

## CITY OF CHARLESTON TOURISM COMMISSION

April 20, 2022

A special meeting of the Tourism Commission was held this date at **5:00 p.m.**, via Zoom Webinar.

Notice of this meeting was sent to all local news media.

### PRESENT

James Saboe, Chair, Yvonne Broaddus, Alphonso Brown, Lorraine Evans, Barry Kalinsky, Kaylan Koszsla, Mayor's Designee, Ernest Long, Victoria Moore, Roy H. Owen. **STAFF:** Lee B. Burbage, Tourism Commission Manager, Tim Domin, Esq, Clawson and Staubes, LLC, Dan Ricco, Director, City of Charleston Department of Livability and Tourism, and Amy Southerland, Tourism and Special Events Manager, City of Charleston Department of Livability and Tourism

The meeting was opened with a moment of silence.

#### **Approval of minutes** – March 1, 2022

Chair Saboe noted the last page of the minutes stated that the next Tourism Commission meeting would be held Wednesday, April 27. He asked that it be corrected to reflect Wednesday, April 20.

Mr. Long moved for approval.

Mr. Kalinsky seconded the motion.

The minutes were approved unanimously.

#### **Public Input**

Heaven Hale, who works with Tyler Jones, stated the carriage community supported the recommendations in the interim report and hoped the full Commission would approve them and forward them to City Council. Many of the issues have had a lot of negative impacts on their business, particularly the rose peddlers, who have harassed their customers and tried to rob one of the ticket stands.

Mr. Burbage said Ben Doyle was to speak next but he didn't see him in the attendees list.

Chair Saboe suggested they move on and Mr. Doyle would be allotted time to speak at the end of the meeting.

#### **Update From Department of Livability and Tourism**

Chair Saboe moved Mr. Burbage and Mr. Riccio to the top of the agenda to give updates for the department. He thought it would be easier to hear the interim report from the Quality of Life Subcommittee and discuss it right after the update.

Mr. Riccio there was no current update outside of what they were working with the subcommittees so they weren't prepared to give any updates at this point.

Mr. Burbage mentioned they had several new tourism officers whom he had planned to introduce at tonight's meeting. They weren't able to attend the meeting due to scheduling so he hoped to have them at the next commission meeting.

#### **Subcommittee Report**

*Quality of Life* – Barry Kalinsky, Chair

The subcommittee met on Monday to consider the interim report, which had been distributed to all Commission members. Mr. Kalinsky thanked Mr. Owen for preparing the interim report and identifying a lot of the issues discussed in the meeting. Mr. Owen produced a comprehensive document that not only encompassed the Quality Of Life Subcommittee but also the Tourism Commission as a whole. He brought forward some recommendations for key issues they identified. The subcommittee voted

unanimously to bring the report to the Commission. Mr. Kalinsky asked Mr. Owen to introduce the document.

Mr. Owen noted the subcommittee took it's directive from the Tourism Commission's founding document which stated the Commission was "...responsible for ensuring visitors enjoy the historic and cultural aspects of the City's heritage, while maintaining the environmental quality of life of the City's citizens."

The subcommittee made the following recommendations:

- *Parking in High Tourism Districts* – The subcommittee submitted they work with Parking Enforcement to develop a proposal to City Council for acquisition and implementation of a license plate reader system. While the recommendation wasn't ready to go before City Council yet, they suggested teaming up with Parking Enforcement to develop the proposition.
- *Littering and Trash Collecting* – The subcommittee recommended someone who isn't a staff member from the Commission added to the Mayor's current working group on trash and cleanliness of city streets and sidewalks. *Booze Pop Truck* – The subcommittee proposed Section 3-31 of the City Code be amended to specify high alcoholic content frozen products be included under the definition of other alcoholic beverages.
- *Palmetto Rose Peddlers* – The subcommittee suggested a process to allow a combination of law enforcement/ social services to be brought to palmetto roses' problem.
- *Interaction with Unhoused Individuals* – The subcommittee endorsed a similar recommendation for a process with respect to the homeless and pan handling. This was the high level one recommendation to go directly to the Mayor and City Council and the other toward changes, modifications to process to move things forward.

Mr. Owen mentioned this wasn't the full scope of what it was the Quality of Life Subcommittee proposed to take on. They would be coming back with some new items of focus subsequently.

Mr. Riccio suggested Mr. Domin be allowed to clarify the misconception that these recommendations and proposals would go directly to the Mayor's Office and City Council, as well as further clarify the legal aspects of the flow of the process required by law to the subcommittee.

