Councilman Sutton said

he doesn't like going down the road of excluding certain vendors. Mr. Cook said they can still do it like they're doing it, then. Councilman Sutton said he wants to be careful for the sake of downtown businesses. Mr. Dadson said the fee is the way to control that. A legitimate business can pass the police check and pay the \$625. He said it's not being exclusive, it's "raising the bar." In regard to temporary business license fees, Mr. Dadson said the fee needs to be balanced against what the permanent businesses pay.

In regard to the pouring of oil into the stormwater system, Mr. Cook said that the park is under the jurisdiction of 4 regulatory agencies. The minimum agency fine he found is \$10,000 "for the willful contamination of the waterways." In the case of the park, the city and the lessee are liable for that. Mayor Keyserling asked who the fee should be imposed on. Councilman Sutton said the organizer should have a penalty and the perpetrator, too. The regulatory agency has to enforce it, the city can't. Mr. Dadson said since there's a stormwater fee and stormwater management system, the city has "rights and obligations toward that." Councilman Sutton said the only piece they can reasonably collect is the organizer's. They might not know who the vendor was. Councilman McFee said the organizers won't want to be liable and will stop having events to avoid it.

Mr. Cook said there were 50,000 footprints during Water Festival and after 9 days, the park was cleaned up. What's still there is grease on the sidewalk from a wedding, and it can't be repaired; it causes a tremendous amount of long-term damage. Councilman Sutton asked how it would be handled if they catch someone pouring oil. Mayor Keyserling said he agrees that it's the organizer's issue. **Randall Burch** said the organizer should have to assign each vendor's space, and the vendor has to attest that their space was clean before the event and then that it was clean after the event. Councilman Sutton said inspection of the area before and after the event is in the ordinance presently, and the responsibility goes back to the event organizer.

Ms. Fabian said that to prevent this from occurring in the future, Main Street Beaufort has put some measures in place. Main Street Beaufort will have their own tents over the storm drains. Lowes has donated a pressure washer to help them clean up after events. The restaurants have to check in with organizers, and if they're cooking with grease, they have to show where they're going to dispose of it. They are adding a check-out process. All restaurants have to come to a mandatory restaurant vendor meeting. She said they could also set up cameras to catch those who do it. Mr. Burch said if the fine goes to the event organizer, it doesn't affect the vendor who might dump oil because they won't have reason to care. Mayor Keyserling said the city doesn't want to be responsible for policing the park for this, so the organizer has to be liable.

**David Tedder** asked the best place to have this wouldn't be on those tents that have a permit for those vendors with cooking oil. He added that he doesn't think the city can have a \$10,000 fine. They can only go to \$1000, though state agencies may be able to fine more. Councilwoman Beer said if the city has to drop the fine to \$1000, they could still report it to the environmental agencies who may levy a much larger fine. Mr. Tedder said the municipal report can be forwarded to the other agencies who will levy an appropriate fine.

**Don Starkey** suggested that other products that are also bad such as motor oil and gas be included, not just cooking oil. Mr. Cook said the private and annual festival events are separated. Ms. Burgess researched other private events' fees within the surrounding area. The current fees in the park are extremely low and can be rented for a day, which then can go into the night. She's proposing a rate increase and an hourly fee, as opposed to allowing a whole day's use for one flat fee. Mayor Keyserling asked if there were any rationale to the jump from \$100/day to \$1600 for an eight hour day, Ms. Burgess said she based it on what other venues such as B&Bs and inns are charging. Councilman Sutton clarified that if someone needed the park for 2-3 hours, it would be reasonable to pay hourly. But there's no definition for "private" events and stand alone fees.

Councilman McFee asked about the various fees in Ms. Burgess's handout, i.e., greens and electrical as well as the use fee. Mayor Keyserling said he's not necessarily against the increased fees, but he needs a way to justify it. Mr. Cook said that major turf damage would be charged against a renter's deposit, but clean-up will be by the city as a normal course of events. Ms. Hughes said they should consider how many hours of the year these areas are not available to the public on the weekend. A wedding can come in to set up 2-4 hours before the event, then the event takes place, and then there's take-down time, which makes the park out of use to the public for a long time.

Councilman Sutton feels the park should be marketed for weddings, but the fees are wrong. Mr. Cook said there are commercial concerns whose business is using their own facilities for weddings, and they pay for licenses, taxes, etc. The city is in the business of renting facilities for weddings now. Mayor Keyserling noted that the homebuilders' event was lost and it would be nice to get it back at some point. Mr. Dadson said the issue is more about exclusive vs. non-exclusive use. Exclusive use means only invited people can be within the confines of the area one rents. Non-exclusive is more like a festival; it's okay for uninvited people to walk around and through the area rented. The fees are so low now, though, it's inexpensive to take over use of the park for a long time. Fees need to higher and hourly.

Mayor Keyserling said he was initially opposed to weddings in the park, but then he heard what they did for downtown. His current position is to come up with something fair that doesn't undercut those in the business, and to offer the park "as a premium place" if people want it. Ms. Burgess said that at the least, the currently proposed rates will still be lower than those of the venues in the surrounding area. Councilwoman Beer said it should be equal or close to those venues. Councilman Sutton said the inns and B&Bs are still filling up and making money, just that the weddings are in the park, not at the B&B.

