

A work session of the Beaufort City Council was held on June 19, 2012 at 5:00 p.m. in the City Hall Planning Conference Room, 1911 Boundary Street. In attendance were, Mayor Pro Tem Donnie Ann Beer, council members George O'Kelley, Mike Sutton, and Mike McFee, and City Manager Scott Dadson.

Mayor Billy Keyserling was an excused absence.

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.

Councilwoman Beer called the meeting to order at 5:00 p.m.

BOARDS AND COMMISSION INTERVIEWS

Brad Hill and **Eric Powell** were interviewed for reappointment to the ZBOA. When asked what council could do to make their work easier or better, Mr. Powell said he would prefer more relevant training audio conferences. **Libby Anderson** said the State legislature requires 3 hours per year for each board member. Councilman Sutton asked for a brief overview of the issues for citizens of the city that ZBOA has covered. Mr. Hill said the matter of infill has come up a lot and been encouraged. He said there are occasionally controversial issues, which they "try to tweak and encourage re-submittal."

John Dickerson was interviewed for reappointment to the DRB. **Eric Brown** was unable to attend the meeting. Mr. Dickerson said he feels the board is pro-business and is making good decisions for the economic development of the county.

RIBAUT ROAD PROJECT

Mr. Dadson said **Craig Lewis** would make a presentation to council. The issues include the fact that the Rail Trail ends at Allison Road and needs to be connected, Mr. Dadson said. The SCDOT is paving up to Reynolds Street, and they have the permit and easements for the hospital building project. He said the city wants to take advantage of key improvements in this area.

Mr. Lewis said the master plan presents different opportunities up and down Ribaut Road. There are short- and mid-term infrastructure projects in this area. The area north of Allison Road has a lot of important details to get right. He indicated a distillation of different ideas of what to do on Ribaut Road in front of the hospital area. He called it "an artificial speed trap now," and he thinks it's important to put in physical improvements to slow down people driving there. Currently the traffic is 18,000 cars a day. The current road is well over capacity, he said.

Alternatives:

- A) **Convert the section to a four-lane road with bike lanes on the outside:** Councilman O'Kelley asked if the trees would block the view of the road for people coming out on a right on red onto Ribaut Road. Mr. Lewis said the rule of thumb is that trees are preferable to shrubs so they can be seen underneath.

B) **Convert the section to a 4-lane road with a median with trees:** Mr. Lewis said in response to Councilwoman Beer's question about bike lanes on Ribaut Road, that they are not the same as the ones for bicyclists on the Rail Trail. With lanes in lieu of a median, they could make spot improvements and have some trees, Mr. Lewis said. They can still have a multi-use path, even if there weren't actual bike lanes. Councilman Sutton said that building and maintaining the bike lanes would be less expensive than medians with trees. They would have to secure an additional 4' for an easement from the hospital, Mr. Lewis said. Councilman Sutton said they should do bike paths, he feels, rather than a 10' sidewalk.

Mr. Lewis said they have discussed a road diet for a section of Ribaut near TCL. South of Allison Road, it widens out and there is 64' of pavement where there can be bike lanes and a median. The middle section is the area of concern. Mr. Lewis said that mid-block crossings have been identified; there are two with a long-stretch between the crossings at lights, and pedestrians may cross in the middle of the road rather than walk to the next crossing.

Mr. Dadson said in regard to speed, Highway 802 has to be policed to keep people from going over 45 miles per hour instead of narrowing it and designing it in such a way as to make cars drive slower; then it polices itself. He went on to discuss Allison Road improvements. Mr. Lewis said it's a 50' right-of-way currently. They are working with the hospital to get a sidewalk and upgrade it to a full multi-use path, and they recommend it be 10' on the side the hospital is on. Mr. Lewis pointed out which blocks the hospital controls. Largely they have the right-of-way, but they may need to get a few small easements. They want to pursue state grant funding.

Councilman Sutton asked what council should be focused on short- or long-term. Mr. Lewis said the Office of Civic Investment wants to be sure it is headed in the right direction with Allison Road. There would be some city finding required, and they would like permission to apply for grants. Mr. Dadson said there will probably be a budget amendment.