Mr. Domin stated the following:

- This body, as related to this subject, was just giving advice and a request for consideration to City Council and the Mayor's Office; the Mayor's Office, as well as City Council, could act or not act on the request
- In order to actually propose an ordinance, either the Mayor's Office and/or City Council had to work with the Legal Department to actually get the language on paper that would likely go to a subcommittee of City Council for consideration and then to the full Council

Mr. Owen acknowledged the clarification and questioned who would be next to receive the report.

Mr. Riccio noted the report would go to the individual City Council standing committees to address those specific items in the report.

Mr. Owen asked if the Tourism Commission had the ability to go directly to the standing committee or did it go to the Mayor and City Council, who would then assign the topics to a standing committee.

Mr. Domin said the Commission didn't have the authority to go directly to City Council. He explained in the Strong Mayor form of government in the City of Charleston, the Mayor would have the control of the issue of agendas. Presumably the Mayor's Office would have to address whether it needed to go to Legal for an ordinance to be drafted, or what committee or subcommittee needed to review it.

Chair Saboe opened the floor for discussion. He added that they needed to be sensitive to those things the City had already done to address some of these issues.

Mr. Kalinsky said Ms. Hale spoke about rose peddlers.

Mr. Riccio clarified the people who they see on the streets around the market or High Battery were unpermitted, former rose peddlers. There was a new, recently privatized rose peddler program under the guidance of a non-profit organization in the City. They conduct the process for teens and younger kids to enter an organized program where they received funds to make the product and taught them business and life skills.

The reason for the public safety concern and police matter was there were sometimes aggressive sales tactics, which was prohibited by ordinance, disorderly conduct and littering. The police department was aware of the issues and oversaw the process of enforcing the unpermitted peddlers.

Mr. Burbage mentioned they might want to consider the section under Booze Pop trucks and change the title so they weren't singling out what could be perceived as an attack on one particular business as opposed to just referencing the item that was involved in it.

Mr. Riccio said unfortunately this company was called Booze Pops, but other vendors sold the alcoholic frozen products. They didn't want to be discriminatory and wanted to clarify this wasn't that particular company but rather that product was sold by other vendors.

Chair Saboe said at some time the Commission would decide as a group whether or not they wanted to elevate this to the next level to show the Commission's particular concerns regarding these points.

Mr. Kalinsky moved to elevate the interim report to the next level.

Ms. Moore seconded the motion

Mr. Domin called for a point of clarification. He understood the report contained some sections that Mr. Owen indicated were just to be for future study. He wasn't sure whether or not they were asking for the entire report to be effectively elevated to the next level, which he believed was to go to the Mayor's office, and it would become a public record as they made it to City Council or others.

Mr. Kalinsky said his intention was to promote the entire thing to the appropriate avenues as articulated earlier by Mr. Riccio and Mr. Domin.

Chair Saboe said the way he interpreted the Commission's role and responsibility was as an entity that was created by the Mayor, with ratification by City Council. His recommendation was they follow that same path backwards where they would elevate this to the Mayor's office for consideration and review. He asked Mr. Domin if he was saying it became a public document at that point.

Mr. Domin thought it was probably already a public document in some sense. It would have a certain stamp of approval once they voted and approved it. He agreed it had to go to the Mayor's Office for the consideration. While he understood the motion, he wanted to be sure everyone understood they were asking to elevate the whole report. However, he thought everyone wished to entertain Mr. Burbage's comment to strike the word "Booze Pops" and replace that with "frozen alcoholic beverages".

Mr. Kalinsky added either that phrase or "vendors of frozen alcoholic beverages".

Mr. Domin said the way it was worded now was just "Booze Pops trucks". He was trying to think of a word that would work like "frozen alcoholic pop trucks", "frozen alcoholic product trucks", or substitute "Booze Pop trucks" to "frozen alcoholic products vendors".

Mr. Kalinsky moved to change it to "frozen alcoholic product vendors".

Mr. Brown asked who approved the booze trucks, when it was approved and what the language was given to them.

Mr. Domin said a recent article in the Post and Courier stated there was potential a loophole in the South Carolina regulations regarding the sale of alcoholic beverages that had been interpreted by the State as including only liquid beverages, not food products/frozen beverages. The State had backed away. Some in the General Assembly have questioned whether there should be more restrictions but until something was done, that statement will remain.

As Mr. Owen's report reflected, all cities maintained they had the right to pass local ordinances not as to the sale of alcoholic beverages but as to the consumption of alcoholic beverages on the streets and sidewalks of the community. He thought Mr. Owen's proposal was to suggest to City Council that they evaluate the legalities and consider an ordinance that would try to include the frozen products in the same category as the liquid products for the purposes of addressing public consumption on the streets and sidewalks.