**Donna Starkey** said the weddings add to the park, and the city shouldn't drive them out of there. She doesn't feel the price should be the same as at the inns. High-end deposits will screen out those who are going to be a problem. Councilwoman Beer said they don't want to undercut the inns financially.

Ms. Fabian asked about festival prices. Mr. Cook said the costs should allow the city to come out even. It costs \$1433 per day to operate the park. The more a festival requires of city services, the more the festival should be charged. Water Festival has the infrastructure to keep it from needing much in the way of city services. The idea is that the city and the festival should both not lose money. The festival should say what they can provide and be able to say what they need the city to provide. Mr. Cook said there shouldn't be a blanket fee for all festivals. Councilwoman Beer said to the extent the festival takes over a service such as clean up, the less they'll be charged. Police fire and EMS services are excluded from this discussion. Mr. Cook said they now know what it takes, to the penny, to bring the park back after the Water Festival and they know what daily costs are. If the festivals can provide those services, they will pay lower fees.

Councilman Sutton asked for a number to put the park back into the condition it was in before Water Festival; Mr. Cook said the city spent about \$2500 to fix wear and tear on the grass. Councilman Sutton then said that's what they should be charged for next year. He feels the deposit is the biggest issue. Mr. Cook said the Water Festival didn't cause any damage; they were charged rental of \$5900, and the \$2500 came out of there, so the city made money, though that's not their intention to do so on festivals. Mayor Keyserling asked about Gullah Festival. Mr. Cook said they did all of their own power washing and daily clean-ups. They did little wear and tear, though they had some grease damage. The city had to re-sod to the tune of about \$500.

Ms. Hughes said the fees should be structured so that all are paid up front *before* the start of the festival. Mr. Cook said if the city doesn't have to exceed what has been paid for, the organizers don't need to be charged more. Mr. Burch asked whether the costs will be "a la carte." Mr. Cook used the example of the power washer, which is run every day and will continue to be run, but some festival stains incur additional costs because they require more clean-up time.

#### **DISCUSSION REGARDING SPEED LIMIT ON HWY 170**

Mr. Dadson indicated the area of discussion on a map, from the railroad bed to the intersection at Highways 170 and 21. He said the city architect, the sustainable developments group, Thomas and Hutton, and the city are working together to "create a more urban space" and movement. He said that the network of streets that come off the mains and the parallel road "are what makes the pieces work." One thing that will allow more urban movement is a speed limit, which is what the engineers have requested in the draft letter he provided to council. They are requesting the speed limit be lowered to 35. Then 170's functional classification can be taken to what they want.

#### **DISCUSSION REGARDING RE-DESIGNATION OF HWY 21**

Mayor Keyserling said it makes sense for the city to be Port Royal's advocate. The \$50-60 million in road improvements don't include "the middle," which consists of that area of Ribaut Road between Paris Avenue and Waddell." The city has asked that Port Royal support the Highway 21 designation. One concern was that they were moving ahead of the issue of paving.

Mayor Keyserling said if council supports it, he'll go to BTAG and ask for some money to supplement the Highway 21 money from out of the fly-away project that is no more or from the Northern Bypass money (\$500,000). Mayor Keyserling said he's still hoping for something for Highway 21 on the city's side; he said the city doesn't "want to miss an opportunity to get more for 21."

### **OTHER BUSINESS**

Mr. Dadson said active code enforcement is needed, including ticket writing. He would like to add a four-day per week ticket writer for nuisance violations. The building side is easy, "but codes need to be gone out and done," he said. The neighborhood improvement teams are working hard and need back-up with a serious ticket being written to support the teams and enforce compliance. The city can afford this contract. As enforcement goes on, he sees this need decreasing over time; it will be higher in cost initially but then will be less.

Mr. Dadson presented a handout on proposed hours for city hall public access. They would like to have it open Monday - Thursday 7:30 am – 4:30 pm and Friday from 7:30 am – 2:30 pm, after which time business is little or nothing. There are three more hours of public access. Mr. Dadson said city staff is supportive of the idea. Councilman McFee clarified that inspections will continue after city hall is closed. Mr. Dadson said the proposed hours are about how the customer comes in and interacts at the window. Kimberly Foxworth said the business license inspector is out at 7 am, and with these hours, he won't have to wait two hours to resolve a problem. Mayor Keyserling and Councilman Sutton both advocated the hours being 8 am – 5 pm. Foxworth said that according to the documents they used to survey city staff, there was no business after 4:15 pm.

### **EXECUTIVE SESSION**

On motion of Councilman McFee, seconded by Councilwoman Beer, council voted to move into Executive Session pursuant to Title 30, Chapter 4, Section 70(a) (2) of the South Carolina Code of Laws to continue discussion of contractual arrangements and receipt of legal advice regarding land acquisition. The motion was approved unanimously.

Councilman Sutton, seconded by Councilwoman Beer, made a motion to come out of executive session and resume the council work session. The motion was approved unanimously.

### **ADJOURNMENT**

There being no further business, Councilman McFee made a motion, seconded by Councilwoman Beer, to adjourn. The motion passed unanimously and the meeting was adjourned at 8:00 p.m.

ATTEST: \_\_\_\_\_  
IVETTE BURGESS, CITY CLERK