Councilman O'Kelley said he has concerns that the right-of-way on Allison Road doesn't line up, and he'd like to see an aerial of where it is and where it actually should be. Mr. Lewis said they would need a survey. Councilman O'Kelley said he'd like an aerial with an overlay so they can see what they are looking at and where they need to go. Mr. Lewis said the give and take is in the planting strip on Allison Road. Councilwoman Beer said there may be push-back from Allison Road residents and those who live behind them.

Mr. Lewis reiterated that the Office of Civic Investment would like feedback on bike lanes on Ribaut Road or if they should prioritize a median in that area. Councilwoman Beer said she personally likes the bike lanes.

Councilman Sutton said it could be problematic having transitions from a painted line to a sidewalk. Councilman O'Kelley said past Reynolds going north, there's no need because that's residential. Mr. Dadson said that the section north of Reynolds is where the bike lane would work better, i.e., alternative A. Mr. Dadson said the center lane can be narrowed and the right

lanes can be widened to create sharrows (a noted spot with a somewhat wider lane and a picture of a bike on it but not a bike lane per se).

Councilman O’Kelley said he would imagine they want bike lanes regardless of the number of driving lanes. Councilman Sutton and Councilman O’Kelley discussed how to slow people on Ribaut Road, with Councilman Sutton saying that they should narrow the lanes and add bike lanes. Mr. Lewis said there’s been a study about lane width and crash data; there’s no difference between 10’, 11’, and 12’ lanes. Councilman Sutton said option A seems to be the appropriate solution for bike opportunities, and Councilwoman Beer agreed.

STORMWATER INTERGOVERNMENTAL AGREEMENT AND LAND USE CODES

Mr. Lewis made a presentation about regulating and managing stormwater. There’s been an intergovernmental agreement with Beaufort County since 2001. They’ve been asked to re-up for the next ten years. Also, a new stormwater ordinance needs to be adopted “that is consistent with the city’s values and vision,” Mr. Lewis said. The intergovernmental agreement, Mr. Lewis said, covers a number of stormwater aspects, and he reviewed those.

The stormwater ordinance says that the purpose of the standards is to control the adverse effects of post-development stormwater run-off and the pollution associated with development and redevelopment. Mr. Lewis said the current county standards discourage urban infill. The cost associated with managing stormwater on-site for a family is significant and is difficult for the family to maintain. So the city wants to be careful about how it encourages infill and redevelopment.

Mr. Lewis showed the exemptions from the stormwater ordinance: less than four dwelling units; sites on less than one acre with less than 2% increase in impervious area; agriculture activity; and emergency work. The critical pieces are the applicability standards; it’s not a one-size-fits-all for stormwater standards and techniques. In some areas they are recommending lower stormwater standards. In other districts that are more suburban, they will be required to comply to the extent that’s practical on their site. Mr. Lewis said an existing parking lot on Boundary Street would not be required to retro-fit to stormwater standards. They will require some mitigation, but generally, the focus is on the economics, not the environmental aspects.

Andy Kinghorn, who is a non-voting appointee on the county-wide board, said on this topic that there’s only one area where there’s an impairment of water quality except in Battery Creek. There’s an area west from Allison Road down to a couple 1000’ that doesn’t meet the shellfish standards. The stormwater from the big shopping centers comes to a central collection point at the intersection of Robert Smalls Parkway and Parris Island Gateway. It’s suspected that this drainage is what’s causing the problem with water quality. He feels the City of Beaufort should have some flexibility to require some retrofit instead of total exemption. If they have an impairment, they have to consider this.

Councilman O’Kelley said the Wal-Mart area has a retention pond, and he asked how valuable that is for helping drainage spill out. Mr. Kinghorn said that and the Cross Creek pond spill out

to the aforementioned intersection and Robert Smalls and Parris Island Gateway. Mr. Kinghorn said the issue is volume. They have found that volumes of water coming through ditches causes “scouring and a huge increase in fecal coliform.” He cautioned council to not exempt all situations when there might be a need for some retro-fit in some areas.