Mr. Brown asked if the booze trucks were legal. Mr. Domin said yes they were legal.

Mr. Brown said if they were legal, what was the Commission going to do about it? They needed to go back and change the laws if it was legal.

Mr. Domin said the State of South Carolina could address the loophole that existed in the law. While he didn't want to put a formal legal opinion out there, the City currently regulates the consumption of liquid alcoholic beverages on the streets and sidewalks. Mr. Owen was asking for City Council and the legal staff to consider a change in the City ordinance that would prohibit public consumption of frozen products on streets and sidewalks.

Mr. Owen said Mr. Brown's question was there had never been approval by the City of the consumption of high alcoholic content products. The sale had taken place on private property and the City had not made explicit that Section 3-31, which covers the consumption of alcoholic beverages, haven't specifically defined alcoholic beverage. So alcoholic frozen beverages have never been addressed directly as to whether they were a beverage or not. What the subcommittee proposed was the city ordinance be modified to make it clear that alcoholic products, whether they were liquid or frozen, fell under Section 3-31.

Chair Saboe noted there was a motion on the floor.

Mrs. Evans seconded the motion.

The motion passed unanimously.

Mr. Kalinsky suggested for the next meeting Old Business include feedback from the interim report.

### **Old Business**

Ms. Moore said they received an email from Lee Ann Bain in September regarding suggested changes to tour guide ordinances. She asked if there were any updates and when would they see them.

Mr. Riccio said it was already a work in progress. As soon as everything was finalized and up to date, they would revise the tour guide ordinance and report to the Commission.

Chair Saboe saw Mr. Doyle was in the attendee/participant list. He asked if there were any objections to allowing him three minutes to speak. There were no objections.

Benjamin Doyle, whose family owned and operated Palmetto Carriage Works, said he left the company January 1 to pursue touring using low speed electric vehicles (LSV). They made no noise with no emissions. It was the ideal tour vehicle for a city like Charleston with narrow streets and a lot of pedestrian traffic. They didn't go that fast but was fast enough to get out of the way.

He went through the ordinance and found that they were prohibited. All he wanted was permission to have an LSV as his personal tour vehicle. He was upset and determined to get an answer as to why he couldn't register it and tour with it as his vehicle.

Mr. Domin said the current tourism ordinance allows touring by walking, horse carriage, small and large buses, and private passenger automobile. In his legal opinion, it was clear that when the current ordinance defined private passenger automobile, it wasn't including any kind of low speed vehicle or golf cart.

He felt Mr. Doyle was about to say there was a difference. There were some differences between registered low speed vehicles and golf carts as it related to their equipment. This was something City Council would have to change. The Commission can't approve a low speed vehicle for use in private touring because it didn't fall into any of the categories of private touring vehicles.

Mr. Riccio suggested he to go to Zoning as they decided whether the ordinance could be changed to be allow this type of vehicle in the Old and Historic district.

Mr. Domin concurred saying Zoning should be involved. Ultimately, City Council would have to change one or more ordinances in order for this to be allowed.

Mr. Long thought they weren't speaking specifically in Mr. Doyle's case about a golf cart. He thought Mr. Doyle was trying to say this wasn't a typical golf cart. It was a low speed vehicle that he would operate just as other vehicles speed wise were operating and was more environmentally responsible. He thought they should look at it.

Mr. Burbage said the ordinance prohibits not only golf carts. It explicitly specified golf carts and low speed vehicles. It was passed by this Commission in 2019. Neither the City nor the tourism ordinance had a prohibition against any electric vehicles. It specifically states in the Tourism and Traffic and Transportation ordinances golf carts and low speed vehicles. Electric vehicles weren't prohibited by the Tourism Ordinance.

For clarification, Mr. Domin said private tour by automobile in the statute was like a private passenger vehicle of the ordinary type. A Toyota Prius would be fine but a low speed vehicle wouldn't be fine in the context of that definition.

Chair Saboe said this could be added to the next agenda for discussion but they couldn't take any action or recommendations because it was outside of the Commission's purview.

#### **New Business**

Chair Saboe said the Commission had a new representative from City Council who would be joining the Commission. Councilmember Boyd Gregg represents Daniel Island, District 1. He replaced Councilmember Marie Delcioppo, who resigned.

The next Tourism Commission meeting will be held Wednesday, June 22.

There being no further business to discuss, the meeting was adjournment at 5:57 p.m.

Marcia L. Grant  
Administrative Assistant II