Councilman Sutton asked Mr. Lewis if there’s a way to put in a catch-all for areas that have an impairment because it makes no sense to not clean it up for redevelopment. If the site’s a problem zone, it should trigger another step. Mr. Lewis asked who has to deal with an impairment; this is a challenge to figure out where the stuff is coming from. Councilman Sutton said it should at least trigger further investigation, not a free pass. Mr. Lewis said they will make it better, not worse, in the cause of encouraging redevelopment. North of the Rail Trail area, in the Boundary Street Redevelopment zone, he would probably hold the line more and be more vociferous about his objections. Mr. Kinghorn said if Albergotti Creek gets to shellfish harvesting standard, they will need to be careful about what goes into that basin.

Mr. Lewis showed slides about proposed applicability, including in the new form-based code areas. Stormwater standards limit post-development impervious area to 10%; after that there need to be controls, and it’s 5% with bacteria. Mr. Dadson said the new code will encourage less asphalt and more rooftops. That kind of change shouldn’t trigger massive costs, but 40% to 80% impervious surface should trigger controls. Councilman McFee asked if the county is in cooperation with the city as far as budget. Mr. Kinghorn said there will be involvement by the city, the county, Port Royal and maybe the state to solve the problem and then they will have to determine how to share costs.

Mr. Dadson asked what the proposed intergovernmental agreement split is, and Mr. Kinghorn said it says it is meant to be negotiable among the parties involved. There was a continued discussion about the issue of controlling stormwater volume and the scouring effect going into the receiving stream. Mr. Dickerson asked if the city has adjusted to a slow filtration coming back in, instead of being like what killed off the May River. Mr. Kinghorn said it varies, but where it’s not meeting standards, there are not water quality impairment issues like the May River had.

FY 2013 BUDGET – STORMWATER FEES, FUND BALANCE, AND SERVICE LEVELS

Mr. Dadson said council had asked for rate analysis differentiating between residential and commercial, so staff prepared an analysis of square feet of impervious surfaces and two estimated fees, and then fees tiered at \$65 and \$105. Mr. Dadson said the council is hemmed in by the city and county ordinances because it’s not a differential between residential and commercial. It exempts 4096 square feet, which exempts a single family home. **Kathy Todd** said it’s a pro-rated percentage, so the two types can’t be segregated between one another.

In regard to public services, **Isaiah Smalls** said they had stated that previously, they were in “a state of deferred maintenance, and elevating it had cost more money”; then, when they were out of that state of elevated maintenance, it cost less. Second, Mr. Smalls said, a street sweeper correlates to stormwater and stormwater quality. The debris has to be removed or it ends up in

the stormwater system, so the street sweeper plays a major part in the stormwater system. The one they have is older than those used in most cities and will eventually expire. It's costing about \$140,000 now. Mr. Smalls said they had found the cost of getting the street services done by outsourcing was \$220,000+ per year.

Ms. Todd said \$556,690 is the total fund balance shortfall. The \$35 vehicle fee would reduce it by \$313,000. She went on to indicate on the paperwork that council had to explain how the shortfalls can be reduced by various fees. Mr. Smalls said to be pro-active, they don't want to go into it with a shortfall. Mr. Dadson said Public Works and the state work on some projects together, but it's not covered. The narrower the roads are, the more control the city has over stormwater problems.

Mr. Dadson reiterated his idea about a vehicle fee. If the stormwater fee is raised, it's to be raised across the board. The ability to raise property taxes has been nixed by the state legislature. The city's departments have controlled costs in the last few years, Mr. Dadson said, but the non-core, non-CPI things have been rising, so they need a diversity of funds.

Mr. Dadson said council had tabled the fees and had asked staff to investigate stormwater fees. If it is to be raised, they need to know by the end of July. There is a shortfall, and they can cut expenses, which Mr. Dadson said is really capital; going to the fund balance is a concern because "the city isn't out of the woods yet economically," so he and Ms. Todd don't support that. The fund balance policy is good.

Councilman O'Kelley said the rates he's looking at are on residential and commercial taxable real estate. He asked if they have the comparison to figure out what the vehicle fee would bring in as opposed to stormwater. \$313,000, Mr. Dadson said, is what the vehicle fee would bring in and it therefore would be better than the stormwater fee. Mr. Smalls said there are restrictions on the stormwater fees. Ms. Todd said \$556,000 would be offset by the \$313,000 and have a little out of fund balance, but that's worked out over the year and eventually will be evened out. \$500,000 in fund balance leaves the city too open and out of a comfort level, Ms. Todd said.

Councilman O'Kelley said every car would pay the \$35; two-car households would go up \$70. Mr. Dadson said it applies to all licensed vehicles. Councilman O'Kelley said he doesn't want to do it but doesn't know what else to do.

Councilman Sutton said the city "would make more money off of (him)" with the stormwater fee than the vehicle fee because he has three cars and three houses. He said some things can't be done, and if a fee can't cover all services, they need to decrease the services. Councilman O'Kelley said sorting out the square footage will be difficult. The county needs enough advance notice to do the bills, Mr. Dadson said, but they can do it. The vehicle fee would also be the county's to do, too.

Ms. Todd went over the options:

- A) Eliminate the capital of \$582,000 from the budget, then authorize a capital lease on \$182,000 for the street sweeper; the fire department would not get its fire truck. This would mean taking on a five year debt. Councilman McFee said removing the fire truck capital is just a delay. Mr. Dadson said that's right.
- B) Adopting the stormwater fee at \$105 eliminates the budget shortfall by \$263,000, and then the street sweeper could be eliminated from the budget and capitalize it; \$171,000 would be added back in.

Ms. Todd said the stormwater shortfall is \$263,000. Mr. Dadson said General Fund is being used to cover shortfalls in stormwater. \$500,000 in stormwater fees is currently being brought in; the new revenue at \$105 for a stormwater fee is a net increase of \$305,000.

Ms. Todd said the \$105 stormwater fee is the only fee that covers the complete shortfall in stormwater. Mr. Dadson said the General Fund is paying for the fire truck, and the stormwater fee is paying for stormwater. Mr. Dadson re-stated that stormwater fees are specifically for stormwater, but the vehicle fee is for other General Fund projects. Councilman Sutton said he feels that the stormwater costs "X" and should be funded at "X," or they should stop doing the service. Councilman O'Kelley said if they do the car tax, people will register their cars elsewhere.

Wendy Zara said she feels people would rather pay fees than lose services. **Suzanne Larson** said the stormwater gives something in return, and she thinks the vehicle fee would be unpopular because citizens won't see what it's being used for.

Mr. Dadson said to do the fees, the rate would need to be advertised as being raised, and there would need a public hearing and first and second readings to be done in time. They need 10 days for public notice. Councilman O'Kelley said he's not okay with doing a first reading, and *then* a public hearing. Councilwoman Beer said they could have a special meeting on July 3 in order to have a public hearing. Councilman O'Kelley said they could do a special meeting to have a first reading. Mr. Dadson said that would work, but they usually don't have as many meetings in July.

Mr. Dadson would have to adjust the budget downward, or, Ms. Todd said, they could place hold it in the fund balance. Mr. Dadson said he'd rather cut and add back in with an amendment later, and then "the department heads have no expectations about it." There was general discussion about having the public hearing and first reading on July 10.

Mr. Dadson said the intergovernmental agreement hasn't been adopted yet, and the county committees might have an agreement by next July. Councilman Sutton said there ought to be a way to segregate these issues as urban density increases.

EXECUTIVE SESSION

On motion of Councilman Sutton, seconded by Councilman McFee, council voted to move into Executive Session pursuant to Title 30, Chapter 4, Section 70(a) (2) of the South Carolina Code of Laws for discussion of contractual matters and legal advice. The motion was approved unanimously.

Councilman O'Kelley, seconded by Councilman McFee, made a motion to come out of Executive Session and resume the work session. The motion was approved unanimously.

ADJOURNMENT

There being no further business to come before city council, the meeting was adjourned at 8:11 p.m.

ATTEST: _____
IVETTE BURGESS, CITY CLERK